

Parenting and legal family formats in Greece

by Lina Papadopoulou ¹

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 3 – Parenting)

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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. 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.

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):

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 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

3.1 Assisted insemination

3.2 IVF

3.3 Surrogacy

3.4 Legal parenthood

3.5 Parental authority

3.6 Parental leave for both parents

3.7 Parental leave for partners

3.8 Grandparents

3.9 Second-parent adoption

3.10 Joint adoption

3.11 Individual adoption

3.12 General background regarding parenting

3.13 Single parenting

3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

3.12 - General background regarding parenting (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, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

3.13 - Single parenting (Open question)

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

The law concerning parental responsibilities was reformed in 1983 through Law 1329. Until then, only the father had responsibility over the child, the administration of their property, and their legal representation (patria potestas). The mother's role came to the fore only when paternal authority had come to an end. Law 1329/1983 replaced the term “paternal authority” with “parental care”.

The general legal frame for medically assisted human reproduction is regulated by law 3089/2002. Law 3305/2005 sets the regulatory framework for fertility clinics and sets up a relevant National Authority in order to oversee compliance of the clinics' standards and practice to the law.

Although most Greeks are in favour of registered partnership for same sex couples, there is a widespread resistance to their recognition as parents.

All these options are legal for a single woman in Greece.

A single man, on the contrary, only has the option for adoption, at least theoretically, but he is not allowed to use surrogacy. But even for adoption, despite the lack of legal impediments, it will be rather more difficult than for a woman to qualify as suitable single parent.

Concerning surrogacy, there have been two cases of lower Courts (One Member First Instance Court of Athens 2827/2008 and One Member First Instance Court of Thessaloniki 13707/2009), which adjudicated that the legal possibility to use a surrogate should be extended to single men, and issued the judicial permit required by article 1458 Civil Code, based on sex equality concerns, given the fact that surrogacy is allowed for single women. However, these decisions have not been confirmed by higher Courts.

3.14 - Multiple parenting (Open question)

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

No such developments or even thoughts concerning multiple parenting exist. Greek society and state still believe that there can only be two parents, one father and one mother.

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.01 - Assisted insemination**

Is it legally possible in this type of relationship to become pregnant through medically assisted insemination using sperm of a donor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2002	2016 N/A 0000	2016 Yes 2008	2016 Yes, but 2015	2016 Yes 2002	2016 Yes, but 2002
Yes, but 0000		N/A 0000	N/A 0000	Doubt 0000	Doubt 0000
References to legal sources: Article 1456, 1460 of Civil Code as amended by Law 3089/2002, (see full text on: www.bioethics.gr/images/pdf/ENGLISH/BIOLAW/MEDICALLY_ASSISTED_REPRODUCTION/law_3089_en.pdf).		References to legal sources: Article 1456 and 1460 of Civil Code as amended by Law 3089/2002, which applies to different-sex couples analogically as to married (different-sex) couples.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Until 2002 the use of medically assisted reproduction was not legally regulated.</p>		<p>Explanations and nuances: The same as for married couples applies to different sex couples in registered partnership.</p> <p>For same sex couples recognition of common parentality through medically assisted reproduction is not foreseen. This means that, while a person in a same-sex registered partnership can make use of medically assisted reproduction techniques, as any single person can do, the partner of the birthmother (or legal father) cannot become the second (or third) legal parent.</p>		<p>Explanations and nuances: Until 2002 the use of medically assisted reproduction was not legally regulated. As a consequence, unmarried persons might have had recourse, but no legal relationship would be recognised between the social father and the child.</p> <p>Nowadays, the male partner of a woman who is going to become pregnant via medically assisted reproduction may beforehand recognise through a notarial act the child to be born, even not by his own sperm (heterologous insemination).</p> <p>However, there is a point here that could be used within the course of strategic litigation in favour of equality: recognition of a child born out of heterologous medically assisted reproduction is possible by the male partner of the legal mother, without the need for marriage or cohabitation pact. This results in a discrimination based on sex and sexual orientation since same-sex couples are excluded.</p> <p>Any party in a same sex cohabitation may make use of medically assisted reproduction techniques (as any single person can do it) but the partner of the birthmother or biological father cannot be recognised as legal parent.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.02 - IVF**

