



Παιδί με 2 Γονείς Αστική Μη Κερδοσκοπική Εταιρεία

A Child Needs 2 Parents AMKE

www.achildneeds2parents.gr

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Piraeus, 23 June 2026

To: European Network of National Human Rights Institutions, Mrs. General secretary, Debbie Kohner

Subject: Application of European Law on Children's Rights and the Situation of Family Law in Greece.

Dear Ms. Kohner,

Following the [visit](#) of the European Commissioner for Democracy, Justice and Rule of Law, Mr. Michael McGrath to Greece on 12 May 2026 and his meeting with the Greek National Commission for Human Rights (GNCHR), during which issues concerning the rule of law and institutional safeguards were discussed, we hereby submit our intervention as a civil society organisation with expertise in children's and family rights.

The non-profit organisation "A Child Needs 2 Parents" is actively engaged in the protection of family life, the prevention of parental alienation, and the promotion of equal parental involvement in child upbringing, in line with Law 4800/2021 and Greece's international obligations.

1. Institutional and European Framework – Greece's Obligations


The European Union and the Council of Europe have established a clear and binding framework for the protection of children's rights and family life:


- a. [Directive \(EU\) 2019/1158](#) imposes equal participation of both parents in childcare.
- b. The [2022 Corrigendum](#) replaces "custody" with "care," promoting a cooperative parenting model.
- c. The [Convention on the Rights of the Child \(CRC\)](#) and [UN recommendations \(2022\)](#) require shared parental responsibility in practice.
- d. The [case law](#) of the [European Court of Human Rights](#) (Article 8 ECHR) obliges States to safeguard the effective parent-child relationship.
- e. Recommendation CM/Rec(2025)4 strengthens child participation and child-friendly justice.

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Despite this robust framework, the critical issue in Greece is no longer legislation, but its effective implementation in practice.

2. The Greek Reality – Deviation from the European Acquis

Despite the reform introduced by Law 4800/2021, a systemic gap between law and implementation persists:

2.1 Judicial Practice

Daily care of children is assigned by 83% to mothers, 4.5% to fathers while the remaining percentage is to third parties. This practice undermines the purpose of National Law No. 4800/2021, creates indirect discrimination, and weakens the parent–child relationship.

2.2 Failure to Integrate Supranational Norms

There is systematic failure to incorporate CRC, EU Charter of Fundamental Rights, ECHR Directives and limited application of equal parental responsibility.

2.3 Consequences for Children

This leads to vulnerable groups of minors, increased parental alienation, prolonged parental conflict, within a judicial system that often perpetuates disputes rather than protecting the child's best interests.

2.4 Social Data

According to the [Hellenic Statistical Organization](#) 42.4% of marriages end in divorce (2024) and 65.6% of minors are involved in divorce-related proceedings. This confirms the issue as a structural rule of law concern, not a marginal social issue.

2.5 The UN's positions on Greece

The situation of children's rights in Greece with regard to the Family environment has been reflected in the UN Report (dated 28.06.2022 - Convention on the Rights of the Child [CRC/C/GRC/CO/4-6](#)) stating: "recommends that the State Party: (a) Promote equal parental responsibility and ensure that both parents, regardless of marital status, have shared parental responsibilities in law and in practice, in accordance with article 18 (1) of the Convention; (b) In the event of parental separation, ensure that shared parental responsibility is applied, unless it is not in the best interests of the child, and strengthen the capacity of judicial authorities to make this assessment; (c) strengthen family support



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and community-based services, as well as cooperation between social protection, education, health care and other community services, while allocating adequate resources to them, to prevent child abandonment and family separation; (d) prevent child abduction, including by monitoring the implementation of the Hague Convention on the Civil Aspects of International Child Abduction, and consider requiring written consent when a child travels abroad with one parent;”

3. Policy–Reality Contradiction

While Greece promotes child-friendly justice practices at European level, in practice parenting arrangements remain largely single-parent centered, child participation is limited and judicial proceedings are adversarial. This contradiction undermines both credibility and policy effectiveness.

4. Government Assessment of the Rule of Law vs. Actual Implementation

Following the [recent presentation](#) by Minister of State Mr. Akis Skertsos, highlighting Greece’s “documented progress” in rule of law indicators, legal reforms, and new rights, a critical inconsistency must be noted. Progress in legislative output does not translate into effective judicial implementation, particularly in family law. This raises serious compliance concerns with:

- i. Article 8 ECHR
- ii. Articles 5, 9 and 18 CRC
- iii. Articles 7 and 24 EU Charter
- iv. Directive (EU) 2019/1158

Furthermore, failure to apply these norms contradicts Article 28(1) of the Greek Constitution and the principle of effect utile under EU law. This discrepancy may constitute a systemic failure in the application of EU law, a violation of fundamental rights and an issue falling under the Rule of Law Mechanism.

5. European Recognition of Progress vs. Gap in Effective Protection of Children’s Rights

During the [meeting](#) of Mr. Michael McGrathto with the Prime Minister of Greece, the European Commission acknowledged “significant progress” and strong cooperation on rule of law matters. However, this positive assessment makes it even more necessary to examine the real-life application of rights. In family law, the lived judicial experience does not reflect this progress, revealing a gap between European evaluation and actual judicial functioning, particularly regarding children’s rights and family life.



