



Greece

Submission by the WORLD Policy Analysis Center

To the Committee on the Rights of the Child
85th Pre-Sessional Working Group, February 2020

NGO Report

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Introduction

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the in advance of the 85th Pre-Sessional Working Group of the Committee on the Rights of the Child.

This brief will focus on the following two areas:

- General Principles: **Equality and Non-Discrimination**
- Special Protection Measures: **Child Marriage**

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. constitutional texts, original legislation), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for our review.

While our review is systematic and rigorous, we recognize that there may be other laws or policies governing these areas that we have not captured. We also recognize that Greece may have passed legislation or enacted new policies since our most recent review. We therefore hope the Committee will include the following questions for Greece in its list of issues, and where applicable, make the recommendations outlined below in its concluding observations. We also hope the Committee will recommend that Greece address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations.



SUMMARY OF KEY RECOMMENDATIONS

Areas where Greece has provisions in place, but where these provisions do not appear to fully address the commitments Greece has made through its ratification of the CRC:

A) General Principles: Equality and Non-Discrimination

Both constitutional and legislative guarantees of equality and non-discrimination are key components of a comprehensive anti-discrimination legal system, with the former setting a foundational and long-standing national principle, and the latter often serving as an important instrument for implementation.

Based on our review of full-text national constitutions as of May 2017, Greece's constitution guarantees all Greek citizens equality before the law, and specifically guarantees equal rights for men and women. However, the constitution does not specifically guarantee equality or non-discrimination irrespective of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status.

We hope the Committee will:

- Recommend in its concluding observations that Greece add constitutional guarantees of equality for all persons regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status, consistent with CRC commitments.
- In its list of issues, ask Greece: What legislative guarantees are in place to ensure equality, irrespective of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status?
 - Where these guarantees are not in place, recommend in its concluding observations that Greece add these legal guarantees of equality, consistent with CRC commitments.

B) Special Protection Measures: Child Marriage

Based on our systematic review of legislation and country reports as of January 2019, Greece establishes a minimum age of marriage of 18 years old for both girls and boys. However, children under the age of 18 can be married under religious law, or with court approval and parental consent.

We hope the Committee will:

- In its list of issues, ask Greece: Can Greece outline any concrete, near-term plans to pass legislation to protect girls under the age of 18 from early marriage without exceptions?
 - If Greece does not have concrete, near-term plans in place to protect girls under the age of 18 from early marriage, recommend in its concluding observations that Greece pass and implement legislation that protects girls under the age of 18 from early marriage without exceptions.



Detail

GENERAL PRINCIPLES: EQUALITY AND NON-DISCRIMINATION (ARTICLE 2)

Article 2.1 of the CRC states that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for overturning both newly enacted and decades-old discriminatory laws. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. Therefore, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights. We reviewed full text constitutions as of May 2017 for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in article 2.1 of the CRC by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

GREECE'S CONSTITUTIONAL PROVISIONS

Article 4 of Greece's constitution guarantees equality before the law to all Greek citizens, and specifically guarantees equal rights between men and women. However, many groups guaranteed equality in the CRC are not explicitly covered by Article 4, including persons facing discrimination based on race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status.

Article 4

- 1. All Greeks are equal before the law.*
- 2. Greek men and women have equal rights and equal obligations.*
- 7. Titles of nobility or distinction are neither conferred upon nor recognized in Greek citizens.*



SPECIAL PROTECTION MEASURES - CHILD MARRIAGE

General Comment No. 4 (2003) states that:

The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

Child marriage has life-long health, educational, and economic consequences. For girls in particular, child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Convention, specifically the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34).

We systematically reviewed national civil codes and child-related legislation as of January 2019 for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization's NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBase, and official country websites.

GREECE'S LEGISLATIVE PROVISIONS

Based on our review, Greece establishes a minimum age of marriage of 18 years old for both girls and boys in Article 1350 of the Civil Code. However, children under the age of 18 can be married under religious law, or with court approval and parental consent.

Άρθρο: 1350

Για τη σύναψη γάμου απαιτείται συμφωνία των μελλονύμφων. Οι σχετικές δηλώσεις γίνονται αυτοπροσώπως και χωρίς αίρεση ή προθεσμία. Οι μελλονύμφοι πρέπει να έχουν συμπληρώσει το δέκατο όγδοο έτος της ηλικίας τους. Το δικαστήριο μπορεί, αφού ακούσει τους μελλονύμφους και τα πρόσωπα που ασκούν την επιμέλεια του ανηλίκου, να επιτρέψει το γάμο και πριν από τη συμπλήρωση αυτής της ηλικίας, αν η τέλεσή του επιβάλλεται από σπουδαίο λόγο.

CRC: Concluding Observations, Aug. 2012

The Committee is concerned that the application of sharia law in some matters of family law within the Muslim community of Thrace is not always compatible with the principles and provisions of the Convention, in particular with reference to the practice of early marriages (...)The Committee recommends that the State party take steps to ensure that domestic legislation is fully compatible with the principles and provisions of the Convention and has precedence over customary practices, including the application of sharia law in the Muslim community of Thrace.



CEDAW: Concluding Observations, March 2013

The Committee is concerned about the non-application of the general law of the State party to the Muslim community of Thrace regarding marriage and inheritance, as well as about the persistence of polygamy and early marriage in the Muslim and Roma communities (...)



Reference Sheet

Greece: Recommended Questions for the List of Issues and Concluding Observations
For the Committee on the Rights of the Child, 85th Pre-Sessional Working Group, February 2020

Recommended Questions for Greece's List of Issues:

General Principles: Equality and Non-Discrimination in Constitutions

- What legislative guarantees are in place to ensure equality, irrespective of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status?

Special Protection Measures: Child Marriage

- Can Greece outline any concrete, near-term plans to pass legislation to protect girls under the age of 18 from early marriage without exceptions?
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Recommended Concluding Observations for Greece (where Greece's responses to questions from the list of issues are unclear or insufficient):

General Principles: Equality and Non-Discrimination

- We hope the Committee will recommend in its concluding observations that Greece add constitutional and legal guarantees of equality for all persons regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property status, disability, or birth status, consistent with CRC commitments.

Special Protection Measures: Child Marriage

- We hope the Committee will recommend in its concluding observations that Greece pass and implement legislation in the near term that protects girls under the age of 18 from early marriage without exceptions.
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*Brief prepared by the WORLD Policy Analysis Center, University of California, Los Angeles -
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