Is it legally possible in this type of relationship to become pregnant through in vitro fertilisation (IVF) using donated egg or sperm?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2002	2016 N/A 0000	2016 Yes 2008	2016 Yes, but 2015	2016 Yes 2002	2016 Yes, but 2002
Yes, but 0000		N/A 0000	N/A 0000	Doubt 0000	Doubt 0000
References to legal sources: Article 1456, 1460 of Civil Code as amended by Law 3089/2002, (see full text on: www.bioethics.gr/images/pdf/ENGLISH/BIOLAW/MEDICALLY_ASSISTED_REPRODUCTION/law_3089_en.pdf).		References to legal sources: Article 1456 and 1460 of Civil Code as amended by Law 3089/2002.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Until 2002 the use of medically assisted reproduction was not legally regulated.</p> <p>Married couples need to register their previous consent to using donated egg or sperm in a simple private written declaration.</p>		<p>Explanations and nuances: For different-sex couples in registered partnership, the same applies as for married couples.</p> <p>Women in same-sex 'cohabitation pact' can become pregnant under the same conditions as single women can do it. This means that they can use medically assisted reproduction techniques as long as they face a reproductive health problem. Being homosexual is not considered to be such a problem. Single women are allowed to use donated sperm just because they are single, and donated ova only if they do not have their own. They cannot use their partners' genetic material, since anonymity of the donated genetic material is the rule. The birthmother's registered partner cannot be recognised as legal parent.</p>		<p>Explanations and nuances: For cohabiting different-sex couples, the same applies as for married couples. The only difference is that they need to register their previous consent in a notarial document, instead of a simple private written declaration.</p> <p>Any woman in a cohabiting same-sex relationship may make use of IVF with donated sperm, as long as she faces a reproductive health problem, but the birthmother's partner will not be recognised as legal parent.</p>	

Jurisdiction: **Greece**

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Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

