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NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to this Mission's Note Verbale No:6171.1G/8/236 dated 19 January 2015, has the honour to attach herewith additional contribution of the Ministry of Interior and Administrative Reconstruction to the study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 23 February 2015

To: **The Office of the High Commissioner for Human Rights**

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Att.: 20 pages

**MINISTRY OF INTERIOR AND
ADMINISTRATIVE RECONSTRUCTION**

Participation in the conduct of public affairs

- 1) **Do the Constitution and/ or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provisions.**

According to the **Directorate of Organization and Functioning of Local Government**, the main legislative texts providing for the participation of individuals in the management of (local) public affairs are the law 3463/2006 (the Code of Municipalities and Communities) and the law 3852/2010 (New Architecture of the Self Government and the Local Government) concerning the reform of the local government.

Moreover, according to the **Directorate for Development & Support of Policies on Gender Equality of the General Secretariat for Gender Equality**, in the field of decision-making positions, women's participation was particularly low until 1999 to 2000.

- Law 2839 of 2000 stipulates that both genders shall participate, at a quota of 1/3 each, in departmental boards of public administration services and collective managing bodies of public organizations and Local Administration Organizations.
- Law 2910 of 2001 stipulates participation of 1/3 of each gender on electoral lists for local and regional government. With a series of decisions the Council of State (Supreme Administrative Court) has judged that the above mentioned provision is in accordance to the revised Constitution.
- Incorporation of the provision of par. 1a, art. 6, Law 2839/2000 to Law 3528/2007 & Law 3584/2007 on the quota per sex in the public authorities, Legal Entities under Public Law and Local Government Organizations councils. In each public authority and Legal Entities under Public Law council, the number of members per sex, as defined by the service, must be equal to at least one third (1/3) of the members defined according to the current provisions. These services offer employment to an adequate number of employees that meet all legal requirements for employment (provided that the member assigned is more than one). The same provision, vis-à-vis Local Government Organizations' councils, is incorporated into the "Status Code of Municipality and Community Employees" by the par. 5, art. 7 (Law 3584/2007. G.G./A/143/28-6-2007).
- Establishment of minimum 1/3 quota for each sex for scientists' recruitment to national agencies and committees for Research and Technology (art. 57, Law 3653/2008) Article 57 of Law 3653 on the "Institutional framework for research and other provisions" defines a participation quota of 1/3 minimum for each sex in the recruitment of scientists to national agencies and Research and Technology Committees. A requirement for the implementation of this quota is

that the candidates must have all necessary qualifications for the respective posts.

- Establishment of quota for each sex during National Elections. Art. 3 of Law 3636/2008 on the "Amendment of Law 3231/2004) on the "election of members of parliament" stipulates that a minimum of one third of the candidates within political parties – nation-wide, not per election region – must be of each sex.

Furthermore, the institutional mechanisms for the advancement of women include:

- The General Secretariat for Gender Equality, established by Law 1558 of 1985.
- The Research Centre for Gender Equality (KETHI), supervised by the General Secretariat for Equality (later "General Secretariat for Gender Equality")
- A Permanent Parliamentary Committee for Equality and Human Rights, in operation since 2002, in the context of the proceedings of the Greek Parliament.
- The Office for Gender Equality at the headquarters of the Minister of National Defense, established by the PD39/2004.
- The Greek Ombudsman, who is an Independent Authority established by the Greek Constitution (article 101A). It began operation in 1988, and provides its services for free. Its main goal is to intervene between public administration and citizens to protect the latter's rights, and legal compliance and redress of maladministration of public bodies (Law 3094/2003). In May 2008, a new circle of activities was established, the Circle for Gender Equality. By virtue of Law 3488/2006 (art.13), and based on the art. 2, par. 7 of the European Directive 2002/73/EC, the Greek Ombudsman has been assigned as competent agency for monitoring the implementation -in private and public sectors- of the principle for equal treatment between men and women in relation to their access to the labour market, professional training and development, working terms and conditions. Within the framework of this specific competency, potential infringements of the principle for equal treatment between men and women by the public sector may be investigated when it acts either as an employer or as a provider of services to the employee (i.e. maternity provisions), as well as potential infringements by private sector employers either physical or legal entities.
- The General Secretariat for Gender Equality. It is the competent governmental agency for designing and monitoring of the implementation of policies for gender equality in all sectors. The General Secretariat for Gender Equality is an independent Public Authority charged with promoting and implementing the legal and substantive gender equality in all sectors of social, political and economic life. It was established as a separate Public Authority by virtue of article 27, Law 1558/1985.

2) What is the scope and content of the right to political and public participation as provided in national law?

