



Are All Greeks Really Equal Before the Law?

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It is December 2015, and a dear, Greek friend of mine is calling as I sit at my desk in Philadelphia. An avid reader of the news, he updates me on the new Greek law before the headlines can. Well...sort of. "They've just legalized gay marriage in Greece!" he unwittingly misinforms me. "Ti? Eisai sigouros?" (Are you sure?), I probe, quickly nestling my phone between my ear and shoulder to free my hands for a Google search. It would have been an abrupt and unforeseen change in Greece, legally and socially. I hung up to read the articles myself.

A victory for the Lesbian, Gay, Bisexual, Transgender (LGBT) community in Greece—yes. Gay marriage legalized – not quite. Greece, in December 2015, became one of the last countries in Europe to grant civil union rights to same-sex couples.¹ The law included same-sex couples' rights to cohabitation, property and inheritance, tax and health benefits, as well as extended anti-discrimination provisions.² At the same time, Greece passed a universal age of consent of fifteen years old, abolishing the seventeen-year-old requirement for homosexuals.³

The debate surrounding this topic is one of intense controversy in a country known for deep-rooted traditions and strong religious ties.⁴ Even mythological and ancient Greek history of homosexuality, for example, remains a socially taboo topic of conversation.⁵ But due to European Union (EU) and international influence, Greece seems to be headed towards a slightly more open LGBT atmosphere. Nevertheless, the road to achieving equality for all Greeks remains heavily barricaded.

LGBT Progress in Greece

A look at Greece's modern LGBT history shows Greece has been surprisingly ahead of its time in the development of some LGBT-friendly legislation. In other respects, however, it lags behind its international counterparts dramatically. The current atmosphere within the country is a complex web made up of polarizing supporters and protestors of the LGBT movement.

First, let us give credit where credit is due. To start, Greece legalized same-sex sexual activity between consenting males in 1951.⁶ As a Greek-American living and educated in the

United States, where same-sex couples can now marry in all fifty states,⁷ this fact is shocking. For reference, as recently as 1986, in *Bowers v. Hardwick*, the United States Supreme Court gave states the constitutional go-ahead to ban sodomy.⁸ It was not until 2003 in *Lawrence v. Texas* that intimate consensual sexual rights were afforded to all U.S. citizens.⁹ With only a little over 60% of current United Nations states affording sexual rights to same-sex couples, Greece was certainly ahead of its time.¹⁰

Greece also experienced progress for LGBT rights in the new millennium. In 2002, a new law allowed homosexual men to request leave from Greece's military, but it did not prevent their participation.¹¹ Three years later, the Greek legislature passed a law prohibiting discrimination in employment on the basis of sexual orientation.¹² In 2008, for the first time, Greece included discrimination on the basis of sexual orientation in the criminal code.¹³

Transgender-specific legislation followed in the next decade. In 2010, Greece passed a law originally designed to eliminate gender discrimination, which included protection for people who had undergone gender reassignment.¹⁴ To protect transgender victims from hate crimes, in 2013, the Greek penal code added "gender identity" to the list of bias motivated crimes requiring heightened sentences.¹⁵ A new anti-racism law the following year outlawed and imposed stricter fines and sentences for discrimination, hate, and violence motivated by sexual orientation or gender identity.¹⁶ The LGBT community welcomed these protections.¹⁷

Within the last few years, the Greek government even began speaking up for LGBT rights worldwide. In 2013, Greece gave *other* countries advice about improving human rights for the LGBT identifying individuals.¹⁸ It advised Senegal, for instance, to repeal laws criminalizing sexual orientation and gender identity. The same year, Greece encouraged Israel to continue eliminating discrimination on the same grounds.¹⁹

Social and Political Stagnation

But behind these seemingly progressive laws lies a culture that socially rejects homosexuality. "Family is the cornerstone of the preservation and advancement of the nation," Greece's constitution asserts.²⁰ Surveys from 2006 revealed the majority of Greek society regarded a "family" only as one created by a man and a woman. According to one study, nearly 90% of Greeks opposed same-sex marriage or adoption rights.²¹ Despite developing open-minded legislation, Greek society seemed resolutely opposed to acceptance.

In addition to social opposition, the Greek political atmosphere remains a threat to LGBT progress. In 2003, a poll conducted by the Hellenic Homosexual Community (EOK) found 55% of parliamentarians opposed affording same-sex couples the same rights as their heterosexual peers.²² Greek leaders and politicians, meanwhile, have a history of shaming homosexual members of the international community. For example, in 2014, a Greek Member of Parliament, Nikos Nikopoulos, openly ridiculed Luxembourg's Prime Minister on social media for marrying his partner.²³

Moreover, recent politics have put Greek homosexuals in increased danger. The 2012 emergence of the violent, neo-Nazi party, *Chrisi Avgi*—Golden Dawn—came with a threatening promise.²⁴ After rampant attacks on immigrants in Greece, Golden Dawn assured gays would be the next target.²⁵ The party stayed true to its undertaking.²⁶ In 2015, the number of attacks on homosexuals rose to historic levels, tripling from 2014.²⁷ Thus, despite some legislative progress, a closer political look reveals human rights stagnation.

Legal ambiguity surrounds the LGBT rights debate in Greece. Greece's constitution, for instance, does not specify marriage as being between a man and a woman.²⁸ In addition, a revised 1982 law allowing for civil marriages cited marriage as being between *persons*.²⁹ These vague clauses invite confusion and criticism from both the pro-gay and anti-gay communities.

