



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Greece
Title:	Introduction of civil partnership for same-sex couples and amendments of the general anti-discrimination legislation
Date:	13 January 2016
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<u>Context</u>	
Issue at stake:	Elimination of discrimination in employment and social protection of same-sex couples and improvement of provisions regarding equal treatment in the area of access to goods and services
Ground of discrimination:	<i>Sexual orientation</i> as far as civil partnership is concerned, and <i>all grounds</i> as far as other amendments of anti-discrimination legislation are concerned
Source:	Legislation
Field:	Employment, social protection, social advantages, access to goods and services
Applicable law:	Law 4356/2015 (OJ 181 A / 24.12.2015)

Content

Law development:

On 23th December 2015, 193 deputies of the 300-seat Greek Parliament voted in favour of a human-rights' bill which recognises same-sex civil partnerships. Although Greece recognises those unions for heterosexual couples since 2008 homosexual couples were excluded, which the European Court of Human Rights ruled discriminatory in 2013.¹

Under the previous legal framework (Law 3719/2008) same-sex couples were discriminated in various fields since due to their sexual orientation they were not allowed to constitute a civil partnership agreement and therefore used to be deprived of basic rights related to family and professional life, such as, for example, the right of "joint service" ("συνυπηρέτηση") which is only offered to couples in the field of employment (e.g. civil servant law, armed forces, etc). "Joint service" renders the cohabitation of two persons possible, therefore ensuring the effective protection and enjoyment of family and professional life.

In contrast with what was established before the introduction of the Law 4356/2015 and according to what has been highlighted by the ECtHR, or is applied in most of the CoE Member-States notwithstanding the variety of legal provisions from country to country; the new legal provisions recognise that persons which enter into civil partnerships acquire a similar legal status to that of married couples, since they acquire rights related to taxing systems, health insurance and pensions, residence permits and citizenship rights, refusal to testify, next of kin status for medical purposes, etc.²

¹ ECtHR, *Vallianatos and others v Greece*, 07.11.2013.

² ECtHR, *Schalk and Kopf v Austria*, 24.6.2010, par. 31-34.

The new Law also introduces some other Articles that improve equal treatment in general. For instance, Article 15 of the Law establishes a "*National Council against Racism and Intolerance*" (*the Council*) as an advisory body for improving the consultation process and cooperation amongst stakeholders as well as for improving services on issues related to preventing and combating racism and intolerance. Article 17 states that the Council is responsible for the harmonisation with international and European regulations and practice; and the development of initiatives throughout the whole Public Sector in order to achieve the most effective protection of persons and groups which are targeted because of their race, colour, national or ethnic origin, descent, social origin, religious or other beliefs, sexual orientation, gender identity or disability. Furthermore, a *National Action Plan*³ will be carried out with clear qualitative and quantitative indicators, which will progress through the following stages: a) prioritisation of goals and cost, b) observation and update and c) evaluation, in order to ensure the coordinated combating of racism and intolerance by State.

Finally, the new Law introduces an important amendment concerning the general anti-discrimination legislation. Greece's legal order already punishes discriminatory treatment during transactional providing of services and goods, by virtue of Law 3305/2005. Through Art 29 of the Law, cases of contemptuous treatment which lead to the person's exclusion from the providing of services and goods based on grounds of race, colour, national or ethnic origin, descent, religious or other beliefs, sexual orientation, gender identity, or disability is included. Through criminal law victims are now covered as regards to volunteer or humanitarian assistance, since in these cases the contemptuous character of exclusion does not only impair the social status of the victim, but also demonstrates that the victim is not even acknowledged as a human being; thus, humiliating him/her and simultaneously fuelling propaganda which cultivates a belief that certain lives are stripped of humanity and therefore, not worthy of food or medical treatment. This provision refers to exclusion from the provision of services and goods, which objectively leads to the demonstrated contempt of the victim.

Key points of analysis:

The end of discrimination on the ground of sexual orientation in the fields of social protection, social advantages and employment through the introduction of a civil partnership agreement is a breakthrough for the Greek legal order. The fact that the element of contempt should not only exist as an internal state, and that the actual humiliation of a victim of discrimination should derive from the circumstances and the particular characteristics of the discriminatory act itself, constitutes also an important innovation.

Internet link source:

<https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-181-2015-%CF%83%CE%B5%CE%BB-1.html>, last accessed 11/01/2016.

³ Articles 15-19 of Law 4356/2015.