According to the **Directorate of Organization and Functioning of Local Government**, the scope of the right to political and public participation concerns the following sectors:

- Consultation- participation of individuals in local affairs
- Transparency/ publicity (enabling information of individuals)

The content in these fields of participation includes the following items:

Consultation- participation of individuals in local affairs

There are two forms of consultation- participation of citizens in local affairs:

- Inclusive participation through institutional collective organs;
- Participation on the local government authorities' initiative.

Legislation on the local government functioning and organization provides for the way and the form related to the **consultative participation of citizens**. In particular:

- Article 76 of law 3852/2010 provides for the establishment of a **Municipal Consultation Committee**, with a 2,5 year term of office, in municipalities with over 10.000 population and upon the decision of the municipal council where a 2/3 majority is required, and by a simple majority in smaller municipalities. The Committee is composed of local society representatives, coming from:
 - local trade and professional associations;
 - scientific associations and bodies;
 - associations of employers and employees;
 - employees of the municipality and the legal entities of it;
 - parents associations;
 - sports and cultural associations and entities;
 - civil society organizations and entities;
 - Registered residents of the municipality.

The Committee, the members of which vary from 25 to 50, organizes open meetings which are mandatory to be held once a year before the drawing up of the budget and the annual action plan, and at least once every three (3) months. Headed by the mayor or the vice – mayor who is appointed by the mayor, the Committee is responsible for:

- providing opinion to the municipal council on development plans, action plans and on the operational and technical program;
- providing opinion on issues of general local interest transmitted by the municipal council or the mayor;
 - examining local problems and development opportunities of the municipalities, providing opinion with a view to addressing problems and exploiting possibilities;

-Addressing remarks on the content of regulatory decisions provided for in law 3463/2006.

- Article 178 of law 3852/2010 provides for the setting up of a regional consultation committee within each region, with the same term of office as that of the regional authorities, which is composed of :
 - the mayors of the region (up to 20);
 - representatives from the associations of employers and employees;
 - representatives of chambers, scientific associations, organizations and entities;
 - representatives of cooperative organizations;
 - representatives of the decentralized administration authority;
 - representatives of central services seated in the region;
 - civil society representatives;
 - Citizens.

The Committee, whose number of members may vary from 35 to 60, is headed by the Head of the Region or the vice Head of the Region appointed by the Head of the Region. The meetings are held at least on a quarterly basis. The duties of the committee are the duties corresponding to the duties of the municipal consultation committee.

In relation to local communities, article 85 of law 3852/2010 provides for a meeting of their inhabitants, convened by the representative or the president of the local community and in cooperation with the competent vice- mayor. The meeting takes place at least on a yearly basis and it aims at formulating proposals which are addressed to the municipal bodies in relation to:

- the provision of social or other services to the inhabitants of the area ;
- social policy measures aimed at the protection of the elderly and the children;
- the implementation of works at the local community level;
- services for the tourist development, cultural, recreational and sporting activities and programmes;
- Any other business related to the local community.

The decisions are made on a relative majority of the present participants and minutes are kept during the whole process.

Especially, for the regions, in parallel with the formulation of the opinion from the regional consultation committee, the possibility of an electronic consultation with the citizens on the internet is also provided. The proposals are collected and systematized by the regional services and then , they are presented during the meeting of the regional consultation committee by president of the committee. The procedure and methodology of the consultation are at the discretion of each region.

Finally, article 216 of law 3463/2006, provides for the possibility of holding local referendums on the initiative of the municipal authorities in relation to serious issues which fall under their responsibility. The decision for holding a referendum is made by a majority of 2/3 of the total members of the municipal

council. All persons entitled to vote in the elections for the local government authorities can take part in the referendum. The result of a referendum is considered to be valid in case of participation of 50% of the persons registered in the electoral rolls. The result of the referendum is binding for the local council. Referendums may not be held on budgetary issues or on the imposition of fees.

Transparency / publicity

In the context of transparency and within the framework of the possibility for all interested parties to have access to the information, article 71, par. 3 of law 3852/2010 provides for each municipality the obligation to have an official website on which all decisions issued by the municipal organs must be posted, in accordance with the applicable legislation. For special cases the same law also provides as follows:

First level of local government (municipalities): items posted on municipal websites:

- Second round municipal elections in case of annulment of elections;
- The mayor decisions on the appointment of vice- mayors and the assignment of their duties;
- The annual declaration of assets for the mayor, the vice mayor and the members of the economic committee and the quality of life committee;
- Invitation, on the same day, for the meeting of the municipal council, and the agenda;
- Summary statement of the budget , as voted by the municipal council ;
- A quarterly report of the economic committee on the municipal budget execution;
- Decisions of the economic committee and the quality of life committee (responsibility of the head of the committee);
- The annual report and the special proposals of the Municipal Mediator (posted by the municipal services) ;
- Transfer of powers of the mayor to the presidents of the municipal and local communities.

