Piraeus, 23 November 2026

To:

The President of the Greek National Commission for Human Rights (GNCHR), Professor Maria Gavouneli, National and Kapodistrian University of Athens School of Law.

Cc:

1. Ministry of Justice
2. Greek Ombudsman (Children's Rights Department)

Subject:

Request for institutional intervention regarding the collection of data on children's rights following parental separation and the evidence-based evaluation and revision, in accordance with the principles of good law-making, of the Civil Code as amended by Law 4800/2021.

Dear Madam President,

Distinguished Members of the GNCHR,

Further to our letter of 2 November 2026 to the Ministry of Justice, which was copied to you together with the supporting study "The ECtHR and the Protection of Family Life", the Civil Non-Profit Company "A Child Needs 2 Parents" returns with a new institutional intervention. This intervention is prompted by the Ministry of Justice's recent reply (see section 1), which materially changes the context of the public debate on the implementation of Law 4800/2021 and on the legislative amendments announced by the Ministry.

1. The Ministry of Justice's reply and the absence of structured data

Following a relevant request submitted by our organisation to the Ministry of Justice on 8 July 2026 and Parliamentary Report No. 3250/31.08.2026, submitted to the Hellenic Parliament in the context of parliamentary scrutiny, the Ministry replied by document No. 238/14.10.2026. In that document, the Ministry acknowledges that, although JustStat collects statistical data on court caseloads, the collection and publication of data on decisions concerning parental responsibility, day-to-day care and contact, aggregated and disaggregated by year and court, "is not currently feasible".

According to the Ministry, the reason is that the critical information is contained in the body of judicial decisions but is not recorded as separate, structured fields in the Integrated Civil and Criminal Justice Case Management System (OSDDY-PP). The same document states that 73,582 family-law decisions were issued during the period 2021-2026 and that extracting the requested information would require a systematic and detailed review of a large number of decisions, special administrative authorisation, and substantial human and administrative resources at each Court of First Instance.

In the same reply, the Ministry announces that it plans to establish a competent committee to examine how the changes have been addressed and to investigate the problems arising from the implementation of Law 4800/2021, with a view to making the necessary adjustments. This initiative is welcome. Taken together, however, these two statements reveal a fundamental issue: the evaluation of the law's implementation and the identification of the "necessary adjustments" cannot be based on adequate evidence where the State knows the volume of the judicial caseload, but not its outcomes for children.

2. The data gap as a children's rights issue

The absence of data is not merely a technical or statistical issue. Article 3 of the United Nations Convention on the Rights of the Child makes the best interests of the child a primary consideration; Article 12 guarantees the child's right to be heard; and Articles 9 and 18 protect the child's relationship with both parents. In its 2022 Concluding Observations CRC/C/GRC/CO/4-6, the UN Committee on the Rights of the Child called on Greece to ensure in practice shared parental responsibilities and, in cases of separation, shared custody,

unless this is contrary to the best interests of the child. Recommendation CM/Rec(2025)4 of the Committee of Ministers of the Council of Europe calls for timely proceedings, meaningful participation of the child, transparent reasoning, and effective enforcement of decisions.

Without data, compliance with these obligations cannot be assessed, even in relation to such basic questions as:

- (a) how disputes concerning parental responsibility are determined and how day-to-day care is allocated in practice;
- (b) how often contact time approaches or exceeds the one-third presumption set out in Article 1520 of the Civil Code;
- (c) how often, and by what procedure, the child is heard;
- (d) how often social, psychological or other interdisciplinary reports are used and how long they take to complete;
- (e) how long proceedings last, how promptly interim protection is provided, and whether contact orders are ultimately enforced;
- (f) what proportion of decisions approve an agreement between the parents and what proportion are delivered following contested proceedings, a distinction without which the picture of judicial practice is distorted.

