



**Permanent Mission of Greece  
to the United Nations Office  
and other International  
Organizations in Geneva**

**URGENT**

**No.: 6170.7/AS 1333**

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to attach herewith the reply of His Excellency M. Nikos Dendias, Minister for Foreign Affairs of the Hellenic Republic, to the joint communication (Ref.: OL GRC 2/2021/17.5.2021) addressed to him by the Working Group on discrimination against women and girls and the Special Rapporteur on violence against women, its causes and consequences.

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, November 12, 2021



Encl.: As stated

To :  
The Office of the  
High Commissioner  
for Human Rights

In town



THE MINISTER FOR FOREIGN AFFAIRS

Athens, November 11<sup>th</sup> 2021

Ref.: E/552

*Excellencies,*

*In response to the Joint Communication REF: OL GRC 2/2021/17.5.2021, please allow me to inform you on the following, on the basis of the information made available by the competent national authorities:*

*I. Law 4800/2021 on “Reforms relating to parent-child relationships and other matters of family law” (hereinafter: the Law) adopted by the Hellenic Parliament, on May 21<sup>st</sup> 2021, and published in the Official Gazette (Vol. No A’ 81/21.5.2021), provides for a protective legal framework based on the child-centered principle of the best interest of the child, to which any action by the parents as well as any relevant judicial decision should adhere.*

*This is explicitly stated already in article 1 of the Law, which recognizes the child as the primary subject of the rights deriving from the relationship with his or her parents through the fulfillment by the latter of their parental responsibilities.*

*Article 1 further stipulates that the provisions of the Law shall be interpreted and applied in accordance with the international conventions, to which Greece is a State Party, in particular the UN Convention on the Rights of the Child, ratified by Law 2101/1992, as well as the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (hereinafter: the Istanbul Convention), ratified by Law 4531/2018.*

*In order to safeguard the best interest of the child, the Law, in article 8, establishes three options for the determination of parental responsibility, if this is not possible to be carried out by both parents jointly. The first two, that is to say by written agreement and by recourse to mediation, enable the parents to resolve any dispute in a non-compulsory and non-contentious way, which decisively contributes to the child’s normal mental and physical development. The Law expressly excludes mediation in cases of domestic violence (article 8 par. 2).*

*If parents disagree, the court decides on issues of parental responsibility in a binding decision. In order to avoid the risk of any negative consequence for the child arising from the mandatory procedure in question, his or her opinion is to be sought and taken into account before any judicial decision, depending on the child’s maturity (article 5 par. 4).*

*H.E. Ms Elizabeth Broderick*

*Chair-Rapporteur of the Working Group on discrimination against women and girls*

*H.E. Ms Dubravka Šimonovic*

*Special Rapporteur on violence against women, its causes and consequences*

*It is worth mentioning that the judicial decision must respect the equality between the parents and not to discriminate on the grounds of gender, sexual orientation, race, language, religion, political or other beliefs, citizenship, ethnic or social origin or economic status (article 5 par. 3).*

*Moreover, the Law is the first legal document, since the ratification of the Istanbul Convention by Greece, to lay down criteria for the determination of the bad exercise of parental responsibility by a parent (article 14), including his/her final conviction for domestic violence, sexual offences or crimes of economic exploitation of sexual life. In such cases, the exercise of parental responsibility by the parent, who is responsible for the aforementioned criminal acts, is restricted in whole or in part by the court. In order to deal with urgencies or delays in judicial proceedings, the public prosecutor may order any appropriate measure to better protect the child's physical and mental integrity.*

*This legal provision is in line with the framework established by the Istanbul Convention, which calls on States Parties to take all necessary measures to ensure that, at all stages of judicial proceedings, including in the determination of custody rights, incidents of domestic violence are taken into account, so as not to jeopardize the rights and safety of the child or the victim of violence (articles 26, 31, 45, 48, 56 of the Istanbul Convention read in conjunction).*

*Therefore, according to the spirit and the letter of the Law, the joint exercise of parental responsibilities, including custody, if it is possible, constitutes a positive circumstance for the integrity of the child but not an absolute and mandatory rule. The extent of the involvement of each parent in the child's life is to be determined by the latter's best interest.*

*The principle of the best interest of the child also determines the actual time of communication by physical presence of the child with the parent with whom he/she does not reside. Although article 13 of the Law provides that in this case communication time is presumed to amount to one third of the total time, such an arrangement is by no means legally obligatory but rebuttable. It is to be regulated by the court on the basis of the child's best interest.*

*Furthermore, I would like to kindly bring to your attention article 17 of the Law which provides for the mandatory training of the judges, who adjudicate child custody cases, on the relevant international legal framework, especially the Convention on the Rights of the Child and the Istanbul Convention.*

*II. As far as domestic and gender-based violence is concerned, I would like to express my country's principled determination to enhance its legal and institutional framework, in compliance with its international legal obligations. Greece criminalizes domestic violence and regulates relevant procedural issues, including aid to victims, by Law 3500/2006 on "Combating Domestic Violence", as amended by Law 4531/2018, ratifying the Istanbul Convention.*

*In this regard, I would also like to highlight Circular No. 12/3.11.2021 on "Domestic Violence" issued by the Public Prosecutor of the Supreme Court, which includes specific instructions to all public prosecutors of first instance on how to deal with such cases, in order to protect victims and survivors more effectively as well as to bring perpetrators to justice. The Circular provides, inter alia, for the facilitation of the victims' access to the criminal justice system, the prompt investigation of the alleged criminal acts as well as priority in their adjudication, so as to avoid lengthy proceedings.*

*The relevant protective framework is further enhanced by Law 4604/2019 on “Promoting Substantive Gender Equality, Preventing and Combating Gender-Based Violence” which provides for mainstreaming a gender perspective in all public policies, whether domestic or foreign.*

*Hence, at the policy level, preventing and combating domestic and gender-based violence has been a longstanding priority of Greece, reflected in the National Action Plan on Gender Equality (NAPGE), which has been updated for the period 2021-2025. In specific, the NAPGE provides for a) the implementation of the Istanbul Convention, b) combating gender-based violence at work, c) enhancing the network of services and shelters for women victims of gender-based violence, as well as d) combating other forms of violence such as violence in cyberspace, human trafficking, female genital mutilation and forced and early marriages.*

*In this vein, in November 2020, Greece published its First National Report on Violence Against Women. In June 2021, my country ratified ILO Convention 190 on Violence and Harassment in the Workplace by Law 4808/2021.*

*Combating gender-based and domestic violence is also included in the priorities of our first National Action Plan on Women, Peace and Security, to be adopted shortly.*

*At the moment, Greece is finalizing its reply to the List of Issues in relation to the combined fourth to sixth Periodic Reports in accordance with article 44 of the Convention on the Rights of the Child, to be submitted to the CRC secretariat by the end of November, in view of the 89th session of the CRC (January-February 2022); as well as its 8th Periodic Report under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, to be submitted to the CEDAW secretariat by the end of December.*

*As a final note, please allow me to reiterate Greece’s determination to prevent and combat any form of gender-based violence, including domestic violence, as the only way to accelerate the realization of substantive gender equality and to build a democratic and gender-equal society at home as well as internationally.*

*Sincerely,*

*Nikos S. Dendias*

