

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Resolution on the Marriage of Minors by the Muftis in Greece</p>
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The issue was introduced to the Plenary Session by the President, following the negative comments in both the Greek and the foreign Press about marriages of juveniles as young as eleven years of age, by the Muftis in Thrace. The NCHR adopted the following:

(a) Unanimously expresses its strong disapproval of these marriages.

(b) Considers that the provisions of the Athens Treaty (1913) and the Lausanne Treaty (1923) are generally in force, particularly in relation to the Mufti's competence on matters of family law according to the rules of Muslim holy books.

(c) Underlines the fact that exceptionally some provisions of the above treaties are amended or replaced by more recent ones.

(d) Stresses the point that, as far as the age of the persons to be married is concerned, recent internationally binding conventional provisions –as stipulated in conventions ratified by Greece-, apply, namely: article 23, para 2 of the ICCPR; article 16 of the CEDAW; as well as articles I 5 and II B3, 38 of the 1993 (UN) Vienna Declaration for Human Rights.

(e) CEDAW, article 16 para 2, declares null and void marriages between minors and refers for the minimum marriage age to the national laws. For Greece this law is article 1350 of the Civil Codes which sets 18 years for both persons to be married.

(f) In view of the above the NCHR decided that marriages between Greek citizens and solemnized in Greece –irrespective of creed- are only valid if both members of the couple are 18 years old.

(g) Accepted, by majority, the proposal for the amendment of para 2 of article 1350 of the CC, which, exceptionally, and for serious reasons, allows for a marriage to take place regardless of age, and its replacement by a provision of a transitional character stipulating that for a five-year period a marriage between persons of a minimum of 16 years of age, may be permitted for serious reasons and following a judicial decision.

31 March 2005