

LIBERTIES

RULE OF LAW REPORT

2024

GREECE

#ROLREPORT2024



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FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

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GREECE

About the authors

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Key concerns

Regarding the justice system, there have been no improvements over the last year. The appointment procedures for the highest senior positions of judges and prosecutors continue to raise concerns. Despite the ongoing efforts for reform, the public have little faith in the judiciary because they believe it is politicised and influenced by commercial interests. The legislature's de facto ability to scrutinise the actions of the executive is further eroded while judicial investigations and investigations by parliamentary committees and independent authorities have been delayed for months and have not yet presented their findings. There is a lack of transparency, as well as incomplete statistics and legal fragmentation. The lack of

trust to independent authorities and the lengthy and expensive procedures in the judicial system serve as a deterrent to proceed. Meanwhile, last-minute amendments in law provisions create confusion regarding the implementation and enforcement of legislation.

With regard to the anti-corruption framework, no progress has been made from the previous year. The perception among experts and the public is that the level of corruption in the public sector continues to be relatively high. Politicians' and public officials' asset declarations do not undergo the necessary scrutiny. Meanwhile, reports on direct procurement underline a discouraging situation: lack of transparency, no timely planning, insufficient evaluation, no system of control, and a waste

of public money. Developments based on the Commission’s 2023 recommendations were also not satisfactory.

In the area of the media environment and media freedom, there has been no progress. Trust in the media in Greece is in constant decline, partly due to perceptions of undue political and business influence on journalism. Freedom of the press is also in decline, and SLAPPs and other methods of harassment are widespread. New legislation includes the formation of a new registry, following the law regulating compliance of online media to journalistic ethics and state advertising funds. Also, in November 2023, the Greek Ministry of Justice presented draft amendments to the penal code which media unions warned could leave journalists at greater risk of serving prison sentences for criminal defamation.

There has been regression in the field of checks and balances. The practice of adopting omnibus legislation and last-minute amendments remains a major concern with regard to the rules of good legislation. The recent changes to the composition and to the way that new members of the independent authorities of the Hellenic Authority for Communication Security and Privacy and the Greek National Council for Radio and Television are selected, has been a major setback in their independence.

There have been no improvements in the civic space since last year. The shrinking of civic space has become a worrying trend in the country in recent years. The criminalisation of solidarity has continued, with several human rights defenders on trial, while excessive use of

violence by the police remained frequent – and frequently unpunished. The mass surveillance scandal commonly known as Predatorgate is still tormenting the Greek public sphere.

Regarding the disregard of human rights obligations and other systemic issues affecting the rule of law environment, there was no progress from 2023. Unlawful pushbacks of refugees and migrants to Turkey constitute a “de facto general policy” of the Greek government.

State of play (versus 2023)

-  Justice system
-  Anti-corruption framework
-  Media environment and freedom of expression and of information
-  Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

Justice system –

Key recommendations

- *Taking into account European standards on judicial appointments, enhance the independence of the Council of State, the Supreme Court and the Court of Audit through the involvement of the judiciary in the appointment of President and Vice-President.*
- *Conclude the operation of the Office for the Collection and Processing of Judicial Statistics, and provide statistics accordingly.*
- *Expedite the process of digitalisation and reconsider the judicial map to accelerate the processing of court cases in collaboration with civil society and Bar Associations.*

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

The appointment procedures for the highest senior positions of judges and prosecutors continue to raise concerns. In particular, appointments to the most senior positions – such as the President and Vice-President of the Council of State, the Supreme Court, or the Court of Audit – are affected by presidential decree. This process followed a recommendation by the Council of Ministers based on a proposal by the Minister of Justice and an opinion of a parliamentary body. There is no involvement of the judiciary in the appointment procedure and the Constitution excludes unsuccessful candidates from contesting the decision before an

independent court. Although a new law¹ was introduced in 2023, the specific issue was not addressed.

Article 33 of the Law 5028/2023 provides for the increase of organisational positions of political and criminal justice officials. In particular, the organic positions of political and criminal justice judicial officials are increased as follows: a) The Vice-Presidents of the Supreme Court by one, bringing the total number to 11; and b) Areopagites by two, setting their total number to 76. Moreover, article 37 of Law 5028/2023 amends the Code of Judicial Officers (Law 4798/2021) and stipulates the arrangements for the five-member judicial council of judicial officers of the court of appeal and the administrative court of appeal.²

1 et.gr/api/Download_Small/?fek_pdf=20230100054

2 [Άρθρο 37 - Νόμος 5028/2023 - Ρυθμίσεις για το πενταμελές δικαστικό συμβούλιο των δικαστικών υπαλλήλων του εφετείου και του διοικητικού εφετείου - Τροποποίηση παρ. 1 άρθρου 84, παρ. 1 άρθρου 85, παρ. 2 και 7 άρθρου 86, τροποποίηση παρ. 1, 2 | Νομοθεσία | Lawspot](#)

