



AFEM

Association des Femmes de l'Europe Méridionale

Association of Women of Southern Europe

**GREECE:
MANDATORY SHARED CUSTODY FOR ALL
CHILDREN IN BREACH OF
THE ISTANBUL CONVENTION**

A shadow report by AFEM
in view of the upcoming evaluation of Greece by
GREVIO

Paris, February 2023

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**ASSOCIATION DES FEMMES DE L'EUROPE MERIDIONALE (AFEM)
OING dotée de statut participatif auprès du Conseil de l'Europe**

« Il n'y a pas d'avenir pour l'Europe sans garantie des droits fondamentaux des femmes et des hommes ».

« Sauvegarder les droits sociaux pour sortir de la crise économique »

L'Association des Femmes de l'Europe Méridionale (AFEM), est une fédération de femmes, d'associations et de plateformes nationales d'associations féministes, des pays de l'Union européenne et de son voisinage, notamment du Sud de l'Europe et du pourtour Méditerranéen. Créée en 1996, par des personnalités et associations, à l'origine, des cinq pays de l'Europe Méridionale (France, Espagne, Grèce, Italie, Portugal), qui ont participé à la Conférence Mondiale pour les Droits des Femmes de Beijing, elle a son siège à Paris et est régie par le droit français des associations (Loi 1901).

L'AFEM oeuvre pour la construction d'une Europe démocratique, sociale et laïque, fondée sur la garantie et la promotion des droits fondamentaux de la personne humaine, en premier lieu de l'égalité entre femmes et hommes dans tous les domaines et pour le renforcement de la société civile euro-méditerranéenne sur la base des mêmes valeurs et droits universels.

A cette fin, l'AFEM poursuit un dialogue permanent avec les institutions du Conseil de l'Europe, des Nations Unies, de l'Union européenne, les autorités publiques nationales et locales des pays dans lesquels elle est implantée et les organisations de la société civile. L'AFEM jouit du statut consultatif, puis participatif d'OING auprès du Conseil de l'Europe depuis 2001. Elle a été la première OING féministe à siéger aux organes de direction de la Conférence des OING du Conseil de l'Europe, 4ème pilier du Conseil de l'Europe, et a été habilitée à présenter des réclamations collectives pour violation de la Charte Sociale Européenne et est membre du Réseau Académique sur la Charte Sociale Européenne.

A vocation euro-méditerranéenne, l'AFEM a été également la seule OING féministe à siéger aux organes de direction de la Plateforme Non-Gouvernementale Euromed (2007-2012) et assure la Vice-présidence du Réseau Euromed France (REF) dont elle est membre fondateur (depuis 2015). A l'échelle internationale, l'AFEM coordonne aussi le Groupe des OING féministes de l'Assemblée de la société civile dans le cadre du processus mondial Habitat III (depuis 2014). Elle est membre historique du Conseil d'administration de l'Alliance Internationale des Femmes qu'elle représente auprès de l'Unesco et élue à la Vice-présidence pour l'Europe (2020).

L'AFEM est connue, notamment, pour avoir été à l'origine des mobilisations féministes qui ont abouti avec succès à la consécration de l'égalité entre femmes et hommes parmi les droits fondamentaux et les valeurs essentielles de l'Union européenne. Elle a proposé l'introduction de l'article 23 de la Charte des Droits fondamentaux de l'UE, et la mention de l'égalité entre femmes et hommes à l'article 2 du Traité constitutionnel européen, et Traité de Lisbonne en vigueur.

Contact :

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**ASSOCIATION OF WOMEN OF SOUTHERN EUROPE (AFEM)
INGO enjoying participatory status with the Council of Europe**

« There is no future for Europe without guaranteeing the fundamental rights of women and men ».

« Safeguard social rights to exit the crisis »

The Association of Women of Southern Europe (AFEM), is a federation of women, associations and national platforms of feminist associations, from the countries of the European Union and its neighborhood, particularly in Southern Europe and the Mediterranean region. Created in 1996, by personalities and associations from the five countries of Southern Europe (France, Spain, Greece, Italy, Portugal), which participated in the World Conference on Women's Rights in Beijing, it has its headquarters in Paris and is governed by the French law of associations.

AFEM works for the construction of a democratic and social Europe, based on the guarantee and promotion of fundamental human rights, first and foremost equality between women and men in all areas, and for the strengthening of Euro-Mediterranean civil society on the basis of the same universal values and rights.

To this end, AFEM pursues a permanent dialogue with the institutions of the Council of Europe, the United Nations, the European Union, the national and local public authorities of the countries in which it operates and civil society organizations. AFEM has enjoyed consultative, then participatory INGO status with the Council of Europe since 2001. It was the first feminist INGO to sit on the governing bodies of the INGO Conference of the Council of Europe, the 4th pillar of the Council of Europe from 2007 to 2015, and was entitled to present collective complaints for violations of the European Social Charter. AFEM is member of the Academic Network on the European Social Charter.

With a Euro-Mediterranean vocation, AFEM was also the only feminist INGO to sit on the governing bodies of the Euromed Non-Governmental Platform (2007-2012) and is the Vice-President of the Euromed France Network of which it is a founding member (since 2015). At the international level, AFEM also coordinates the Group of Feminist INGOs of the Civil Society Assembly in the framework of the Habitat III global process (since 2014). It is a member of the Board of Directors of the International Alliance of Women, which it represents at UNESCO.

AFEM is known for having been at the origin of the feminist mobilizations that successfully led to the consecration of equality between women and men among the fundamental rights and essential values of the European Union. She proposed the introduction of Article 23 of the Charter of Fundamental Rights of the EU, and the mention of equality between women and men in Article 2 of the European Constitutional Treaty, and the current Lisbon Treaty.

Contact :

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**CAMPAGNE DE PLAIDOYER INTERNATIONAL DE L'AFEM
pour la promotion universelle, la défense et l'application intégrale et effective
de la Convention d'Istanbul (actions récentes 2019-2023)**

Événement de lancement de campagne :

Conférence européenne dans le cadre de la célébration du 70ème anniversaire du Conseil de l'Europe, « L'égalité entre femmes et hommes, valeur et droit fondamental de la civilisation démocratique européenne », organisée par l'AFEM en partenariat avec l'Association Française des Femmes des Carrières Juridiques, membre de la Fédération Internationale des Femmes des Carrières Juridiques, OING accréditée auprès des Nations Unies, avec l'appui de la Ville de Paris, le 4 avril 2019, Maison du Barreau de Paris.

Recommandations de la Conférence des OING du Conseil de l'Europe, adoptées à l'initiative de l'AFEM

CONF/PLE(2019)REC3: Recommandation sur l'égalité entre les femmes et les hommes
<https://rm.coe.int/conf-ple-2019-rec3-gender-equality-fr/1680989f59>

CONF/PLE(2020)REC2: Recommandation de soutien à la Convention d'Istanbul
<https://rm.coe.int/conf-ple-2020-rec2-fr-convention-istanbul/16809fe021>

CONF/PLE(2020)REC2: Recommendation in support of the Istanbul Convention
<https://rm.coe.int/conf-ple-2020-rec2-en-istanbul-convention/16809fe020>

<https://www.coe.int/fr/web/ingo/-/the-withdrawal-of-turkey-from-the-istanbulconvention-a-serious-regression-in-women-s-rights-in-europe>

Campagne des OING du mouvement des femmes dans le cadre du Forum Génération Égalité (Pékin+25), sous la direction de l'AFEM

Événement de lancement de campagne : Conférence européenne, « Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique : un combat universel », organisée par l'AFEM en partenariat avec le Collectif des Associations Féministes Françaises pour le Forum Génération Égalité, avec l'appui du Gouvernement français et de la Ville de Paris, le 30 novembre 2020, à Paris.

International event parallel to the Generation Equality Forum, in celebration of the 25th anniversary of the World Conference on Women's Human Rights (Beijing) : « Equality between Women and Men, the priority for global reconstruction towards peace, democracy and social justice in the post pandemic world », organised by AFEM with the International Alliance of Women, leading feminist organization with consultative status to the United Nations and participatory status with the Council of Europe, with the support of the City of Paris and la Maison de l'Europe de Paris, 28 June 2021, in Paris.

VideoArt Nocturne, Euromed campain of AFEM against gender based violence, presentation of the original work of Women artists for AFEM, 28 June 2021, in Paris.

Appel des associations du mouvement des femmes à défendre la Convention d'Istanbul. V. Communiqués en date du 3 novembre 2020, 23 mars 2021, 3 novembre 2021 www.collectif-feministe.fr

<https://www.change.org/p/council-of-europe-les-associations-du-mouvementdes-femmes-appellent-a-soutenir-la-convention-d-istanbul>

Campagne du Réseau Euromed France (REF), sous la présidence de l'AFEM

Conférence euro-méditerranéenne, « Covid-19, Lutte contre les violences et inégalités à l'égard des Femmes. Une alliance euro-méditerranéenne du mouvement des femmes. Témoignages, analyses, mobilisations des associations du mouvement des femmes militantes, expertes et élues des deux rives de la Méditerranée », organisée par l'AFEM en partenariat avec le Réseau Euromed France et l'Association des Marocains de France, avec le soutien de l'Agence française de Développement (AFD) et l'appui de la Ville de Paris, du Conseil Parisien des Européennes, du Département de Seine Saint Denis, et de l'Agence nationale de la cohésion des territoires, le 26 novembre 2020, à Paris.
www.euromed-france.org

Événements organisés par l'AFEM dans le cadre de Congrès académiques internationaux

8^{ème} Congrès International de Recherches Féministes Francophones (CIRFF2018), « Espaces et enjeux des savoirs féministes: réalités, luttes, utopies », du 27 au 31 août 2018, Table ronde et événement parallèle organisée par l'AFEM, « Égalité des genres et droits sociaux, conditions essentielles de la démocratie en Europe. Normativité européenne et luttes actuelles du mouvement des femmes », le 28 août 2018, à l'Université de Paris Nanterre (avec la participation de du GREVIO), www.cirff2018.parisnanterre.fr

5^{ème} Congrès Mondial des Etudes sur le Moyen-Orient (WOCMES 2018), du 16 au 20 juillet 2018, Panel euro-méditerranéen organisé par l'AFEM « Réflexions sur la violence à l'égard des femmes », le 19 juillet 2018, à l'Université de Séville, www.wocmes2018seville.org

Forum Mondial de Médiation, XI^{ème} Conférence en ligne, « L'humanité face aux conflits actuels: nouveaux défis pour la médiation », organisé par l'Université de Lisbonne, l'Université de Montréal, le Centre de Recherche en droit public, du 24 au 27 octobre 2022, contribution de la Présidente de l'AFEM au panel « La médiation au prisme des droits humains » sous le titre « La médiation au service des droits humains universels et de l'égalité entre femmes et hommes. Réalités, obstacles et conditions » le 25 octobre 2022.