Second level of local government (regions) : items posted on regional websites:

- Vote to be taken again for the election of regional councilors, under the responsibility of the mayor. (On both the municipal and regional websites);
- Invitation for the meeting of the regional council, the agenda and reports related to issues on the agenda ;
- Three days after the session, and under the responsibility of the secretary, the issues discussed, the decisions with their numbers and content;
- The annual report and the special proposals of the Regional Mediator (posted by the regional services);

- Broadcasting on the internet: the special meeting of the regional council
Account of the proceedings of the Head of the Region and the executive committee;
 - Summary statement of the budget, as voted by the regional council;
- A quarterly report of the economic committee on the regional budget execution.

- 3) **How does the State guarantee that all individuals take part in the conduct of public affairs? Which concrete measures (including legislation) does the State take in order to enable the full and equal political and public participation by members of all groups? How does the State monitor and enforce legislation adopted to enable the full and equal political and public participation by members of all groups?**

According to the Directorate of Organization and Functioning of Local Government, there is no question about the state guarantee, given that any form of participation in the management of local affairs is obligatorily provided by law. The organ which does not implement the relevant provision is liable to disciplinary action towards the statutory bodies which are responsible for the disciplinary control.

- 4) **To what extent are all individuals consulted during the legislative and policy-making processes? Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.**

According to the Directorate of Organization and Functioning of Local Government, there is no possibility for any legislative initiative on the part of the local government authorities, given that this responsibility lies with the central government. For the issuance of regulatory decisions of local character, and /or for the formulation of the relevant policies, for which the responsibility belongs to the local government, the citizens' participation takes place as described in the answer to the question 2 under – Consultation – participation of individuals in local affairs.

- 5) **Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?**

According to the Directorate for Development & Support of Policies on Gender Equality of the General Secretariat for Gender Equality, as far as progress in the implementation in the critical area of women in public life is concerned, the following programmes have been implemented:

- Encouraging and enhancing women's participation in positions of political responsibility

The project titled "Encouraging and awareness-raising for the enhancement of women's participation in positions of political responsibility" is co-funded by the National Strategic Reference Framework and comprises actions of

information and awareness raising (campaigns) aiming to enhance the participation of women in positions of political responsibility and their representation in political institutions at the European, national, regional and local level.

In particular:

Local and Regional Elections 2010

In the framework of the above mentioned project, an awareness raising campaign took place, to enhance women's participation in political decision-making centers of the local and regional government, with actions that included the production of advertising material, creation and broadcasting of two TV spots, production of one radio spot, organizing a conference for the enhancement of women's participation in political decision-making centers, online broadcasting through various news sites and operating a kiosk in the centre of Athens for three days. A letter was also sent by the Secretary General for Gender Equality to all Secretaries General and to political parties, asking them to include in the selection criteria of the heads of their candidate lists, the gender component, in order to realize active promotion of women to decision-making centers.

Statistics: Women elected at the 2010 election represented 14.82% of the Deputy Region Heads, 15.76% of the Regional Councilors and 16.07% of the Municipal Councilors. Eight (8) women were elected Mayors throughout the country (2.47% in a total of 325 municipalities). No women were elected in the posts of Regional Heads.

National elections and European Parliament Elections

As a second part of the project, in relation to the 2014 European Parliament Elections, a campaign entitled «Awareness raising campaign for equal participation of women in political decision-making centres at National and European level» was launched, which included, inter alia, the production of advertising material, organizing actions of information and awareness raising and the creation of a website under the title « www.nai-stis-gynaikes.gr ».

National Elections 2012

At the administrative level, data about candidates and successful candidates disaggregated by gender was collected, recorded and processed, A report was afterwards prepared, including the full statistics of the Elections (of the 6th of May and of the 17th of June). The report is uploaded at the website of the General Secretariat for Gender Equality (<http://www.isotita.gr/index.php/statistics/c180/>). Sixty-three (63) women were elected as members of the National Parliament (21% of the total number of MPs, a percentage which has risen by 3.7% as compared to the elections of 2009).

- Supporting women's participation in positions of political responsibility at the regional and local level

The project is co-funded by the National Strategic Reference Framework and is being implemented by PETA SA, in cooperation with the Central Union of Municipalities of Greece and the Union of the Regions of Greece. It aims at the empowerment of women who participate in politics at the level of

Municipalities and Regions. (Actions include, among many others, the creation of website www.airetes.gr).

