

TO THE JUSTICE COMMISSIONER FOR THE EUROPEAN UNION

The recent effort of the Greek Government to comply with the European Acquis on human rights and social rights unfortunately leads to even more violations of human and especially children's rights.

You are aware that in the Hellenic Republic there are no family courts, nor are there any judicial social services. In application of a custom source law of exclusive custody, as a rule, one of the parents is removed from the upbringing of their children and therefore children of divorced couples in Greece are raised by one parent, almost always by the mother.

In an effort to implement the relevant international conventions, the policies of government agencies and the EU directives, such as for example Directive 1158/2019, of March 18, 2021, the Greek Government has drafted a law that aims to reform the existing family law and has submitted it to public consultation prior to its parliamentary adoption.

In the name of the EU policies the draft law puts Greek citizens in a significantly worse position than the one they have been until today.

- Instead of ensuring that a child shall be raised by both parents in the event of divorce, custody is maintained jointly by parents, but the care of a child¹ is always *ex lege* exercised by the "parent with whom the child lives".
- The consensual, by means of an agreement on joint custody, alternating residence of the child is abolished since the draft law requires a "parent with whom a child lives" to be determined.
- Instead of treating all recognized children born out of wedlock in the same way, for children for whom e.g. the father has asked for a DNA test, it is specified that only their mother continues to raise them.
- Instead of determining as a child's place of residence the place of the last common domicile of the parents, it is the "parent with whom the child lives" alone who determines the child's place of residence. The agreement of both parents is required only in the event of change of place of residence, after it has been initially determined by one parent,.

- Instead a child being raised by both parents, contact rights of the secondary parent are provided.
- Instead of allowing for overnight accommodation with a minimum of 35% with each parent, it presumably allows only 1/3 of the total parenting time with one parent. In practice, this means three hours every Tuesday and Thursday afternoon two Saturday nights a week, five days during the Christmas and Easter holidays and ten days in the summer.
- Mechanisms such as equal allocation of time by the courts, parenting plans, childcare costs, friendly justice are not provided. However, there is mandatory mediation that can be ordered by the court in the middle of a trial, which will increase the cost of trials and the resolution time relating to the issue of childrearing.

The present legislative initiative is not guided by the good practices recommended by international organizations which are applied in all civilized countries, but rather by an outdated settled case law that wants the child to be raised by one parent who shall be called "the one with whom the child usually lives" instead of the custodial parent as it was the case until now.

This situation can only be paralleled with the practice that led to Greece's entry into the Euro zone. Instead of complying with the European standards, divergent internal practices are legalized, false appearances are made and false information is given. Yet in this case, the price is the violation of parents' human rights and above all of children. International conventions have come into being in order to be actually and not pretentiously adopted.

We ask for your attention and actions. Your opinion on whether the ongoing legislative initiative is in accordance with the basic principles and values of the EU as well as the international conventions is critical.

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¹ The internal legal order knows the overlapping terms parental responsibility, custody and child care.