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6. Key Rule of Law Concerns

The issue extends beyond family law and touches upon equal application of the law, effectiveness of justice and protection of fundamental rights. Failure to implement EU law, international conventions, and national legislation constitutes a [structural dysfunction](#) of the rule of law.

7. Dialogue with Civil Society

In the same context, [the official governmental presentation](#) of progress on the Rule of Law refers to the existence of a “structured dialogue with civil society” through institutionalised consultation procedures. However, in practice, this dialogue remains largely formalistic and superficial, without meaningful incorporation of the proposals and observations submitted by civil society organisations. Despite repeated, well-documented and formally submitted requests, the non-profit organisation “A Child Needs 2 Parents” has not received a corresponding institutional response from the Ministry of Justice, the political leadership, or other competent authorities regarding its participation in policy-making processes and dialogue on family law matters.

This situation demonstrates that the proclaimed “structured dialogue” remains, in practice, largely ineffective, as it does not translate into genuine, transparent and effective participation of civil society organizations in decision-making processes, particularly in critical areas concerning children’s rights and family life.

8. Requests to the European Network of National Human Rights Institutions

A. At EU level

- Monitoring implementation of Law 4800/2021
- Inclusion in the Rule of Law Report
- Assessment of compliance with Directive 2019/1158, Article 8 ECHR and CRC

B. At national level

- Establishment of specialised family courts
- Mandatory judicial training
- Replacement of “custody” with “care” in national legislation

C. At child protection level

- Ensuring meaningful relationship with both parents



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- Ensuring child participation in proceedings according to [CM/Rec\(2025\)4](#)
- Preventing parental alienation

9. Conclusion

Children's rights cannot remain at the level of declarations. The real challenge for Greece is to bridge the gap between legislation – judicial practice – European law. Your intervention can contribute decisively to aligning Greece with European standards while restoring equality and justice for thousands of children.

We remain at your disposal for further cooperation.

Sincerely,

On behalf of the Board of Directors of the Non-Profit Civil Society "A Child Needs 2 Parents"

Yanis Zacharatos, 6977985471

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References

1. [Directive \(EU\) 2019/1158](#) – Work-Life Balance Directive of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers; and repealing Directive 2010/18/EU (CELEX: 32019L1158): The Directive uses the term "care", not "custody". (Law 4808/2021 – "On the Protection of Labour" and Presidential Decree 52/2023)
2. [Corrigendum of 2022](#) to Directive 2019/1158 [Corrigendum to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 - CELEX: 32019L1158R(03)]: The corrigendum replaces the Greek term "child custody" with "child care".

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3. [European Commission – Rule of Law Report 2022 \(Greece\)](#) (2022 Rule of Law Report – Country Chapter on the rule of law situation in Greece). Family law related content:

Refers to the chronic pathologies of Greek justice, delays in family cases, and the need to align practices with EU law.

4. [UN Convention on the Rights of the Child \(CRC\)](#) [Convention on the Rights of the Child (1989)]. Related articles: 5, 9, 10, 18, 20, 21. Observations to Greece (2022): [UNICEF Greece – State of Children’s Rights](#)

5. Case law of the European Court of Human Rights (ECHR) – Article 8 ECHR – [Respect for family life](#). Indicative decisions related to Greece & family relations: M.A. v. Greece (2013), Iosifidis v. Greece (2020), Paparrigopoulos v. Greece (2018). Common finding: The state must ensure the maintenance of a child-parent relationship and avoid terminology or practices that create imbalance. Justice [Observatory for 2025](#): 19 convictions and 2,500 pending cases at the ECHR – “Greece refuses to learn from its mistakes”

6. [ELSTAT](#) – Divorce Statistics [Divorce Statistics 2022 – Hellenic Statistical Authority (ELSTAT)]. Critical points: 76,541 divorces in 2022, 65.6% of minors are involved in related cases, Increasing trends in litigation.

7. EEDA – [National Commission for Human Rights](#). Reports on the protection of family life & children’s rights. Recommendations related to terminology, litigation & child protection: Emphasis on avoiding terms that enhance conflicts (“custody”), Encouragement for the adoption of terms of co-responsibility (“care”).

8. [Brussels IIa Regulation – Forms for matrimonial matters and matters of parental responsibility](#), which are automatically applicable in the Member States. The regulations affect Greek family law, divorce proceedings, the jurisdiction of Greek courts, the recognition of decisions and child abduction cases. Law 5021/2023 – “Family Court Cases” which is aligned with the applications of Regulation 1111/2019.


9. [Law 5089/2024](#) – Same-sex marriage & parenthood. Amends Greek family law by opening marriage to same-sex couples, shared parenthood, recognition of children and is linked to European commitments to combat discrimination and ensure family rights. [dirittoant...natorio.it]

10. [Recommendation CM/Rec\(2025\)4](#) of the Committee of Ministers to member states on the protection of the rights and best interests of the child in parental separation proceedings.

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11. UN Report (from 28.06.2022 - Convention on the Rights of the Child [CRC/C/GRC/CO/4-6](#))

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