

# An Overview of the Hellenic Parliament

*By Konstantinos Margaritis*



Since the establishment of the Modern Greek State, after the revolution of 1821, the form of government has been under constant modification; absolute governmental systems as well as democratic regimes have been applied throughout the country's modern history, granting to the body of legislature a different role. Indeed, the impact of each regime to the competences and functioning of the legislature is of great importance since the latter is considered to be the major institution of citizens' representation.

After the fall of the military junta in July 1974 and the subsequent referendum for the abolishment of Kingship on 8 December 1974, the 3<sup>rd</sup> Hellenic Republic has been established as a Parliamentary Republic. Under the principle of separation of powers, legislative power is vested in one chamber, the Parliament (unicameral system).

## **Electoral process and structure**

According to Article 51, paragraph 1 of [the Constitution](#), the number of the members of the [Parliament](#) is specified by formal law; between 200 and 300. In practice, since the first parliamentary term of the 3<sup>rd</sup> Hellenic Republic, the number of parliamentarians has remained unchanged at 300. Members of Parliament are elected for a term of four consecutive years, commencing on the day of the general elections which are held

simultaneously throughout the country, through direct, universal and secret ballot by the citizens who have the right to vote. The right to vote is granted to all Greek citizens that are 18 years old at the year of the electoral process, have not been deprived of the right to vote by court decision or for reasons of legal incapacity on the basis of a court decision. A unique approach towards the right to vote is that it is, at the same time, considered an obligation since the exercise of the right is compulsory (Art. 51, paragraph 5).

The dominant electoral system in Greece that has been applied to the majority of the electoral procedures can be described as “enhanced proportionality”. It is a form of semi-proportional system embracing characteristics related to representation in the Parliament on the grounds of enhancing governmental stability. Hence, a party must secure at least 3% of the votes of the electorate for representation in the Parliament. As described in Law 3636/2008 which applied in the latest elections of June 2012, the party that secures the relative majority of the votes, gains a bonus of 50 extra seats in the Parliament. In this context, 250 seats are divided proportionally according to each party's total valid vote percentage (if over 3%), whilst the remaining 50 are granted to the first party in order to achieve an absolute majority in the Parliament and therefore form a government that enjoys the Parliament's confidence.

In terms of descriptive participation with reference to women's representation, the number of women in the Parliament has consistently increased over the last 20 years. After the elections of 1996, only 19 out of 300 members were women, while after the second electoral process of 2012, this number has risen threefold, reaching 64 members and representing more than 20% of parliamentarians. The highest possible level of equality between the genders in the Parliament is an aim of the State: Article 3 of Law 3636/2008 dictates that the number of candidates for Parliament from each gender shall be equivalent to, at least, 1/3 of the total number of candidates for each party in the respective ballots throughout the country's voting districts. This aim has been confirmed in the [Presidential Decree 26/2012](#) which codifies the electoral legislation.

To perform its tasks, the Parliament convenes *ipso jure* on the first Monday of October of each year in a regular session, unless convoked earlier by the President of the Republic, which cannot last less than five months. The President of the Republic may also convene an extraordinary session of Parliament whenever he deems it reasonable. In specific cases

explicitly described in the Constitution, Parliament may convene in special session. At the beginning of every regular session, the Parliament establishes standing parliamentary committees for the examination and processing of law proposals; it also establishes investigation committees for examining special matters of public interest.

Parliament conducts its duties in three formations: the Plenum, Section and standing parliamentary committees. During the session, the Parliament generally functions in Plenum. Parliament debates and votes exclusively in Plenum on its Standing Orders, on law proposals that fall under the scope of certain constitutional provisions mentioned in Article 72, paragraph 1 of the Constitution., on proposals implementing the Constitution for the exercise and protection of individual rights, on law proposals regarding the authentic interpretation of the statutes as well as on every other matter referred to the Plenum by special provision of the Constitution or when a special majority is required. The national budget and financial statement are also decided in Plenum. Debates and votes on all other law proposals may be carried out during the session by the relevant standing parliamentary committee or when the Parliament is in recess, by the Section. A law proposal debated and voted in the standing parliamentary committee is afterwards introduced in the Plenum and is voted on in principle, by article and in whole.