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Despite the ongoing efforts for reform, the public have little faith in the judiciary because they believe it is politicized and influenced by commercial interests. The independence of the judiciary is generally perceived as compromised.³ In April 2023, and only a few weeks before the dissolution of Parliament, a legislative amendment was adopted through art. 35 of Law 5043/2023.⁴ According to this amendment, the fulfilment of the democratic conditions by political parties in upcoming elections is verified by the Plenum. The Plenum consists of the president and all judicial officer members of the A1 Chamber of the Supreme Court, and not its five-member composition, which deals, historically and without exception, with any electoral issue within its competence. This amendment raised serious concerns regarding the principle of the rule of law. Although this amendment was introduced following the experience of Golden Dawn's criminal activity under the cloak of a political party and under the pressure of the establishment of a new far-right political party headed by Ilias Kasidiaris, it introduces a specified provision contrary to

the obligation of general provisions of law and jeopardises the quality of the rule of law.

The Vice-President of the Supreme Court and President of the Court's First Chamber, Mr. Tzanerikos, stated that the amendment in question constitutes a direct interference in the functioning of the Supreme Court. He further stated that it reflects a distrust and lack of confidence in himself, as he led the legislative initiative in this matter, especially with regard to the exercise of his discretionary power to determine the (five-member) composition of the Chamber of which he is President.⁵ However, given that it took a position on a provision that he would have to implement in the near future, this public statement on the content of the amendment was widely considered inappropriate. According to media reports, on 10 April 2023, Mr. Tzanerikos submitted his resignation from the judiciary for reasons of professional conscience.⁶

Remuneration/bonuses for judges and prosecutors

According to the EU Justice Scoreboard 2023,⁷ Greece is third in the EU in terms of the number of judges per 100,000 inhabitants, with around 37 judges. Greece spends 0.35% of its budget on the judicial system, which is significant in relation to its gross national income and

3 <https://europa.eu/eurobarometer/surveys/detail/2667>

4 [et.gr/api/Download_Small/?fek_pdf=20230100091](https://www.et.gr/api/Download_Small/?fek_pdf=20230100091)

5 [Allegations of an attempt to interfere with the justice system - govwatch](#)

6 [Παραιτήθηκε ο Αεροπαιγίτης Χρήστος Τζανερικός - «Για λόγους προσωπικής αξιοπρέπειας...» - The Press Project - Ειδήσεις, Αναλύσεις, Ραδιόφωνο, Τηλεόραση](#)

7 https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3127

above the EU average. The recently passed Law 5079/2023 provisions (art. 39)⁸ an important increase in the allowances, benefits and compensation of judges and the staff of the State Legal Council (by 30% for the allowances, benefits and compensations provided for in c. 3 of paragraph A of Law n. 3205/2003 (A' 297) and by 10% for the allowances, benefits and compensations of c. 5 and 6 of par. A of the same law). The provision has been widely criticised for exercising preferential treatment.⁹

Independence/autonomy of the prosecution service

On 7 March 2023,¹⁰ six members of the Board of Directors of the Athens Bar Association¹¹ issued a statement about Prime Minister Kyriakos Mitsotakis' letter to the Prosecutor of the Supreme Court, Isidoros Doyakos, regarding the judicial investigation of the deadly railway accident in Tempi. These members claimed the letter is a “direct violation” of the constitutionally enshrined principle of separation of powers.

According to the specific letter, the Prime Minister asks the Greek justice system to “prioritise the relevant cases” and “assign them, if you consider it appropriate, to the highest

possible investigative level”. Furthermore, Prime Minister Mitsotakis asked Mr. Doyakos to proceed with the judicial investigation of the accident regardless of the progress of the work of the committee of experts. These experts were appointed to carry out an assessment of the incident from an administrative and technical point of view. Upon completion of the committee's work, its findings will be communicated to the prosecuting authorities conducting the investigation, and become part of the case file. According to the six members of the Bar Association, this letter directly violates the separation of powers, which is guaranteed by Article 26 of the Constitution.¹²

Quality of justice

Accessibility of courts (e.g. court fees, legal aid, language)

The effectiveness of the legal aid system could be jeopardised by the long delays in settling the lawyers' fees. In Greece, there is a system of legal aid for persons lacking the financial means and each bar association creates a list of lawyers on duty to provide legal aid services. Compensation is paid through the Ministry of Justice. Following continuous interventions by the bar associations and movements requesting

8 et.gr/api/Download_Small/?fek_pdf=20230100215

9 <https://www.kathimerini.gr/economy/562653718/ayxiseis-syntaxeon-se-dikastikoys/>

10 [A letter from the Prime Minister to the Prosecutor of the Supreme Court is accused of violating the separation of powers - govwatch](#)

11 [Ευθεία παραβίαση της αρχής της διάκρισης των εξουσιών η επιστολή Μητσοτάκη σε Ντογιάκο, σύμφωνα με μέλη της Ένωσης Δικαστών & Εισαγγελέων \(legalnews24.gr\)](#)

12 [Σύνταγμα \(hellenicparliament.gr\)](#)

the immediate allocation of the legal aid compensations, the Parliament voted a new law (Government Gazette A 91/13.04.2023, article 88) that provides for the reimbursement of compensation due.

