

Comparative Table: Marriage and Family

List of abbreviations		Notes
Ahmadis	Ah	
Alawites	Al	
Baha'is	B	
Catholics	Ca	
Copts	Co	
Jehovah's Witnesses	JW	
Jews	J	
Muslims	M	This category includes both Sunni and Shia Muslims.
Orthodox Christians	OC	
Protestants	P	
Religious education	RE	
Religious minority	RM	
Religious organization	RO	
Shia Muslims	ShM	
Syriac Christians	SC	This category includes both Catholics and Orthodox.
Western Thrace	WT	

Question					
1. Is a religion-based personal status system in force in your country?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
No	No (1)	No	No	Yes (2)	Yes (3)

(1) No, with the exception of Greek nationals of Muslim religion in WT.

(2) Personal status consists of a number of laws, some of which were inherited from the Ottoman Caliphate in Egypt, where sharia courts were competent in matters of personal status for Muslims and applied Islamic law. There were also courts and councils competent for personal status matters for non-Muslims, based on regulations derived from the respective religious law. In 1955, both Islamic and Coptic religious authorities lost judicial autonomy. Further, non-Muslim communities lost legislative autonomy in alimony, guardianship, and inheritance. Such matters came to be regulated by the general law. Personal status laws can be divided into two groups. The first includes special laws that are applied to individuals according to their religious denomination. A general personal status law is applied to all Muslims and its principles and texts are derived from Islamic Sharia according to the Hanafi school in matters of marriage and divorce. Fourteen non-Muslim denominations have regulations enforced by the state: two for the Rabbinic and Karaite Jews and twelve for the three Christian Churches: Orthodox (Copts, Syriacs; Armenians; Greek Orthodox), Catholic (Copts; Maronites; Latins; Armenians; Chaldeans; Syriacs; Greek) and Evangelical (one denomination). The second group of laws, which define the procedures for litigation, custody, and divorce, derives its principles from Islamic Sharia.

(3) The main law is the Religious Communities System Law no. 60 of 13 March 1936, under which every religious group officially recognized by the state can apply its own personal status law and have religious courts. This competence is also recognized by Art. 9 of the Lebanese Constitution and by the Law on the Powers of Religious Authorities for the Christian and the Jewish Communities of 2 April 1951. Fifteen personal status laws are in force in Lebanon for its eighteen religious denominations, including the Law no. 449/1995 on the Organization of the Affairs of the Alawite Islamic Community in Lebanon and the Law on the Syriac Orthodox Personal Status Law (issued on 22 February 1949, then renewed and reissued in 1990). The Law on the Catholic Personal Status of 22 February 1949 applies to Syriac Catholics.

Question					
2. According to state law, is it possible to perform a religious marriage which is valid for the state?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Yes	Yes	Yes	Yes	Yes (4)	Yes

(4) The representatives of the recognized denominations perform the religious rites of marriage in accordance with laws and regulations that are in force and attest its celebration as representatives of the Ministry of Justice and the government in this regard. They are entitled to a payment for their work.

Question					
2.1. If the answer to question 2 is yes, can these marriages be performed by the following RMs?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Yes, all RM marriages (Ca, JW, J, M, OC) (5)	Yes, all RM marriages (Ca, JW, J, M, P)	Yes, all RM marriages (JW, J, M, OC, P) (6)	JW: yes J: yes M: yes OC: no P: yes (7)	Ah: no B: no Co: yes ShM: no (8)	Ah: no Al: yes JW: no SC: yes (9)

(5) The religious community must apply for state recognition in order to perform marriages valid for the state. Some ROs have done so, others have not. Thus, the possibility for RMs to celebrate marriages valid for the state depend on whether the respective ROs have applied for state recognition.

(6) The legal rules are less favorable for Jehovah's Witnesses and Muslims. In particular, their representatives who are in charge of celebrating marriages must have been previously approved by public authorities. If they have not been approved, the marriages they celebrate are not valid for the state.

