

## Income, troubles and legal family formats in Greece

by Dafni Lima <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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earlier version of the answers in this section of the database.

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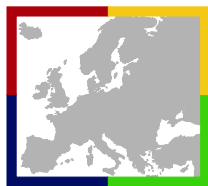


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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper: K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Greece

The answers concerning Greece can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

#### Formalisation of legal family formats in Greece

by Lina Papadopoulou (Section 1)

#### Income, troubles and legal family formats in Greece

by Dafni Lima (Section 2)

#### Parenting and legal family formats in Greece

by Lina Papadopoulou (Section 3)

#### Migration and legal family formats in Greece

by Dafni Lima (Section 4)

#### Splitting up and legal family formats in Greece

by Lina Papadopoulou (Section 5)

#### Death and legal family formats in Greece

by Dafni Lima (Section 6)

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

**2.1 Lower income tax**

**2.2 Social benefits**

**2.3 Health insurance**

**2.4 Care between partners**

**2.5 Care for a parent**

**2.6 Next of kin**

**2.7 Domestic violence**

**2.8 Criminal procedure**

**2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

### **2.09 - General background regarding income and troubles (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

It is worth noting that, under the previous regime, when compared to spouses, registered partners in general had no household/welfare/social security/health insurance or otherwise public benefits. A provision stating explicitly that such spousal benefits would apply to registered partners directly was included in the first draft of the bill but it was subsequently retracted, leaving hardly any room for such an extension by interpretation or through a court. This was affirmed by the State Legal Council (essentially the Government Legal Service) which delivered Advisory Opinions (most prominently 224/2010 and 258/2010) against such extension of benefits by analogy. The State Legal Council decided in its Advisory Opinion No. 224/2010 that registered partners could not open a family file at the Registry Office together and were not entitled to marriage leave or family allowance (despite its name, this allowance stems from the spousal relationship and not from the parent-child relationship and is provided to facilitate the couple that has to meet the costs of getting married and starting a family). In its Advisory Opinion 258/2010, the State Legal Council expressly stated that “..it is not possible to extend by analogy provisions regarding marriage to registered partners in a civil union. Persons who enter into a civil union don’t fall under family members nor can they be regarded as spouses in order to be entitled to the same social security, health insurance and pension rights that spouses are entitled to”.

This landscape changed radically with the introduction of law 4356/2015, which applies to both same-sex and opposite-sex couples. According to article 12 of law 4356/2015 "any other provisions in law that regulate claims between spouses, or claims, benefits and privileges against third parties or the State apply by analogy to registered partners, unless otherwise specifically regulated in the present or any other law".

The new law came into force on the 24th of December 2015, but it was not until the end of January that the State Registry Office was ready to accept registered partnerships under the new regime. The first same-sex registered partnership was concluded on the 25th of January 2016, before the Major of Athens.

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 2013	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No 0000	2016 No 0000
No, but 1994		No 2008	N/A 0000		
No, but 1967		N/A 0000			
No, but 0000					