Resources of the judiciary (human/financial/material)

Although the Joint Ministerial Decision¹³ has been published on the service of electronic documents by bailiffs (Government Gazette B' 2318/12.05.2022), the procedure is still pending.¹⁴

In September 2023, Law 5049/2023 introduced the acceleration of judicial police staffing and operation procedures, amendments to Law 4963/2022, and other regulations of the Ministry of Justice. Following the issuing of the law in October 2023,¹⁵ an announcement was published for 500 permanent organic positions in the Department of the Police Sector of the Directorate of Judicial Police and the regional services of the Judicial Police. The announcement was issued by the Minister of Justice, upon approval by the Supreme Personnel Selection Council (ASEP). On 6 December 2023, the Ministry of Justice announced the provisional

results of the vacancy notice. The final results will emerge after any objections have been adjudicated.

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

Project “SUB 5. Continuing Training of Judicial Officers”,¹⁶ funded by the Recovery and Resilience Fund, includes the provision of lifelong training to active judicial officers. It aims to enrich their knowledge and keep them informed in matters related to the exercise of their work.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

According to the EU Justice Scoreboard 2023, Greece lags behind most notably in the length of time required to administer justice, but also in the manner the courts operate, as it appears that neither judges nor attorneys make adequate use of modern technologies.¹⁷ Several important projects are ongoing:

13 et.gr/api/Download_Small/?fek_pdf=20220202318

14 [Επίδοση εγγράφων από τους δικαστικούς επιμελητές με ηλεκτρονικά μέσα – Υπουργείο Δικαιοσύνης \(ministry-ofjustice.gr\)](https://www.ministryofjustice.gr/epidoση-εγγράφων-από-τους-δικαστικούς-επιμελητές-με-ηλεκτρονικά-μέσα-Υπουργείο-Δικαιοσύνης)

15 [ΨΣΑΛΩ-2ΧΛ.pdf \(ministryofjustice.gr\)](https://www.ministryofjustice.gr/ψσαλω-2χλ.pdf)

16 [895.Sinexizomeni_Katartisi_Dikastikwn_Ypallilwn_5215672.pdf \(greece20.gov.gr\)](https://www.greece20.gov.gr/895.Sinexizomeni_Katartisi_Dikastikwn_Ypallilwn_5215672.pdf)

17 <https://www.ekathimerini.com/news/1212889/justice-system-scores-poorly-in-eu-rankings/>

1. National Coding Portal:¹⁸ citizens, businesses and public bodies will have direct and free online access to the updated and codified national, legislative and regulatory texts that will be collected and produced in the framework of the project.

2. Memorandum of cooperation between the Ministry of Justice and the Ministry of Digitalisation on the following actions:¹⁹ Issuance of Digital Signatures to Judicial Officers and Judicial Employees and employees of other supervised bodies of the Ministry of Justice. The memorandum further includes Electronic Court Certificates, Electronic Court Decisions, creation of a unified system for the electronic publication of a will, etc.

3. Digitization of Court Records and Data, online application and download of copy of Criminal Record, Criminal Case Monitoring (Complaint Flow), Electronic Copies of Criminal Excerpts etc. Several of these projects are expected to be expedited in 2024,²⁰ including an important interoperability project with the Athens Bar Association.²¹

The Law 5028/2023 contains the following provisions: a) the transformation of transitional seats into telematics judicial offices and the establishment of new such judicial offices; b) the determination of the institutional framework for conducting the telematic meeting, foreseeing that, following the successful trial period, for two full judicial years, the telematic court offices will be converted to telematic court offices, starting from the 2026-2027 court year;²² c) the implementation of the digital strategy of the Ministry of Justice and the acceleration of the processing of court cases, as well as for the efficiency and functionality of judicial services at the level of appellate districts and judicial formations; and d) the redistribution and decentralization of responsibilities between the regular administrative courts and the redesigning their districts.²³

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Delays are observed in the operation of the Office for the Collection and Processing of Judicial

18 [Εθνική Πύλη Κωδικοποίησης - Γενική Γραμματεία Ψηφιακής Διακυβέρνησης & Απλούστευσης Διαδικασιών \(secdigital.gov.gr\)](https://secdigital.gov.gr)

19 [Γενική Γραμματεία Ψηφιακής Διακυβέρνησης | Υπουργείο Δικαιοσύνης \(secdigital.gov.gr\)](https://secdigital.gov.gr)

20 [Δικαιοσύνη: Προς ψηφιακή πορεία μετά τη συνάντηση Φλωρίδη και Παπαστεργίου - Όλες οι παρεμβάσεις | in.gr](https://in.gr)

21 [737.YPSHD_ISOKRATHS_5202714.pdf \(greece20.gov.gr\)](https://greece20.gov.gr)