- Supporting women's participation in positions of political responsibility and participation in politics at the national and European level.

The project, co-funded by the National Strategic Reference Framework, has been assigned to the Research Centre for Gender Equality (a legal entity supervised directly by the General Secretariat for Gender Equality). It has already been launched and develops actions of encouraging and supporting the participation of women in positions of political responsibility and representation at the national and European level. It addresses women who have been elected at the national or European level, women candidates and political parties, institutions and bodies that make decisions regarding the electoral process. The project includes carrying out research and studies regarding the participation of women in decision-making centers, organizing courses of training and education for women candidates, the creation of a special website and the production of relevant printed material. The website mentioned above has already been created and it is www.gynaikes-politiki.gr.

It has to be underlined that the relevant campaign in favor of women's participation in the political decision-making process has already been activated in Greece in the framework of the elections for the regional and local administration, as well as of the 2014 European Parliament elections

In addition, similar measures have been implemented in the framework of the National Elections on 25-1-2015 (69 women MPs were elected out of the 300 seats of the Hellenic Parliament).

- Promoting women to the decision-making centres of the Social Partners

Projects have been designed and are being implemented by the Social Partners, Trade Unions and Employers' Associations.

- Monitoring the implementation of gender quotas

In the framework of monitoring the implementation of laws 2839/2000 and 3839/2010 on gender quotas in departmental boards, management boards and other collective institutions of the public sector, public organizations and local government organizations, the General Secretariat for Gender Equality remains in contact with the bodies concerned and collects data through which it monitors the legality of composition of collective institutions, and points out any deviations from the law.

- Women in financial decision-making centres

PROGRESS programme 2013-2014

The project "Positive action for the promotion of women in financial decision-making centres" has been approved and launched.

- Women in corporate management boards

Information and awareness-raising actions have been launched by the Hellenic Network of Corporate Social Responsibility and other agencies. By an initiative of the General Secretariat for Gender Equality, a Consultation Committee has been set up, which included representatives of institutional bodies of the State and aims at formulating a position regarding the "Proposal for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures".

As far as the Institutional mechanisms for the advancement of women are concerned, the General Secretariat for Gender Equality has been and remains the main National Mechanism for Gender Equality. The General Secretariat for Gender Equality staff is constantly trained through participation in seminars/workshops organized by the National School of Public Administration. The Greek Ombudsman has a very effective Gender Equality Section. There are also other parts of the National Mechanism in place in Local Administration, and an Observatory is being created (see below).

- Gender Equality in the Regions

In each Greek Region, a Regional Committee for Gender Equality (PEPIS) has been set-up comprising: the Regional Governor as Chairperson, a member of the Regional Council, representatives of the municipalities of the Region, a representative of women's organizations of the Region, and a representative of the General Secretariat for Gender Equality.

The responsibilities of the Regional Committees for Gender Equality include:

- a) providing support for the integration of gender equality in the development policy in the Region,
- b) proposing measures to promote substantive gender equality in all areas,
- c) formulating proposals addressed to the Regional Council for the integration and project financing from the regional budget, as well as relevant actions related to citizens information, and
- d) cooperating with the Counseling Centre of the General Secretariat for Gender Equality in the Region.

- Gender Equality in the Municipalities

For the first time, gender equality policies fall within the scope of municipal activities, through their specific units of "Social Policy and Gender Equality", the establishment of which is integrated into the Regulation for the Municipalities. In addition to these units, Municipalities have also the option of developing Municipal Gender Equality Committees. Indicative responsibilities include the formulation of proposals to the Municipal Councils, the sensitization/information on gender equality issues, and the collaboration with the Regional Committees for Gender Equality (PEPIS), etc.

- The Library of the General Secretariat for Gender Equality

The Project "Upgrading and Expansion of the Library on Gender and Equality Services" was designed and approved for funding by National Strategic Reference Framework in February 2011. The Project aims at upgrading and expanding library services in order to provide new information services to citizens and particularly to researchers, scholars and policy makers on gender equality in all areas of public policy.

The Project includes:

- the establishment and pilot operation of a digital repository on gender equality issues,
 - the enrichment of the existing database of the Library through the collection and digitization of documents of "gray" literature,
 - the expansion of the Historical Archives with documents on women's movement,
 - the adjustment of Library's certain services aiming to meet the needs of people with disabilities.
- New Monitoring Mechanism for the Implementation of Gender Equality Policies

The General Secretariat for Gender Equality was responsible for developing and implementing the Project: "Organization of Services for Integration, Monitoring and Evaluation of Gender Equality Policies across the breadth of Public Action (OBSERVATORY)" that was designed and approved for funding by the National Strategic Reference Framework. The Project aims at the creation/development and the pilot operation of the Monitoring Mechanism with a view to strengthening the gender perspective and promoting the gender equality in the design and implementation of policies. The Mechanism, apart from the monitoring system of policies of all agencies of the Government and local authorities and Regions, will also have a rating system of policies results regarding to gender (gender impact assessment). The follow-up and evaluation of the policies will be based on statistical data and the development of gender indicators according to the UN and EU criteria.

