

FACT SHEET ON GREECE

Information supplied by Dia Anagnostou, based on her paper for the Workshop on Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.

CONSTITUTION
Constitutional gender equality clause, including constitutional parity provisions.
<p>Art 4: “Greek men and women have equal rights and equal obligations” “Adoption of positive measures for promoting equality between men and women do not constitute discrimination on grounds of sex. The state shall take measures for the elimination of inequalities actually existing, in particular to the detriment of women” (Art. 116(2) of the Greek Constitution, As revised by the parliamentary resolution of April 6th 2001 of the VIth Revisionary Parliament).</p>
Constitutional reform
<p>1974: Art. 4, para. 2 equality clause; Art. 116, para. 2 allowing for derogations from Equality Principle if justified and provided for by statute. The latter article was mainly used for restrictive quotas, primarily to exclude women from male-dominated professions and occasionally to exclude male candidates from female-dominated employment sectors.</p> <p>The constitutional amendment of 2001 sought to alleviate this by the new phrasing of Art. 116(2) above, which enabled the 2001 local and regional election quota and the later, 2008, national election quota, among others.</p>
Constitutional/Supreme Court case law on quotas
<p>An early quota provision was introduced with Art. 29 of Law 2085/1992, which required at least one qualified woman to be present in service councils (Service Councils (or departmental boards) are decision-making bodies made up of employees in the public sector and in other legal entities governed by public law). We know little about how this early provision came about. It was introduced by a group of MPs who claimed that the very low levels of women’s participation in service councils in the state administration was contrary to gender equality.</p> <p>The Council of State (Greece’s high court in administrative and civil matters) decision no. 6275/1995 deemed unconstitutional Art. 29 of Law 2085/1992 that required at least one qualified woman to be present in service councils. It did so on the basis of article 4 of the Constitution, and in line with the prevailing (at the time) formal conception of equality (despite the fact that differential treatment of women existed and justified in reference to their female traits). The CoS also argued that there was no evidence to suggest that the glaring underrepresentation of women in service councils was due to discrimination. The CoS decision 6275/1995 was referred to the Plenum, but while the Plenum’s decision was still pending, the government abolished the contested quota provision for service councils (that is, Art. 29 of Law 2085/1992). The government also replaced the abolished provision with Law 2190/1994, Art. 38, para. 10.</p> <p>However, the CoS went ahead and reviewed the constitutionality of Law 2085/1992 (Art. 29) (which in the meantime had been abolished by the government). It issued its final decisions in 1998 (in reference to case no. 1933/1998 and to case numbers 1917–1929/1998). The final decisions no. 1933/1998 and 1917-1929/1998 departed from the 1995 section judgment to pronounce the constitutionality of the requirement for at least one qualified woman in service councils. For the first time, its interpretation invoked a substantive view of equality in contrast to the entrenched, at the time, formal conception of equality.</p>

Specifically, the CoS advanced its interpretation not in reference to the permissible divergences from equality (Art. 116 (2)), but in reference to the constitutional principle of gender equality enshrined in Art. 4 (1) and (2). Article 4 of the Constitution, the court for the first time argued, prescribed not merely a formal, but a substantive notion of equality. Additionally, invoking the EC directive 76/207, the UN CEDAW Convention, as well as the EC recommendation 96/694/EC about the balanced participation of men and women in decision-making bodies, the CoS advanced the view that positive measures (in favor of women) are not a divergence from equality; on the contrary, they may be appropriate and necessary in order to reduce existing disparities (the underrepresentation of women in the higher levels of public administration) until real equality is achieved.

On the same day Greece's high court for the first time deemed as prima facie unconstitutional the adoption of quotas that limited the number of women (to a maximum of 10 percent) accepted in police academies. It did so with CoS Plenum decision on case no. 1917/1998 (this case had been referred to the Plenum following the CoS section judgment 5646/1996).

In a series of decisions of 2003 (CoS, case numbers 2831, 2832, 2833/2003; also CoS case no. 3185/2003), the Council of the State (CoS) upheld the constitutionality of the quota law introduced in 2001. It defended its consistency with a substantive notion of equality that the amended 2001 constitution advanced in order to redress persistent and entrenched inequalities based on sex.

NUMBERS

Number of female MPs in both chambers

Percentages of women in Parliament

1996: 6.3%

2000: 10.3

2004: 13

2007: 16

2009: 17.3

2012 (May): 18.7

2012 (June): 21

No other chamber.

Number of women in boards of biggest publicly listed companies

No such data exists.

POLITICAL and PARTY QUOTAS

Existence of voluntary party quotas and other schemes

Party quotas are not legislated quotas. They are entirely dependent on whether a political party is voluntarily willing to adopt such a quota.