Is it legally possible for both partners in this type of relationship to become the legal parents of a child through the help of a surrogate mother in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 2002	2016 N/A 0000	2016 Yes, but 2008	2016 No 2015	2016 Yes, but 2002	2016 No 0000
No 0000		N/A 0000	N/A 0000	No 0000	
References to legal sources: Article 1458 and 1464 of Civil Code, as amended by Law 3089/2002.		References to legal sources: Article 1458 and 1464 of Civil Code, as amended by Law 3089/2002.		References to legal sources: Article 1458 and 1464 of Civil Code, as amended by Law 3089/2002.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Until 2002 there was no legal framework. The woman who gave birth became the legal mother and becoming a parent for the genetic mother was only possible through adoption.</p> <p>According to article 1458 Civil Code (as amended by Law 3089/2002) "The transfer of fertilized ova to another woman and pregnancy by her is allowed by a court authorization issued before the transfer, given that there is a written and, without any financial benefit, agreement between the involved parties, meaning the persons wishing to have a child and the surrogate mother and in case that the latter is married of her spouse, as well. The court authorization is issued following an application of the woman who wants to have a child, provided that evidence is adduced not only in regard with the fact that she is medically unable to conceive but also with the fact that the surrogate mother is in good health condition and able to conceive."</p> <p>Until 2014, according to article 8 of Law 3089/2002, article 1458 Civil Code, was applicable only if both the applicant legal mother and the surrogate had their residence in Greece.</p> <p>Article 17 of Law 4272/2014 (mainly implementing Directive 2012/25/EU) also provides for an amendment on the above regulation and stipulates that articles 1458 and 1464 Civil Code apply only in case that either the applicant legal mother or the surrogate has her residence or provisional stay in Greece.</p>		<p>Explanations and nuances: Surrogacy is possible for married, registered and cohabiting different-sex couples and single women.</p> <p>Same-sex couples cannot be recognised as legal parents.</p>		<p>Explanations and nuances: Surrogacy is possible for married, registered and cohabiting different-sex couples and single women.</p> <p>Same-sex couples cannot be recognised as legal parents.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption?
(For example automatically, or by way of recognition/acknowledgement.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 Yes 2008	2016 No 2015	2016 Yes 2002	2016 No 0000
		N/A 0000	N/A 0000	Yes, but 1983	
				Yes, but 0000	
References to legal sources: Article 1463 and 1465-1472 of Civil Code.		References to legal sources: Article 8 of Law 3819/2008, as preserved through Article 9 of Law 4356/2015.		References to legal sources: Article 1456, 1463 and 1475 Civil Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1463 of Civil Code (as amended by Law 3089/2002): "The kinship of a person with his/her mother and her relatives is deduced from birth. The kinship with the father and his relatives is deduced from the marriage of the mother with the father or is established through recognition, either voluntary or judicial."</p> <p>Article 1465 (as amended through article 2(6) Law 3089/2002): "The child born during the marriage of his mother or within three hundred days from its dissolution or annulment is presumed to have as father the husband of their mother (child born in wedlock).</p> <p>A child born after post-mortem fertilization, given that there is the judicial authorization required by Article 1457 CC, is also considered to be a child born in wedlock. If the child was born after the three hundredth day from the dissolution or annulment of marriage, the burden of proof for paternity of the husband lies with the person who relies on it. The same applies when the artificial fertilization took place after the death of the husband, despite the absence of judicial authorization".</p>		<p>Explanations and nuances: Article 9 of Law 4356/2015: Presumption of paternity: The putative father of any child born during the cohabitation pact or within three hundred days of its dissolution or annulment shall be the man with whom the mother entered into the pact. That presumption may be rebutted only by an irreversible judicial decision. Articles 1466 et seq. of the Civil Code and Articles 614 et seq. of the Code of Civil Procedure shall be applicable by analogy.</p>		<p>Explanations and nuances: Article 1475 Civil Code (as amended by article 17 of Law 1329/1983 and article 2(8) of Law 3089/2002): "A father may acknowledge as his own a child born out of wedlock, if the mother consents to it. If the mother has died or has no legal capacity, the acknowledgement is made by the sole declaration of the father.</p> <p>The notarial consent of the man in case of artificial insemination, under article 1456 §1 b serves as a voluntary acknowledgment. The woman's consent also applies as consent to this voluntary acknowledgment.</p> <p>If the father has died or has no legal capacity, the acknowledgment may be effected by the grandfather or grandmother of the paternal line. If the child has died, an acknowledgment acts in favor of his/her descendants".</p> <p>Until 1983 out-of-wedlock born children did not have the same rights as children born within marriage.</p> <p>Until 2002 medically assisted reproduction was not legally regulated. This means that until then legal parenting after use of those techniques was possible but a recognition was required afterwards, while after 2002 a prior consent via notary document is required and is enough (no recognition is required afterwards).</p>	

Jurisdiction: **Greece**

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Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

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 2008	2016 No 2015	2016 No 0000	2016 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 1510 (1) Civil Code.		References to legal sources: Article 10 of Law 3719/2008, as amended through Article 11 of Law 4356/2015 (on cohabitation pact).		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to article 1510 (1) CC, if the parents are married at the time of the child's birth, the law attributes joint parental responsibilities to both of them.</p> <p>If the parents marry after the birth of the child, and the father has recognised the child as his own, the child has in all respects the same status as a child born in wedlock (Article 1473 CC).</p> <p>Thus, in this case both parents are holders of parental responsibilities, but the exercise of the relevant duties and responsibilities belongs to the mother, according to article 1515 (1) CC.</p> <p>In case of spouses, each of them has the parental responsibility over his/her own -not common-legal child, unless the one adopts the other's child.</p>		<p>Explanations and nuances: Article 11-Parental responsibility: 1.Parental responsibility for a child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall be held by both parents and exercised jointly. The provisions of the Civil Code concerning parental responsibility for children born within marriage shall be applicable by analogy. 2.If the civil union is dissolved or annulled, Article 1513 of the Civil Code shall apply by analogy for the purposes of parental responsibility.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

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Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