- Cooperation of the General Secretariat for Gender Equality with the Ministry of Foreign Affairs to support the creation of a National Coordination Mechanism for combating trafficking in women.

As far as the emerging priorities on gender equality in Greece are concerned, the economic crisis has altered the focus of policies, creating new priority areas for gender equality policies. As a consequence of the economic crisis, gender gaps intensify in the labour market and economic conditions. Employment rates and participation of women in the labour market are still systematically lower compared to men, while unemployment and, especially, inactivity rates are higher, particularly in the case of women with care responsibilities and of low educational attainment.

Exclusion from the labour market is a major determinant of poverty.

Women are more exposed to low quality employment and poor working conditions comparing to their male colleagues even if they tend to have higher average level of education than men. Female workers present a higher incidence in temporary, part-time, unpaid, forced voluntary jobs or uninsured labour in low pay sectors and occupations. The difficulty for women to remain and progress in employment increases the poverty risk whereas the wage gap between female and male colleagues for the same work seems to expand. Women entrepreneurs face increasing difficulties in accessing financial funds, training, networking, and in reconciling business and family.

Disparities are identified in relation to time allocation of women most of whom are devoted to non - paid domestic work and care of vulnerable members of the immediate and wider family circle. These inequalities are further aggravated by a limited supply or access to infrastructure and services which support the reconciliation of family and professional life (kindergartens, day schools, child and elderly people carers, etc.).

Within the family context, the crisis and the ensuing social pressure may be partly responsible for the psychological or physical abuse of women which feel unable to escape from the abusive relationship mainly because of the weakness of economic independence.

The economic crisis has a negative impact on marriages and the birth rate, due to the unsustainable economic burden. The access to health services is hampered because of the increase of the public resorting to public health infrastructure, due to the economic downturn.

In Greece, the National Programme for Substantive Gender Equality 2010 – 2013 aimed to improve the everyday life of women and men. It was largely conceived and designed before the escalation of economic crisis and as such it can only partly address consequences of the crisis on gender equality.

However, the national strategy for the promotion of gender equality has been aligned to respond to emerging challenges and social priorities. A newly designed and reality-informed policy frame for gender equality was timely included into the Partnership Agreement for Greece for the programming period 2014-2020. A range of 8 strategic priorities will guide a good use of the structural funds drawn from the Community Support Framework for Greece, concentrating on the protection of women against economic crisis, unemployment, poverty and exclusion.

The 8 priorities are the following:

- Promotion of equal access of women to the job market,
- Participation of women in rural production aimed at local development
- Promotion of social inclusion of women, prevention of and combating female poverty and all forms of gender-based violence
- Gender mainstreaming in social and health protection issues
- Support of the family institution
- **Promotion of equal participation of women in public life and the processes of political, social and economical decision making**
- Fighting against gender-based discrimination and stereotypes
- Inclusion of gender equality in public policies, monitoring and evaluation mechanisms.

Right to vote and to be elected

- 6) Is there universal and equal suffrage in your country? Are the rights of article 25 b) of ICCPR guaranteed by law? If yes, please make reference in such legislation.**

According to the Directorate of Elections, as provided for in article 51 of the Constitution the suffrage in our country is universal, equal and secret. All Greek citizens have the right to vote under the following provisions: 1) they should have completed 18 years of age 2) they should be registered in the electoral catalogues of their municipality in the country and 3) they have not been denied the right to vote. The Law 2462/1997 guarantees the ratification of the provisions of article 25b of ICCPR.

- 7) Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?**

According to the Directorate of Elections, there have not been observed any barriers in the voting process.

- 8) Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages that render them accessible to all? Please provide examples.**

According to the Directorate of Elections, there is no provision for placing the voting sheets in another format and language other than the Greek language.

- 9) If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?**

According to the Directorate of Elections, every year (from 1st to end of February) the Mayor of each municipality draws up ex officio nominal lists, which include the registered population of the municipality who have the right to vote. The new voters in January of that year submit to the concerned municipality a statement for the electoral district in which they wish to be registered, otherwise the classification is done to the electoral district chosen by the municipality. The above procedure is repeated every two months. The above implies that the process of registration of voters on the electoral catalogues is an automated process for which no education campaigns are organized.

