

Greece

**the persistence of sole
custody**

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I) our organisation

II) sole custody etc.

III) success and failure

(I)
THE
ORGANISATION

GON.IS

ΓΟΝ.ΙΣ. = ΓΟΝΙΚΗ ΙΣΟΤΗΤΑ

stands for :

Association for the equality of parents and
the rights of the children

it sounds as the greek word for parents

independent associations formally established in the cities

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- Chalkis 2009
- Pireus 2009
- Athens 2012
- Salonica 2012
- Attica 2013

www.gonis.gr

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initial logo

parental equality for the child

- suffocating embrace
- restriction instead of moving forward
- reflects an older concept



actual logo

Time and care for the child

- offering instead of deciding
- supporting instead of controlling
- offering time instead of claiming rights



(II)

SOLE CUSTODY etc.

The current situation

- not a single judicial decision according joint custody
- custody is assigned to the mother in aprox. 90 % of the cases
- children born out of wedlock : mother's sole parental authority
- Supr. Court's jurisprudence *"the best interest of the child is to be grown up by his mother"*
- total lack of judicial social services
- endless judicial litigations (divorce / custody / alimony / visitation)
- impossibility of enforcing judicial decision concerning children
- mediation is not allowed for custody settlements
- discrimination in social benefits and tax reduction

family law in the process of change

1983 : abolition of long lasting institutions of roman law

- divorce was facilitated
- abolition of the “*potestas*”
- abolition of the “*dowry*” - “*la dote*”
- abolition of “*the father is the head of the family, and the woman is in charge of the houskeeping*” (sic)
- introduction of the equality of the spouses
- abolition of all distinctions against children (not fathers) born out of wedlock
- abolition of the crime of adultery and abortion

1983's new concepts and legal terms

- parental authority (responsibility) = ΓΟΝΙΚΗ ΜΕΡΙΜΝΑ
- legal custody = ΕΠΙΜΕΛΕΙΑ
- physical custody = ΦΡΟΝΤΙΔΑ

The courts have made inapplicable the law of 1983

- The law has moved ahead, the legislation has set back.
- In case of litigation all judges award sole custody to the mother because this is dictated by the “best interest of the child”
- Such an obligation is not founded on the law, only on prejudice.

Common myths that judges believe in :

- It is better children to be raised by a single parent in order to avoid tensions in the children's environment
- the "suitcase theory" is applied also in the case of visitation
- The "attachment theory", completed by the theory of "the stable environment for the child's growth"
- Overnight visitation until the age of 7 or even more is better to avoid
- visitation is a right of the father not a right of the child

explanations

- the “legal custody” was before 1983 an *acquis* of separated women, the female equivalent of *potestas*.
- women’s organisations are not willing to give up to that privilege which is nowadays completely out of place.
- women’s organisations need a cause to fight for in order to keep receiving scandalous subsidies from the national and the E.U.’s budget.

(III)

SUCCESS AND FAILURE

what we have succeeded in since 2009 :

1. The agreement of joint custody (2010)
2. The participation of both parents to the educational procedure (2010)
3. All tax reductions in favour of the divorced woman have been abolished (2011)
4. The national authority for the NY Convention has taken position in favour of joint custody (2012)
5. Divorced women are no more considered a “single parent’s family” (2013)
6. A national web site of an significant HTC

where we have failed

1. the 2009 amendment of the law introducing as compulsory the joint custody
2. the 2012 draft amendment where we have submitted a project about joint custody, judicial social services, the alimony, the agreement on the child's city of residence
3. dealing with “false accusations”, and with the impossibility of enforcement of judicial decisions.

strategies for the future

1. Working together with organisations in other countries and undertaking campaigns in common.
2. Improving knowledge and gathering information.
3. Legal action against the anachronistic jurisprudence that considers as the best interest of the child is to be raised only by his mother.
4. Trying nationwide to introduce the family mediation, not allowed until now.

Thank you for your attention,

Thank you for your remarks