## **Main powers**

### **1) Legislative**

As a legislative body, the Parliament has mainly, but not exclusively, regulatory competences. Firstly, the Parliament revises the Constitution. Since this constitutes a major political event and institutional action in civil law systems, the process for amendment requires a special majority (180) of the total number of its members which decides the provisions that needs to be revised and an absolute majority (150+) of the next Parliament (after the elections) which decides on the provisions indicated by the former Parliament. Parliament (along with the Government) has the power of legislative initiative and the power to debate and vote on law proposals, including the national budget and its Standing Orders. Parliament ratifies legislative acts that are issued by the President of the Republic after governmental proposal under extraordinary circumstances of an urgent and

unforeseeable need. The Parliament by statute ratifies international conventions and treaties for being implemented within the Greek legal order.

## **2) Quasi-judicial**

Besides the legislative powers, the Parliament is also involved in procedures of judicial character regarding members of formal state institutions. The Parliament commences the process of impeachment against the President of the Republic by submitting a proposal signed by at least 100 members for debate; for its adoption, a resolution by a special majority (200) of the total number of its members is required. Afterwards, the President is arraigned before a Special Court specified in Article 86 of the Constitution. In addition, the permission of the Parliament is a prerequisite for prosecution of its members and decisions on the repeal of the parliamentary immunity belong to the Parliament. Another judicial competence of the Parliament is the exclusive power to prosecute active and former members of the Cabinet for criminal offences committed during the period in office. The process demands at least 30 members to submit a motion for prosecution. On this motion, the Parliament decides by absolute majority to set up a special parliamentary committee for conducting a preliminary examination; the findings of the committee are introduced to the Plenum which decides by absolute majority on whether the prosecution shall begin or not.

## **3) Other**

Certain competences of the Parliament derive from the fact that it constitutes the only institution directly representing the citizens in the Greek political system. As a result, the Parliament possesses more political power in relation to other formal institutions due to its direct democratic legitimacy. In this framework, the Parliament provides the Government with confidence (maintaining the right to revoke it), elects the President of the Republic, decides on the proposal for referendums, exercises control over governmental policies, can effect the statute on the state of siege, establishes extraordinary courts and suspends the force of certain constitutional provisions in cases described in Article 48, paragraph 1 of the Constitution.

## Issues at stake

One of the main issues under discussion at present is related to the Parliament's judicial powers, especially regarding the criminal accountability of cabinet members. Given the fact that an absolute majority is needed for the beginning of any prosecution, voting against an active minister by parliamentarians attached to the governing party is practically impossible. The existing framework therefore creates a "shield of protection". On the other hand, due to Parliament's political nature, the opposition parties tend to approach a legal process with high political criteria aiming to raise their popularity. In that sense the Parliament is not in position to inspire objectivity on its judicial tasks within society. The issue of revoking parliamentary immunity brings similar problems. In cases of criminal law violations on behalf of its members, the Parliament decides whether this violation can be justified as the proper exercise of parliamentary functions or if it is consistent with a personal quarrel; the latter not being covered by immunity. However, in certain cases, the way parliamentary immunity is applied in practice, covering criminal actions manifestly unrelated to the fulfillment of parliamentarians' duties, creates a sense of inequality within society. In both cases, it has been extensively argued that these judicial competences should be vested in the judiciary.

## Further reading

Spyropoulos, Ph. C, Fortsakis, Th. P (2013). *Constitutional Law in Greece*, Alphen aan den Rijn: Kluwer Law International, 2<sup>nd</sup> edition, (especially Part III).

Calogeropoulos, A (2004). "The Hellenic Republic", in L. Prakke, C. Kortmann (eds.), *Constitutional Law of 15 EU Member States*, Deventer: Kluwer Legal Publishing, 6<sup>th</sup> edition, pp. 369-416.

The [official website of the Hellenic Parliament](#).

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