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Piraeus, 09/11/2026

To:

Committee of Ministers of the Council of Europe

Department for the Execution of Judgments of the European Court of Human Rights

Cc:

President of the Hellenic Republic, H.E. Mr Konstantinos Tasoulas

Prime Minister of the Hellenic Republic, the Hon. Mr Kyriakos Mitsotakis

Vice-President of the Government, the Hon. Mr Kostis Hatzidakis

Minister of Justice, the Hon. Mr Georgios Floridis

Permanent Representation of Greece to the Council of Europe

COMMUNICATION UNDER RULE 9.2

concerning the execution of judgments of the European Court of Human Rights against Greece and the need for general measures ensuring effective, child-centred family justice

Subject: Recurring shortcomings in the practical protection of children's family life following parental separation in Greece – Request for enhanced supervision and examination of the application of Article 46 § 4 ECHR.

About the submitting organisation: "A Child Needs 2 Parents" is a Greek non-profit civil-society organisation active in the fields of children's rights, family life, and the protection of parent-child relationships. Its work focuses on promoting effective protection of the child's right to maintain

meaningful relationships with both parents, in accordance with the European Convention on Human Rights and related European and international standards. In that capacity, and based on its experience and activity in this field, the organisation submits this communication under Rule 9.2 of the Rules of the Committee of Ministers, with a view to contributing relevant observations and information to the supervision of the execution of the judgments concerned.

EXECUTIVE SUMMARY

The non-profit civil company “A Child Needs 2 Parents” submits this Rule 9.2 communication in the context of the supervision of the execution of judgments of the European Court of Human Rights against Greece concerning the protection of family life. Its purpose is not to reopen individual domestic disputes or to substitute itself for the Greek courts, but to assess whether the general measures adopted or planned are adequate, effective and measurable to prevent the recurrence of similar violations of Article 8 ECHR.

The case-law of the European Court of Human Rights in Greek family cases over more than two decades reveals recurring operational problems concerning the speed of proceedings, effective enforcement of judicial decisions, procedural safeguards securing the child’s best interests, assessments, and practical protection of the child-parent relationship. The duration and thematic convergence of these problems are a serious indication of structural weaknesses in safeguarding children’s right to family life and make it essential to assess the adequacy of the general measures examined in sections 9 and 10.

This need is reinforced by the available empirical evidence on the application of the Civil Code as amended by Law 4800/2021 and, above all, by the lack of systematic and structured data from the competent Ministry of Justice. In document No 238/14.10.2026, the Ministry acknowledged that consolidated and disaggregated data on parental responsibility, day-to-day care and contact decisions cannot currently be extracted by year and competent court throughout Greece, because the critical information is contained in the body of judgments and is not recorded as structured fields in the Integrated Justice Case Management System for Civil and Criminal Proceedings (OSDDY-PP). An evaluation of Law 4800/2021 and possible legislative adjustments has also been announced. In these circumstances, a reliable and verifiable evidence base is essential to distinguish problems inherent in the legal framework from problems of interpretation, judicial application or the organisation of justice.

The central criterion of this communication is the best interests of the child and the child's right to real and effective family life. Maintaining meaningful relationships with both parents is not presented as an absolute or mechanical rule, nor does it imply a predetermined model of parental responsibility or numerical allocation of time. It requires an individual assessment of the circumstances and risks of each case, particularly where there are substantiated allegations of violence, abuse or other serious harm.

On that basis, the principal general measures proposed are: a National Action Plan for family justice and children's rights; an independent and representative evaluation of Law 4800/2021; a permanent anonymised data system through JustStat/OSDDY-PP; operational specialised family divisions and social services; a practical implementation plan for contact decisions; a uniform child-centred hearing protocol; effective supervision of expert assessments; and continuous interdisciplinary training for the professionals involved.

Accordingly, "A Child Needs 2 Parents" asks the Committee of Ministers to assess not only the formal adoption of measures, but also their actual implementation, measurability and effectiveness; to request from the Greek Government a specific timetable for creating structured data and independently evaluating the implementation of Law 4800/2021; and to examine whether specialised family-justice structures should be included among the general compliance measures.

Because family cases are particularly time-sensitive, the effectiveness of general measures must be assessed by their capacity to provide timely and practically effective protection of the child-parent relationship. Every measure should therefore identify the competent authority, implementation timetable, necessary resources, measurable outcome indicator and independent evaluation mechanism, so that compliance is assessed on actual operation and results, not merely on formal adoption.