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 2015	2015 No 0000	2015 No 0000
No, but 0000		No, but 2008	N/A 0000		
		N/A 0000			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: For public servants, see Articles 48 and 52-53 of the 'Code for Civil Servants' (Law 3528/2007, GG.26A).</p> <p>Article 48-54 of Law 4075/2012 (GG A 89/11.4.2012) implementing Directive 2010/18/EU (of 08.03.2010) concerning parental leave.</p> <p>Presidential Decree 176/1997 (paid motherhood leave).</p>		<p>References to legal sources: Article 12 of Law 4356/2015: [Applicability by analogy of the other provisions-Delegations].</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Each civil servant parent (if both are civil servants or the one who is civil servant) has a statutory right to paid parental leave until the child reaches the age of 6 (six). However the total amount of time remains the same (9 months). This means that either one parent takes the 9-month leave, or they share in consecutive timespans.</p> <p>For workers in the private sector: Article 142 of Law 3655/2008 (GG 58/A/3-4-2008; 'Administrative and organisational reform of the Social Security System etc.') every working mother who is insured with the 'Institute for Social Security' (IKA-ETAM), after the leave for giving birth, has the right to enjoy special leave of maternity for 6 months.</p> <p>According to Article 50 of Law 4075/2012 concerning workers in the private sector, each legal parent has the non-transferable right to unpaid leave up to 4 months. If both legal parents work for the same employer, the leave may be attributed to each of them but only in consecutive timespans (not concurrently).</p> <p>If the one parent is a worker in the private sector and the second is civil servant, and the former one takes the 6-months leave, the latter may take the rest 3-months leave.</p>		<p>Explanations and nuances: The same regulations apply for women who have become mothers, no matter if in a marriage or civil union 'cohabitation pact'.</p> <p>Article 12 of Law 4356/2015: [Applicability by analogy of the other provisions-Delegations]: If no different special regulation exists in the present or another law, other legal provisions on claims between the (married) spouses, as well as on claims, benefits and privileges against third parties or against the State, shall apply by analogy to the parties of the civil union. Pursuant to the requirements of the present article, the respective regulations of labor law and of social security law may be readjusted, where required, by presidential decree issued after proposal made by the Minister of Labor, Social Security and Social Solidarity within six months from the date of entry into force of this law.</p> <p>The 'but' refers to the fear that the administration may refuse to apply to registered partners the same law that applies to married spouses, purporting that the the ministerial decree needs first to be issued. Such a decree has not been issued yet. However, more convincing is the line of agrumentation that such a decree is not necessary for the statutory provision of article 12 of Law 4356/2015 to be applied.</p>		<p>Explanations and nuances: In case of cohabitation, only the parent who has custody may have the facilitations described under 'marriage'.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

When only one partner is the legal parent of a child, does each partner then have a statutory right to paid or unpaid parental leave?

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 2008	2016 No 2015	2016 No 0000	2016 No 0000
		N/A 0000	N/A 0000		
References to legal sources:		References to legal sources:		References to legal sources:	
Explanations and nuances: Only the legal parent has the right to paid parental leave.		Explanations and nuances: Only the legal parent has a statutory right to parental leave.		Explanations and nuances: Only the legal parent has a statutory right to parental leave.	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.08 - Grandparents**

Do grandparents have a statutory right to visit the children in this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 Yes, but 2008	2016 No 2015	2015 Yes, but 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 1520 Civil Code.		References to legal sources: Article 1520 Civil Code.		References to legal sources: Article 1520 Civil Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to article 1520 CC the parents do not have the right to prevent the communication of their children with their latter's grandparents. In such a case, the court will decide everything concerning this communication.</p> <p>The Supreme Civil Court, Areios Pagos, confirmed this in a recent judgment declaring that when the grandparents are mentally healthy and with moral principles, it is for the benefit and interest of the child to uphold contact and communication with them, since it enhances his/her proper psycho-social development (see Areios Pagos 1450/2012).</p>		<p>Explanations and nuances: For different sex registered couples the same applies as for married couples.</p> <p>In same sex civil partnerships there cannot be common children.</p>		<p>Explanations and nuances: Yes, given that the the grandparents' son has acknowledged / recognised the child as his own, which means that he is the legal parent.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

When only one partner is the legal parent of a child, does the other partner then have the possibility of becoming the child's second parent by way of adoption?