Audition organisée par le Président de la République Française, Emmanuel Macron, devant le Secrétaire Général de l'ONU Antonio Guterres et le Président du Conseil Européen Charles Michel, en ouverture du Forum Génération Égalité, le 30 juin 2021, au Palais de l'Élysée, à Paris. L'AFEM y était représentée par sa Présidente Catherine Dimitroulias, Vice-présidente pour l'Europe de l'Alliance Internationale des Femmes, déléguée du Collectif des associations du mouvement des femmes pour le Forum Génération Égalité.

IN MEMORIAM SOPHIA KOUKOULIS-SPILITOPOULOS (1934-2022)

This shadow report was drafted in the memory of late Sophia Koukoulis-Spiliotopoulos, who passed away on 4 October 2022. Sofia was AFEM's former Vice President and, since 2017, its Honorary President. Sophia was also an honorary member of the League of Women's Rights, a Greek historical NGO, which is member of AFEM. AFEM mourned her as a 'mère fondatrice européenne' (a founding European mother).¹

Sophia was one of a kind: an excellent jurist, but also a prominent feminist and a fervent activist, putting all her wisdom, knowledge, commitment and diplomacy (including her personal connections), in achieving progress in the fields of gender equality, antidiscrimination, social rights and the rights of children. More than that, she was also a loving and caring person, offering generously her knowledge, advice, support and help and encouraging younger lawyers to engage in human rights and gender equality law and activism.

As a Vice-President of AFEM, with the then AFEM President, late Micheline Galabert, Sophia drafted several contributions to the Convention that drafted the Nice Charter, mainly demanding a specific article on substantive gender equality in all fields and positive measures to this end and the strengthening of social rights. Her presentation at the hearing granted by the Convention (27 April 2000) was praised and the impact of the demands was highlighted by Convention members² and authors³.

Sophia was also a founding member of European Women Lawyers Association (EWLA) in 2001 and its vice-president in the years 2001-2005, with Elizabeth Kotthaus-Müller as President. In her double capacity, as Vice-President of both EWLA and AFEM, Sophia drafted contributions to the European Convention that drafted an EU Constitutional Treaty and to the Intergovernmental Conference (ICG) 2004 that finalized it. The Lisbon Treaty included AFEM and EWLA's main proposals to include gender equality among EU foundational values and to maintain it as a transversal EU fundamental objective and a transversal EU obligation in all its policies and actions.

As a lawyer in Greece, Sophia excelled in the field of gender equality and significantly contributed to the creation of the first jurisprudence explicitly applying EU gender equality law. She defended before the ECJ the landmark case *Evrenopoulos* regarding gender equality in occupational pension schemes which set the conditions for the recognition of a pension scheme as an occupational one. In the framework of women's NGOs, Sophia has also provided *pro bono* services to women victims of discrimination on the grounds of sex and victims of domestic violence. As the time passed by, Sophia would not think about retirement but chose to remain registered as a lawyer till the end of her life, for a total of 62 years, in order to be able to serve her values and the people.

¹ <http://www.euromed-france.org/wp-content/uploads/2022/10/AFEM071022.pdf>

² Catherine Lalumière, in AFEM, *L'égalité entre les femmes et les hommes, un droit fondamental, et la Charte des droits fondamentaux de l'UE*, Ant.N.Sakkoulas/Bruylant, 2001, p. 92; Jacqueline Dutheil de la Rochère, "La Charte des droits fondamentaux de l'UE", *Juriscasseur* 2001, Fasc. 160, 1, No. 79, Guy Braibant (Convention Vice President), *La Charte des droits fondamentaux de l'Union européenne*, Seuil 2001, pp. 32, 162, 164.

³ Florence Deloche-Gaudez, "La Convention pour l'élaboration de la Charte des droits fondamentaux: une méthode «constituante»?", in R. Dehousse, *Une Constitution pour l'Europe*, Presses de Sciences Po, 2002, p. 295-206; Petros Stangos, *Judicial protection of fundamental rights in the Community legal order*, Sakkoulas Publ. 2004 (in Greek), pp. 496-498; Bertrand Favreau, "La Charte des droits fondamentaux de l'Union européenne: Pourquoi? Comment?", in B. Favreau (dir.), *La Charte des droits fondamentaux de l'UE après le Traité de Lisbonne*, Bruylant 2010, p. 20.

As a jurist and member of national women's NGOs, Sophia successfully fought for the first-ever inclusion of gender equality in the Greek Constitution of 1975. 25 years later, Sophia also fought together with Prof. Alice Yotopoulos-Marangopoulos, in the lead of women's NGOs, for the abolishment of the transitory provision of Article 116(2) of the Greek Constitution, which allowed derogations from the principle of gender equality, and for its replacement by a new provision on gender equality as a proactive principle and right, requiring positive action. She, herself, drafted the wording of the new Article.

In the years of recession and austerity measures, Sophia has also denounced in her articles the disastrous effects which the austerity measures, imposed to Greece through the Memoranda of Understanding, had on social rights and gender equality. Once again she was in the lead of NGOs for women's and human rights campaigning on this issue. She drafted the resolution of AFEM and of the Marangopoulos Foundation for Human Rights "We strengthen the social rights to come out of the financial crisis", which was supported by the Conference of INGOs made up of more than 400 international NGOs which constituted civil society's pillar in the Council of Europe. Representing AFEM, Sophia presented a paper on "Gender equality and social rights: essential conditions for democracy" at a round table of the INGOs of the CoE on "Building inclusive democracy through women", on 7 October 2012, within the framework of the World Forum for Democracy.⁴

On 10 March 2015 she was awarded a prize by the Greek Parliament, as a woman who has excelled in the fight for Freedom, Democracy, Justice, Rights and Dignity, on the occasion of the International day of Women. In her speech, Sophia stressed once more the urgent need to evaluate the social consequences of the crisis, to waive injustices and to restore the serious damage to human rights under the responsibility of all parties involved in the "support mechanism", and not only of the Greek Government.

Back in 1983, Sophia was a member of the Scientific Committee which drafted the child-centered Family Law (Act 1329/1983), implementing the 1975 Greek Constitution and its gender equality principle. In 2020, when this law was put into question following strong pressures by well-known associations of fathers, Sophia was again at the 'barricades' on the lead of women's NGOs. This time her fight, our fight, was not successful: the Bill was passed (Act 4800/2021) despite the emergency intervention of international monitoring bodies (UN Chair-Rapporteur of the Working Group on discrimination against women and girls, UN Special Rapporteur on violence against women, its causes and consequences and the GREVIO) and a pan-European campaign of women and human rights NGOs. Even then, Sophia did not give it up. She participated in conferences, she co-ordinated the efforts of women's NGOs, bringing together scientists from different fields of expertise and she wrote passionate articles in the newspapers (including one titled: "Who is afraid of the international treaties?"), asking for the abolition of the new Act and, in the meanwhile, calling judges to interpret it in a way compatible with international treaties. On the very day that her beloved husband died (24 February 2022), Sophia, despite all her deep grief, which actually led to her own death a few months later, would not accept to cancel her programmed intervention in a conference on the new Act. She took the floor and gave a fervent speech against mandatory shared custody for all children and its disastrous effects on women and children, especially in the framework of domestic violence. Inter alia, she made explicit references to international instruments and GREVIO's evaluation reports, proving that the terminology 'parental alienation' which runs throughout the philosophy of the law and is explicitly used in its Explanatory Report is not accepted by international standards. Sophia also repeatedly warned that the new family law on mandatory shared custody for all children would be found in breach of the Istanbul Convention in the

⁴ http://www.coe.int/t/dgap/forum-democracy/default_EN.asp

framework of the upcoming (in February 2023) evaluation of Greece by GREVIO. Her latest project was to draft a shadow report to this end, but she did not have the time to do it.

Sophia was a founding member of the European Equality Legal Network (gender strand) of the European Commission as the Greek independent legal expert since its establishment in 1983 up to 2018, i.e. for 35 years, a life time. Back in 2014, in an article which she wrote together with her dear friend Maître Hélène Masse-Dessen, member of the Network's executive committee at the time, on the occasion of the Network's 30th anniversary in 2014⁵, they note the nature of gender equality as a proactive fundamental principle and right, which goes further than the mere prohibition of gender discrimination. They also stress how the Gender Stream of the Network helps maintain vigilance in the field of gender equality – a field which, after having pioneered in fundamental rights law and practice, is now at risk of drowning in the general combat against discrimination and for the protection of minorities. They conclude (and here we quote):

"It is important to note that women, the main victims of violations of gender equality, are neither a group nor a minority, but one of the two forms of the human being and therefore constitutive of more than half of humanity. The Convention that elaborated the EU Charter of Fundamental Rights was convinced by this argument to include Article 23 in the Charter, in addition to Article 21. This is crucial in times of socio-economic crises, where women are particularly vulnerable to poverty and social exclusion; as well as to episodes of multiple discrimination within the framework of the deregulation of employment and social security, and the collapse of the welfare state".