Supervision of execution under Rule 9.2

This communication is submitted under Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments of the European Court of Human Rights. It concerns the adequacy of the general measures adopted or planned by the Hellenic Republic to prevent the recurrence of Article 8 violations in family-life cases. The judgments examined below concern different factual and legal circumstances and are used to identify recurring operational problems and assess the corresponding general compliance measures.

1. Purpose and relevance of the communication

The purpose of this communication is to assess whether the general compliance measures effectively respond to recurring dysfunctions identified in the relevant case-law. The assessment focuses in particular on the speed of proceedings, effective enforcement, procedural safeguards, the quality and continuity of assessments, and practical protection of the child-parent relationship, using as its benchmark the existence of concrete, measurable and lasting measures capable of materially reducing the risk of repetition.

2. Domestic and international legal framework

Law 4800/2021 and the amended provisions of the Civil Code seek to serve the child's best interests through the active presence of both parents in the child's upbringing. Article 1511 of the Civil Code links the best interests of the child to the meaningful participation of both parents and the prevention of disruption of the child's relationship with either parent. Article 1513 provides that, after separation or divorce, parental responsibility is exercised jointly and equally, subject to lawful departures based on an individual assessment.

These principles must be interpreted together with Articles 3, 9, 12 and 18 of the UN Convention on the Rights of the Child, Article 8 ECHR, Article 24 of the Charter of Fundamental Rights of the European Union, and Recommendation CM/Rec(2025)4. The concluding observations CRC/C/GRC/CO/4-6 addressed to Greece call for the promotion of equal parenting, shared parental responsibilities in practice and, following separation, joint parental responsibility unless this is contrary to the child's best interests.

In addition, Directive (EU) 2019/1158, as transposed by Law 4808/2021, and Presidential Decree 52/2023 form part of the broader European and domestic framework recognising the importance of both parents' participation in family responsibilities.

3. Divergence between the legislative principle and the practical application of shared parenting

The available empirical evidence provides serious indications of a gap between the reform and judicial practice.

• A primary analysis of 431 decisions of the Athens Single-Member Court of First Instance in the postgraduate research of Thomas-Christos Efstathiou records contradictions, ambiguities and institutional reluctance to move fully towards the meaningful application of shared parenting.

• A separate Study of Family-Dispute Decisions of the Piraeus Court of First Instance shows limited application of shared care, with contact time systematically set below the statutory presumption.

• Qualitative research in Viktoria Frizis' postgraduate thesis at the MSc in Forensic Psychiatry, School of Medicine, National and Kapodistrian University of Athens, confirms separated parents' deep frustration with the legal system and the complete absence of specialisation among the judicial and psychosocial professionals involved.

Despite their methodological limitations, these findings complement the picture emerging from the analysis of judicial practice and make a systematic evaluation of the reform's implementation essential, as discussed further in section 7.

4. Quality and quantity of time with both parents

Article 1520 of the Civil Code establishes a presumption of physical contact for one third of the total time. This may be set lower or higher considering living conditions and the child's interests, without disrupting the child's daily life. One third should therefore not be presented as a rigid numerical parental entitlement or an automatic outcome in every case. It is, however, a statutory presumption and thus a reference point from which any departure must be assessed in light of the specific circumstances and the child's best interests and supported by adequate, individualised reasoning (see the attached evidence study of "A Child Needs 2 Parents", source 4).

ECtHR case-law confirms that the formal existence of some contact is not sufficient. Frequency, duration, overnight stays, holidays, the child's age, geographical distance, school life and the need for stability must all be considered so that contact permits the genuine development of a family bond (section 1 of the attached study, p. 3). Quantity is meaningful only when accompanied by quality, safety and real participation in the child's life.