A telling example of the social war surrounding this topic occurred in 2008. A mayor on the island of Tilos used the 1982 "*persons*" loophole to marry one gay and one lesbian couple.³⁰ Almost immediately, the judicial system and Orthodox Church fought back.³¹ They won and annulled the marriages.³²

Another example comes from Greek media regulation, which has a long history of taking steps to stifle LGBT support. Gay and lesbian kisses are blurred out or cut entirely from music videos like those of Katy Perry and Pink.³³ Media subtitles replace words like "lesbian" with inaccurate translations such as "tomboy."³⁴ A \$117,000 dollar fine was imposed on a Greek television station for showing two men kissing in a popular Greek series.³⁵ A powerful social weapon, the media subtly transmits Greece's history of homophobia.

The Path to the Same-Sex Civil Union Law

With such intense domestic opposition, the 2015 civil union law passage was largely owed to international pressure. The law notably came two years after Greece lost a European Court of Human Rights (ECHR) case, *Case of Vallianatos & Others v. Greece*.³⁶ The judgment demanded Greece pay reparations to gay plaintiffs for denying them equal rights otherwise afforded to Greek heterosexuals through the 2008 civil unions law.³⁷ Greece was in violation of the European Convention of Human Rights, an international treatise Greece signed and swore to abide by.³⁸

The ECHR created the same legal ripple effect on Greece's close neighbor, Italy. In mid-2015, the ECHR required Italy, a country with similarly intense church influence on the state, to make payments to homosexual plaintiffs left without a legal avenue to partnership.³⁹ As a result, the lower courts in Italy passed a civil union law revision in June 2015, with official ratification in May 2016.⁴⁰

Support for Greece's civil union law in 2015 came from PASOK (a socialist party), most of Syriza (a leftist party), nineteen members of New Democracy (a conservative party), Potami (a centrist party), and the Union of Centrists.⁴¹ The law was staunchly opposed, on the other hand, by KKE (the communist party), Golden Dawn (the far right party), conservative members of the Syriza coalition, sixty members of New Democracy, Independent Greeks, and the Orthodox

Church.⁴² Prominent members of the church called homosexuality “unnatural lewdness” and ordered the sound of funeral bells in mourning.⁴³

Ultimately, though, the supporters greatly outnumbered the opposition. On voting day, 194 voted in favor of the civil union law, fifty-five opposed, and fifty-one abstained.⁴⁴ When the law passed, the Prime Minister of Greece, Alexis Tsipras, apologized to the LGBT community and noted the law’s passage marked a proud day for human rights in Greece.⁴⁵

Increased Acceptance

A persisting movement seems to be flowing in favor of tolerance and progress in Greece. For the first time in Greek history, in 2015, polls suggested more than 50% of the population supported the idea of legalizing gay marriage.⁴⁶ According to Pew Research, Greek youth, in particular, are exhibiting acceptance. While only 40% of Greeks age fifty and older believe homosexuality should be accepted by society, 66% of Greeks age eighteen-to-twenty-nine accept the idea. This ideological evolution is beginning to become apparent.⁴⁷

For example, there were protests to the media blocking LGBT scenes on shows like *Downtown Abbey*.⁴⁸ Furthermore, in July 2016, an Athens court ruled transgender individuals can change the gender on their birth certificate without first having to undergo surgery.⁴⁹ Pride groups like Athens Pride, OLKE, Colour Youth, and IGLA continue to work hard in Athens to expand media coverage and spread recognition of their battle to other Greeks.⁵⁰

Watching the World Stage for LGBT Progress

Following international customs, a constitutional commitment for Greece⁵¹ can offer the gift of learning by example.⁵² Spain, Portugal, and Ireland act as fitting cases for balancing tradition with LGBT progress.⁵³ Each country has strong, Catholic roots ingrained within their political systems yet allow same-sex marriage and joint adoption rights for same-sex couples.⁵⁴ Similarly, in the United States, where a melting-pot of religions still oppose LGBT rights,⁵⁵ same-sex marriage is legal in all fifty states since the monumental 2015 Supreme Court case *Obergefell v. Hodges*.⁵⁶ The international community is brimming with examples of tradition, religion, and human rights all co-existing and thriving in the same space.

A Greek blog recently relayed the story of a mother in Cyprus, a country that mirrors the language and culture of Greece,⁵⁷ who faced her son’s coming-out. The family was from a small village and, initially, her surface-level appreciation of tradition barred her from acceptance. But as she watched her son fall prey to social persecution, her *true* values prevailed—honor, family, equality. She became her son’s champion – never letting anyone undercut him, regardless of whom he loved.⁵⁸

Conclusion

As the former mayor of Athens, Anastassios Aliferis, aptly noted, “It’s ludicrous for Greece, the cradle of democracy and human rights, to deny homosexuals equal rights and privileges.”⁵⁹ LGBT organizations work tirelessly for progress with the same concept in mind. Their efforts have not been in vain; Greece is now ranked #15 for LGBT rights in Europe.⁶⁰

Nevertheless, much work remains to protect the rights of these Greeks. From a legal perspective, adoption rights, marriage rights, child-bearing options, harsher penalties in LGBT anti-discrimination laws and better enforcement are among a few on the list.⁶¹ But the colossal hurdle to overcome is the social stigma and culture of misinformation that surrounds the topic of LGBT rights in Greece.⁶² Even well-meaning LGBT supporters, like my friend who called in December, find themselves ignorant to the laws and harsh realities homosexuals face in Greece.

Our constitution is clear: “Οι Έλληνες είναι ίσοι ενώπιον του νόμου” (all Greeks are equal before the law).⁶³ As a country historically on the forefront of progress, there is no excuse for trailing behind in human rights—legally or socially. Tradition and progress can—and so often do—co-exist, and in Greece they can do the same. December 2015 marked a good start. Nevertheless, Greece has a constitutional and international commitment to continue the fight for the equality of *all* Greek citizens.⁶⁴

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