This is Sophia's legacy for the new generations. Nowadays, it is still (and even more) topical.

With her wisdom, motivation and optimism, Sophia has been a model for many women at European and international level. We will remember her with love and respect. As she has always said, 'courage' and 'si tira avanti'!

⁵ Spiliotopoulos, S., Masse-Dessen, H. (2014), "Thirty Years of the Gender Equality Network: Who We Are, What We do and Why We Do it", European Gender Equality Law Review No. 1/2014, pp. 4-10, <https://www.equalitylaw.eu/downloads/2802-european-gender-equality-law-review-1-2014>

I. INTRODUCTION

The present shadow report is produced by AFEM, in order to highlight the current situation on mandatory shared custody for all children, introduced by Act 4800/2021. Although originally meant to be monothematic, in that it focuses on custody and visitation rights, governed by Article 31 of the Istanbul Convention, this report evolved into a more comprehensive one, showing the experienced interrelation of mandatory shared custody with domestic violence, hate speech on the basis of sex and, even, femicides, the most atrocious form of violence against women. Thus, the issue at stake is placed in the continuum of gender-based violence against women and girls.

The report begins with the history of the adoption of the new family law on mandatory shared custody (Act 4800/2021) in full disregard (i) of the pan-European mobilisation of eight large European and international NGO networks on women's and human rights (including AFEM) and 104 women's NGOs from thirty countries; (ii) of the emergency intervention of three international monitoring bodies: the UN Chair-Rapporteur of the Working Group on discrimination against women and girls, the UN Special Rapporteur on violence against women, its causes and consequences, and the GREVIO (II.1).

The report subsequently deals with:

- the reasons why Act 4800/2021 constitutes a dangerous regression (II.2);
- the use of the concept of 'parental alienation' in the jurisprudence and in training seminars for judges organised by the State, although it is unacceptable by international standards (II.3);
- the requirement of a final judgment of condemnation for domestic violence for the custody to be waived, instead of mere suspicions of abuse, as required by the IC (II.4);
- the new provisions for the waiver of custody in situations alluding to 'parental alienation' (II.5);
- the bailiff's power to ascertain the obstruction of communication with the child, which may lead to the waiver of custody, which is in breach of the right to a 'fair trial' (II.6);
- the non-clear exemption of domestic violence cases from obligatory mediation, which is in breach of Article 48 IC (II.7);
- the inability of the parent with whom the child resides to change residence, even provisionally, without the other parent's agreement or a court judgment, which is a trap for victims of domestic violence (II.8);
- the inability of victims of domestic violence accommodated in women's shelters, to have their children enrolled in school and educational/recreational activities without the abusive parent's consent or a court order (II.9);
- the alarming outbreak of family law litigation, putting at stake the whole system of interim judicial protection (II.10) whereas the system of State legal aid provided for victims of domestic violence is totally ineffective (II.11);
- the alarming outbreak of the ongoing hate speech on the basis of sex, which has also put at stake the rule of law (II.12) whereas hate speech on the basis of sex is not criminalised in Greece (II.13);
- the interrelation of the outbreak of family law litigation and of hate speech on the basis of sex caused by the mandatory shared custody, with the alarming rise of femicides (II.14).

In its closing section (II.15), the report focus on the existing lack of independence of the national governmental body, competent for the monitoring and evaluation of policies and measures to prevent and combat all the forms of violence covered by the Istanbul

Convention, as it was shown during the public debate and upon the adoption of Act 4800/2021 and subsequently, during the almost two years of its implementation.

Of course, there may be even more reasons than the above mentioned why the system of mandatory shared custody introduced by Act 4800/2021 is in breach of the Istanbul Convention, international treaties and the EU law. National NGOs working in the field of domestic violence and violence against women in Greece are in a better position to complement the missing pieces of the puzzle.

II. MANDATORY SHARED CUSTODY IN BREACH OF THE ISTANBUL CONVENTION

II.1 Act 4800/2021 was adopted in full disregard of the pan-European mobilisation of women's NGOs and the emergency intervention of international monitoring bodies (two UN Rapporteurs and the GREVIO)

AFEM has strongly supported the pan-European call⁶, launched by the European Antiviolence Network, for the withdrawal of the Greek Bill (now Act 4800/2021) on mandatory shared custody, which was signed by eight large European and international women's NGO networks (including AFEM) and 104 women's NGOs from thirty countries. Late Sophia Koukoulis-Spiliotopoulos⁷, AFEM's Honorary President, and the national women's NGO 'League for Women's Rights'⁸, a member of AFEM, have been in the forefront of this campaign.

Already in November 2020, a Resolution of the NGO 'League for Women's Rights'⁹, cosigned by the Marangopoulos Foundation for Human Rights¹⁰ and 18 national women's NGOs, called the Government to withdraw the Bill, not to intervene in the existing family law¹¹ and, instead, to establish family courts and family social work services. Despite its proclaimed aim, to serve the best interests of the child, the Bill (now Act 4800/2021) is in flagrant breach of international treaties ratified by Greece, which, according to the Greek Constitution, prevail over the legislation: the European Convention on Human Rights (Article 8), the Istanbul Convention (IC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of the Child; as well as EU law, in particular Article 24 of the EU Charter of Fundamental Rights and Directive 2012/29/EU on Victims' Rights. 24 national NGOs formed the 'Committee for

⁶ European Anti-Violence Network, (2021), 'Call to withdraw the Bill for mandatory shared custody for ALL children in Greece', available at:

https://www.antiviolence-net.eu/Joint_Letter.pdf, signed, inter alia, by the Association des Femmes de l'Europe Méridionale (AFEM), European Centre of the International Council of Women (ECICW), The European Network of Work with Perpetrators (WWP EN), WAVE Network, Alliance Internationale des Femmes (AIF), Centre Européen du Conseil International des Femmes (CECIF), Coalition Internationale pour l'abolition de la maternité de substitution (CIAMS), European Network of Migrant Women (ENMW).

⁷ AFEM, 07 October 2022, 'Hommage à la mémoire et à l'œuvre de Sophia Spiliotopoulos, Présidente d'honneur de l'AFEM -Une mère fondatrice européenne', <https://communiqués.categorynet.com/europe/499305-hommage-sophia-spiliotopoulos-afem/>

⁸ League for Women's Rights, 31 March 2021, 'Να πάψει κάθε επέμβαση στο οικογενειακό δίκαιο - Το Νομοσχέδιο θέτει σε κίνδυνο τα παιδιά και παραβιάζει το Σύνταγμα και το διεθνές και ευρωπαϊκό δίκαιο' (Stop any intervention to the family law – The Bill puts at risk the children and breaches the Constitution and international and European law), <https://leagueforwomenrights.gr/wp-content/uploads/2021/05/Symvoli-LFWR.pdf>; League for Women's Rights, 22 March 2021, 'Η καταγγελία της Σύμβασης της Κωνσταντινούπολης από την Τουρκία δεν είναι κεραυνός εν αιθρία. Να σταματήσουν οι οπισθοδρομήσεις και στην Ελλάδα. Να αποσυρθεί το Νομοσχέδιο για την αναγκαστική συνεπιμέλεια' (Turkey's withdrawal from Istanbul Convention did not come as a thunderbolt. Regressions should be stopped in Greece as well. The Bill on mandatory joint custody should be withdrawn as well), <https://leagueforwomenrights.gr/wp-content/uploads/2021/05/DT-SDG-SYMVASI-KONSTANTINOUPOLIS.pdf>; League for Women's Rights, 8 March 2021, 'Παγκόσμια Ημέρα της Γυναίκας – Σήμερα δεν γιορτάζουμε. Επαγρυπνούμε και απαιτούμε' (International Women's day – Today we do not celebrate. We keep watching and we require), <https://leagueforwomenrights.gr/2021/05/14/deltio-tyπου/>; League for Women's Rights, 12 January 2021, «Οικογενειακό δίκαιο: πρόοδος ή οπισθοδρόμηση; Η επιμέλεια του τέκνου χωρισμένων γονέων με το πρίσμα των υπερνομοθετικών κανόνων» (Family law: Progress or regression? -Child custody of separated parents under the spectre of international treaties), <https://leagueforwomenrights.gr/wp-content/uploads/2021/05/perilipsi-SDG.pdf>

⁹ League for Women's Rights, Resolution of 22 November 2020 'Ψήφισμα Να πάψει κάθε επέμβαση στο Οικογενειακό Δίκαιο' (Resolution to end any intervention in family law), https://leagueforwomenrights.gr/wp-content/uploads/2021/05/SDG-PSIFISMA-SYNEPIMELIA.MKO_.pdf

¹⁰ Consultative status with the UN [ECOSOC, DPI], UNESO and the Council of Europe.

¹¹ The existing child-centered Family Law (Act 1329/1983, OJ A 25/18.2.1983, implementing the 1975 Greek Constitution), provides that, following a divorce, parental care is regulated by the courts. The court must take into account the circumstances of each individual case and as long as the parents agree and indicate the child's place of residence, it can award joint parental care. Every decision of the courts or the parents shall be based on the interest of the child, shall respect equality between parents and prohibit any discrimination, on the ground of gender or any other ground.

Family Law and consensual joint custody'. Along with them, human rights groups,¹² academics, paidopsychiatric associations,¹³ family law experts and gender equality legal experts, including late Sophia Koukoulis-Spiliotopoulos¹⁴, AFEM's Honorary President, also stressed that the Bill constituted a dangerous regression and demanded its withdrawal.

