



## NEWS REPORT

<b>Date:</b>	23 April 2011
<b>Expert:</b>	Athanasios Theodoridis
<b>Title:</b>	Appeal Court of Dodecanese's decision in the case of the first same-sex (civil) marriage ever registered in Greece
<b>Country:</b>	Greece
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Equal treatment among same-sex couples and opposite-sex couples regarding social advantages arising from the legal status of marriage
<b>Ground of discrimination:</b>	Sexual orientation
<b>Source:</b>	National court decision 83/2011 of 14 January 2011 (publicised on 14 April 2011)
<b>Field:</b>	Social advantages
<b>Legislative provisions:</b>	Article 12 of the ECHR, article 23 of the ICCPR

### Content

**Case:** The Appeal Court of Dodecanese, which has jurisdiction over all the Dodecanese islands, unanimously upheld the initial decisions 114 and 115/2009 of the Court of First Instance of Rhodes that had annulled in April 2009 the first same-sex (civil) marriage in Greece (conducted in June 2008 in the island of Tilos).

**Decision of the Court:** The Appeal Court of Dodecanese held that the Civil Code did not provide for provisions for same-sex marriages. Moreover, the Court held that neither Article 12 of the ECHR, nor Article 23 of the ICCPR guarantee such a right. The Court issued its ruling in response to an appeal lodged by a local prosecutor against two couples, respectively of two men and two women, and against the Mayor of Tilos. According to the Appeal Court, the national legislation does not permit the marriage of same-sex couples, as the difference of sex is regarded as a necessary precondition for the existence of marriage.. The Court rejected the argument that a possible prohibition of same-sex marriages would constitute a violation of



the principle of equal treatment. The prosecutor asked for both unions to be declared null and void.

**Internet link source and additional information:**

[http://www.olke.org/portal/index.php?option=com\\_content&view=article&id=103:2011-04-15-08-10-08&catid=38:press&Itemid=18](http://www.olke.org/portal/index.php?option=com_content&view=article&id=103:2011-04-15-08-10-08&catid=38:press&Itemid=18)