(7) Religious marriages valid for the state can only be performed by the Catholic Church (Arts 1596 ff. of the Civil Code) or by the representatives of the religions "radicated" in Portugal. "Radicacion" has to be attested by the Ministry of Justice (Arts. 19 and 37 of Law no. 16 of 22 June 2001). As of 26 November 2021 there were 96 Churches or religious communities "radicated" in Portugal (among them there is no Orthodox Church).

(8) Only recognized RMs can perform marriages valid for the state.

(9) Since Ahmadis and Jehovah's Witnesses are non-recognized RMs, they cannot perform marriages according to their own rite in Lebanon (even if they do, the marriage will not be considered legal by the state). Therefore, they either enter into a civil marriage abroad and then register it in Lebanon, or they celebrate a marriage according to the religion mentioned in their ID. For example, the IDs of Jehovah's Witnesses do not refer to them as Jehovah's Witnesses but as Sunnis, Maronites, Druzes, and so on.

Question

2.2. Are these religious marriages

A) automatically valid for the state law (provided that they are binding for the RM)?

B) valid for the state only if some conditions prescribed by the state law are respected?

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
B)	B)	B)	B)	B) (10)	A)

(10) Recognized RMs apply regulations issued by the state and keep records handed over to them by the Ministry of Justice. Christian marriages are recognized provided that two conditions are met: 1) the performance of religious rites with the knowledge of a Christian clergyman, and 2) the registration of marriage in the abovementioned records.

Question

2.3. If the answer to the question 2.2 is B), do these conditions prevents the celebration of

A) a polygamous marriage?

B) a marriage between individuals who have reached marriageable age according to their religion but are underage based on state law?

C) a gender-neutral marriage?

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
A) yes B) yes C) no (11)	A) yes B) yes C) yes	A) yes B) yes C) yes	A) yes B) yes C) no (12)	A) yes B) yes C) yes (13)	N/A (14)

(11) After the introduction of gender-neutral civil marriage, any ROs can celebrate the marriage of a same-sex couple valid for the state. It should be noted that this is a possibility – not an obligation – dependent on each RO's doctrinal rules in this matter.

(12) All the impediments to civil marriage (Arts. 1600 ff. of the Civil Code) also apply to Catholic marriage (Art. 1596 of the Civil Code) and to "civil marriage under religious form" performed by a religious community (Art. 19 of Law no. 16 of 22 July 2001). As regards the latter, the civil registrar may only grant the marriage certificate after verifying that the bethroted are knowledgeable of the principle of equality between spouses, spousal duties and marriage impediments.

(13) As regards the Christian minorities recognized by the state, courts have established that the principle of having one wife is one of the basic tenets of the Christian faith. Therefore, they considered that polygamy, which is admissible for Muslims, is not Christians. The marriageable age is 18 years.

(14) Civil marriages performed abroad are not automatically valid and are subject to some conditions. For example, they must be opposite-sex unions. Art. 534 of the Penal Code prohibits same-sex sexual relationships.

Question					
3. Does the law of your state allow religiously mixed marriages?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Yes	Yes	Yes	Yes.	Yes (15)	Yes (16)

(15) Yes, if the husband is Muslim and the wife is a Christian or a Jew. A Muslim woman is not allowed to marry a non-Muslim man. Marriage between members of different Christian denominations requires the conversion of one of the spouses, if the Christian denomination(s) concerned do not allow mixed marriages.

(16) There is a difference between Christians and Muslims and between men and women. According to state laws, mixed marriages must be authorized by the officially recognized religious authority. According to Islamic law, Muslim men are allowed to marry women from the “People of the Book” (Christians or Jews), while Muslim women may not marry non-Muslim men. Christians may not marry non-baptized persons, unless they are granted a dispensation by the religious authority. In many cases, these rules are not strictly enforced by RM authorities, and therefore mixed marriages are automatically recognized by the state after being approved by the RM authority.