This alarming situation led to an emergency intervention, during the debate in the Greek Parliament (something seldom done), by Elizabeth Broderick, UN Chair-Rapporteur of the Working Group on discrimination against women and girls, and Dubravka Šimonovic, UN Special Rapporteur on violence against women, its causes and consequences. In a letter of 17 May 2021 to the Greek PM,¹⁵ analyzing the Bill (article by article) they expressed their serious concerns on its compatibility with the IC, the CEDAW and the CRC, asking him to share the letter with Parliament at the earliest, albeit to no avail. Moreover, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in its letter of 18 May 2021 to the Ambassador of Greece to the CoE (copied to the national monitoring body for the IC, the General Secretariat for Family Policy and Gender Equality)¹⁶ voiced its concern on the incompatibility of the Bill with Articles 31 and 48 of the IC, reminding the upcoming evaluation of Greece by GREVIO (now actually underway in February 2023). It is deplorable that none of the above documents were disclosed to the MPs by the Government prior to the voting of the Bill.¹⁷ The first one was disclosed to Parliament by an opposition spokesperson on the day of the voting, but the Minister of Justice denied that the PM or himself had ever received it.

In full disregard of the above interventions of international monitoring bodies, Act 4800/2021 was adopted by the Greek Parliament on 20 May 2021 with the votes of all the MPs of the ruling party only (156 out of 300 MPs), with the exception of two prominent female MPs of the ruling party (Marietta Yannakou and Olga Kefaloyianni, both former ministers) who voted against it, together with all the MPs of the opposition parties. In an outbreak of sexist speech, the Minister of Justice Konstantinos Tsiaras, in an interview, attributed the voting of the two female MPs of the leading party against the Bill to their 'personal experience', alluding to their family status as divorced women.¹⁸ Even worse, the

¹² Inter alia, Amnesty International (2021), 'Greece: Safety of women and children at risk as MPs vote on law which would breach Istanbul Convention' available at:

<https://www.amnesty.org/en/latest/news/2021/05/greece-safety-of-women-and-children-at-risk-as-mpsvote-on-law-which-would-breach-istanbul-convention/>; Human Rights Watch (2021), Greece: Custody Bill Puts Women, Children at Risk, available at: <https://www.hrw.org/news/2021/05/06/greece-custody-billputs-women-children-risk>

¹³ Hellenic Society of Child and Adolescent Psychiatry, available at: <https://psych.gr/epistoli-tispaidopsychiatrikis-etairias-ellados-gia-to-schedio-nomoy-poy-afora-ti-syn-epimeleia-anilikon/>

¹⁴ Koukoulis-Spiliotopoulos, S., 11 May 2021, 'Ποιος φοβάται τις διεθνείς συμβάσεις; Συνεπιμέλεια: το νομοσχέδιο που θέτει σε κίνδυνο παιδιά και μητέρες' (Who is afraid of International Treaties? Joint custody: a Bill that puts at risk children and mothers), Newspaper Efimerida ton Syntakton, https://www.efsyn.gr/stiles/apopseis/293330_poiiosfobatai-tis-diethneis-symbaseis; Koukoulis-Spiliotopoulos, S., 27 July 2021, 'Με βάση τις Διεθνείς Συμβάσεις κανένας νόμος δεν ευνοεί γυναικοκτόνους και κακοποιητές' (Thanks to International Treaties no law favours femicides and abusers), Newspaper Efimerida ton Syntakton https://www.efsyn.gr/stiles/apopseis/304156_me-basi-tis-diethneis-symbaseis-kanenas-nomos-den-eynoei-gynaikoktonoys-kai;

¹⁵ United Nations, Mandates of the Working Group on discrimination against women and girls; and the Special Rapporteur on violence against women, its causes and consequences, reference: OL GRC 2/2021, dated 17 May 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?qId=26416>

¹⁶ Council of Europe, Directorate of Human Dignity, Equality and Governance, letter of the President of GREVIO Marceline Naudi to the Ambassador Extraordinary and Plenipotentiary Permanent Representative of Greece to the Council of Europe Mr Panayiotis BEGLITIS with copy to 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, https://isotitahome.files.wordpress.com/2021/05/letter_president-grevio_greece_ce9dcf8ccebcbcf82- cea4cf83ceb9ceaccf81ceb1-200521.pdf

¹⁷ Newspaper 'Εφημερίδα Συντακτών' (Efimerida Syntakton), dated 24 May 2021, 'Νέες απειλές κατά δικαστών' (New threats against judges), https://www.efsyn.gr/ellada/dikaioyni/295211_nees-apeiles-kata-dikaston

¹⁸ Newsroom 'Κουτί Πανδώρας' (Pandora's Box), dated 17 May 2021, 'Τσιάρας κατά Γιαννάκου - Κεφαλογιάννη για συνεπιμέλεια: Από προσωπικά βιώματα οι ενστάσεις τους' (Tsiaras against Yannakou - Kefaloyianni on shared custody: their reaction comes from their personal experience),

male MP of the leading party Yiannis Loverdos stated in Parliament that a man who is not a good husband (alluding to domestic violence and abuse) is not necessarily a bad father.¹⁹ Both declarations were severely criticized as sexist by women's NGOs, the media and opposition parties.

II.2 Act 4800/2021 constitutes a dangerous regression

As stressed by late Sophia Koukouli-Spiliotopoulos²⁰, AFEM's Honorary President, Act 4800/2021 constitutes a dangerous regression. It encourages conflicts and domestic violence whereas it reduces the intervention of judges, encroaching on the independence of judges, the fundamental right of the protection of the mother and the child and several other fundamental rights thereof.

In a democratic society, dialogue over Bills and Acts is necessary and useful. However, there is no place for dialogue but only for enforcement regarding rules with supra-legal force of the Constitution, the ratified international treaties and the EU law. The European Convention of Human Rights (ECHR), the CEDAW, the Convention on the Rights of the Child, the Istanbul Convention, the EU Charter of Fundamental Rights.

The findings of international bodies, which genuinely interpret international rules and control their application coincide in that: regarding the relations between parents and children, the determining factor is the interest of the child. In order to define it, the whole situation of the family, with co-assessment of the child's opinion according to the child's maturity, should be taken into account. The mandatory, ex lege, shared custody by separated parents, without a prior investigation of the interest of each child, is condemned.

The child is entitled to contact with both the separated parents, if this serves the child's interest. "Parental alienation", which is stereotypically attributed to the influence on the child of the mother against the father, is a concept which is scientifically unsubstantiated and dangerous. Judges, those dealing with children and the public should be informed so that it is not used.

The Istanbul Convention absolutely prohibits mediation as it drives to the retreat of the less powerful parent (usually the mother), to the detriment of the child, due to power imbalance and inability to negotiate.

The pre-existing child-centered family law of Act 1329/1983 required that any decision of the parents or judgment of the court should be driven by the interest of the child. It provided joint exercise of parental custody by separated parents only if they agreed and defined the place of residence of the child, thus securing the stable environment which is necessary for the child's smooth psychosocial development. Act 1329/1983 implemented the post-dictatorship Greek Constitution, the ECHR and the CEDAW, being successfully ahead of the Convention on the Rights of the Child and the Istanbul Convention, which were ratified by Greece afterwards (by Acts 2101/1992 and 4531/2018, correspondingly).

Act 4800/2021 (of an unknown drafter) converts the Greek family law to a parent-centered one, putting in risk even the safety and the life of the child and the mother. Basic axes:

<https://www.koutipandoras.gr/article/tsiaras-kata-giannakoy-kefalogianni-gia-synepimeleia-apo-prosopikabiomata-oi-enstaseis>

¹⁹ Minutes of the Plenary of Greek Parliament of 19 May 2021, pp. 356-357,

<https://www.hellenicparliament.gr/Praktika/Synedriaseis-Olomeleias?sessionRecord=8c772366-27f2-45a0-ab11-ad2e0001cd07>.

²⁰ Koukouli-Spiliotopoulos, S., "Who is afraid of the international treaties? Shared custody: the Bill which puts at risk mothers and children", newspaper "Efimerida ton Syntakton", 11 May 2021, https://www.efsyn.gr/stiles/apopseis/293330_poi-os-fobatai-tis-diethneis-symbaseis

the automatic, mandatory shared parental custody by separated parents, without pre-examination of the child's interest.

This is a mandatory, mechanistic sharing of the custody, with presumptions which are not appropriate for personal relations, especially with children, but rather for economic transactions, resulting in the alternating residence of the child (Articles 1, 5, 13). Thus, in breach of all international rules, the child is unconditionally turned over to the father from the beginning, without any prior control of the father's "active presence", relying on the ex-post fire-fighting role of the court, if and when this control is possible and with preconstructed criteria.

Act 4800/2021 is in blatant breach of the Istanbul Convention, in particular: (i) by imposing the continuation of the abuser's "active presence" up to his final condemnation (Article 14) whereas the Istanbul Convention requires that even a suspicion of abusive behaviour should be investigated, irrespectively of criminal proceedings, so that the rights of the parent who is even suspected for abuse are waived; ii) by introducing mandatory mediation as a prerequisite for access to justice (Article 8(2) which is prohibited by the IC.

The new Act literally introduces automatic divorce, by a digital joint declaration, without judicial review of the conditions under which it took place, whether it expresses the free will of both parents and whether it serves the child's interest. "Parental alienation" is not stated in the text but it runs through the Bill, as "admitted" by the Explanatory Report to the Bill which was put under public consultation, as the provisions which denote it have been retained.

Instead of establishing, in implementation, at last, of Act 2447/1996, a body of family social workers, who will assist the courts and support the families, in collaboration with child psychiatrists and child psychologists, the new Bill introduces "extraordinary training programmes" for judges and prosecutors who will judge family cases. Are judges and prosecutors going to become fast-track psychiatrists, psychologists and social workers? This discredits their office and themselves.

It follows that the new Bill constitutes a dangerous regression. It encourages conflicts and domestic violence whereas it limits the judicial intervention and automatizes the judicial judgment, encroaching on the independence of judges, the fundamental right of the judicial protection of the mother and the child and several other fundamental rights thereof.

The additions and subtractions which took place following the intense reactions do not save the Bill, given that its basic axes remain. The addition in its Article 1 that "its provisions are interpreted and applied in accordance with the international treaties which are binding for the country, in particular the Istanbul Convention, and it cannot be deemed that they justify non-compliance with the obligations deriving therefrom" neither cures the breach of international rules nor prevents the intervention of international controlling bodies. The Bill (now Act 4800/2021) will create huge social problems and will render Greece internationally liable.