22 <https://mindigital.gr/archives/4856>

23 [Άρθρο 37 - Νόμος 5028/2023 - Ρυθμίσεις για το πενταμελές δικαστικό συμβούλιο των δικαστικών υπαλλήλων του εφετείου και του διοικητικού εφετείου - Τροποποίηση παρ. 1 άρθρου 84, παρ. 1 άρθρου 85, παρ. 2 και 7 άρθρου 86, τροποποίηση παρ. 1, 2 | Νομοθεσία | Lawspot](https://lawsport.com)

Statistics, which is not yet fully functioning. The Office for the Collection and Processing of Judicial Statistics was established at the end of 2020 with the objective of systematic collection of qualitative and quantitative data.²⁴ However, no statistical data have been produced yet under the new mechanism and there has been no visible improvement in the quantity of the publicly available statistical data.²⁵ In particular, the only statistical data currently accessible on the website of the Ministry of Justice are “statistics by jurisdiction” for civil proceedings in 2023 and civil, criminal and administrative proceedings in 2022. The data available appear to be patchy, inconsistent and incomplete. The registration of the supervised institution’s statistical data is allowed on the website.²⁶

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation

In July 2023, the Ministry established a working group on the reform of the Judicial Charter of civil and criminal justice. The working group published its report in November 2023.²⁷ A few

days later, the Plenary of Bar Associations issued a statement that unequivocally denounced the procedure of the working group and expressed its complete opposition to the content of the findings.²⁸ In particular, the Plenary opposed the abolition of any Court of Appeal or Court of First Instance of the Country. The merger of Magistrates’ Courts requires a substantial dialogue between the competent bodies in order to deal with the problems that will arise. The dialogue considers the peculiarities of each region in combination with citizens’ need for unfettered access to justice and the meaningful exercise of their right to judicial protection.

Fairness and efficiency of the justice system

On 28 December 2023,²⁹ the public electronic consultation on the draft law of the Ministry of Justice entitled “Interventions in the Criminal Code and the Code of Criminal Procedure to speed up and improve the quality of criminal proceedings – Modernization of the legislative framework for the prevention and combating of domestic violence” was concluded amidst huge

24 Code of Procedure of the Court of Audit, provisions on the effective administration of justice and other provisions, Law 4700/2020, Article 358. The Greek Recovery and Resilience Plan, under Component 4.3 Improve the efficiency of the justice system reform, contains subproject 3 ‘Implementing the provision of Law 4700/2020 for the establishing of an independent office for the systematic collection and processing of judicial statistics.

25 ΣΤΑΤΙΣΤΙΚΑ ΣΤΟΙΧΕΙΑ ΑΠΟ 2016 ΕΩΣ ΣΗΜΕΡΑ – Υπουργείο Δικαιοσύνης (ministryofjustice.gr)

26 <https://moj.gov.gr/juststat/welcome>.

27 ΔΙΚΑΣΤΗΣ: ΠΟΡΙΣΜΑ ΤΗΣ ΟΜΑΔΑΣ ΕΡΓΑΣΙΑΣ ΓΙΑ ΤΗΝ ΑΝΑΜΟΡΦΩΣΗ ΤΟΥ ΔΙΚΑΣΤΙΚΟΥ ΧΑΡΤΗ (dikastis.blogspot.com)

28 Δυναμική συνέχεια κινητοποιήσεων των δικηγόρων | Ολομέλεια Δικηγορικών Συλλόγων Ελλάδας (olomeleia.gr)

29 <http://www.opengov.gr/ministryofjustice/?p=17064>

reactions and a wave of strikes throughout the Bar Associations.³⁰ The Ministry of Justice's bill on certain reforms in the Criminal Codes would amend, without the contribution of a legislative committee, two key pieces of legislation (Penal Code and Civil Procedure Code) in a punitive manner, without taking into consideration prior experience and without justifying such a conversion just four years after the adoption of the latest Codes in 2019.³¹ Although the amendments on domestic violence are positive, criminalisation is not enough of a solution. Social services for the victims are required, i.e. accommodation structures, psychological support and extensive legal assistance, in particular financial assistance. These services are not provided and are not foreseen in the legislation. Moreover, the conception of this bill's regulations stems from the belief that the increase in crime is the result of an inconsistency between the current sentences and the criminal regulations in favour of the perpetrators. This rhetoric is reproduced in all the media ignoring the fundamental principle of individual responsibility in criminal law.