Question

4. What is the legal system in force in your country concerning the decree of dissolution/annulment of a religious marriage with civil effects?

A) The decree can be issued only by the state authority.

B) The decree can be issued only by the RM authority.

C) The decree can be issued by the RM authority, but must be validated by the state authority in order to have legal effects also for the state.

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
A)	A) (17)	A) (18)	A) (18)	A) (19)	B) (20)

(17) With the exception of WT, where the state recognizes the jurisdiction of three government-appointed muftis to adjudicate family matters. In principle their jurisdiction was exclusive, but in practice some Greek judges and scholars treated it as concurrent with that of civil courts. Under Law 1920/1991, muftis' decisions cannot be implemented without an accompanying enforceability decree issued by the competent Court of First Instance, which determines whether the decision has been rendered within the scope of the mufti's jurisdiction and is consistent with the constitution. According to Article 5 of the mentioned law, marriage, divorce, maintenance, custody, guardianship, wills and inheritance fall under the jurisdiction of the muftis.

(18) This system only applies to RMs. The system C) applies to the Catholic Church (the majority RO).

(19) The decrees of dissolution of marriages between Christians are issued by the state family courts. In case of mixed marriages, Islamic law is applied.

(20) The decree does not requires any validation by the state authority. The RM authority (or the couple concerned) just notifies the dissolution/annulment to the state authority and, more precisely, a special office called “the administration of execution” in the couples’ place of registry in order to change their legal status and their official documents.

Question					
4.1. If the answer to question 4 is B) or C), can the decree of dissolution/annulment be issued by the authorities of the following RMs?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
N/A	N/A (21)	N/A	N/A	N/A	Ah: no Al: yes JW: no SC: yes

(21) In WT, muftis' decisions to dissolve a marriage have civil effects, unless the marriage was conducted under civil law (as established by Court of First Instance of Xanthi, judgment no. 1623/2003). If marriages are conducted under mufti jurisdiction, Greek judges tend (or at least have tended until very recently) to support mufti jurisdiction over dissolution of those marriages.

Question

5. How is inheritance regulated in your country?

A) It is regulated by state law independently from the religious affiliation of the interested party.

B) It is regulated by state law(s) according to the religious affiliation of the interested party.

C) The interested party can decide whether inheritance is to be regulated under A) or B).

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
A)	A) (22)	A)	A)	B) (23)	B) (24)

(22) With the exception of WT, where the system C) applies to Greek nationals of Muslim religion. Most of them tend not to follow Islamic law on inheritance and choose instead to draw up wills according to Greek civil law. However, when these wills have been contested by relatives whose interests were threatened, Greek civil courts have been inclined to uphold mufti jurisdiction. The Greek Court of Cassation has tended to treat Islamic law as a 'special law' exempt from constitutional review (even when it breaches gender equality, like in inheritance law). This practice has been reprimanded by the European Court of Human Rights in *Molla Sali v. Greece*, application no. 20452/14, judgment of 19 December 2018. Under a newly approved law of 15 January 2018, the jurisdiction of the mufti has become the exception, requiring notarized consent from all parties.

(23) Law no. 43 of 1943 stipulates the application of Islamic Sharia in inheritance matters, and Law no. 25 of 1944 clarifies applicable laws in matters of inheritance and wills for non-Muslims. The main principle is the application of Islamic Sharia, but other religious laws can be applied to their affiliates, provided that the heirs agree on the application of the legal rules of the religion of the deceased. The Coptic Orthodox Regulation of 1938 includes a chapter on the regulation of inheritance in accordance with Christian values and teachings, which gives equal legal footing to men and women and differs from Islamic law in the determination of the heirs.

(24) Legal rules on inheritance are codified in two laws issued in 1959: The Inheritance Law for Muslims (regulating all Muslim marriages) and The Inheritance Law for Non-Muslims (regulating all Christian marriages as well as the civil ones celebrated abroad).