5. Recurring issues in the ECtHR case-law concerning Greece

Greek ECtHR case-law includes a series of judgments directly concerning family matters. Indicatively:

Case	Subject matter
Kosmopoulou v. Greece, 05.02.2004	Insufficient substantive measures and procedural protection of contact.
Tsourlakis v. Greece, 15.10.2009	Unjustified refusal of access to a critical social report.
Fourkiotis v. Greece, 16.06.2016	Lack of rapid and practical measures to restore the relationship.
Anagnostakis and Others v. Greece, 23.09.2021	Excessive length of contact proceedings and lack of exceptional diligence.
Paparrigopoulos v. Greece, 30.06.2022	Discrimination against an unmarried father and excessive length of proceedings.
I.S. v. Greece, 23.05.2023	Failure to complete or monitor assessments, inactivity and ineffective protection of contact.
Tzioumaka v. Greece, 09.04.2024	Ineffective enforcement and entrenchment of a de facto family situation.
M.P. and Others v. Greece, 09.09.2025	Inadequate procedural examination of the children's hearing and grave risk.
Doulgerakis v. Greece, 09.06.2026	Excessive length of custody proceedings and inadequate supervision of expert assessments.

These judgments span more than two decades and concern different factual circumstances. Nevertheless, the recurrence of comparable shortcomings in speed, enforcement, procedural safeguards, assessments and practical protection of the child-parent relationship is a serious indication of structural weakness and makes it essential to assess whether the general measures in sections 9 and 10 can prevent similar violations.

Effective execution of ECtHR judgments under Article 46 ECHR may, depending on the nature and causes of the violation found, require not only payment of just satisfaction and publication of judgments, but also individual and/or appropriate general measures capable of addressing the

underlying causes and reducing the risk of repetition. In family cases, effectiveness has a particular temporal dimension, since prolonged inactivity or delay may weaken or even substantially sever the family bond. Time is therefore an essential element of effective protection: when delay has broken a bond, subsequent compensation cannot restore lost family time.

In this context, Despoina Papalexandrou's 2023 dissertation, "Measures to remedy violations of the ECHR", highlights the transition from merely finding a violation to achieving substantive compliance. In family cases, the preventive function of general measures is especially important because the passage of time may have irreversible consequences for child-parent relationships.

6. Evaluation and planned amendment of family law without adequate data

Ministry of Justice document No 238/14.10.2026 acknowledged that consolidated and disaggregated collection and publication of data on parental responsibility, day-to-day care and contact decisions by year and court is not currently possible. The critical information is contained in the body of judgments but is not recorded as structured fields in OSDDY-PP. The same document reports 73,582 family-law decisions for 2021-2026.

The absence of structured, assessable data is not merely a technical or statistical deficiency. It materially limits the ability to determine objectively whether the measures applied effectively address the causes repeatedly identified in ECtHR case-law. Without systematic recording of the duration and outcome of proceedings, actual implementation of contact orders, the child's hearing and the operation of expert assessments, the real effectiveness of general measures cannot be demonstrated with sufficient transparency.

This situation reinforces the need for the Hellenic Republic to submit to the Committee of Ministers a specific timetable for creating structured data, with clear indicators, competent authorities and a periodic evaluation mechanism, so that compliance can be assessed by results rather than merely by the formal adoption of measures.

The Ministry has also announced a committee to evaluate the changes and investigate implementation problems under Law 4800/2021, with a view to necessary adjustments. This is positive recognition of the need for evaluation, but raises a critical methodological question: how can weaknesses in the law be distinguished from weaknesses in its implementation unless a

representative and verifiable evidence base is first established? Evaluation should precede substantial legislative amendments and comply with the better-law-making principles of Law 4622/2019.

7. Findings of the 2026 Rule of Law Report

The European Commission's 2026 Rule of Law Report does not specifically evaluate Greek family law, but identifies horizontal issues in the justice system directly relevant to effective protection of family life, as did the 2022 Rule of Law Report for Greece. The length of proceedings remains a serious challenge, enforcement of judicial decisions remains critical, and evaluation of justice requires reliable and comparable data. These findings on duration, effectiveness, enforcement and reliable data are particularly significant in family cases because child-parent relationships are time-sensitive. Related evidence also emerges from the 2024 and 2025 EU Justice Scoreboards, reinforcing the need for the dedicated monitoring and evaluation system proposed below.

8. Failure to operationalise specialised family courts and social services

Article 48 of Law 2447/1996 provided for specialised family-law divisions with judges trained in the protection of minors, while Articles 49 and 50 provided for social services within courts of first instance to support judicial work. Despite this legislation, no coherent nationwide system of specialised family courts or divisions with permanent interdisciplinary support has been established.

The absence of specialised structures is functionally connected to several shortcomings identified in the ECtHR case-law described above. Implementing the existing legislative framework, with necessary modern adjustments, could therefore constitute a substantive general measure to prevent new violations.