Length of proceedings

Greece has a very slow justice system, as delays in the judicial system continue to be a systemic problem.³² The European Commission's 2023 EU Justice Scoreboard reports (using 2021 data of first instance courts) huge delays in the adjudication of cases, with new cases constantly piling up. In Greece, it typically takes about 664 days to conclude a civil, administrative or commercial issue in the first instance, way more than the EU average. In general, and notwithstanding efforts made, the country has a very lengthy justice system with delays significant enough to jeopardise the rule of law.³³

More than half of ECtHR judgments delivered against Greece concern the length of judicial proceedings (ECtHR, *Violations by Article and by State 1959-2022*).³⁴ Cases lodged in civil courts in 2023 in some jurisdictions are scheduled for hearing in 2032, and judgments are often issued many years after the hearing.³⁵

In December 2023, the Plenary of Bar Associations decided on the abstention of its members from their duties as a result of

30 link.liberties.eu/2b3b58

31 <https://bit.ly/3wxAJpN>, https://www.efsyn.gr/ellada/dikaiosyni/416011_i-oloklirotiki-antimetarrythmi-si-ton-poinikon-kodikon, <https://www.lawspot.gr/nomika-nea/neos-poinikos-kodikas-dikastikos-hartis-dieyrynsi-nomikis-ylis-kai-ypohreotiki-paroysia>

32 <https://lawnet.gr/law-news/to-provlima-tis-kathysterisis-tis-dikaiosynis-kai-i-anagki-trichotomisis-tis-politikis-poinikis-dikaiosynis/>

33 https://commission.europa.eu/system/files/2023-06/scoreboard_factsheet-quantitative-v4.pdf

34 stats.violation_1959_2022_eng (coe.int)

35 [Καθυστέρηση στην απονομή δικαιοσύνης: Θέλουμε ταχύτητα, αλλά πώς και με τι κόστος](https://www.reporter.gr) (reporter.gr)

malfunctions of the judicial system.³⁶ This mainly concerns: the adoption of the above-analysed bill, ignoring the objections of the lawyers who are now directly facing the risk of forced exit from their professional activity as well as their demands for the immediate payment of all due legal aid compensation. The new proposed provisions have created a heated dispute with legal practitioners in Greece and further jeopardise the function of the legal system.

Execution of judgments

In the field of migration, Greece has demonstrated unprecedented contempt for interim measures indicated by the ECtHR under Rule 39 of the Rules of Court particularly as regards assistance and rescue of persons in distress in border areas.³⁷

Respect for fair trial standards including in the context of pre-trial detention

In *Savvaïdou v. Greece*,³⁸ the ECtHR found that Greece was in violation of Article 6 of the ECHR as it considered that the statements made by the government representative in national court proceedings prejudged the outcome of the criminal proceedings. They therefore violated the presumption of innocence of the applicant, as laid down in paragraph 2 of Article 6 of the ECHR. Greece was also found to have breached Article 13 of the ECHR for failing to provide a legal remedy by which the

applicant could seek redress before the national courts.

The case concerns statements made by a government representative immediately after the applicant was dismissed from her position as Secretary General of Public Finance, while criminal proceedings were pending against Ms. Savvaïdou for embezzlement of funds. On leaving the Council of Ministers, the government spokeswoman made a statement implying that the defendant was guilty of the charges. It is noted that, as stated in the 2023 ECtHR judgement, the applicant was not found guilty of any criminal offence.

36 [Δυναμική συνέχεια κινητοποιήσεων των δικηγόρων | Δικηγορικός Σύλλογος Αθηνών \(dsa.gr\)](#)

37 [GCR - Ενημερωτικό Σημείωμα του ΕΣΠ](#)

38 [Savvaïdou v. Greece - Greece found to have violated Articles 6 and 13 of the ECHR - govwatch](#)

Anti-corruption framework —

Key recommendations

- *Strengthen and consolidate the legal framework for whistleblowing.*
- *Implement targeted training and capacity enhancement actions for public officials.*
- *Show zero tolerance for corruption and utilise effective tools to detect it, including efficiency incentives to public officials.*

Levels of corruption

According to a recurring survey by Public Issue,³⁹ which estimates the extent of corruption in various business areas, 71% of the public believes that there are “too many” corrupt politicians. The completely discredited image of politicians is complemented by the highly discredited image of journalists, for whom the corresponding percentage (“too many”) is recorded at 64%, a dramatic increase from just 19% in 2005. Compared to 2005, all categories show a worsening image of corruption. However, a greater increase in the amount of socially accepted corruption is recorded by trade unionists, police officers, lawyers and judges.

In September 2023, *The New York Times* reported on hundreds of leaked internal messages that shed light on a lobbying campaign carried out by Huawei, the Chinese telecom-equipment maker, in an attempt to court Greek officials. The messages, which surfaced in November

2020, reveal that the contacts, identified as Greek government advisers, were set to provide Huawei with something valuable: a document outlining government contracts and “first priority projects” that the company might want to work on in the country. Huawei managers discussed giving the advisers Huawei Mate XS smartphones, the company’s GT 2 smartwatch and wine, according to internal text messages and other documents reviewed by *The New York Times*. The plans are “strictly confidential among us,” a Huawei manager wrote in a group chat named after Greece’s digital ministry. The exchange was part of more than 120 messages and summaries of internal Huawei communications provided to *The New York Times* by a person working for a European government that investigated the company. The materials, which identified the contacts as government officials, offer a rare look at how Huawei tried to cultivate relationships with high-ranking figures in Greece, and pushed the limits of Greek rules that restrict gifts to civil servants

39 [Έρευνα για τη διαφθορά στην Ελλάδα, 2023 - Public Issue](#)

and government ministers.⁴⁰ The spokesman of the government has denied any wrongdoing in the case.

