

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Position regarding Restrictive Quotas against Women</p> <p>Candidates</p>
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Following a resolution of the Plenary Session, the Marangopoulos Foundation for Human Rights and the Greek League for Women's Rights - both NCHR members- publicised a text entitled "Equality and Restrictive Quotas at the Expense of Women". In it, they referred to a news report which stated that during the deliberation in the Council of State concerning the selection of border guards it was argued that the establishment of quotas to the disadvantage of women by the authority responsible is allowed, considering that it is common knowledge that women are not, or are less, suitable than men for that type of service. It is the Commission's belief that such a decision by the Council of State would constitute a breach of article 116 par. 2 of the Constitution, which introduced substantial equality between men and women, signifying that the enactment of restrictive quotas concerning the selection of women for any office is impermissible.

In fact, the above provision constitutionally prescribed positive measures in favour of women, including favourable quotas. The Council of State as well as the Commission played a crucial role in the establishment of this new perception. Furthermore, it should be stressed that advocates of substantial equality have always campaigned for employment based on merit, irrespective of gender, and not for the numerically equal hiring of men and women. From this point of view, women candidates for the post of border guard should be judged not only according to their theoretical knowledge but also according to their physical and intellectual

competences. Successful candidates, be they male or female, should be appointed on the basis of the same criteria. In conclusion, it must be stressed that the acceptance of restrictive quotas would clearly constitute a violation of international conventions providing for substantial equality between the two sexes, which Greece has ratified and, therefore, recognizes as binding over national law (article 28 par. 1 of the Constitution).

20 January 2005