The longstanding failure to make fully operational the structures already provided by the domestic legislature for the specific nature of family disputes is particularly significant in light of recurring problems identified by the ECtHR. Operational specialised family divisions and social services, with a clear organisational framework, adequate staffing and measurable effectiveness, should therefore be considered as a concrete general compliance measure.

9. Proposed general compliance measures for the Hellenic Republic

Considering the above findings, appropriate general measures must not be limited to legislative or administrative announcements. They must be concrete, operational, adequately funded and measurable, enabling the Committee of Ministers to assess objectively whether the risk of repetition is being reduced.

• A National Action Plan for family justice and children's rights, identifying competent authorities, timetable, budget, implementation indicators and an annual public accountability report.

• An independent and representative evaluation of the implementation of Law 4800/2021 before any substantial legislative amendment, based on adequate and verifiable data and distinguishing defects in the legal rule from defects in implementation.

• A permanent anonymised data system through JustStat covering parental responsibility, day-to-day care, contact, application of the one-third presumption, child hearings, expert assessments, duration and enforcement.

• Operational specialised family divisions and social services, with specially trained judges and immediate support from child psychologists, child psychiatrists and social workers.

• An "exceptional diligence" fast-track protocol in family law, ensuring rapid and prioritised completion of critical stages in judicial proceedings so that de facto situations do not become entrenched through judicial delay.

• A practical implementation plan for every contact order, with responsible coordination, recording of failed contact, escalation of supportive measures and regular judicial review.

• A uniform, safe and child-centred hearing protocol, taking account of age and maturity, examining the context in which the child's views were formed, and avoiding placing on the child the burden of resolving parental conflict.

• A mechanism for supervising expert assessments, with deadlines, records of inactivity, timely replacement of experts, and party access to critical reports unless specifically reasoned compelling grounds require restriction.

• Continuous training for judges, prosecutors, lawyers, social workers, mental-health professionals, police and enforcement services on ECtHR case-law, CM/Rec(2025)4 and children's rights.

• For every judgment against Greece, a clear public record of both the individual measures and the general measures intended to prevent recurrence.

10. Requests to the Committee of Ministers

Based on the above findings and proposed general measures, “A Child Needs 2 Parents” requests the Committee of Ministers, within its supervisory competence under Article 46 ECHR:

• to consider the duration, recurrence and thematic convergence of the identified dysfunctions as serious indications of structural weaknesses in the effective protection of family life;

• to examine, considering those indications and the progress in executing the relevant judgments, whether an enhanced supervisory approach is required;

• to request from the Greek Government an updated, specific and measurable presentation of the general measures adopted or planned concerning speed, enforcement, assessments, child hearings and protection of the child-parent relationship;

• to request a specific, time-bound and verifiable timetable for creating structured data through JustStat and independently evaluating the implementation of Law 4800/2021;

• to examine the operationalisation of specialised family divisions and social services as a general compliance measure;

• to consider maintaining supervision until the measures are shown in practice to be operational, implemented, measurable and capable of effectively addressing the causes of the violations found;

• to request the Greek Government to identify, for each general measure, the competent authority, funding, timetable, outcome indicator and method of independent evaluation.

11. Conclusion

Overall, the recurrence of comparable problems in Greek family-life cases over more than two decades, combined with the absence of adequate structured data and the failure to make key institutional structures fully operational, provides serious indications of structural weaknesses

requiring effective and measurable general measures. Given the time-sensitivity of family cases, effectiveness must be assessed by actual operation, results and capacity to prevent similar violations.

Yours faithfully,

The Board of Directors of the non-profit civil company “A Child Needs 2 Parents”

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Related documents and supporting sources

A. European Convention on Human Rights and execution of ECtHR judgments

1. European Convention on Human Rights, in particular Articles 8 and 46.

2. Committee of Ministers of the Council of Europe, Rules for the supervision of the execution of judgments and of the terms of friendly settlements, particularly Rule 9.2.

3. Despoina Papalexandrou, "Measures to remedy violations of the ECHR", dissertation, 2023.

4. "A Child Needs 2 Parents", attached evidence study "ECtHR and the protection of family life: Recurring guiding principles, Greek cases, compliance and proposals for institutional intervention".