- 10) With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first time voters, etc.) taken into account?**

According to the Directorate of Elections, particular care has been taken for people with disabilities who participate in the voting process. According to the electoral legislation and particularly under the provisions of paragraph 3 of Article 83 of Presidential Decree 26/2012 "Codification in a single text of the legislation on the election of deputies" (A'57) each voter with a physical

weakness has the right to address the representative of the judicial authority or a member of the Election Committee, who are obliged to assist in the vote. The Elections Department of the Ministry of Internal Affairs issued a relevant newsletter which gives instructions to facilitate the exercise of voting by citizens with disabilities. The newsletter emphasizes that if the representative of the judicial authority finds that it is impossible for the voters with physical disabilities, to have access in the voting room, he has to ensure, along with a selected member of the Election Committee, that an envelope with a stamp and initials is delivered to the voter as well as full series of ballots in order for him to withdraw in a suitable and accessible area of the same building complex (e.g. ground floor) to vote. Then the voter delivers the sealed envelope with the vote to the representative of the judiciary, and the representative of the judiciary throws the envelope in the ballot box, in the polling station in which the voter is registered. As for the right to be elected, provision is taken in order to promote women's participation in the electoral lists. According to Article 34 of Presidential Decree 26/2012, for the proclamation of political parties in the parliamentary elections, the number of candidates Members of each sex should be at least 1/3 of the total number of candidates, respectively, throughout the territory.

11) What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?

According to the Directorate of Organization and Functioning of Local Government, the legal restrictions to the right to stand for elections at the local level (local government elections) relate to impediments (exclusion from the right to stand for elections) under certain conditions provided for in articles 14 (for municipalities) and 117 (for regions) of the law 3852/2010 and refer to candidates with certain properties. Restrictions are provided with a view to safeguarding the public interest against any psychological influence that may be exercised to the electorate by persons who have a public position as well as with a view to preventing the preparation for their career as municipal or regional elected officials. The obstacle in relation to the right to be elected is present before the election and is highlighted during the nomination of the candidates. Especially:

The following officials may not be elected and hold positions of municipal elected representatives

- i. Members of the judiciary;
- ii. Officers of the armed forces and the public security forces;
- iii. Religious officials of the known religions;
- iv. The secretaries general of the Municipalities and the municipal officials, under any employment relationship, that is permanent officials, officials serving under private law -open ended contacts, officials serving under private law for a certain period of time, as well as special councilors, special collaborators, and scientific collaborators provided for in article 163 of the

Code of the status of Municipal and Community Staff (law 3584/2007) as applicable), if they want to be elected in the municipalities where they serve ;

v. the local mediator, if he wishes to stand as candidate in the municipality in which he exercises his functions;

vi. The appointed Chairmen of boards of municipal public entities with the exception of institutions;

vii. The officials of the municipal public entities or municipal establishments, employed under any employment relationship, if they want to be elected in the municipalities where they serve;

viii. Executive directors and officials of legal entities of private law, which are set up by the municipalities (or in which there is a participation of the municipalities) in relation to which the above individuals express their interest to stand as candidates, with the exception of the civil non profit societies.

Individuals under the above categories may stand as candidates if they resign from their positions before the nomination of the candidates. It should be noted that such a possibility is not provided for religious officials. In addition, the members of the judiciary and the officers of the armed forces and the public security forces must not have served within the administrative boundaries of the municipality where they will stand as candidates twenty four (24) months before the nomination of the candidates.

If not elected, the regular employees who resign obligatorily from their positions in order to be nominated as candidates return to their services. If they are elected, they return to their positions after the end of their mandates.

ix. Officials, under any employment relationship of the public sector, of the regions, public entities, state entities under private law, public enterprises, enterprises managed in a direct or indirect way by the state, by means of an administrative act or as a shareholder, in the municipalities in the administrative boundaries of which they have served as a head of a unit, at the level of a Directorate General or Directorate, 18 months before the municipal elections. An exception applies to the School Directors in the primary and secondary education as well as to the Directors of the sections, units and laboratories of medical services within the National Health System.

Individuals acting for the Head of a Directorate General or a Directorate within the administrative boundaries of the municipality where they stand as candidates. This restriction does not concern the School Directors in the primary and secondary education as well as the Directors of the sections, units, clinics and laboratories of medical services within the National Health System. However, this restriction applies to the Regional Education Directors and the Heads of the Directorates of Education as well as the doctors-directors of the Medical Service and the directors of the Medical Centers. The restriction also applies to the persons responsible for the coordination of the scientific operation of the Medical Centers.