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 67(4) of Law 4172/2013 (Code of Income Tax): "4. Spouses during marriage shall make a joint statement on the income to which the tax, charges and contributions attributable are calculated separately on the income of each spouse. Any loss of income of one spouse is not offset against the income of the other spouse. The husband is obliged to submit the joint statement concerning also the income of his wife".</p> <p>Art. 5(1) of Law 2238/1994 (Code of Income Tax).</p> <p>Art. 3 of Obligatory Law 239/1967.</p> <p>Art. 2(1) of Legislative Decree 4444/1964.</p>		<p><b>References to legal sources:</b>            Art. 12 of Law 4356/2015.</p> <p>Art. 67(4) of Law 4172/2013 (Code of Income Tax): "4. Spouses during marriage shall make a joint statement on the income to which the tax, charges and contributions attributable are calculated separately on the income of each spouse. Any loss of income of one spouse is not offset against the income of the other spouse. The husband is obliged to submit the joint statement concerning also the income of his wife".</p>		<p><b>References to legal sources:</b></p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Same-sex marriage does not exist under Greek Law.</p> <p>No, but in cases that the income of one spouse comes from a business that is financially dependent upon the other spouse, then this income is added to the latter spouse's income, which may lead to higher tax. Legislative Decree 4444/1964 first introduced the system of separate taxation of spouses, but until Obligatory Law 239/1967 the husband was still responsible for paying his wife's tax.</p> <p>Still, in some ways income tax law is favourable to spouses when compared to an individual who is not married. Under Greek Law, a "presumptive income" is calculated for every taxpayer, i.e. the minimum income that they should have attained according to the assets and expenses they declare. If the so-called "real income" they declare is lower, they have to account for the difference, otherwise the presumptive income is taken into account in order to calculate the income tax they have to pay. According to art. 34 par. 2(a) of Law 4172/2013 (Code of Income Tax) one of the ways to account for the difference between the real and the presumptive income is to take into account the other spouse's income that is not subject to tax or is subject to special regulations. That is beneficial for them as accounting for the difference between real and presumptive income will result to lower income tax. Furthermore, the annual objective expenses are determined to be €3,000 for unmarried individuals and €5,000 for spouses, according to art. 31 par. 1 (theta [i]) of Law Law 4172/2013. The same provisions existed under Law 2238/1994, under articles 19 par. 2(a), and 16 par. 1 (theta [i]) as amended by Law 4110/2013.</p>		<p><b>Explanations and nuances:</b>                      No such provision existed for (until then only opposite-sex) registered partners until the new law 4356 of December 2015. Under this law (Art. 12), which applies to both same-sex and opposite-sex couples, "any other provisions in law that regulate claims between spouses, or claims, benefits and privileges against third parties or the State apply by analogy to registered partners, unless otherwise specifically regulated in the present or any other law".</p>		<p><b>Explanations and nuances:</b>                      Cohabitation is not regulated as a whole under Greek Law, except for very specific provisions outside the tax field.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 1985	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No 0000	2016 No 0000
?		No 2008	N/A 0000		
		N/A 0000			
<b>References to legal sources:</b> Art. 2, 3, 4, 5 and 7 of Law 1545/1985 (National System of Protection against Unemployment etc.).		<b>References to legal sources:</b> Art. 2, 3, 4, 5 and 7 of Law 1545/1985 (National System of Protection against Unemployment etc.).  Art. 12 of Law 4356/2015.		<b>References to legal sources:</b>	