Question					
5.1. If the answer to question 5 is A), are there instances when the religious rules concerning inheritance are prevented from acquiring validity in the state legal system?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Yes (25)	Yes (26)	Yes (25)	Yes (25)	N/A	N/A

(25) Yes, if the religious rules are in conflict with civil rules (for example different inheritance quotas for men and women).

(26) Yes, if the religious rules are in conflict with civil rules (for example different inheritance quotas for men and women). In WT, Law no. 1920/1991 commits the Court of First Instance to review all mufti decisions for proper jurisdiction and constitutionality. If it is determined that they are outside the mufti's jurisdiction, or they are unconstitutional, or (from 2018) there is not notarized consent of all parties to the application of Islamic law, then those decisions cannot acquire civil effects.

Question

5.2. If the answer to question 5 is B) and the deceased party was affiliated to one of the following RMs, can inheritance be regulated according to the rules of this RM?

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
N/A	N/A (27)	N/A	N/A	Ah: no B: no Co: yes ShM: no (28)	Ah: no Al: yes JW: no SC: yes

(27) See footnotes 22 and 26.

(28) Sunni Islamic law applies to Ahmadis, Shias, and Baha'is. The state does not recognize them; thus, there are no personal status laws for them. As for Coptic Orthodox law, it stipulates special rules derived from the Bible, but the courts require the agreement of the heirs, and in case of disagreement, Islamic Sharia is applied.

Question

6. How is dowry regulated in your country?

A) It is regulated by state law.

B) It is regulated by religious law.

C) The interested party can decide whether dowry is to be regulated by state law or religious law.

D) None of the above.

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
D) (29)	D) (30)	D) (29)	D) (29)	C)	D) (31)

(29) Dowry is not regulated by state law and religious rules have no civil relevance. However, the interested party can secure dowry in other ways, for example writing a will, but this may not contradict constitutional and legal principles and the individual's fundamental rights.

(30) Dowry is not regulated by state law and religious rules have no civil relevance, with the exception of Greek nationals of Muslim religion in WT, where the system B) can be chosen.

(31) Everything related to dowry has no civil effects. It is related exclusively to the religious authority.

Question					
6.1. If the answer to question 6 is C), can the parties affiliated to the following RMs have their dowry matters regulated by by state laws according to their religious affiliation?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
N/A	N/A	N/A	N/A	Ah: no B: no Co: yes ShM: no (32)	N/A

(32) The regulation of dowry in the Coptic Orthodox Regulation of 1938 is non-specific as it stipulates that the dowry is not one of the pillars of marriage (marriages can be performed with or without a dowry). The dowry specified in the betrothal contract is entitled to the wife as soon as a valid marriage is completed. The regulation also stipulates that the dowry belongs to the woman, who can use it as she please, if she is of sound mind. In the case of divorce (which nevertheless can only be granted in exceptional cases), the woman can seize her dowry if the divorce was initiated by her husband. She cannot take it, if she initiated the divorce.

Question					
7. Becoming part of a religious community is frequently characterized by the celebration of rites (e.g. baptism, circumcision, etc.). Does state law place any obstacle to performing the rites of the following RMs?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Ca: no JW: no J: no M: no OC: no (33)	Ca: no JW: no J: no M: no P: no	JW: no J: no M: no OC: no P: no	JW: no J: no M: no OC: no P: no	Ah: yes B: yes Co: no ShM: yes (34)	Ah: yes Al: no JW: yes SC: no (35)

(33) Danish law has recommendations regarding the circumcision of boys. The Jewish community follows them; not all Muslim parents do so. There are proposals to prohibit religious circumcision of boys.

(34) All manifestations of religious freedom of non-recognized RMs face obstacles or are considered illegal.