II.3 The concept of 'parental alienation', which is unacceptable by international standards, is used in the jurisprudence and in training seminars for judges organised by the State

GREVIO²¹ has condemned the use of 'parental alienation' (usually attributed to the mother's efforts to discredit the father) as a 'scientifically unfounded and dangerous concept' and has urged for professionals dealing with children and the wider public to be made aware of this.

However, the term of 'parental alienation' which is stereotypically attributed to the influence on the child of the mother against the father, has been systematically put forwarded by the fathers' lobbies in the framework of the heated public debate that preceded the adoption of Act 4800/2021. Although it does not appear in the text of the law itself, it traverses all of its provisions, Art.14 Act 4800/2021 in particular making a clear allusion thereto.

As a result, in applying Act 4800/2021, several judgments²² make explicit reference to the term of 'parental alienation', e.g. by finding that

'the systematic and repetitive obstruction of the participation of the other parent in the joint custody of the child or in the exercise of visitation rights, may lead to the cutting off of the child from the other parent (with whom he/she does not reside with), i.e. in a situation which constitutes parental alienation and leads to structural disequilibrium and, ultimately, to the sentimental abuse of the child'.

What's more, some judgments²³ make explicit reference to the 'Parental Alienation Syndrome' or 'PAS'.

Even worse, on 8 December 2022 the National School of the Judiciary, which is competent for the ongoing training of active judges, in a thematic training course on Domestic Violence, has included a lecture entitled "Parental alienation as a form of domestic violence" by an active judge at the Court of Appeal.²⁴ By its letter dated 10 January 2023, the 'Committee for Family Law and consensual joint custody', formed by 24 national women's NGOs against mandatory joint custody, protested before the National Commission for Human Rights (NCHR), arguing that as the concept of 'parental alienation' is not acceptable by international standards, the training of judges under the said thematic was in breach of Article 15 Istanbul Convention which requires by the State parties the provision or strengthening of the appropriate training for the relevant professionals dealing with victims of VAW. The 'Committee for Family Law and consensual joint custody' asked the NCHR to organize a hearing on this issue and to take all necessary steps so that such seminars on 'parental alienation' are not organised again. Instead, the National School of the National Commission for Human Rights (NCHR) should organise appropriate training courses for judges on the implementation of the IC, as genuinely interpreted by the GREVIO. To date, there has been no response to this letter.

II.4 The custody can be waived following a final judgment of condemnation for domestic violence, instead of mere suspicions of abuse, as required by the IC

²¹ France: GREVIO/Inf(2019)16, 28.10.2019, <https://rm.coe.int/grevio-inf-2019-16/168098c61a>, Italy: GREVIO/Inf(2019)18, 15.11. 2019, <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

²² Court of Appeal of Piraeus 298/2021, First Instance Civil Court (FICC) of Thessaloniki 915/2022, FICC of Kerkyra 1029/2021 (interim measures), FICC of Athens 4870/2021 (Interim measures), FICC of Zakynthos 85/2021, all of them published in the digital platform 'NOMOS'.

²³ Court of Appeal of Piraeus 298/2021, FICC of Piraeus 1267/2021, FICC of Rethymno 158/2021, all of them published in the digital platform 'NOMOS'.

²⁴ National School of the Judiciary, On-going training for judges "Domestic Violence – Civil and penal perspectives", 8 December 2022, lecture by Valmantonis Ioannis, judge at the Court of Appeal, "Parental alienation as a form of domestic violence", https://www.esdi.gr/wp-content/uploads/2022/11/programmsemvictims_2022-1.pdf

The new Article 1532 Civil Code, as amended by Act 4808/2021, introduces examples of cases in which the Court can waive from the parent in fault the exercise of the parental custody, including, inter alia, the sentence of the parent in fault for domestic violence with a final judgment. However, the continuation of the abuser's "active presence" up to his final condemnation (which by Greek standards may take up to 5 years) is in blatant breach of Article 31 IC which requires that even a suspicion of abusive behaviour should be investigated, irrespectively of criminal proceedings, so that the rights of the parent who is even suspected of abuse are waived.

II.5 The custody can be waived in situations, alluding to 'parental alienation'

Moreover, new reasons of limitation or waiver of the exercise of parental custody were introduced in the new Article 1532 Civil Code, which express the principle of 'parental alienation' for which the mother is stereotypically accused of: (i) the disturbance of the sentimental relationship of the child with the other parent and the latter's family and the cause of the rupture by any means of the relations of the child with them; (ii) the obstruction of personal communication with the child by any means. Until its abolishment, courts are bound to interpret the national law in conformity with the supra-legislative norms of international treaties and the Constitution and to disapply whichever are contrary thereto.

II.6 The bailiff's the power to ascertain the obstruction of communication with the child, which may lead to the waiver of custody, is in breach of the right to a 'fair trial'

Moreover, by an amendment to Article 950 of the Code of Civil Procedure, the obstruction of the parent's personal communication is ascertained by the bailiff who is present when the visitation begins. According to the Explanatory Report, this provision was adopted in view of the new provision of Act 4800/2021 which sets the visitation time at 1/3 yearly, which has been criticised by international bodies. This provision has been intensely criticised during the public consultation and at the Parliamentary Commission, as it assigns jurisdictional duties to the bailiff.

As noted by late Sophia Koukoulis-Spiliotopoulos²⁵, the mere recording of facts perceived by the bailiff (non-appearance of the child, the child's refusal to follow the other parent, refusal of the parent with the child to deliver the child) does constitute the finding that the communication with the child was obstructed. It is rather a judgment which should be derived from the evaluation of such events, following the verification of their causes and upon hearing of both parents and the child, if the latter is mature enough. This is the task of the court in the framework of the 'fair trial' which is required by the Constitution, the ECHR and the EU law. The bailiff's report is only one of the elements to be taken into account by the court. At the Parliamentary Plenary the term 'certified' was amended to 'ascertained'. This does not change anything. Ascertaining the obstruction is also a judgment which belongs to the court. As above-mentioned, under Act 4800/2021, the obstruction of communication may lead to the waiver of the custody. In view of the above, the said provision of Article 950 Code of Civil Procedure breaches the interest of the child and his/her right of judicial protection, thus intensifying Greece's international responsibility in relation to family law. Until its abolishment, courts are bound to interpret

²⁵ «Η νέα διάταξη του ΚΠολΔ θίγει το συμφέρον του παιδιού και δημιουργεί διεθνή ευθύνη της Ελλάδας», ΕφΣυν 19.10.2021, https://www.efsyn.gr/stiles/apopseis/315299_i-nea-diataxi-toy-kpold-thigei-symferon-toy-paidioy-kai-dimioyrgei-diethni

the national law in conformity with the supra-legislative norms of international treaties and the Constitution and to disapply whichever are contrary thereto.

II.7 Non clear exemption of domestic violence cases from obligatory mediation in breach of Article 48 IC

According to the system of mandatory shared custody, in the case of disagreement of the parents on any issue of the exercise of the shared custody, any parent has recourse to the mediation (with the exception of domestic violence cases) and in case of no agreement, can take the case to the court (Article 1514(2) Civil Code, as amended by Act 4800/2021).

From the search in published jurisprudence, it appears that in only one case this exception has been applied. In this case, penal prosecution against the violent father had already taken place following the mother's lawsuit.

Women's NGOs deplore that as it is not clear from the law (and to date it has not been made clear by the jurisprudence or the administration of the courts) what are the requirements for this exception to operate (are just suspicions of domestic violence, according to the allegations of the victim enough or is it required that the penal prosecution for domestic violence has taken place, or even worse, that a condemnation for DV at first instance is required?). As a result, in practice even mothers victims of DV would undergo mediation, in order to avoid the risk that the court finds the hearing of their action inadmissible. This also practically means that they have to pay a 60 Euros fees to the mediator for the initial hearing, even if it is unsuccessful. Nonetheless, this quasi-mandatory mediation is in breach of Article 48 IC which prohibits mandatory alternative dispute resolution processes, including mediation and conciliation in relation to all forms of violence covered by the scope of the IC. According to GREVIO, in a conflictual context the existing inequality of forces creates lack of ability of negotiation.²⁶

II.8 The parent with whom the child resides cannot change residence, even provisionally, without the other parent's consent or a court order, which is a trap for victims of domestic violence

One of the major problems of mandatory shared custody, is the need of a court judgment in case the parents do not agree with the change of the residence of the parent with whom the child resides (Article 1519(2) Civil Code, as amended by Act 4800/2021). In emergency cases this can be decided by an interim judgment or a protection order or even by an order of the prosecutor (the latter is very seldom). This new provision has been criticised by women's NGOs as a major hindrance for the escape of women victims of DV violence from the abusive environment and their professional and financial emancipation as they cannot take up a new job or appointment in other town or abroad without having obtained the court judgment beforehand. The long duration of judicial procedures makes this really a trap for mothers victims of domestic violence. If they choose to flee before the issue of a court judgment, they risk to have the custody waived (see under I.4 and II.5 above).

Even if judicial proceedings are successful, according to the jurisprudence the parent who changes residence often has to cover (partly or totally) the cost of the travel of the other parent in order to exercise the visitation right or the cost of the travel of the child to the

²⁶ GREVIO, (Baseline) Evaluation Report, Italy, 2019, §184, Committee, Concluding Observations on the 7th periodic report of Italy, 2017, § 27(d).

other parent which is not feasible for the DV victim in times of economic recession, as women NGOs often deplore.

II.9 Victims of domestic violence accommodated in women's shelters, cannot have their children enrolled in school and in educational/recreational activities without the abusive parent's consent or a court order.