B. Case-law of the European Court of Human Rights

5. ECtHR, Kosmopoulou v. Greece, application no. 60457/00, judgment of 5 February 2004.

6. ECtHR, Tsourlakis v. Greece, application no. 50796/07, judgment of 15 October 2009.

7. ECtHR, Fourkiotis v. Greece, application no. 74758/11, judgment of 16 June 2016.

8. ECtHR, Anagnostakis and Others v. Greece, application no. 46075/16, judgment of 23 September 2021.

9. ECtHR, Paparrigopoulos v. Greece, application no. 61657/16, judgment of 30 June 2022.

10. ECtHR, I.S. v. Greece, application no. 19165/20, judgment of 23 May 2023.

11. ECtHR, Tzioumaka v. Greece, application no. 31022/20, judgment of 9 April 2024.

12. ECtHR, M.P. and Others v. Greece, application no. 2068/24, judgment of 9 September 2025, final on 9 December 2025.

13. ECtHR, Doulgerakis v. Greece, application no. 5769/19, judgment of 9 June 2026.

C. International and European framework for the protection of children's rights

14. United Nations Convention on the Rights of the Child, in particular Articles 3, 5, 9, 12 and 18.

15. Law 2101/1992 (Government Gazette A 192/2.12.1992), ratifying the Convention on the Rights of the Child.

16. UN Committee on the Rights of the Child, concluding observations on Greece, CRC/C/GRC/CO/4-6, 28 June 2022.

17. Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2025)4 to member States on protecting the rights and best interests of the child in parental separation proceedings.

18. Committee of Ministers of the Council of Europe, Guidelines on child-friendly justice, 2010.

19. Charter of Fundamental Rights of the European Union, in particular Article 24.

20. Law 2502/1997 (Government Gazette A 103/28.5.1997), ratifying the European Convention on the Exercise of Children's Rights.

D. Greek family law and institutional structures

21. Law 4800/2021 (Government Gazette A 81/21.5.2021), "Reforms concerning parent-child relations, other family-law matters and other urgent provisions", amended Articles 1511, 1513 and 1520 of the Civil Code.

22. Law 2447/1996 (Government Gazette A 278/30.12.1996), Articles 48-50 on specialised family-law divisions and social services in courts of first instance.

23. Law 4622/2019 (Government Gazette A 133/7.8.2019), in particular Articles 56-64 on better law-making and regulatory evaluation.

E. Equal sharing of caring responsibilities

24. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

25. Corrigendum to Directive (EU) 2019/1158, OJ L 227, 1.9.2022, p. 137, CELEX 32019L1158R(03).

26. Law 4808/2021 (Government Gazette A 101/19.6.2021), transposing Directive (EU) 2019/1158 into Greek law.

27. Presidential Decree 52/2023 (Government Gazette A 106/26.4.2023), Individual Labour Law Code, as in force, concerning leave and flexible working arrangements for parents and carers.

F. Research concerning the implementation of Law 4800/2021

28. Thomas-Christos Efstathiou, "Case-law after Law 4800/2021 concerning shared care of minor children", postgraduate research thesis, primary analysis of 431 decisions of the Athens Single-Member Court of First Instance.

29. Viktoria Frizis, "Psychological and legal experiences of alienated and non-alienated separated parents from their own perspective in Greece after Law 4800/2021", postgraduate thesis, MSc in Forensic Psychiatry, School of Medicine, National and Kapodistrian University of Athens.

30. Study of Family-Dispute Judicial Decisions of the Piraeus Court of First Instance, "A Child Needs 2 Parents", 2022, unpublished research by the organisation.

G. Documents concerning the evaluation of family law and data collection

31. Ministry of Justice, document No 174/30.6.2026.

32. "A Child Needs 2 Parents", letter to the Ministry of Justice of 8 July 2026.

33. Hellenic Parliament, Report 3250/31.8.2026, in the context of parliamentary scrutiny.

34. Ministry of Justice, document No 238/14.10.2026.

35. "A Child Needs 2 Parents", "Family law without data: The Ministry of Justice's response", 26 October 2026.

H. Effectiveness and quality of justice

36. European Commission, 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece.

37. European Commission, 2026 Rule of Law Report, Country Chapter on the rule of law situation in Greece.

38. European Commission, 2024 EU Justice Scoreboard, COM(2024) 950 final.

39. European Commission, 2025 EU Justice Scoreboard, COM(2025) 375 final.

40. Ministry of Justice, Project JUST Closer, Participatory Needs Assessment Report.

41. European Union and Council of Europe, Child-friendly Justice Project, Final Conference.