The socialist party PASOK (in 1999) and the center right ND (in its 1994 party congress) vowed to include at least 20% of women in their party structures, and in 2001, the voluntary quota was raised to 30%. Similar commitments were also pronounced by the two main parties of the Left, the communist party KKE and the European-oriented communists SYN, without however specifying a percentage or defining a quota percentage in proportion to their membership (as in SYN).

The effectiveness of these measures in practice cannot be ascertained.

Existence of soft measures in politics

NONE

Existence of hard legislated electoral quotas

Law 2910/2001, Art. 75, § 1 requiring at least one third of candidates from each sex in the party ballots for local and regional elections.

The sanction was non-registration of the party candidates' list.

Actors in favour were the feminist organizations and particularly the Hellenic League of Women's Rights.

Objections were expressed not only by the centre-right opposition but also by Socialist MPs.

In fact, its proper implementation was undermined just days before the October 2002 local, municipal, and prefecture elections by the Ministry of Internal Affairs himself. Mr. Skandalidis proposed an amendment to the quota law, interpreting the 1/3 candidate quota as applying to the total number of party candidates in the country as a whole, and not to the number of candidates included in the party lists in every municipality and commune, already watering down its potential to effectuate an increase in women's political representation. A new law that was passed in 2006 (Law 3463/2006, art. 3, para. 3) confirmed the view that it was sufficient to apply the 1/3 candidate quota to the total number of a party's candidates running for election in the municipal council, the communes' council, and the local councils of municipalities and communes, rather than to a party's list of candidates for each of these elected bodies separately.

However, the 2001 quota reform at the local government level appears to have had some influence, albeit far from dramatic, in overall increasing women's presence as members of local and municipal councils in Greece.

In 2008, Law 3636/2008, Art. 3., was adopted for the national elections, providing for at least one third of each party's candidates across the country, thereby diluting further the possibility for female candidates to be elected.

On the basis of the limited data available, the quota law does not seem to have affected a change in the amount of women elected, other than the positive trend already visible from the 1990's on. In the 2012 elections, all parties complied with the quota, but percentages of women actually making it into parliament were between 5.6 and 35.2 per party.

Even though the party ND was in favour of the law, only 14 per cent women made MP.

Existence of Public board quotas

Law 2839/2000, Art. 6. Government Gazette, no. 196, 12 September 2000.

The provision required in a gender-neutral wording that at least one third of positions be filled by each sex, applicable not only to service councils in public administration departments but also in councils and other collective bodies appointed by the public administration.

CORPORATE BOARD QUOTAS

Existence of soft Corporate Board quotas/measures

NONE

Existence of hard Corporate Board quotas

NONE

QUOTAS IN OTHER DOMAINS

Legislated or voluntary measures in other domains as executive, judiciary, universities, sports federations, trade union, professions, political party structure, etc.

Law 3653/2008, Art. 57 entitled "Institutional frame for research and technology". It provides that 1/3 of National Council for Research and Technology, sector-specific research councils, and evaluation committees for research project proposals, must be of each sex.

Law 3839/2010, Art. 2 entitled "Selection of managers and directors of administrative units on basis of objective and meritocratic criteria". It provides that 1/3 of service councils at high and mid-level public administration, must be of each sex.

CONTAGION and CONNECTIONS

Contagion between different domains within the country

Limited contagion effect from local to national level political representation, as well as limited contagion within the public administration.

Connections with other countries/ international dynamics

The turnabout in the jurisprudence of the High Court was influenced by the EC directive 76/207, the UN CEDAW Convention, and the EC recommendation 96/694/EC about the balanced participation of men and women in decision-making bodies, as well as the ECJ case Kalanke.

Inspired by similar developments in Austria, Portugal, Germany, and elsewhere, the Hellenic League of Women's Rights amassed the support of twenty-two women's organizations to push for a constitutional amendment that would legitimize positive measures.

COUNTRY SPECIFICS

Best practice

Feminist movement was instrumental in the introduction of the constitutional gender-equality clause in 1974 (although it had to compromise with the members of the constitutional assembly who had opposed this, in article 116).

Also the 2001 amendment of the constitution was influenced by women's organizations and the Hellenic League of Women's Rights in particular.

The socialist party PASOK that was in power for over twenty years in the 1980s and until the early 2000s epitomized the rise of institutional feminism, pioneering important legal reforms and establishing several state bodies and a full-fledged official policy for gender equality.

The leftist political parties were not particularly in favour of gender quotas on the ground that they were unnecessary, and that they had increased levels of women's participation among their ranks and achieved these without the adoption of any quota measures. Women's participation and representation in leftist parties has indeed been significantly higher in comparison to the other parties. However, the recently elected leftist government of SYRIZA has very few women in the cabinet.

Failures

The women's organizations failed to follow through on the 2001 Constitutional Amendment, except for some leftish parties.

Also, the watering down of the 2001 and 2008 electoral quota to apply to the total of all lists made them less effective in actually increasing number of women elected.