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NEWS REPORT

Country:	Greece
Title:	Acceptance of the equitable integration into the Fire Brigade Academy of persons who acquired Greek citizenship through naturalization
Date:	4 November 2016
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<u>Context</u>	
Issue at stake:	Equal access to educational institution regardless of ethnic origin
Ground of discrimination:	Race/ethnic origin
Source:	National court decision
Field:	Education
Applicable law:	Article 4, par. 1 of the Greek Constitution

Content

Case development:

The Council of State, which is the Supreme Administrative Court of Greece, found the inclusion of a provision in a Draft Presidential Decree unlawful, since it does not allow citizens who have acquired Greek citizenship through naturalization to be enrolled to the Warrant Officers' School of the Fire Brigade Academy, unless a year had passed since the acquisition of citizenship, and therefore it violates the Article 4, par. 1 of the Greek Constitution which stipulates that all Greek citizens are equal before the law.

The Draft Presidential Decree had been submitted by the government to the Council of State for a preliminary legal examination of the qualifications, conditions and the procedure for enrolling to the Officers' School of the Fire Brigade Academy for graduates of Higher Education and Technological Institutes, after partaking in the qualifying exams.

Decision of the Court:

The competent Department E' of the Council of State, through its opinion with no. 205/2016, held that the Draft Presidential Decree was partly unlawful and ordered the removal of the relevant provision.

The Council of State notes in its opinion, among others, that with the acquisition of Greek citizenship a new legal situation is created for the person acquiring citizenship (which is fully equated with the Greek nationality of those who acquire it through their origin), who thus enjoys all the rights and bears all the obligations which come with the legal status of a Greek citizen.

In view of this, the above arrangement, which required candidates applying for a position at that School to have obtained citizenship through naturalization at least one year prior to their enrolment, contained an unlawful criterion and should thus be deleted.

The official decision has not been published yet and therefore it is not known if the Court - apart from the Constitution - referred to the anti-discrimination legislation and the relevant EU Directive as well.

Key points of analysis:

The main point of interest regarding the specific court decision consists in the fact that the Council of State clarifies that persons with a Greek citizenship cannot be treated in unequal way if some of them are of non-Greek origin and have acquired citizenship through naturalisation.

Internet link source:

<http://police.net.gr/article/%CE%B1%CE%BB%CE%BB%CE%B1%CE%B3%CE%AE-%CF%83%CF%84%CE%B9%CF%82-%CF%80%CF%81%CE%BF%CF%8B%CF%80%CE%BF%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82-%CF%84%CF%89%CE%BD-%CF%83%CF%84%CF%81%CE%B1%CF%84%CE%B9%CF%89%CF%84%CE%B9%CE%BA%CF%8E%CE%BD-%CF%83%CF%87%CE%BF%CE%BB%CF%8E%CE%BD-%CF%83%CF%87%CE%B5%CF%84%CE%B9%CE%BA%CE%AC-%CE%BC%CE%B5-%CF%84%CE%B7%CE%BD-%CE%B5%CE%BB%CE%BB%CE%B7%CE%BD%CE%B9%CE%BA%CE%AE-%CE%B9%CE%B8%CE%B1%CE%B3%CE%AD%CE%BD%CE%B5%CE%B9%CE%B1>.