



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Greece
Title:	Gender quota of a minimum of 1/3 for administrative councils of athletic unions
Date:	2 October 2020
Expert:	Panagiota Petroglou
<u>Context</u>	
Issue at stake:	For the first time, provision of a gender quota of a minimum of 1/3 of the total of the members of the administrative councils of athletic unions
Grounds of discrimination:	Gender
Field of application:	Gender mainstreaming
Source:	National legislation
Applicable law:	Article 2(5) Act 4726/2020, OJ A 181/18.09.2020 'Reform of the institutional framework of the elections of athletic entities, distinguishing accompany persons for disabled athletes, establishment of the National Platform of Athletic Integrity, Greek Olympic Commission, Greek Paralympic Commission and other provisions'

Content

The law: Article 5 Act 4726/2020, OJ A 181/18.09.2020, amending Article 5 Act 2725/1999, OJ A 121/17.06.1999, provides in paragraph 2, regarding the election of the members of the administrative council of athletic unions, that the number of the candidates of each gender must be at least equal to 1/3 of the number of the posts for which the election is held, including that of the President. If the calculation based on said fraction results in a decimal number, this has to be rounded up to the next whole number.

On 21 September 2020, the Greek General Secretariat for Family Policy and Gender Equality welcomed the adoption of the above-mentioned provision on gender quotas as a step forward towards the reduction of gender disparities in the athletic decision-making centres. On this occasion, it noted that this is an innovative provision given that in most EU Member States there is no such binding norm and the adoption of gender quotas is voluntary.

Analysis: This is the second binding legislative norm on positive action in the form of gender quotas adopted in 2020, following the recent provision of Article 3(1)(b) Act 4706/2020, OJ A 136/17.07.2020, which introduced a gender quota of 25% for the election of the members of the Administrative Council of limited liability companies (S.A.) listed in Greece.¹

¹ See EELN flash report of 21 August 2020 'Gender quota of a minimum of 25% for administrative councils of listed companies', (forthcoming).

Both provisions are in line with the constitutional norm on positive action of Article 116(2) of the Greek Constitution² which requires that the legislature and all other state authorities take any positive measures which are necessary and pertinent in promoting gender equality in all areas.³ It thus exceeds the requirements of EU law, as it explicitly makes positive action obligatory. In accordance with the hierarchical structure of the Greek legal order, all national provisions relating to positive action must be read and applied in light of this constitutional norm.

It is rather disappointing that both provisions have not been given the publicity they deserve both by the press and women NGOs.

Internet link source:

https://www.kodiko.gr/nomologia/document_navigation/640480/nomos-4726-2020.

² Article 116(2) Greek Constitution: 'Positive measures aiming at promoting equality between men and women do not constitute discrimination on grounds of sex. The State shall take measures to eliminate inequalities existing in practice, in particular those detrimental to women'.

³ Council of State judgements Nos. 2832-2833/2003, 192/2004.