According to the new Act, even mothers, victims of DV who are accommodated in women's shelters cannot enrol their children in schools without the abusive father's consent. An attestation from the administration of the shelter and/or the mother's lawsuit for DV violence is not enough. An order of the prosecutor is seldom granted. Instead, an interim court judgment for the provisional waiver of the custody is needed. As a result, it happens that children accommodated in the shelters cannot attend the school. The issue was raised by the General Secretariat for Demographic Policy, Family and Gender Equality to the Ministry of Education, albeit without any result.

Moreover, women NGOs deplore that mothers, victims of DV, often would rather not enrol their children in extra curriculum activities in order to avoid a judicial confrontation with the abusive husband/partner whose consent is required according to the new law.

II.10 The alarming outbreak of family law litigation has put at stake the whole system of interim judicial protection

Although Act 4800/2021 was proclaimed to reduce litigation in family law cases by reserving a strictly subsidiary role to the court, in practice the opposite has happened. As it has been recently deplored by the Athens Bar Association²⁷ (2 December 2022), due, inert alia, to the significant rise of litigation under the new family law (Act 4800/2021), in First Instance Court of Athens (competent for half the population of the country) it takes 15 days for the hearing of an interim temporary order ('prosorini diatagi') (not 1-2 days, as it took in the past and as stated in the State report p. 63), whereas it takes 3-4 months for the hearing of interim measures. In other words, Act 4800/2021 has boosted litigation between separated parents to such an extent that the whole system of interim judicial protection has been short-circuited in the Athens First Instance Civil Court.

II.11 Victims of domestic violence are entitled to an ineffective system of State legal aid

In Greece, there is the system of State free legal aid for victims of domestic violence is not effective, which is in breach of Article 57 IC. Lawyers offering legal aid are registered

²⁷<https://www.dsa.gr/%CE%BD%CE%AD%CE%B1/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%B9%CE%BD%CF%8E%CF%83%CE%B5%CE%B9%CF%82/%CE%B4%CF%81%CE%B1%CE%BC%CE%B1%CF%84%CE%B9%CE%BA%CE%AD%CF%82-%CE%BA%CE%B1%CE%B8%CF%85%CF%83%CF%84%CE%B5%CF%81%CE%AE%CF%83%CE%B5%CE%B9%CF%82-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B7%CE%BD-%CE%AD%CE%BA%CE%B4%CE%BF%CF%83%CE%B7-%CF%80%CE%B9%CF%83%CF%84%CE%BF%CF%80%CE%BF%CE%B9%CE%B7%CF%84%CE%B9%CE%BA%CF%8E%CE%BD-%CE%BA%CE%B1%CE%B9-%CF%80%CF%81%CE%BF%CF%83%CE%B4%CE%B9%CE%BF%CF%81%CE%B9%CF%83%CE%BC%CE%BF%CF%8D-%CE%B1%CE%B9%CF%84%CE%B7%CE%BC%CE%AC%CF%84%CF%89%CE%BD->

by the general State legal aid scheme for citizens with a low income²⁸ and are paid by the minimum fees fixed for each judicial deed²⁹ which actually means that they go underpaid. This is a disincentive for experienced lawyers to register. Nonetheless, even this low-rate payment is not awarded in time. For this reason, since 5 November 2022 lawyers registered by the State legal aid scheme have been on strike (renewed up to 31 March 2023) as they have not been paid since mid-2019 (in some cases since 2018).

Moreover, there is no possibility of entitlement to legal aid with a lawyer selected by the victim. This is a serious shortcoming in that domestic violence cases, as all VAW cases, need lawyers with expertise and commitment. Moreover, due to the multiple court hearings arising regarding custody and visitation rights in the framework of domestic violence (see under II.8 above), there is need for a continuum in the defence of the DV victim by one and the same lawyer of the victim's choice. The situation is even worse for DV victims hosted in shelters: entitlement to State legal aid is restricted only to the specific court hearings prescribed by those responsible for the shelter.

II.12 The alarming outbreak of the ongoing hate speech on the basis of sex, which also puts at stake the rule of law

During the legislative proceedings, instead of leading to a social consensus, the new Act has ignited gender hate speech against female scientists, activists of women's NGOs and mothers. More than 800 insulting digital comments had to be removed from the platform of the public consultation. In the same vein, 'groups' of fathers have been targeting judges, who awarded child custody to mothers. Online. By drafting so-called 'black lists', they are calling for the submission of collective complaints, threatening vulgarly any judge who 'stages war with them' etc, as denounced by the Union of Judges and Public Prosecutors.³⁰ Immediately responding, the First Instance Public Prosecutor of Athens *proprio motu* ordered an investigation for the eventual commitment of punishable acts against judges.³¹ Soon after the voting of the new Act, the same threats were repeated by an organised group of fathers.³²

After the adoption of the law, things have become even worse as it has been deplored by women's NGOs. In an article entitled "New witch-hunt, threats against judges – Aggressive and abusive actions by "indignant" fathers against mothers, as victims, have multiplied as a result of the Act on shared custody (Act 4800/2021). Social networks are full of intimidating comments even against judges"³³, journalist Ada Psarra describes hate speech against mothers in social networks, as follows:

²⁸ The yearly income plafond for entitlement to legal aid used to be 7.500 Euros and last year it was raised to 12.500 Euros yearly.

²⁹ <https://www.kathimerini.gr/society/562189600/dikigoroi-tria-chronia-aplirotoi-gia-ti-nomiki-voitheia/>

³⁰ Union of Judges and Public Prosecutors, resolution dated 6 May 2021, 'Αθέμιτες πιέσεις σε δικαστικούς λειτουργούς σε υποθέσεις επιμέλειας ανηλικών τέκνων (Illegal pressures to judges in cases of custody of minor children), <https://ende.gr/%ce%b1%ce%b8%ce%ad%ce%bc%ce%b9%cf%84%ce%b5%cf%82-%cf%80%ce%b9%ce%ad%cf%83%ce%b5%ce%b9%cf%82-%cf%83%ce%b5-%ce%b4%ce%b9%ce%ba%ce%b1%cf%83%cf%84%ce%b9%ce%ba%ce%bf%cf%8d%cf%82-%ce%bb%ce%b5%ce%b9%cf%84/>

³¹ Newspaper 'Εφημερίδα Συντακτών' (Efimerida Syntakton), dated 7 May 2021, 'Εισαγγελική παρέμβαση για τις «προγραφές» δικαστικών που έκριναν υποθέσεις επιμέλειας τέκνων' (Intervention of the Prosecutor for the 'proscriptions' of judges who adjudicated cases of child custody), <https://www.efsyn.gr/node/292877>

³² Newspaper 'Εφημερίδα Συντακτών' (Efimerida Syntakton), dated 24 May 2021, 'Νέες απειλές κατά δικαστών' (New threats against judges), https://www.efsyn.gr/ellada/dikaiosyni/295211_nees-apeiles-kata-dikaston

³³ Psarra Ada, "Νέο κυνήγι μαγισσών, απειλές κατά δικαστών. Οι επιθετικές, κακοποιοτικές ενέργειες με θύματα μητέρες και δράστες «αγανακτισμένους» πατεράδες πολλαπλασιάζονται ως επακόλουθο του νόμου Τσιάρα για τη συνεπιμέλεια. Τα κοινωνικά δίκτυα βρίθουν από εκφοβιστικά σχόλια ακόμα και εναντίον λειτουργών της Θέμιδας" (New witch-hunt, threats against judges – Aggressive and abusive actions by "indignant" fathers against mothers, as victims, have multiplied as a result of the Act on shared custody (Act 4800/2021). Social

"On 6 February (2022), a decision-guide for "indignant" fathers was posted in the above social media: "We have secured and post an abstract – model of a disciplinary referral, addressed to the President of the 3-member Inspection Council of the Courts, at the Supreme Civil Court, against the female judge who recently imposed limitation of contact by a summary judgment in breach of the law, disdaining the provisions in force of our new Law. To be used as an example by those (fathers) who are still thinking about getting at judges, and those of whom who brutally and unlawfully deprive them of their children."

After declaring belief in the impartiality of the (female) President of the Supreme Civil Court, directions are given for the drafting of similar complaints, in the midst of approving comments.

...

▶ «All Greeks are equal before the law. This is the cornerstone of the Constitution. If someone thinks of something different, go home! We have had enough of decadence and hate against men under pretext and in the form of court judgments from gender-distorted views of an allegedly bio-social supremacy. It is very important that a guide is issued so that we can all denounce judges".

Often, the comments get even more rough:

▶ "I, my self, tell you that unfortunately I am sure that somebody will get out of control and seize a shotgun...The worst is that you cannot blame the despair of a person who has been fully disappointed and unfairly condemned by the system...If the State does not take measures, it is only a matter of time for problems to arise".

▶ "It has already happened. And, for sure, those who took a gun or a knife were not deranged. They were desperate and due to the injustice their vision got blurred and they flipped a little. Because if he knew that he would be imprisoned and his children would grow in child care or by relatives and maybe he would never see them again, he maybe wouldn't have done it. The policeman in Kifissia (he is referring to the policeman who killed his wife and her friend in 2020), from whom his wife took the kids and sent them to her mother in Thiva. The incident (of a father) in Volos to whom his wife was telling that he will never see his children again (yes, he may have been out of his mind, but he may not be dangerous for his children). If female alienators knew the fraud of the court (with false proof) is punished and that if they alienate, they will be imprisoned, they would not do it".

Indicative of the issue of all the threatening references, including those against judges, is the reportage of Fotini Lambridi in TVXS of 4 February 2022, from which two comments against the "aleniator" female judge are copied: "Tell us the address of the judge to send her a cake!!!", "Bravo to the father who is getting at that female public servant, who by abusing her power, discriminates once again. The situation will settle only when judges feel that they can't give a shit about everybody. Hunt them until the sun shines from the West!"

