

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Decision on the Appeal of the “Holy Synod of the Old Calendarists” in Greece regarding Violations of its Constitutional Rights and Freedoms</p>

The Holy Synod of the Old Calendarists submitted an appeal presenting the problems related to the dissolution of marriages: following a recent opinion issued by the Piraeus Prosecutor’s Department, Old Calendarists wishing to have their marriage dissolved spiritually, after the issuance of the divorce, should request the dissolution from the Church of Greece instead of their own Old Calendarist Church, which has originally officiated them.

It is worth mentioning that, currently in Greece, marriages officiated by the Church –as opposed to the civil ones- need to be dissolved at both the civil and the confessional levels. Consequently, once a marriage is finally dissolved at the civil level, and in order for the dissolution to be completed, the Church that has originally officiated it, needs also to pronounce its “spiritual” dissolution, while the Prosecutor’s Department provides the service of legal document.

The NCHR held extensive discussions on the aforementioned issue, and proposed the following:

1) Since the confessional aspects of the dissolution are not affecting the lawfulness of the dissolution at the civil level, no legal document service is required by the Prosecutor’s Department to any ecclesiastical authority.

2) Advises the relevant State authorities to take initiatives aiming at filling the legal gaps on the status of the Old Calendarist Church.

3) To the request by the Old Calendarists' Holy Synod for the NCHR to intervene and ask the Piraeus Prosecutor's Department to revoke its opinion, the NCHR replies that such action is not among its substantive competences, as provided by its founding law.

10 June 2004