The individuals stated above may stand as candidates provided they resign from their duties 18 months before the holding of elections.

viii. Governors, vice-governors, chairmen of the executive boards, executive directors of public entities, state entities under private law, public enterprises, enterprises managed in a direct or indirect way by the state, by means of an administrative act or as a shareholder, who are not elected representatives of local government or have not been elected in the above posts, in the municipalities where the above legal entities have their head offices, 18 months before the holding of elections.

Finally there are also obstacles for individuals who have either lost their elected mandate following a final judicial decision, because of instigating or participating in a crime, or with respect to whom a penalty has been imposed against counterfeiting, forgery, false certification, bribery, blackmail, theft, embezzlement, breach of trust, fraud, repression, incest, inciting prostitution, trafficking, trafficking of aliens, breach of anti-drug legislation, smuggling as well as breach of duty

The following officials may not be elected and hold positions of the regional authorities

- i. Members of the judiciary;
- ii. Officers of the armed forces and the public security forces;
- iii. Religious officials of the known religions;
- iv. the executive secretaries of the Regions and the officials employed in the Regional authorities, under any employment relationship, that is as permanent officials, as officials serving under private law -open ended contacts, officials serving under private law for a certain period of time. Also, the scientific partners and the special advisers of the Head of the Region and the Vice Head of the Region, if they want to be elected in the regions where they serve;
- v. the regional mediator, if he wishes to stand as candidate in the Region where he serves;
- vi. The appointed Chairmen of boards of regional public entities with the exception of institutions;
- vii. The officials of the regional public entities or regional institutions, employed under any employment relationship, if they want to be elected in the regions where they serve;
- viii. Executive directors and officials of legal entities of private law, which are set up by the regions (or in which there is a participation of the regions) in relation to which the above individuals express their interest to stand as candidates, with the exception of the civil non profit societies. The participation of the region in a legal entity of private law, unless it is expressly provided, is considered to be any type of participation either as a shareholder or as a partner.

Individuals under the above categories may stand as candidates if they resign from their positions before the nomination of the candidates. It should be noted that such a possibility is not provided for religious officials; therefore they can not stand as candidates in an elected regional post.

The members of the judiciary and the officers of the armed forces and the public security forces must not have served within the administrative

boundaries of the region where they will stand as candidates twenty four (24) months before the nomination of the candidates.

If not elected, the regular public employees who resign obligatorily from their positions in order to be nominated as candidates, return to their services. If they are elected they return to their positions after the end of their mandates.

ix. Officials, under any employment relationship of the public sector, of the regions, of public entities, of state entities under private law, public enterprises, and of the enterprises managed in a direct or indirect way by the state, by means of an administrative act or as a shareholder, in the regions in the administrative boundaries of which they have served as a head of a unit, at the level of a Directorate General or Directorate, 18 months before the regional elections

This restriction does not apply to the Directors of the Education Offices, the School Directors in the primary and secondary education as well as to the Directors of the sections, units, clinics and laboratories of medical services within the National Health System. However, this restriction relates to the Regional Education Directors and the Heads of the Directorates of Education as well as the doctors-directors of the Medical Service and the directors of the Medical Centers. The restriction also applies to the persons responsible for the coordination of the scientific operation of the Medical Centers.

x. Governors, vice-governors, chairmen of the executive boards, executive directors of public entities, state entities under private law, public enterprises, and enterprises managed in a direct or indirect way by the state, by means of an administrative act or as a shareholder, in the regions where the above legal entities have their head offices, 18 months before the holding of elections.

xi. Individuals related to the regional authorities or their legal entities with supply contracts, contracts for the implementation of regional works, contacts for the provision of services, concession of exploitation right of a regional work or regional service of more than five thousand (5000 euro) annually.

Finally, as it is the case for the candidates for the municipal authorities, there are obstacles for the regional candidates who have either lost their elected mandate following a final judicial decision, because of instigating or participating in a crime, or with respect to whom a penalty *has been imposed* against counterfeiting, forgery, false certification, bribery, blackmail, theft, embezzlement, breach of trust, fraud, repression, incest, inciting prostitution, trafficking, trafficking of aliens, breach of anti-drug legislation, smuggling as well as breach of duty.

Moreover, according to the **Directorate of Elections**, preconditions to stand as candidate include the legal ability to vote and the non deprivation of the right to vote following a final judicial conviction. Every citizen's right to stand as candidate in parliamentary elections and occupy the parliamentary mandate is under restrictions according to the provisions of articles 55, 56, 57 of the Constitution. The above articles determine the qualifications, the impediments

and the incompatibles. In order to be elected MP individuals should have: 1) the Greek nationality, 2) completed the 25th years of age, 3) the legal right to vote. In case of an existing final judicial conviction, the articles 59-66 of the Criminal Code also determine the duration of deprivation of the right to vote and the right to be elected. In addition to the above in order for a citizen to stand as candidate in parliamentary elections, there should have been a proposal by, at least, twelve electors. A deposit of 146.74 euros should also be attached to the proposal.