The GNCHR has already highlighted the importance of these issues. In its 2008 Observations on Greece's Third Periodic Report concerning the UN Convention on the Rights of the Child, it recorded, among other matters, the failure to apply the provisions requiring the child's views to be obtained before decisions on parental responsibility, the need to establish family courts and activate the social service provided for under Law 2447/1996, and the fact that the National Action Plan for Children's Rights remained at the draft stage. Eighteen years later, the absence of data makes it impossible to determine the extent to which those concerns have been addressed.

3. Good law-making: evaluation must precede amendment

Law 4622/2019, in Articles 56-64, establishes the framework for good law-making and regulatory evaluation. The announced revision of family law is a paradigmatic case in which that framework must be applied consistently. A law affecting the daily lives of thousands of children must be evaluated on the basis of its outcomes.

Moreover, since the announced objective of the State is to launch a public dialogue in order to identify shortcomings and opportunities to improve the existing provisions that determine the lives and daily reality of thousands of minor children in Greece, none of this can properly take place without tangible data recording how those provisions are applied.

If revision of the legislative framework is not founded on a prior evaluation, there is a serious risk that it will not be possible to distinguish whether the problem lies in the law itself or in its implementation. If, for example, the joint exercise of parental responsibility or the one-third presumption is applied only to a limited extent in judicial practice, the solution does not necessarily lie in further legislative wording, but may instead require specialisation, training, interdisciplinary support, and faster enforcement of decisions. Conversely, a hasty legislative amendment risks overturning provisions that have not yet been fully implemented and therefore cannot yet be reliably assessed. For this reason, the evaluation, as well as the assessment of the likely impact of the changes announced by the Ministry, must be based on a representative body of case-law and on the experiences of children and parents.

4. Findings of the available research

Despite the absence of official data, there are clear indications. Three studies, using different methodologies, converge in identifying a gap between the 2021 reform and its implementation in practice:

- (a) The master's thesis by Thomas-Christos Efstathiou, "Case-law following Law 4800/2021 concerning the joint custody of minor children", conducts a primary analysis of 431 decisions of the Athens Single-Member Court of First Instance from 2019, 2020, 2022 and 2023. It finds that, until 2020, the prevailing arrangement was sole custody, generally awarded to the mother, and that following Law 4800/2021 the first signs of increased joint custody appear, without a complete shift in practice and with contradictions and ambiguities in implementation.
- (b) The "Research on Judicial Decisions in Family Disputes of the Piraeus Court of First Instance", conducted by "A Child Needs 2 Parents" (2022), highlights the limited application of joint custody and the frequent setting of contact time below the statutory presumption.
- (c) The master's thesis by Viktoria Frizi, "Psychological and legal experiences of alienated and non-alienated separated parents from their own perspective in Greece following Law 4800/2021" (MSc in Forensic Psychiatry, School of Medicine, National and Kapodistrian University of Athens, 2025), a qualitative study based on semi-structured interviews and written testimonies from separated parents, records disappointment with the legal system, limited awareness of the phenomenon, and a lack of specialised psychological and legal support, concluding that implementation of the reform remains incomplete.

These studies are not presented as nationally representative proof. However, because they concern specific courts or samples, they demonstrate the need for a nationwide, methodical study and provide a ready methodological basis for such a study (see Request 3).

5. The ECtHR study: repeated findings of violations against Greece

The study "The ECtHR and the Protection of Family Life" (October 2026) examines the case-law of the European Court of Human Rights (ECtHR) and Greek cases concerning family life. Over a period spanning more than two decades, the ECtHR found violations in a series of Greek family-life cases:

ECtHR case	Judgment	Key ground of violation
Kosmopoulou v. Greece (60457/00)	5 February 2004	Insufficient substantive measures and procedural protection of contact.
Tsourlakis v. Greece (50796/07)	15 October 2009	Unreasoned refusal of access to a crucial social investigation report.
Fourkiotis v. Greece (74758/11)	16 June 2016	Failure to take prompt and practical measures to restore contact; a parent's lack of cooperation does not absolve the State.
Anagnostakis and Others v. Greece (46075/16)	23 September 2021	Excessive duration of contact proceedings and failure to exercise exceptional diligence.
Paparrigopoulos v. Greece (61657/16)	30 June 2022	Discrimination against an unmarried father in relation to parental responsibility and excessive duration.
I.S. v. Greece (19165/20)	23 May 2023	Failure to complete or monitor assessments, inactivity, and ineffective protection of contact.
Tzioumaka v. Greece (31022/20)	9 April 2024	Failure to enforce decisions and consolidation of de facto alienation.
M.P. and Others v. Greece (2068/24)	9 September 2025	Inadequate procedural examination of the hearing of the children and of the alleged grave risk.

