



## **“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"><li>○ Fundamental Rights</li><li>○ Modernization of Public Administration and Local Government</li><li>○ Justice</li><li>○ <b>Regulatory Reform</b></li><li>○ Corruption and Organised Crime</li></ul>	<ul style="list-style-type: none"><li>○ Deepening of European Integration</li><li>○ Competition and Internal Market</li><li>○ Justice and Home Affairs</li><li>○ <b>Equality and non-discrimination</b></li><li>○ Immigration</li></ul>	<ul style="list-style-type: none"><li>○ Employment and Social Security</li><li>○ Social Inclusion</li><li>○ Social Welfare</li><li>○ Health Policy</li><li>○ Education and vocational training</li></ul>

## Affiliations

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- 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?

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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### ○ **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

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- **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

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- 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)

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- 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

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- 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

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- 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

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- 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

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- **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

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

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- **Thank you!**
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