In a very recent article of 10 February 2023³⁴, the same journalist Ada Psarra refers to public declarations of one TV journalist, who had overtly fought for the adoption of Act

networks are full of intimidating comments even against judges), newspaper "Efimerida ton Syntakton", 10 February 2022, https://www.efsyn.gr/ellada/koinonia/331484_neo-kyniqi-magisson-apeiles-kata-dikaston

³⁴ Psarra, Ada, "Ο «αγανακτισμένος» δημοσιογράφος και τα SMS που έδειξαν την έξοδο" (The 'indignant' journalist and the SMS that showed his exit), newspaper "Efimerida ton Syntakton", https://www.efsyn.gr/ellada/koinonia/377956_o-aganaktismenos-dimosiografos-kai-ta-sms-poy-edeixan-tin-exodo

4800/2021 on mandatory joined custody in the forefront of “indignant” fathers. Recently he was fired by the TV channel due to the negative publicity on his allegedly unlawful activities related to the ‘Greek Mafia’. On 4 June 2020, during a TV interview, he stated: ‘There are many fathers who pay at a very expensive cost the rent (!) of a 9-months pregnancy. And this hurts me. Because the father is the child’s hero, even if some mothers or judges want to disregard it. Why should the mother be beyond everything? The father experiences all the hardship, the mother gives a hug, the father is the leader’. He also added: ‘I have another way, another system, I can cope with it, I can find (a solution), but there are daddies who do not have my telephone device with the telephone numbers of the Secretary of the Ministry, the police, etc, they do not have power. So, united we are powerful!...’ As stated in the article, during the public debate of the Bill on mandatory shared custody, the same journalist had expressed extreme comments and threats against female politicians (irrespective of political parties), female mayors and, in particular, feminists and female lawyers who fought against the adoption of Act 4800/2021. This evolution was harshly commented by the MP of the opposition party ‘SYRIZA’ Irimi Agathopoulou.³⁵ The above empirical experience at national level has shown that sexist speech and gender-based hate speech often co-exist and interrelate: where sexist speech is widespread, gender-based hate speech may be rife as well. If the latter goes unpunished, the rule of law is put at stake.

II.13 Hate speech on the basis of sex is not criminalised in Greece

Nonetheless, despite the international legal framework³⁶ and the findings of GREVIO, in its recent evaluation reports³⁷, which stress the importance of encouraging the national media to enforce self-regulatory standards that prevent the dissemination of content that “feeds into hate and/or sexist speech against women”, in Greece hate speech on the basis of sex is not explicitly prohibited unlike hate speech on all the other grounds (race, colour, religion, genealogical origin, ethnic or ethnotic origin, sexual orientation, gender identity,

³⁵ Irimi Agathopoulou, press release of 10 February 2023, “From the very first day of the debate of the Bill on mandatory shared custody we did not hesitate to name and counteract the powerful lobbies, that dictated to the Minister of Justice provisions which are contrary to the best interest of the child and make the Greek State accountable towards the international and European Bodies. These days we have been following the journalistic revelations for the involvement of a ‘henchman’ of active daddies in the case of Greek Mafia, which led to his termination from the TV channel where he has worked the last years. Of course, we did not see the same zeal when the said journalist addressed threats to female politicians and women’s NGOs and called them «φεμιναζίδια» (a pejorative of feminists), but rather late than never. So, these were the official interlocutors of the Minister of Justice and of the Assistant Minister, competent for gender equality, during the debate of the Bill on mandatory shared custody; the Ministers who did not condescend to talk with any of the women’s NGOs and who have the full responsibility for the vertical increase of litigation among parents for custody issues. Is anybody going to give any explanation?”, https://www.syriza.gr/article/id/140486/Dhlwsh-ths-boyleytrias-Kilkis-toy-SYRIZA-Proodeytikh-Symmachia-kai-an.-Tomearchissas-Dikaiosynhs-Eirhnhs-Agathopoyloy-gia-tis-apokalypseis-schetika-me-thn-Greek-Mafia.html?fbclid=IwAR1CTgqXYkVBIFKtdFfl_2qPrpsMOzpl8sGCz136iCZ1dWzUGVvTGNmC4X8

³⁶ See, inter alia, the anti-stereotyping provisions of Article 5 CEDAW and Article 12 of the Istanbul Convention; Article 17 IC requiring state parties to promote the active involvement of media and the ICT sector against violence against women; the CoE Gender Equality Strategy 2018-2023, which sets as first objective the prevention of and the combat against violent and degrading online content, which ‘feeds into violence against women, sexist hate speech targeting women, particularly feminists, and contributes to maintaining and reinforcing gender stereotypes and sexism’; the Recommendation of the Council of Europe for preventing and combating sexism of 2019.

³⁷ Council of Europe GREVIO, 2020, Baseline Evaluation Report Andorra, para. 88.

gender characteristics and disability), which is criminalised by specific^{38, 39} and general^{40, 41} penal provisions. This is also true regarding soft law, e.g. the new Code of Deontology for audio-visual and radio programmes prepared by the National Council for Radio and Television, which is currently under public consultation.⁴² Its Article 5(1) prohibits the transmission of 'programmes which include incitement to violence or hatred against a group of persons or a member of a group defined on the basis of an open-ended list of characteristics (race, colour, national or ethnotic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics), but sex is not included. Moreover, the Recommendation of the Council of Europe for preventing and combating sexism of 2019 has not been implemented.

II.14 The interrelation of the outbreak of family law litigation and hate speech on the basis of sex with the alarming rise of femicides

In 2021, the first-ever female President of the Republic Katerina Sakellariopoulou expressed her 'deep repulsion', 'grief' and 'serious concern' for the extent of femicides in Greece.⁴³ She also stressed that it is high time to eradicate the prevailing sexist speech placing the responsibility of femicides with the victims.⁴⁴ Under Greek penal law, femicide is not recognised either as a specific offence or as an aggravating circumstance, whereas the punishment of gender-based killing of women can still give room for mitigating circumstances based on the emotional state of the perpetrator. The latter issue was brought forward on the tragic event of a very cruel femicide committed by the husband in the presence of the couple's eleven-month baby. The husband had placed the child on the corpse of her dead 20-year-old mother, to be used as part of the scenery that he had set-up in his defence. Regarding this event, a Greek Police trade unionist publicly stated on TV that the perpetrator was foolish to conceal the crime; if he had immediately called the police pleading that it was an unfortunate incident based on a momentary lapse of reason, he could be sentenced to less than four years' imprisonment. Following the high public outcry, said policeman was temporarily suspended from office.⁴⁵ Ever since, in an alarmingly rising number of 'intimate' femicides, numerous other perpetrators confess,

³⁸ Article 1(1) Act 927/1979, OJ A 139/28.6.1979, as amended by: 1) Article 1 Act 4285/2014 (OJ A 191/10.9.2014) in line with Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law and 2) Article 7(2) Act 4491/2017, OJ A 152/13.10.2017.

³⁹ Article 8 Act 4779/2021, OJ A 27/20-2-2021, transposing into the Greek legal order Directive 2010/13/EU (Audiovisual Media Services Directive).

⁴⁰ Article 184 Penal Code.

⁴¹ Article 82A Penal Code.

⁴² The Code of Deontology for audio-visual and radio programmes prepared by the National Council for Radio and Television which is currently under public consultation until 15 February 2023, in its Article 5(1) on "Violence and hatred" reads: "It is prohibited to transmit programmes which include incitement to violence or hatred against a group of persons or a member of a group defined on the basis in particular of the characteristics of race, colour, national or ethnotic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics".

⁴³ See post of the President of the Hellenic Republic Katerina Sakellariopoulou in the media, dated 18 July 2021: 'The recent incidents of gender violence and femicide have left us all speechless, shocked. They cause deep repulsion and even deeper grief to us. Moreover, the extent of these phenomena in our country causes serious concerns', available at: <https://www.naftemporiki.gr/story/1750900/anartisi-tis-ptd-katerinassakellariopoulou-gia-tin-emfuli-bia-kai-ti-qunaikoktonia>

⁴⁴ Article/Intervention of the President of the Hellenic Republic Katerina Sakellariopoulou 'The perpetuation of the regime of fear and submission of women should stop', dated 27 June 2021, available at: <https://www.in.gr/2021/06/27/politics/arthro-paremvasi-tis-proedrou-tis-dimokratias-na-papsei-diaionisitou-kathestotos-fovou-kai-yptagis-ton-gynaikon/>

⁴⁵ <https://www.protothema.gr/greece/article/1143318/se-diathesimotita-apo-tin-elas-o-stauros-balaskas-gia-osa-eipe-gia-ti-dolofonia-tis-20hronis-karolain/>

invoking their emotional state, in order to have reduced sentencing. This has been also deplored on the event of the first femicide in 2023.⁴⁶

In such a context of VAW, accrued family law litigation and hate speech on the basis of sex interrelate with the alarming rise of femicides, as some recent cases very depictively show.

In May 2022, in the same region, a husband drowned to death his wife when she asked for a divorce. He surrendered to the police and confessed the femicide, alleging that he feared that he would never again see his kids, aged 6 and 10 years old.⁴⁷

In October 2022, the initiation by the mother of an infant of interim judicial proceedings over this issue led to one of the most atrocious femicides in Greece. Anna, 29 years old, both a Greek and German national, raised in Germany, had moved to her parents' village in Kavala, Greece for a couple of years, cohabited for a couple of years with a Greek citizen with whom she had a 11-months baby. According to Anna's family, the relationship was in decline and Anna was subject to psychological violence. Anna had to visit Germany with her baby to settle some inheritance issues, but the father would not accept that as he was very jealous of her. Due to the need of a court judgment for the change of residence, even provisionally, in case of disagreement of the other parent, Anna asked the Court for interim measures (see under II.6). After the court hearing, probably realising that he would lose the case, Anna's partner in the first place shot the infant in front of the mother, then changed the lead and shot the terrified mother.⁴⁸

II.15 The lack of an independent body for monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the IC

Article 10 of the Istanbul Convention requires from state Parties to designate or establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the IC. According to interpretation by GREVIO, in contrast to the co-ordination and implementation of such policies, which are exercised by the State, the tasks of monitoring and evaluation thereof should be exercised by independent bodies, in close consultation with independent women's NGOs, on the basis of predefined indicators established to measure success.⁴⁹

In Greece, not only the coordination, implementation of above policies but even the monitoring and evaluation thereof are exercised by the same governmental body, the 'General Secretariat for Demographic and Family Policy and Gender Equality', as the 'General Secretariat for Gender Equality' has been renamed in 2021⁵⁰, following its transfer from the Ministry of Interior Affairs to the Ministry of Labour in 2019⁵¹ under the Assistant Minister for Employment competent for Demographic and Family Policy (gender equality lacks from the title), which has been deplored by women's NGOs as a degradation.⁵² In

⁴⁶ <https://left.gr/news/tmima-feministikis-politikis-syriza-ps-pes-ti-me-onoma-tis-gynaikoktonia>

⁴⁷ <https://www.iefimerida.gr/ellada/gynaikoktonia-kabala-tin-esfixa-laimo-drastis>

⁴⁸ <https://www.dikaiologitika.gr/eidhseis/koinonia/403154/itan-eksairetika-kakotropos-viaios-lektika-ton-syntiroyse-i-anna-nea-stoixeia-qia-tin-gynaikoktonia>

⁴⁹ GREVIO Report on Romania para. 74; GREVIO Report on Poland para. 49.

