

Hellenic Republic (Greece)

COST Action "Constitution-making and deliberative democracy"



Constitutional reform

- Art. 110 of Constitution (1975) & art. 119 of Standing Orders of Parliament
- Reform Process
 - proposal by min. 50/300 MPs
 - approval by 151/300 or 180/300 MPs in 2 ballots min. 1 month apart, with provisions to be revised
 - decision on the provisions to be revised by the next Parliament, by 180/300 MPs (for 151 MPs in previous) or 151/300 MPs (for 180/300 in previous)
 - 5 years min. from last revision
- Questionable whether art. 110 can be revised, in its procedure or in its content, thus allowing indirectly the amendment of the unamendable articles.
- Unamendable articles
 - form of government (parliamentary republic),
 - respect and protection of human life/dignity,
 - equality before the law,
 - exclusion of foreign nationals from public functions,
 - non-award of nobility/distinction titles to Greek citizens,
 - freedom of participation to socio-economic/political life without impeding on rights of others or violating Constitution/common morality,
 - personal freedom from illegal restraint
 - freedom of religion/secular state,
 - separation of powers.

Deliberative process

- Process of public deliberation first introduced in 2012 under art. 6 of Law 4048/2012, replaced in 2019 by art. 61 Law 4622/2019
- Applies to all legislation
- 2 weeks (can be 1 or 3 weeks, after justified proposal from relevant Minister)
- Comments on online platform (www.opengov.gr), on which the draft bill and a preliminary Impact Assessment of it are uploaded.
- The Coordination Service of the relevant Ministry submits a report on the public deliberation, with comments presented in groups, justifying their incorporation (or not)
- The above report is included in the final Impact Assessment submitted to Parliament with the Bill, and is also sent to all email addresses that submitted comments
- A Code for conducting public deliberation (with information, good practices, additional proposals for including/improving participation of stakeholders, etc.), is maintained by the Dept. of Information Technology Applications of the National Center of Public Administration and Local Government
- No official deliberative process for constitutional reform, but:
 - There is indirect deliberation during the mandatory intervening elections
 - For the ongoing amendment, the ad-hoc "Committee for Deliberation on the Amendment of the Constitution" (<http://www.syntagma-dialogos.gov.gr>), established in 2016 under PM's no. Y222 decision and aiming at coordinating and conducting public deliberation (events, meetings, consultations and online), currently is in its final phase (questionnaire on issues raised through deliberation on previous phases). The process is concluded with the submission of the Committee's Report on the deliberation process and work completed to the PM/political parties.