



Name of Country and Jurisdiction:

Greece

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Greece, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Greece for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



| LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE | GEOGRAPHY | LAW | AVAILABLE TO SAME-SEX COUPLE? |
|--|-----------|---|-------------------------------|
| Marriage, registered (civil and religious) | Greece | Recognized marriages have been limited to opposite-sex couples, although the statutory origin of this limitation has not been discovered. | No |
| Civil partnership, registered | Greece | Law no. 3719/2008 (“Reforms concerning the family, children and society”) established civil partnerships for opposite-sex couples. Law no. 4356/2015 (“Cohabitation agreement, exercise of rights, penal and other provisions”), passed in December 2015, extended this union to same-sex couples. | Yes |

NOTE: Greece recognizes as valid both civil and religious marriages. The Hellenic Parliament passed a bill allowing same-sex couples to enter into civil partnerships on December 23, 2015.



2. What are the requirements to be able to enter into the above relationship?

(i) Geographic requirements:



| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Civil partnership | Applies to any union entered into in Greece or before the Greek municipal authority. Neither party is required to be a citizen of Greece, but some municipalities within Greece require proof of residence within the municipality. (Covenant Partnership, Article 13) |

(ii) Other substantive eligibility criteria:

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Civil partnership | Both parties must be: <ul style="list-style-type: none"> • Free to marry (not currently married); • At least 15 years of age; and • Not related to each other by blood up to the fourth degree. (Covenant Partnership, Article 2) |



3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



| | |
|---------|--|
| (a)–(c) | Not applicable. Greece does not recognize marriage for same-sex couples. |
|---------|--|

Q

4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Civil partnership | Neither partner may be party to an existing marriage or civil union. (Covenant Partnership, Article 2) |

Q

5. When a couple comes to Greece, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Civil partnership | Pre-existing civil partnerships are not recognized. (Covenant Partnership, Article 13) |

Q

6. How can each form of relationship be dissolved? What is the residency requirement or other link to Greece for an authority to grant a divorce/ dissolution?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Civil partnership | <p>Greek courts may grant a divorce if one partner is a Greek citizen, if the partners had their last common residence in Greece, or if the defendant in a divorce lawsuit has permanent residence in Greece.</p> <ul style="list-style-type: none"> • Consensual divorce is granted if both spouses sign and file a joint petition with the court. • In a contested divorce, either spouse may submit a divorce petition. <p>Annulment is possible where one of the parties did not possess legal capacity at the time of the union or where the union is voidable by mistake or duress.</p> <p>(Covenant Partnership, Article 13)</p> |

■ Sources:

Primary

- The Greek Constitution, available at <http://www.hri.org/docs/syntagma/artcl25.html#A21>.
- Law no. 3719/2008 (“Reforms concerning the family, children and society”), available at <http://savigny.ethemis.gr/2014/04/09/translation-greek-law-37192008-registered-partnerships-official-gazette-241-26-11-2008>.
- Law no. 4356/2015 (“Cohabitation agreement, exercise of rights, penal and other provisions”), available in Greek at http://www.et.gr/idoocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wE4q6ggiv8WTXdtvSoClrL8RZsdmVE36E95MXD0LzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKI3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJb0x1LIdQ163nV9K--td6SluVoHeYO-VoUaxueGay4CXn5RDBq72FoViJdyfkM3t-nE.
- Covenant Partnership Legislation, *The Greek Government Gazette*, available at <http://www.et.gr/index.php/2013-01-28-14-06-23/2013-01-29-08-13-13>.
- The Greek Civil Code.

Secondary

- *Case of Vallianatos and Others v. Greece* (applications nos. 29381/09 and 32684/09), available at <http://www.strasbourgconsortium.org/content/blurb/files/CASE%20OF%20VALLIANATOS%20AND%20OTHERS%20v.%20GREECE.pdf>.
- Helen Popper, Greece legalizes same-sex civil partnerships, Politico (Dec. 23, 2015), <http://www.politico.eu/article/greece-civil-unions-vote-parliament-lgbti-bill>.
- Same-sex marriages annulled as illegal in Greece, The Guardian (May 5, 2009), <http://www.theguardian.com/world/2009/may/05/greece-same-sex-marriage>.
- U.S. Embassy, Athens, Greece, General Information Concerning Marriage Ceremonies in Greece (Jan. 2013), http://photos.state.gov/libraries/greece/38517/uscitizens/marriage_info_2013_updated.pdf.