(35) In many cases the obstacles and/or restrictions are of a social type. In addition, many of those who change their religious affiliation do so in secret. Since Ahmadis and Jehovah's Witnesses are non-recognized RMs, they cannot practice their rites according to the law. However, they are often allowed to do so even if it is illegal. In any case, the rites performed by Ahmadi and Jehovah's Witnesses have no civil effecta (this affects for example conversion). Syriac Christians and Alawites, being recognized RMs, can practice their own rites freely.

Question

8. Are children born in marriages of non-recognized RMs entitled to the same rights as children born in marriages of a recognized RM?

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
Yes	Yes	Yes	Yes	No	No

Question

9. Is religion a relevant element when courts choose the spouse to whom children are to be entrusted in case of dissolution of marriage?

Denmark	Greece	Italy	Portugal	Egypt	Lebanon
No (36)	No (37)	No (36)	No (36)	Yes	Yes

(36) No, as a rule. In some cases religion is a relevant element, but what matters is not the doctrine, but the practice or set of practices regarded as harming the child's physical and/or mental wellbeing.

(37) No, with the exception of Greek nationals of Muslim religion in WT.

Question					
9.1. If the answer to question 9 is yes, does case law show some bias in favour or against the following RMs?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
N/A (38)	N/A	N/A	N/A	Ah: yes B: yes Co: sometimes ShM: yes (39)	Ah: yes Al: sometimes JW: yes SC: sometimes (40)

(38) Nevertheless, case law shows sometimes bias against Jehovah's Witnesses.

(39) The religion of the spouses plays an important role in determining custody. A Muslim mother receives custody of her children if the husband is a non-Muslim; however, if he is a Muslim, custody is given to the non-Muslim mother under harsh conditions. Court rulings mention two main criteria: the child's ability to distinguish the tenets of his/her own religion from the others, and the fear that the child would learn the teachings of the other religions. These two criteria have been used to deprive Christian mothers of custody. There is also discrimination against Bahai's.

(40) When a marriage is religiously mixed, the religious court to which the husband (and not the wife) belongs decides to whom the children should be entrusted. In general, a court affiliated to the same RO as the father will generally rule in favour of the latter. Other non-religion related elements are taken into consideration, such as socio-economic status, moral and ethical behaviour, etc. Since Ahmadis and Jehovah's Witnesses are non-recognized RMs, they do not have their own (officially recognized) religious court. However, in a religiously mixed marriage where the wife belongs to a non-recognized RM, and the case is held in a court affiliated to the same RO as the husband, then the judges take religion into account and base their ruling on two main arguments: 1) as children follow the religion of their father, it is better for children to be brought up in an environment where that religion is followed, and 2) it is better for them to be educated in the tenets of a legally recognized RO. The same can happen with Alawite and Syriac Christian women, but not as frequently as with Ahmadis and Jehovah's Witnesses.

Question					
10. Is religion a relevant element when courts have to make decisions regarding a child's adoptive parents?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
No	No	No	No	N/A (41)	Yes

(41) Adoption, according to Egyptian laws, is not permitted, although there are special regulations for Christians. Like in other issues, Ahmadis, Baha'is and Shia Muslims – being non-recognized RMs – are subject to Sunni Islamic law and, thus, are subject to the prohibition of adoption. However, in this case, there is a convergence with the stance of Shia Muslims, who do not allow adoption, too. Kafala is allowed for Christians, provided that the sponsored person is a Christian of the same denomination as the sponsor, who also has to comply with the other conditions related to age and suitability.

Question					
10.1. If the answer to question 10 is yes, does case law show some bias in favour or against the following RMs?					
Denmark	Greece	Italy	Portugal	Egypt	Lebanon
N/A	N/A	N/A	N/A	N/A	Ah: yes Al: N/A JW: yes SC: no (42)

(42) Adoption is not allowed in Muslim community, including Alawites. As regards Ahmadis and Jehovah's Witnesses, whether they can adopt or not depends on the stated religion on their ID cards.