

(English version)

**Question for written answer E-001429/25
to the Commission
Elena Kountoura (The Left)
(8 April 2025)**

Subject: Violations of Article 48 of the Istanbul Convention and European legislation on the protection of victims due to criminal mediation

According to a report by GREVIO ⁽¹⁾, Greece continues to apply mediation mechanisms in cases of domestic violence, which constitutes a violation of Article 48 of the Istanbul Convention ⁽²⁾. The report points out that criminal mediation is applied without sufficient safeguards to protect victims from secondary victimisation, intimidation and retaliation, while the compliance of perpetrators with the terms of the procedure is not ensured ⁽³⁾.

Having regard to: (a) Parliament resolution ⁽⁴⁾, which underlines the need to avoid mediation in cases of domestic violence in order to avoid further harm to victims, (b) the CJEU opinion on Article 48 of the Istanbul Convention, which states that it falls within the scope of Article 82(2) TFEU, (c) the Commission's implementation report, 2020, which finds that most Member States have serious shortcomings in the implementation of Article 12 of Directive 2012/29/EU on the protection of victims ⁽⁵⁾:

1. Will the Commission examine the extent to which the practice of criminal mediation in Greece is in line with the obligations arising from Article 48 of the Istanbul Convention and Directive 2012/29/EU?
2. How will the Commission act to ensure that mediation is not used in cases of gender-based and domestic violence in breach of European and international commitments?
3. How will the Commission ensure that the Greek authorities provide the necessary guarantees for the protection of victims participating in such procedures?

Submitted: 8.4.2025

**Answer given by Ms Lahbib on behalf of the European Commission
(13 June 2025)**

Article 48 of the Istanbul Convention requires Parties to prohibit mandatory alternative dispute resolution processes. In the referred GREVIO Baseline evaluation Report, GREVIO notes that criminal mediation is not mandatory in criminal justice procedures in Greece ⁽¹⁾.

Pursuant to Article 12 of the Victims' Rights Directive ⁽²⁾ (VRD), in Member States where restorative justice services are provided, safeguards shall be in place to ensure the victim is not further victimised and the participation of the victim shall be voluntary.

Other factors such as power imbalances should also be taken into consideration in conducting a restorative justice process. The Commission has analysed whether Member States have completely transposed into national legislation all normative provisions of the VRD.

In its role as guardian of the Treaties, the Commission continues to monitor the correct enforcement of these provisions in all Member States, including in Greece, and will take appropriate action, if necessary.

In the referred GREVIO Baseline evaluation Report, GREVIO also recommend that all relevant actors in the criminal justice sector receive training on the gendered dynamics of domestic violence.

In this regard, Article 36 of the directive on combating violence against women and domestic violence Directive ⁽³⁾ requires Member States to provide general and specialist training and information for professionals meeting victims of violence against women and domestic violence.

¹ Report of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence, 14 November 2023. <https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad469d>

² <https://rm.coe.int/168046031c>

³ It is noted that according to GREVIO, non-compliance with the mediation procedure by the abusive parent does not, in practice, result in sanctions by the Greek authorities.

⁴ Parliament resolution of 6 October 2021 on the impact of intimate partner violence and custody rights on women and children (2019/2166(INI)), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0406_EN.html.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0188>.

⁽¹⁾ GREVIO Baseline Evaluation Report, p. 57, para 242-248.

⁽²⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. OJ L 315, 14.11.2012, p. 57.

⁽³⁾ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, OJ of 24.5.2024, L p. 1.

Member States, including Greece, will need to implement this directive by June 2027. During this period, the Commission will hold implementation workshops to steer the timely and complete transposition of the directive.
