



Governance and the Pandemic

Questionnaire #1: Whose Jurisdiction? Law in Books and in Action

Greece

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Question #1: Current Measures

What are the current public health measures in place in response to the pandemic?

In Greece there is a general rule that bans all kind of shops and restoration services, or sport clubs to the exception of super markets, small tobacco shops and pharmacies. People are not allowed to go outdoors to the exception of: visiting a physician or going to a pharmacy, visiting someone in need, for shopping for goods of immediate need [when delivery of goods at home is not possible], for personal sport training or accompanying a pet, going to a ceremony like weddings or funerals only as member of the family, for parents visiting a child while in separation. Last, people are allowed going to a bank, when e-services are not available. People can circulate only to vicinity of their domicile all the while keeping a safe distance to other people (2 meters). Gatherings in public are not allowed. Major public spaces of recreation are put under restrictions (open to the public for specific hours and for personal exercise, activities such as swimming are barred). All parks are closed and barred. In public administration, universities or banks, employees work in shifts, one staff per office. Policing is gradually expanded and a fine of 150 Euros is imposed to offenders.

The measures are passed through Acts in Force of Law (PNP) adopted by the government in case of emergency. They need to be ratified by the parliament within 30 days. Especially for the Easter holidays any mobility far from the place of residence is banned.

Question #2: Constitutional Setup

What is the body with jurisdiction over public health in the country according to its constitution?

The Ministry of Health is the core body of jurisdiction. The Ministries of National Defence and of Transportation have also lateral jurisdiction during the present crisis. Also in the beginning of the COVID-19 crisis the Agency of Political protection has been upgraded to a ministry in order to combat and coordinate the states agencies. Also the coordinator of the medical teams and spokesman of the assumes special jurisdictions. In fact, it seems that the Ministry of Health is not the main body that handles the pandemic crisis.

Question #3: Debate over Measures?

Has there been any debate over the measures taken?

Very little reaction has been observed. Mostly among legal scholars about the compliance of the limitations to constitutional and human rights law. The main objection deals with the lack of direct regulations by the Greek constitution to allow the government to adopt collective measures putting restrictions over the personal liberty. Individual measures are allowed, collective remain unregulated. One important issue deals with the applicability of the principles of necessity and proportionality as regards the imposed restrictions.

There is limited debate in independent media with regards to other collateral measures being passed through Acts in the Force of Law with regards to labour relations and labour rights which are criticized for not being proportional, bringing structural changes to the labour market to the detriment of worker' rights.

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In social media the methods used to justify the increasing restrictions for physical presence in public spaces is criticized mainly due to the range of fake videos disseminated in mainstream media showing crowding in public spaces which were edited to show more people in the space than there actually were.

Among legal scholars and activists there is growing concern on the arbitrary implementation of measures, flexing and extending powers provided by with decrees with force of law. For instance, while response to the homelessness issue has been limited, in several cities of Greece homeless were penalized (150 EUR) for aimlessly roaming

outdoors. Local authorities have been provided to mandate to respond to the needs of the homeless and to ensure public health safety. Accordingly, several hotels were opened for the homeless to be hosted but no mass testing of homeless has been foreseen, nor is it clear whether the capacity to host all the homeless in housing that can ensure self-isolation is made available in the large cities with homelessness issues.

Question #4: Conflicting Claims over Jurisdiction?

Has the pandemic generated any conflicting claims over jurisdiction on matters of public health?

There are overlapping jurisdictions between the government, the regional bodies of local governance, as well as the municipalities. There are also overlapping jurisdictions between a series of ministries. However, there are no conflicting claims among the government and local authority bodies. It can be explained that all, or most of them, are closely aligned with policies adopted by the prime minister K. Mitsotakis.

Question #5: Overall Governance Debate

Has the pandemic generated a discussion over other governance arrangements in the country?

The main arguments challenge the efficiency and pertinent scope some of the measures. There is a growing discussion about the role of mainstream media that overwhelmingly support the government measures. There is very little critique coming to the front of the public discussion.

Overcrowding in refugee camps is a major challenge. Overcrowded camps in the islands and the mainland where refugees are transferred constitute a threat to individual and public health. Cases of COVID-19 were confirmed in two refugee camps on the mainland. No specific measures to test and decongestion have been announced to date.

A major issue of discussion regards the strengthening of the Public Health System. The government has hired doctors and nurses only

under a temporary basis, and none of these would remain after the pandemic. Moreover, no structural measures have been taken in order to prepare the public hospitals and first level Health Centers to confront future health crises.

The general criticism through a legal point of view, is that the government suppresses individual liberties, eventually for a legal purpose, but does not provide any special measures to strengthen equality and solidarity. To provide social help to all those who are not in position to help themselves while staying alone at home. Those who are already ill persons or very poor.

Question #6 Further Comments

New phenomena have been observed, such as 'volunteer citizens' mandated by the local authorities checking and controlling citizens outdoors in some areas.

Konstantinos Tsitselikis. April 2020.