ECtHR case	Judgment	Key ground of violation
Doulgerakis v. Greece (5769/19)	9 June 2026	Excessive duration of custody proceedings and inadequate supervision of expert assessments.

The cases are not identical, and the study also considers findings of no violation in order to identify the criteria under which the authorities' action is considered compatible with the Convention. Nevertheless, the persistence and thematic convergence of the findings regarding duration, enforcement, procedural safeguards, expert assessments, and the hearing of the child are a serious indication that these are not merely isolated shortcomings.

The dimensions of the violations largely correspond to questions (a)-(f) in section 2, which are not currently measured. It is therefore impossible to demonstrate the effectiveness of the general measures that Greece is required to adopt under Article 46 of the European Convention on Human Rights (ECHR). In family cases, the passage of time may have irreversible consequences for the parent-child relationship that cannot be repaired by subsequent compensation.

For these reasons, on 9 November 2026 our organisation submitted a communication under Rule 9.2 to the Committee of Ministers of the Council of Europe in the context of the supervision of the execution of the relevant judgments. We nevertheless consider that the GNCHR, as Greece's independent national human rights institution, is best placed to ensure that the response is provided first and foremost at national level, promptly and on the basis of reliable evidence.

6. Requests to the GNCHR

On the basis of the above, we request that the GNCHR, within the scope of its powers under Article 12 of Law 4780/2021, intervene as follows:

A. Creation of data on children's rights following parental separation

1. Issue a recommendation to the Ministry of Justice for the creation, according to a specific and public timetable, of structured fields within OSDDY-PP and JustStat capable of answering questions (a)-(f) in section 2.
2. Request the annual publication of fully anonymised and comparable family-justice indicators, together with the establishment of a permanent mechanism for monitoring the situation of children following parental separation.
3. Pending the operation of that system, request a representative sample study of decisions from 2021-2026, in cooperation with academic institutions and on the basis of a publicly available methodology, to measure the actual development of judicial practice by year, using the pre-reform years as a baseline. The study should use the coding categories developed in the research referred to in section 4 and should inform the design of the structured fields requested under point 1.

B. Good law-making in relation to the family-law amendments announced by the Ministry of Justice

4. Submit observations so that the Ministry's evaluation committee is established with a clear mandate, methodology, indicators and timetable, a pluralistic composition, and transparency in its work.
5. Recommend that any substantive amendment of Law 4800/2021 be preceded by an independent and public evaluation report under Law 4622/2019, distinguishing problems inherent in the legal rule from problems arising in its implementation (section 3).
6. Monitor the legislative drafting process and issue an opinion on the draft law before its submission to Parliament, particularly as regards its compatibility with Articles 3, 9, 12 and 18 of the Convention on the Rights of the Child and Article 8 ECHR.

C. Use of the existing research material

7. Examine the study referred to in section 5 and submit observations on the necessary general measures, particularly a protocol of exceptional diligence, a practical plan for enforcing contact decisions, a uniform child-centred hearing protocol, supervision of expert assessments, and activation of specialised family-law divisions and social services (see sections 2 and 5).

We wish to clarify that our approach does not frame the issue as a conflict between parents. At its centre is the child's right to genuine and meaningful family life, based on an individual assessment of each case, particularly where substantiated allegations of violence or abuse exist. In accordance with our statutory principles, our objective is to identify distortions in this particularly demanding field of children's rights protection, so that the State has all the information necessary to adopt the most appropriate measures. Where a reform concerns children's daily lives following parental separation, legislation alone is not sufficient. The State must be able to determine whether its rules work in practice, while Parliament and the political parties called upon to assess the announced amendments must have an objective evidentiary basis for doing so.

