



Forthcoming hearings in January 2013

The European Court of Human Rights will be holding the following two hearings in January 2013:

Vallianatos and Others v. Greece (no. 29381/09), which concerns the legislation on "civil unions" that entered into force in Greece in November 2008. The applicants allege that these unions, comprising a "contract between two individuals of full age and of different sexes", are discriminatory.

Fernández Martínez v. Spain (no. 56030/07), which concerns the decision not to renew the contract of a priest, who was married and had five children, to teach Catholic religion and ethics, following the publication of an article disclosing his membership of the "Movement for Optional Celibacy".

After these hearings the Court will begin its deliberations, which will be held in private. Its ruling in the cases will, however, be made at a later stage. A limited number of seats are reserved for the press. To be sure of having a place, you need to book in advance by contacting the Press Unit (+33 (0)3 90 21 42 08).

On 16 January 2013 at 9.15 a.m.: Grand Chamber hearing in the case **Vallianatos and Others v. Greece** (Application no. 29381/09)

The applicants are six Greek nationals who live in Athens and an association with its registered office in Athens. Some of the applicants live together as couples, while others are in a relationship but do not live together.

Law no. 3719/2008 entered into force in November 2008. It made provision for the first time in Greece for an official alternative to marriage, in the form of "civil unions" (*σύμφωνο συμβίωσης*). Such unions are reserved exclusively to two different-sex adults. They are entered into by means of a notarial instrument registered with the civil registry.

Relying on Article 8 of the Convention, taken alone and in conjunction with Article 14 of the Convention, the applicants complain that the Law, which limits civil unions exclusively to adults of different sex, breaches their right to respect for their private life and the principle of prohibition of discrimination. Under Article 13 of the Convention, the applicants further complain of the absence of an effective remedy in domestic law by which to assert their complaints concerning the alleged violation of Articles 8 and 14 of the Convention before the domestic courts.

The applications were lodged with the European Court of Human Rights on 6 May 2009. On 11 September 2012 the Chamber relinquished jurisdiction in favour of the Grand Chamber.

On 30 January 2013 at 9.15 a.m.: Grand Chamber hearing in the case **Fernandez Martinez v. Spain** (no. 56030/07)

The applicant, Mr José Antonio Fernández Martínez, is a Spanish national who was born in 1937 and lives in Cieza (Spain). He was ordained as a priest in 1961. In 1984, he

applied to the Vatican for dispensation from celibacy, which was granted in 1997. He was married in a civil ceremony in 1985, and he and his wife have five children. He taught religion and ethics in a State high school from October 1991, his contract being renewed every year by the Bishop of the Diocese of Cartagena. In November 1996 the Murcia newspaper *La Verdad* published an article about the "Movement for Optional Celibacy" for priests. It reported that Mr Fernández Martínez, a member of the movement, had previously been rector of a seminary, and published a photograph of him attending a meeting of the movement, together with his wife and their five children. The article included comments by a number of participants indicating their disagreement with the Church's position on abortion, divorce, sexuality and contraception. On 29 September 1997, the Diocese of Cartagena informed the Ministry of Education of its intention not to renew Mr Fernández Martínez's contract for the 1997/98 school year.

Mr Fernández Martínez appealed to the Murcia employment tribunal, which found that he had been discriminated against because of his civil status and his membership of the Movement for Optional Celibacy. However, at the conclusion of the proceedings the Constitutional Court highlighted the special role of teachers of religious education in Spain and found that the reasons for not renewing the applicant's contract had been purely religious.

Relying in particular on Article 8 (right for respect to private and family life) of the Convention, Mr Fernández Martínez complained about the non-renewal of his contract because of his personal and family situation. He complained that he had been discriminated against and maintained that the public disclosure of his status as a married priest with several children formed part of his freedom of expression.

The application was lodged with the European Court of Human Rights on 11 December 2007. In its [Chamber judgment](#) of 15 May 2012 the Court found that there had been no violation of Article 8. On 24 September 2012 the panel of the Grand Chamber accepted the applicant's request that the case be referred to the Grand Chamber¹.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17 member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.