

“Legislation as a way of protecting and promoting equality: the Greek experience”

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The CECL: who are we?

- The Centre for European Constitutional Law (CECL) is a non-profit research institute founded in 1995.
- It is based in Athens, Greece
- It is financially and administratively independent



Mission

- contribute to the development of **democratic institutions and the welfare state** under the rule of law;
- deepen **European integration** and
- strengthen **international cooperation** with respect for the cultural identity of each state.

through:

- **theoretical and applied scientific research** in comparative public law, institutions and public policies;
- **institutional know-how** and **capacity-building** to developing countries and new member-states of the European Union and
- **public awareness** of developments within the European area.



What do we do

The Centre offers the following type of services:

- research in specific thematic areas
- implementation of institution and capacity building projects
- consulting
- training
- organisation of conferences and meetings
- publication of scientific monographs, studies and collective volumes
- participation in research networks

Areas of activity

The main thematic fields of the Centre's activities are:

- Constitutional institutions, Good Governance and Better Regulation
- **International and European institutions and policies**
- Welfare State, Social and Educational Policy

AREAS OF EXPERTISE

Constitutional Institutions, Good Governance and Better Regulation	International and European Institutions and policies	Welfare State, Social Policy and Educational Policy
<ul style="list-style-type: none">○ Fundamental Rights○ Modernization of Public Administration and Local Government○ Justice○ Regulatory Reform○ Corruption and Organised Crime	<ul style="list-style-type: none">○ Deepening of European Integration○ Competition and Internal Market○ Justice and Home Affairs○ Equality and non-discrimination○ Immigration	<ul style="list-style-type: none">○ Employment and Social Security○ Social Inclusion○ Social Welfare○ Health Policy○ Education and vocational training




Affiliations

- Special consultative status with the Economic and Social Council (ECOSOC) of the United Nations
- Focal point of FRANET – EU Fundamental Rights Agency
- Registered with the Registry of non-governmental organisations of Hellenic Aid of the Ministry of Foreign Affairs
- Mandated body for the implementation of Twinning projects (EU)
- Certified by ISO 9001:2008 for services




Protection of fundamental rights in the time of crisis: a paradox?

- The financial crisis has a devastating impact on the protection of human rights in Greece
- Daily incidents betray an unprecedented increase in hate crime, racial violence and racial discrimination
- The crisis also has a deep impact on the position of women in the labour market
- It affects disproportionately disabled persons, immigrants, young people, old people etc.



Another aspect of the crisis: An uncontrollable influx of legislation

- The number of laws passed through Parliament is huge
- Increased length and complexity
- Austerity measures can have **additional** (unexpected) adverse impacts if not properly planned
- Legislating under pressure
- **“legislate in haste repent in leisure”**



Equality: a complex issue achieved by law and through law

- Fundamental rights are founded **in** law and achieved **through** the law
- Equality requires the legislator to provide equally for all
- The legislator needs to proactively ensure that legislation promotes equality and has no adverse effects



Some innovative aspects of the Greek experience

- Effective protection of fundamental rights requires **proactive interventions** in the decision making and legislative processes rather than ad hoc initiatives.
 - Improve access to the law
 - Examine the impacts of legislation on gender, disability etc early in the process of decision-making and drafting of legislation
 - Integrate the viewpoint of affected groups



1. Improve access to the law

- On going project
- Improving access to gender equality legislation through (administrative) codification of legislation
- Not a code but a compilation and systematisation of all relevant legislation in all areas of Law/policy
- Thematic collections



Benefits

- Allows subjects of legislation to access legislation and be aware of their rights and obligations
- Allows policy makers to identify gaps in different policy areas
- Allows the identification of “hidden” impacts or incompatibilities
- Allows to ‘fine-tune’ legislation to promote substantive equality



Components of the project

- **Phase I**
 - Collect legislation directly or indirectly related to gender in all areas of law
- **Phase II**
 - Evaluate provisions from the viewpoint of substantive equality and identify gaps, overlaps, conflicting case law, provisions which are no longer applied



Components of the project (2)

- **Phase III**

- Organise and systematise provisions
 - by area of law,
 - policy area
 - For specific end-users of legislation

- **Phase IV**

Collect case law from the European Court and greek courts



Components of the project (3)

- **Phase V: Simplify the application of the law**

- Identify the administrative procedures required for the application of legislation
- Examine their complexity
- Identify administrative burdens on citizens and vulnerable groups
- Propose simplification measures



2. Develop a gender impact assessment tool

- **Mainstreaming:** a tool in the intersections of equality and quality of legislation
- Impact assessment is used to control impacts in economic, natural and social environment
- Specialised tools to identify specific impacts
 - Gender impact assessment
 - Disability impact assessment



Project Components

- On going project
- Step 1: Study the comparative experience
 - Comparative study: european, international and national experience including experience from NGOs
- Step 2:
 - Develop a tailored gender impact assessment tool for greek legislation




Project Components (2)

- Step 3:
- Pilot the GIA tool on 100 representative provisions as to their impact on gender equality
 - Develop a methodology for the selection of the 100 provisions
 - Select provisions – gender relevance (ex-ante, on-going, ad-hoc)
 - Collect data
 - Assess impacts on gender
- Step 4: Develop proposals for recasting legislation in a corrective direction
- Step 5: Proposals for consolidating the GIA model
 - separate IA?
 - Integrated in existing RIA tool?



3. Integrate the viewpoint of affected groups

- Consultation is the usual tool
- Work together with the affected groups to develop a **joint analysis and joint end products**




Case study: Legislating for the CRPD together with the disability movement

- On going project
- Purpose: to assess the compatibility of greek legislation with the CRPD
- To formulate proposals to harmonise legislation with the CRPD



Phase I: Legal analysis

- Step 1: Collect all legislation relevant to the provisions of the CRPD
 - Systematise legislation
 - Collect data on the implementation of legislation
- Step 2: Analyse CRPD provisions and requirements
 - Assess compatibility
 - Identify gaps
 - Identify good practices
- Step 3: Consultation
 - Develop proposals



Phase II: Develop a draft law together with the disability movement

- **Integrated analysis:** combine the viewpoint of the drafter – legal expert and the viewpoint of disability
- **Joint expertise**
- Develop draft legislation integrating the perspective of the disability movement



Phase III: Ensure the implementation of legislation

- Develop all secondary legislation necessary for the effective implementation of legislation

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- Thank you!
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www.cecl.gr