The NGO Vouliwatch's director, Stefanos Loukopoulos, who worked with The New York Times on the investigation, said: "Under Greek law, it is illegal for someone in the private sector to offer gifts to government officials expecting something in return. Members of the government (Ministers, Deputy Ministers & Ministers) cannot accept gifts related to their official responsibilities. Senior officials may accept certain customary gifts of less than €200, but those worth more must be handed over to the government. Declaring and disclosing all gifts is mandatory for Greek government officials under a law passed in 2021, but the Prime Minister's Secretariat has not yet published anything and we have no idea if such a register is kept and updated. [...] Greece has a robust legal framework against corruption and bribery, but transparency is almost non-existent and the implementation of the laws is very problematic."⁴¹

Framework to prevent corruption

Integrity framework including incompatibility rules (e.g.: revolving doors)

Since the National Transparency Authority (NTA) is not included in the authorities

expressly mentioned in the Constitution, the supermajority vote guarantees of Article 101A(2) of the Constitution are not applied. The legal basis of the NTA in the Executive State Act foresees that candidates for the positions of Director and Management Board members of NTA are proposed by the Council of Ministers and are approved by simple majority vote of the Institutions and Transparency Committee of the Parliament. This means that a party holding a majority of seats in Parliament may approve a candidate solely through its own votes in the Committee. Accordingly, the selection procedure not only falls short of the institutional requirements set by the Constitution for independent authorities but also raises risks of political dependency of the NTA on the government.

There has been a notable recent case on revolving doors. In the summer of 2019, Akis Skertsos was appointed Deputy Minister to the Prime Minister responsible for the Coordination of Governmental Work.⁴² However, just before his appointment to the government, Mr. Skertsos was General Manager of the Hellenic Federation of Enterprises (SEV) for five years. Mr. Skertsos is currently serving as Minister of State and Spokesperson of the government.

Articles 68-76 of Law 4622/2019 regulates incompatibilities for governmental appointments. The law stipulates that "the exercise of any professional or business activity" results in

40 <https://www.nytimes.com/2023/09/28/technology/huawei-greece-lobbying-campaign.html?ref=oembed>

41 <https://vouliwatch.gr/actions/article/dora-kyvernisis-nyt>

42 [Revolving Doors: The case of Akis Skertsos - govwatch](#)

automatic suspension for all persons appointed as members of the government and deputy ministers. Moreover, to avoid conflict of interest, members of the government are required to obtain a permit from the Ethics Committee of the National Transparency Authority if they wish to undertake any professional activity related to the area of their work within government within one year of their departure from their post. This means that a person can effectively immediately move from the private sector to a public office.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

The obligation to submit asset declarations (Πόθεν Έσχες) aims to enhance transparency and democracy and is a key tool in preventing corruption. Submission of these declarations by those obliged (governments, MPs, MEPs and other public officials)⁴³ and their scrutiny by the appropriate bodies allows for determining the assets held by those in positions of power and their origins.

In February 2023, a new law on asset disclosures entered into force (Law 5026/2023). The new law aims to systematise the current rules and streamline the asset declaration process through the following tools: digitalisation;

simplification of the list of filers; higher percentage of verifications (to a target of minimum 7% that will be achieved over a three-year period which is almost a doubling of the current 4%); a uniform methodology for all types of audits; and uniformity on violations and appropriate sanctions. However, there are persistent concerns about the effectiveness of the audit bodies charged with this scrutiny. The Parliamentary Committee for the Investigation of Declarations of Assets (CIDA), which is assigned with auditing the declaration, falls short of its mandate, both in terms of timing and in terms of data published. Also, throughout this legislative procedure, the government failed to adhere to a number of the rules of good legislative practice, highlighting systemic and long-standing failures to follow the rules of good legislative practice in Greece.⁴⁴

Measures in place to ensure whistleblower protection and encourage reporting of corruption

There was a partial transposition of the Whistleblower Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (Whistleblower Directive) into Law 4990/2022 in November 2022. Recital 42 of the Directive,⁴⁵ which states that “Effective detection and prevention of serious harm to the public interest requires that the notion of breach also includes abusive practices, as defined by the case law of the Court, namely acts or omissions which do not appear to be unlawful in formal

43 et.gr/api/Download_Small/?fek_pdf=20230100045

44 <https://govwatch.gr/en/finds/o-nomos-5026-2023-kai-oi-provlimatismoi-se-epipedo-kalis-nomothetisis/>

45 Σχέδιο νόμου για την προστασία των whistleblowers: το Vouliwatch στη Βουλή | vouliwatch

terms but defeat the object or the purpose of the law”, was omitted. Despite the above provision, Article 4 L 4990/2022 fails to clearly include in the notion of “breach” the term “abusive practices” in the concept of “breach”. Transparency International also highlights the narrow scope of lobbying and whistleblowing legislation that significantly limits its effectiveness.⁴⁶