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      No in general, but Yes in the case of Art. 2 of Law 1545/1985 which provides for a social benefit for those unemployed who are between the age of 20 and 29, and who are not entitled to this benefit if their spouse is working or receiving pension or this same benefit.</p>		<p><b>Explanations and nuances:</b>                      Under article 12 of law 4356/2015, which applies to both same-sex and opposite-sex couples, "any other provisions in law that regulate claims between spouses, or claims, benefits and privileges against third parties or the State apply by analogy to registered partners, unless otherwise specifically regulated in the present or any other law".</p>		<p><b>Explanations and nuances:</b>                      Cohabitation is not regulated as a whole under Greek Law, except for very specific provisions, but these do not concern social benefits.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 2012	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No 0000	2016 No 0000
No, but 2011		No 2008	N/A 0000		
? 0000		N/A 0000			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 3 of Comprehensive Regulation of Health Benefits of EOPYY (Ministerial Decision EMII5/2012, State Gazette B'/3054/18.11.2012).</p> <p>Art. 3 of Comprehensive Regulation of Health Benefits of EOPYY (Ministerial Decision Φ.90380/25916/3294, State Gazette B'/2456/2011).</p>		<p><b>References to legal sources:</b>            Art. 12 of Law 4356/2015.</p> <p>Art. 3 of Comprehensive Regulation of Health Benefits of EOPYY (Ministerial Decision EMII5/2012, State Gazette B'/3054/18.11.2012).</p> <p>Art. 3 of Comprehensive Regulation of Health Benefits of EOPYY (Ministerial Decision Φ.90380/25916/3294, State Gazette B'/2456/2011).</p>		<p><b>References to legal sources:</b>            No relevant provision exists.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      In Greece public health insurance is the rule, so my answer refers to that, also seeing that private insurance differs according to each insurance company and each particular agreement. No, because each spouse that is working in general insures himself/herself independently. Only in cases that one spouse does not work or receive a pension etc., can the other spouse request health insurance for them (as a "protected member of family", or as "an indirectly insured person") from his/her public health insurance institution. Insurance fees may differ each year and according to each institution, so my research has yielded no legal source as to the exact amount that is to be paid for insuring a spouse.</p> <p>Clarification as regards the legal sources: both the former (2011) and the new (2012) Comprehensive Regulations contain the exact same provision on spouses, the difference being that the 2012 Regulation extends to individuals insured in other minor public health insurance institutions that were until then regulated similarly but under separate laws, but are now merged with EOPYY [National Organisation on the Provision of Health Services], as well as, per Art. 3 of the 2012 Regulation, any other individuals insured in other public health insurance institutions to be merged with EOPYY in the future.</p>		<p><b>Explanations and nuances:</b>                      See question 2.2 above.</p> <p>For the previous regime (before law 4356/2015) the State Legal Council expressly stated in its Advisory Opinion 258/2010 that "...it is not possible to extend by analogy provisions regarding marriage to registered partners in a civil union. Persons who enter into a civil union don't fall under family members nor can they be regarded as spouses in order to be entitled to the same social security, health insurance and pension rights that spouses are entitled to".</p>		<p><b>Explanations and nuances:</b></p>	

Jurisdiction: **Greece**

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Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 No 2015	2016 No 2015	2016 No 0000	2016 No 0000
		No 2008	N/A 0000		
		N/A 0000			
<b>References to legal sources:</b> No such provision exists.		<b>References to legal sources:</b> No such provision exists.		<b>References to legal sources:</b> No such provision exists.	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 No 2015	2016 No 2015	2016 No 0000	2016 No 0000
		No 2008	N/A 0000		
		N/A 0000			
<b>References to legal sources:</b> No such provision exists.		<b>References to legal sources:</b> No such provision exists.		<b>References to legal sources:</b> No such provision exists.	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2005	2016 N/A 0000	2016 Yes 2015	2016 Yes 2015	2016 Yes 2005	2016 Doubt 2005
Yes 1955		Yes 2008	N/A 0000	? 0000	? 0000
		N/A 0000			
<b>References to legal sources:</b> Art. 1(4) of the Code of Medical Ethics (Law 3418/2005).		<b>References to legal sources:</b> Art. 1(4) of the Code of Medical Ethics (Law 3418/2005).		<b>References to legal sources:</b> Art. 1(4) of the Code of Medical Ethics (Law 3418/2005).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            According to the current Code of Medical Ethics, among other relatives (e.g. parents, siblings), a spouse or a permanent partner (even a sibling's permanent partner!) can consent to a medical act when the patient is unable to provide consent themselves. Royal Decree 25.5/6.7.1955 "On the Regulation of Medical Ethics" which regulated the situation prior to 2005 did not contain a specific provision on the matter, but it was inferred from several of its provisions (see e.g. art. 24 and 25, stating that the patient or the "relatives" of the patient may decide to call another doctor; it is certain that the spouse was included in the notion of "relatives").</p>		<p><b>Explanations and nuances:</b>            There is no specific provision with regard to registered partners, but Art. 1(4) of the Code of Medical Ethics expressly refers not only to spouses, but to "permanent partners" as well.</p>		<p><b>Explanations and nuances:</b>            There is no specific provision with regard to cohabitants, but art. 1(4) of the Code of Medical Ethics expressly refers not only to spouses, but to "permanent partners" as well. Two partners living together for at least two years would most probably qualify as such, although my research in case law yielded no results. It might also be conceivable, since how the notion "permanent partner" is interpreted will rest upon the medical staff or the court in question, that same-sex cohabitants might be recognised as such. However, I believe that this would be extremely unlikely in practice.</p>	



Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2006	2016 N/A 0000	2016 Yes 2015	2016 Yes 2015	2016 Yes 2006	2016 No 0000
No 0000		Yes 2008	N/A 0000	No 0000	
		N/A 0000			
<b>References to legal sources:</b> Art. 1(2) of Law 3500/2006.		<b>References to legal sources:</b> Art. 12 of Law 4356/2015.  Art. 1(2) of Law 3500/2006.		<b>References to legal sources:</b> Art. 1(2) of Law 3500/2006.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Law 3500/2006 amends some provisions under family and criminal law in favour of a partner who is a victim of domestic violence. For example, in such cases a judge may order the violent partner to move out of the house and not come near the victim's residence, workplace, school, their close relatives' residences etc. The law also states that victims have a right to free legal aid by the state.</p> <p>Articles 6, 7, 9 and 10 raise the minimum penalty for the following crimes: art. 6 battery, art. 7 assault and coercion, art. 9 sexual insults and art. 10 obstruction of justice in relevant criminal cases. For example, battery that could cause danger for the victim's life or serious bodily harm is punished by a minimum of two years imprisonment - instead of a minimum of three months in cases other than domestic violence, as per art. 309 of the Greek Criminal Code.</p> <p>Perhaps most notable is art. 8 that amended the Greek Criminal Code with regard to the crimes of rape (art. 336 of the Criminal Code) and taking sexual advantage of a person incapable of resisting (art. 338 of the Criminal Code). Up until then, art. 336 defined rape i.a. as coerced intercourse "outside of wedlock", while coerced intercourse between spouses was regarded by case law to fall under the crime of "coercion" - which of course provided for a lower penalty, was a misdemeanor, not a felony as rape is, and carried less social stigma for the perpetrator. Similarly, art. 338 of the Criminal Code criminalised intercourse "outside of wedlock" with an unconscious or otherwise unable to resist person, before it was amended by art. 8 of law 3500/2006 to criminalise intercourse under such circumstances between spouses as well.</p>		<p><b>Explanations and nuances:</b>                      Registered partnership was introduced in 2008, only for opposite-sex couples. There was no specific provision with regard to registered partners, but Art. 1(2) of Law 3500/2006 expressly refers not only to spouses, but to "permanent partners" as well. However, this only applied to opposite-sex spouses, as law 3500/2006 uses gender-sensitive wording (see explanation here (2.07) for cohabitants).</p> <p>After the introduction of law 4356/2015 all provisions that refer to spouses apply by analogy to registered partners (see question 2.02), so 3500/2006 applies both to opposite-sex and same-sex couples.</p>		<p><b>Explanations and nuances:</b>                      There is no specific provision with regard to cohabitants, but Art. 1(2) of Law 3500/2006 expressly refers not only to spouses, but to "permanent partners" as well. Two partners living together for at least two years would most probably qualify as such, although my research in case law yielded no results. Law 3500/2006 refers to "the man's (female) permanent partner or the woman's (male) permanent partner" (since in Greek adjectives vary according to gender), so it cannot be interpreted to include same-sex cohabitants. Application by analogy is unlikely since it is a criminal law where such application is, as a rule, forbidden.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Income, troubles and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-GR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1986	2016 N/A 0000	2016 Yes 2015	2016 Yes 2015	2016 No 0000	2016 No 0000
?		No 2008	N/A 0000		
		N/A 0000			
<b>References to legal sources:</b> Art. 222 of the Criminal Procedure Code (Presidential Decree 258/1986).		<b>References to legal sources:</b> Art. 12 of Law 4356/2015.  Art. 222 of the Criminal Procedure Code (Presidential Decree 258/1986).		<b>References to legal sources:</b> No such provision exists for cohabitants.	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> See question 2.2 above.		<b>Explanations and nuances:</b>	