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1545 Civil Code.</p>		<p>References to legal sources: Article 12 of Law 4356/2015 [Applicability by analogy of the other provisions-Delegations]: If no different special regulation exists in the present or another law, other legal provisions on claims between the (married) spouses, as well as on claims, benefits and privileges against third parties or against the State, shall apply by analogy to the parties of the civil union. Pursuant to the requirements of the present article, the respective regulations of labor law and of social security law may be readjusted, where required, by presidential decree issued after proposal made by the Minister of Labor, Social Security and Social Solidarity within six months from the date of entry into force of this law.</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1545 CC stipulates that only (different sex married) spouses may adopt the same person at the same time. An adopted child may not be adopted by a second person, as long as the adoption is valid, unless it is a second parent adoption by the spouse of the first parent.</p>		<p>Explanations and nuances: The legislator of Law 4356/2015 did not intend to allow for the registered partner of the legal parent to adopt his/her partner's child. This is due to the fact that he was aware that if this were possible for different-sex parents it would also become possible for same-sex parents. However, in the discussions in the Parliament in December 2015 it was clear that homoparentality was excluded from the regulations. However, Article 12 of Law 4356/2015 is so widely formulated that it leaves a wide spectrum of rights open for the analogous application in favour of registered partners. Thus, recognising the right of a registered partner to adopt his/her partner's legal child could form a claim in front of national and European courts.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 No 2015	2016 No 2008	2016 No 2015	2016 No 0000	2016 No 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Article 1545 Civil Code (as amended by article 1 of Law 2447/1996).		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1545 CC (as amended by Article 1 of Law 2447/1996) stipulates that only (different sex married) spouses may adopt the same person at the same time.</p>		<p>Explanations and nuances: Although in the draft law there was a provision allowing for joint adoption, such a stipulation was finally not included in Law 3719/2008 and 3456/2015. This happened mainly in order to avoid same-sex parents adoption, in case the cohabitation pact would eventually cover same sex couples.</p> <p>According to article 10 of Law 3719/2008 (and now already article 11 of Law 4356/2015), (only) the Civil Code provisions on parental responsibility concerning children born in a marriage apply by analogy also for partners in a cohabitation pact.</p> <p>However, see answer to question 3.9.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Parenting 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, [LawsAndFamilies-GR-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.11 - Individual adoption**

Can one partner in this type of relationship individually adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2015 Yes 2008	2016 Yes, but 2015	2015 Yes 0000	2015 Yes, but 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 1543, 1545 and 1546 of Civil Code.		References to legal sources: Article 1543, 1545 and 1546 of Civil Code.		References to legal sources: Article 1543 Civil Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1543 presupposes that in order to adopt a minor one must be able to act legally, be at least 30 years old but not older than 60. Article 1546 of Civil Code: "A married person cannot adopt without the consent of his/her spouse, which is provided in person through a statement in court. If the spouse has her/his habitual residence abroad, their consent may be given through a notarial declaration. The court, however, can allow adoption, without such consent, if its provision is impossible for legal or factual reasons or if a divorce trial between the spouses is pending."</p>		<p>Explanations and nuances: A partner in a registered partnership can undoubtedly adopt a child. The doubt refers to whether their spouse's consent is necessary, like for married spouses, or not. Given the fact that the registered partners cannot adopt jointly, it is more convincing to deduce that a consent is not needed here, contrary to what is required for married spouses.</p> <p>The same applies for same-sex partners (but see the explanation in the Cohabitation column).</p>		<p>Explanations and nuances: Adoption by a single person is allowed.</p> <p>Article 1543 Civil Code requires only legal capacity and age between thirty and sixty years. So, legally there is no problem for a single person in a same sex relationship to adopt. S/he should rather not reveal her/his sexual preference, however, and the fact that s/he cohabits with a person of the same sex, as there are a lot of prejudices and this fact might negatively influence the social worker, who needs to submit a suitability report.</p>	