The National Strategic Plan for Combating Corruption (NSSKD) constitutes the national strategy for comprehensively dealing with the phenomenon of corruption for the reference period 2022-2025.⁴⁷ The implementation of the National Strategic Plan for Combating Corruption for the years 2022-2025 is generally moving within the established timetables.⁴⁸

List the sectors with high-risks of corruption in your country and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, health-care, other)

According to data retrieved from the Hellenic Single Public Procurement Authority (Ενιαία Αρχή Δημοσίων Συμβάσεων), a total of 95,910 public contracts were awarded in the first six months of 2022, corresponding to a

total amount of €5.243 billion spent on public procurement awards for this same period. In total, 66,219 out of 95,910 public contracts (69%) were awarded via direct contracting.⁴⁹ The fact that over two thirds of the awarded public contracts were carried forward through the direct award process raises significant concerns.

The 2023 data have not yet been made available by the Hellenic Single Public Procurement Authority. The MEP Dimitris Papadimopoulos has filed a question to the Commission on the “Continued departures from EU public procurement legislation in Greece, despite warnings from the Commission and the Hellenic Single Public Procurement Authority”.⁵⁰ In its reply, in February 2023, the Commission noted that: “As guardian of the Treaties, the Commission is closely monitoring how the EU rules on public procurement are applied and implemented in Greece. It does so through an array of tools ranging from preventive measures, including informal contacts with the national authorities, which will be further intensified by Greek authorities to targeted enforcement actions. On the latter, the Commission launched on 26 January 2023 an infringement case against Greece concerning the non-conformity of its national legislation with the EU

46 <https://transparency.gr/%ce%b7-%ce%b4%ce%b7%ce%bc%ce%bf%ce%ba%cf%81%ce%b1%cf%84%ce%b9%ce%b1-%cf%84%ce%bf-%ce%ba%cf%81%ce%b1%cf%84%ce%bf%cf%83-%ce%b4%ce%b9%ce%ba%ce%b1-%ce%b9%ce%bf%cf%85-%ce%ba%ce%b1%ce%b9-%cf%84%ce%b1-%ce%b1/>

47 [Εθνική Αρχή Διαφάνειας - 2022-2025 \(aead.gr\)](https://www.aead.gr/)

48 <https://aead.gr/images/essays/2021-NTA-ANNUAL-REPORT-2021-eng.pdf>

49 https://hias.org/wp-content/uploads/Greece-RoL2023_JointSubmission_CSO.pdf

50 https://www.europarl.europa.eu/doceo/document/E-9-2022-003102_EN.pdf

public procurement rules with respect to the award of contracts for the temporary installation and operation of desalination plants of certain capacity on islands.”⁵¹

In its 2023 report (based on 2022 data),⁵² the Court of Auditors on direct procurement underlined a discouraging situation: lack of transparency, no-timely planning, exhaustion of ceilings, insufficient evaluation, no system of control, waste of public money. The highest percentage of direct assignments was observed in hospitals, followed by municipalities.

Investigation and prosecution of corruption

Criminalisation of corruption and related offences

The criminalisation of certain forms of corruption is codified by the following laws: bribery of public officials (artic. 236 Penal Code); money laundering, protection from prosecution of persons involved in illegal activities (Law 4557/2018 as amended by Law 4816/2021 which transported the EC Directive 1673/2018); exploitation of public wealth or power for personal gain (artic. 264 Penal Code).

Positive developments in this area include the establishment of the National Transparency Authority (NAA) in 2014, which is responsible

for coordinating efforts to prevent and fight corruption, and the passage of Law 4254/2014, which provides for the protection of public interest witnesses who denounce cases of corruption.

Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds. Please provide data where available

Bodies receiving complaints are various authorities such as the prosecution authorities, the General Secretariat for the Fight against Corruption, the Ombudsman, the Court of Audit, the Directorate of the Economic Police, the General Accounting Office of the State, the Independent Authority for Public Revenue, the Health and Welfare Services Inspection Body, the Public Administration Inspectors - Auditors Body, the Corps of Inspectors of Public Works, the General Inspector of Public Administration, the Directorate of Internal Affairs of the Hellenic Police and the Department of Internal Affairs of the Coast Guard. Measures are fragmentary and, in some cases, following a political intervention. For example, the regular inspector of ELGO - DIMITRA H.P.,⁵³ was removed from his duties after the criminal prosecution against

51 https://www.europarl.europa.eu/doceo/document/E-9-2022-003102-ASW_EN.html

52 [ΕΚΘΕΣΗ ΕΛΕΓΧΟΥ 4 ΑΠΕΥΘΕΙΑΣ ΑΝΑΘΕΣΕΙΣ.pdf \(elsyn.gr\)](#)

53 [Α. Αυγενάκης: Καμία ανοχή σε φαινόμενα διαφθοράς και ατιμωρησίας- Όλα στο φως, τίποτα δεν θα μείνει στο σκοτάδι | Ανατολή \(anatolh.com\)](#)

him by the Prosecutor's Office of First Instance with the charge of "bribing for actions contrary to his duties repeatedly". At the same time, by order of the Minister of Rural Development and Food, ELGO's management referred the case to the organisation's Board of Directors as a matter of priority, with the question of the suspension. In addition, by order of the Minister of Anti-Corruption, Lefteris Avgenakis, the process of checking all the cases pending both in the primary and the secondary Irregularities & Violations Investigation Committee (IIP&P) is being accelerated.