We remain at your disposal to present the relevant material at a meeting with the competent members of the GNCHR and to provide any further information.

Yours sincerely,

For the Board of Directors of the Civil Non-Profit Company "A Child Needs 2 Parents"

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Related materials and supporting sources

A. International and European framework

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

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

3. UN Committee on the Rights of the Child, Concluding Observations on Greece, CRC/C/GRC/CO/4-6, 28 June 2022.

4. Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2025)4 to member States on the protection of the rights and best interests of the child in parental separation proceedings, adopted on 28 May 2025.

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

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

6. ECtHR, Kosmopoulou v. Greece (60457/00), judgment of 5 February 2004.

7. ECtHR, Tsourlakis v. Greece (50796/07), judgment of 15 October 2009.

8. ECtHR, Fourkiotis v. Greece (74758/11), judgment of 16 June 2016.

9. ECtHR, Anagnostakis and Others v. Greece (46075/16), judgment of 23 September 2021.

10. ECtHR, Paparrigopoulos v. Greece (61657/16), judgment of 30 June 2022.

11. ECtHR, I.S. v. Greece (19165/20), judgment of 23 May 2023.

12. ECtHR, Tzioumaka v. Greece (31022/20), judgment of 9 April 2024.

13. ECtHR, M.P. and Others v. Greece (2068/24), judgment of 9 September 2025.

14. ECtHR, Doulgerakis v. Greece (5769/19), judgment of 9 June 2026.

C. Greek legislation

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

16. Law 2447/1996 (Government Gazette A 278/30.12.1996), particularly Articles 48-50 on specialised family-law divisions and social services at Courts of First Instance.

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

18. Law 4622/2019 (Government Gazette A 133/7.8.2019), particularly Articles 56-64 on good law-making and regulatory evaluation.

19. Law 4780/2021 (Government Gazette A 30/28.02.2021), "National Accessibility Authority, Greek National Commission for Human Rights and National Commission for Bioethics and Technoethics".

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

D. Independent academic studies

21. Thomas-Christos Efstathiou, "Case-law following Law 4800/2021 concerning the joint custody of minor children", MSc in Civil Law, National and Kapodistrian University of Athens School of Law, September 2025.

22. Viktoria Frizi, “Psychological and legal experiences of alienated and non-alienated separated parents from their own perspective in Greece following Law 4800/2021”, master’s thesis, MSc in Forensic Psychiatry, School of Medicine, National and Kapodistrian University of Athens, December 2025.

E. Studies by “A Child Needs 2 Parents”

23. Research on Judicial Decisions in Family Disputes of the Piraeus Court of First Instance, Civil Non-Profit Company “A Child Needs 2 Parents”, 2022.

24. Civil Non-Profit Company “A Child Needs 2 Parents”, supporting study “The ECtHR and the Protection of Family Life”, 2026.

F. Correspondence and institutional documents

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

26. Civil Non-Profit Company “A Child Needs 2 Parents”, letter to the Ministry of Justice dated 8 July 2026.

27. Hellenic Parliament, Parliamentary Report No. 3250/31.8.2026, submitted in the context of parliamentary scrutiny.

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

29. Civil Non-Profit Company “A Child Needs 2 Parents”, “Family law without data: the response of the Ministry of Justice”, 26 October 2026.

30. Intervention of “A Child Needs 2 Parents” dated 2 November 2026 to the Ministry of Justice, entitled “Evaluation of the five years of implementation of Law 4800/2021 and possible reform of Family Law in the absence of available data: the need for prior evidence, implementation of the existing framework, and a National Action Plan for the protection of children’s rights”.

31. Communication by “A Child Needs 2 Parents” under Rule 9.2 to the Committee of Ministers of the Council of Europe concerning effective and child-centred family justice, dated 9 November 2026.

32. GNCHR Observations on the Third Periodic Report concerning implementation of the UN Convention on the Rights of the Child (2008).

G. Effectiveness and quality of justice

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

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

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

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

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

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