⁵⁰ EELN flash report (Greece), 12 March 2021 'Further degradation of the General Secretariat for Gender Equality', <https://www.equalitylaw.eu/downloads/5367-greece-further-degradation-of-the-general-secretariat-for-gender-equality-95-kb>

⁵¹ EELN flash report (Greece), 22 July 2019, 'Transfer of the General Secretariat for Gender Equality to the Ministry of Labour', <https://www.equalitylaw.eu/downloads/4949-greece-transfer-of-the-general-secretariat-for-gender-equality-to-the-ministry-of-labour-pdf-83-kb>

⁵² Among others, the Greek League for Women's Rights has called upon the General Secretariat to focus exclusively on the major problems and the crucial deficits regarding substantive gender equality and the

March 2021, on the event of Turkey's withdrawal from the Istanbul Convention, in its press release entitled 'Turkey's withdrawal from the Istanbul Convention was not a thunder bolt – Regressions should be stopped in Greece, as well – The Bill on joint custody should be withdrawn'⁵³ the League for Women's Rights reminded that regressions in gender equality in Turkey began in 2012 when the Ministry of Women's Affairs was renamed to "Ministry of Family and Social Policy" and, again in 2018, "Ministry of Family, Labour and Social Services".

This was very vividly shown during the public debate and upon adoption of Act 4800/2021 on mandatory shared custody. In its letter of 18 May 2021 to the Ambassador of Greece to the CoE, which was copied to the 'General Secretariat for Demographic and Family Policy and Gender Equality' in its capacity as the national monitoring body for the IC⁵⁴, the GREVIO voiced its concern on the incompatibility of the Bill with Articles 31 and 48 of the IC, reminding the upcoming evaluation of Greece by GREVIO (now actually underway in February 2023). The 'General Secretariat for Demographic and Family Policy and Gender Equality' did not respond to this letter. There was also an emergency intervention of two UN Rapporteurs (Elizabeth Broderick, UN Chair-Rapporteur of the Working Group on discrimination against women and girls, and Dubravka Šimonovic, UN Special Rapporteur on violence against women, its causes and consequences) during the Parliamentary debate on the Bill. It is deplorable that none of the above documents were disclosed to the MPs by the Government prior to the voting of the Bill. Despite the above emergency interventions of the international bodies and a pan-European campaign for the withdrawal of the Bill signed by eight large European and international NGO networks and 104 women's NGOs from thirty countries (see under II.1 above), neither the General Secretary for Demographic and Family Policy and Gender Equality, nor the Assistant Minister for Employment competent for Demographic and Family Policy opposed the adoption of the law. The 'deafening silence' of the latter was deplored by the MP of the opposition party SYRIZA Irini Agathopoulou⁵⁵ as an effort to avoid 'the social outcry and the stigma of being the only governmental representative competent for gender equality who produces policies in breach of gender equality since the restoration of the democracy in Greece'. Nor has the subsequent European Parliament resolution of 6 October 2021 on the impact of intimate partner violence and custody rights on women and children⁵⁶ been taken into account for the monitoring and evaluation of Act 4800/2021 whatsoever.

In the same vein, in July 2021, when on the event of one more 'intimate femicide'⁵⁷ the first-ever female President of the Republic (P.R.) Katerina Sakellaropoulou expressed her 'deep repulsion', 'grief' and 'serious concern' for the extent of femicides in Greece⁵⁸ and

effective implementation of the existing legislation in all areas; it also noted that these deficits, except from the negative effects for the entire society, have repeatedly rated Greece at the last rank in Europe according to the EIGE indexes. See, League for Women's Rights, press release of 4 January 2021, <https://leagueforwomenrights.gr/2021/05/14/deltio-typou-2/>

⁵³ 'Turkey's withdrawal from the Istanbul Convention was not a thunder bolt – Regressions should be stopped in Greece as well – The Bill on joint custody should be withdrawn'

⁵⁴ Council of Europe, Directorate of Human Dignity, Equality and Governance, letter of the President of GREVIO Marceline Naudi to the Ambassador Extraordinary and Plenipotentiary Permanent Representative of Greece to the Council of Europe Mr Panayiotis BEGLITIS with copy to 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, https://isotitahome.files.wordpress.com/2021/05/letter_president_grevio_greece_ce9dcf8ccebcbcf82-cea4cf83ceb9ceaccf81ceb1-200521.pdf

⁵⁵ <https://left.gr/news/eir-agathopoyloy-gia-synepimeleia-den-xero-den-apanto-den-akoyo-apo-ton-yp-dikaiosynis>

⁵⁶ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0406_EN.pdf

⁵⁷ EELN, flash report (Greece) of 15 October 2021, 'Alarming rise of 'intimate' femicides in Greece',

<https://www.equalitylaw.eu/downloads/5524-greece-alarming-rise-of-intimate-femicides-in-greece-137-kb>

⁵⁸ See post of the President of the Hellenic Republic Katerina Sakellaropoulou in the media, dated 18 July 2021: 'The recent incidents of gender violence and femicide have left us all speechless, shocked. They cause deep repulsion and even deeper grief to us. Moreover, the extent of these phenomena in our country causes serious

called for the eradication of the prevailing sexist speech placing the responsibility of femicides with the victims⁵⁹, disregarding the P.R.'s statements, the competent Assistant Minister Maria Syreggela firmly contested the rise in femicides, declaring that Greece cannot be compared to Venezuela or Mexico with respect to the crime of femicide. She only admitted that there is a rise in domestic violence complaints.⁶⁰ Her statements caused strong protests by women's NGOs and a heated political debate. According to the NGO 'League for Women's Rights', the Assistant Minister underestimated in an extremely offensive way the seriousness and the importance of violence against women and its ultimate and more tragic form, femicide. In the same vein, the President of the main opposition political party SYRIZA Alexis Tsipras deplored the recent outbreak of femicides, called for the recognition of the 'merciless reality of femicide and its causes' and asked the Greek Prime Minister Kyriakos Mitsotakis to dismiss the Ass. Minister who by her statements insulted the victims of femicide and their families.⁶¹ The President of the political party of the opposition KINAL Fofi Gennimata also called the Greek P.M. to take action against femicides and condemned the above declarations of the Ass. Minister as unfortunate and nonsense.⁶² 33 MPs of the leading opposition party SYRIZA raised before Parliament the issue of femicide and of the reproduction of sexist speech in the political and public discourse.⁶³

In view of the above, it is obvious that there is a breach of Article 10 IC regarding monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the IC by 'General Secretariat for Demographic and Family Policy and Gender Equality' due to its lack of independency from the executive: both the General Secretary for Demographic and Family Policy and Gender Equality and her political superior, the Assistant Minister for Employment competent for Demographic and Family Policy, are appointed by the Government.

CLOSING REMARKS

All in all, despite its proclaimed aim, to serve the best interests of the child, Act 4800/2021 has ignited more conflicts and hatred and has burdened the judicial system to such extent that it risks to lose its peacemaker role. Mandatory joint custody introduced by the parent-centered Act 4800/2021 should be abolished and replaced by consensual joint custody along with the establishment of family courts and family social work services. Action on education, the monitoring of the media and the appropriate training of professionals dealing with victims of VAW are essential as well.

In Greece and elsewhere, we fight for zero tolerance regarding violence against women.

concerns', available at: <https://www.naftemporiki.gr/story/1750900/anartisi-tis-ptd-katerinassakellaropoulou-gia-tin-emfuli-bia-kai-ti-gunaikoktonia>

⁵⁹ Article/Intervention of the President of the Hellenic Republic Katerina Sakellaropoulou 'The perpetuation of the regime of fear and submission of women should stop', dated 27 June 2021, available at: <https://www.in.gr/2021/06/27/politics/arthro-paremvasi-tis-proedrou-tis-dimokratias-na-papsei-diaionisitou-kathestotos-fovou-kai-yipotagis-ton-gynaikon/>

⁶⁰ See the declarations of Assistant Minister for Employment competent for Demographic and Family Policy Maria Syreggela in Open TV on 2 August 2021, available at: <https://www.rosa.gr/politiki/sirengela-iparxeiexarsi-stis-katangelies-oxi-stis-dolofonies/>

⁶¹ <https://www.naftemporiki.gr/story/1756969/tin-apomakrunsi-tis-marias-sureggela-zitei-o-syriza>; <https://vouliwatch.gr/news/article/tha-feroyn-stin-voyli-to-thema-ton-gynaikoktonion-syriza-kai-kin-al>

⁶² See footnote No 52.

⁶³ <https://left.gr/news/sti-voyli-fernei-o-syriza-ps-tin-anaparagogi-arnitikon-emfylon-stereotypon-ston-dimosio-logo>