12) What positive measures have been taken to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantages groups are able to stand for elective office?

According to the **Directorate of Elections**, the main measure taken in the electoral procedure is the candidate quota by gender, as mentioned in question 10, in order to promote women's participation in politics. For the other categories of citizens no other particular measures have been taken in addition to restrictions provided for by the legislation which relate to all citizens, since these categories are neither excluded nor exempted from the participation in the electoral process and have equal rights of participation in the voting procedure.

Moreover, according to the **Directorate of Organization and Functioning of Local Government**, in order to ensure the smooth representation of both sexes, it is provided that the number of all categories of candidates- councilors from each gender in the municipalities and regions must be equal to 1/3 of the total number of the members of the collective organ. (law 3852/2010. article 19, par 2 in relation to municipalities and article 120 par 3 in relation to regions). Non compliance with this condition from the part of a political group leads to its ballot paper cancellation.

13) What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment, and violations of their rights to freedom of opinion, expression, assembly and association?

According to the **Directorate of Elections**, candidates for elected posts are not facing discrimination or violations of their rights regarding their rights to freedom of opinion, assembly and association. This is ensured in accordance with the Law 3023/2002 with the principle of proportional equality of the publicity of political party candidates. Parliamentary candidates appearance in any kind of public or private broadcasting radio or television free receiving stations, as well as in providers of all forms of pay TV services in any form, is allowed as follows: 1) In any radio or television station with national coverage, the appearance of candidates during the election period is allowed only once. 2) In any local radio or television station of regional scope, the appearance of candidates is allowed during the above period up to twice. 3)

Appearances within the meaning of this paragraph are considered personal interviews of candidates, participation in organized discussions, including those relating to news, broadcasts and the coverage, at the request of the parliamentary candidate of this election activity. The above provisions guarantee the equality of freedom of opinion and expression among the candidates.

- 14) Please explain how possible interferences with the electors will and with voter or candidate registration are avoided. Is undue interference prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?**

According to the Directorate of Elections, the registration of voters in the electoral lists is an automated process performed by the Mayor of the local municipality and there is no room for intervention. A specific process is also valid for the election of candidates, as referred to in the answer to the question 11. The will of the voters is assured through the secrecy of the voting process. Each voter or candidate is entitled to submit to the Electoral Commission complaints regarding any law infringements which took place during the voting process inside or outside the polling station

Equal access to public service

- 15) What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?**

According to the Directorate of Migration Policy, pursuant to the Immigration and Social Integration Code, Law no 4251/14, third country nationals legally residing in the country enjoy the same rights as Greek citizens. More specifically, according to Article 21, on common rights of third country nationals, they, among others, a) may move freely and settle anywhere on the territory, without prejudice to specific restrictions, b) are insured with the relevant social security organization and have the same social security rights as Greek citizens, while c) enrolment of minors third country nationals at Greek schools requires the same supporting documents as for Greek citizens. As to this, enrollment to Greek schools with incomplete documents is allowed to children of third country citizens in case i) they are beneficiaries of international protection by the Greek state or the UNHCR, ii) they come from areas of serious unsettlement, iii) they have applied for international protection, iv) they are third country citizens residing in Greece, even if their legal residence has not been regulated yet.

More specifically, as to equal access to public service, pursuant to Article 26 of the Immigration and Social Integration Code, Law no 4251/2014, Public services, legal entities of public law, local authorities, public utilities and social security organisations shall not provide their services to third country citizens who do not hold a passport or other travel document recognized by international conventions and entry visa or residence permit, and in general, to

third country citizens who cannot prove legal entry and residence in the country.

However, transactions with the aforementioned services are allowed to

- third country citizens who are objectively deprived of passports simply by showing their residence permit;
- third country citizens and minors who are admitted for hospitalization

~~and children who are admitted in hospitals for treatment~~

opportunities relating to participation in public and political affairs, are available and accessible to all.

20) Please provide information on how your country ensures that its public institutions are accountable for their policies on public and political participation.

According to the **Directorate of Organization and Functioning of Local Government**, since public and political participation in local affairs is provided by regulatory provisions, non complying with the regulatory provisions is a disciplinary misconduct or breach of duty. In the case of civil servants, the offence is examined on the basis of the provisions of the Code related to the status of the municipal and community staff (law 3584/2007), as applicable, while in the case of elected representatives, they are liable to disciplinary action in accordance with law 3852/2010 as applicable.