In another example, First Instance Prosecutor Konstantinos Spyropoulos⁵⁴ was assigned to investigate corruption in Greek football. The investigation was ordered by the deputy prosecutor of the Supreme Court, Georgios Oikonomou, who is responsible for supervising national sports. The investigation was launched following the statements of the president of PAE Panathinaikos, Mr. Yiannis Alafouzos, in an interview with the BBC.⁵⁵

Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

On 4 January 2023, the New Democracy MP of Fthiotida, Themis Himaras, submitted his resignation in the wake of revelations that a private company that he was involved in had undertaken public procurement contracts during his parliamentary term.⁵⁶ The case has raised a heated political debate.⁵⁷

Other

The Ministry of Migration and Asylum has introduced a registry to address alleged irregularities and suspected fraud and mismanagement. However, Council of Europe in its opinion found that "onerous registration and certification requirements, coupled with the wide discretions on the competent authorities to refuse to register or certify applicant NGOs", will further restrict civil society space in Greece, and increase "significantly and disproportionately the control of the State over the work of NGOs in the field of asylum, migration and social inclusion".⁵⁸ UN Special

54 [Εισαγγελική έρευνα για φαινόμενα διαφθοράς στο ελληνικό ποδόσφαιρο μετά τις δηλώσεις Αλαφούζου - Documento \(documentonews.gr\)](#)

55 <https://www.bbc.com/sport/football/66711569>

56 [The Himaras Case: Financial prosecutor orders investigation after New Democracy MP resigns over public procurement contracts - govwatch](#)

57 <https://www.documentonews.gr/article/ekthetei-xeimara-i-oikonomiki-eisaggelia-gyrise-piso-os-ateles-to-porisma-toy-sdoe-poy-dithen-ton-dikaione/>

58 [16809ee91d \(coe.int\)](#)

Rapporteur for the Rights of Human Rights, after a visit to Greece, published a report on the situation of human rights defenders,⁵⁹ highlighting that “Law No. 4662/2020 and Law No. 4686/2020, as well as the Joint Ministerial Decision 3063/2020, subsequently replaced by Joint Ministerial Decision 10616/2020, introduced progressively stringent requirements for

NGOs and individuals working in those fields, producing a chilling effect on civil society”. She also underlined that the “Ministry of Migration and Asylum has the power to deny registration to NGOs on vague, arbitrary and ambiguous grounds, which, potentially, leave the registration process subject to abuse”.

Media environment and media freedom -

Key recommendations

- *The Prosecutor of the Supreme Court should commission an independent evaluation of all unresolved cases of attacks against journalists, including cases involving police violence, the conclusions of which should be publicised.*
- *The government and Parliament must ensure that amendments to criminal defamation rules do not have an inadvertent negative impact on press freedom and ensure adequate time for public debate and consultation of Greek and international stakeholders to provide their input on pertinent legislative changes.*
- *The competent authorities should enforce the full implementation of the transparency of media ownership in Greece in an accessible and regularly updated ownership registry for all forms of media, including beneficial ownership.*

Media and telecommunications authorities and bodies

The recent changes to the composition and to the way that new members of the independent authorities of the Hellenic Authority for Communication Security and Privacy (ADAE)

and the Greek National Council for Radio and Television (NCRTV) are selected have been a major topic of public debate (see the section ‘Independent Authorities’ below).

On 7 September 2023, a few days before the controversial vote on the aforementioned

59 [A/HRC/35/25/Add.2: Report of the Special Rapporteur on the human rights of migrants on his mission to Greece | OHCHR](#)

changes, the Plenary of the Parliament amended this provision in the Rules of Procedure of the Parliament and added another member to the Conference of Presidents; the President of the Special Standing Committee on Research and Technology. On 28 September 2023, the Conference of Presidents of the Parliament met to select the members of two of the constitutionally enshrined Independent Authorities: the Hellenic Authority for Communication Security and Privacy, and the Greek National Council for Radio and Television. The procedure followed for the appointment of these members has, however, been the subject of much controversy from political and legal experts. The controversy is mostly focused on the fact that the decision of the Conference of Presidents was taken without the constitutionally required full majority of three-fifths of its members, and that the selection of the new members took place without prior parliamentary consultation or consensus, and without the candidates being subject to a parliamentary hearing. These two, combined with the overall political climate and the fact that one⁶⁰ of two replaced members was a leading figure in the recent wiretapping scandal, indicate that there is political motivation behind these developments.

Pluralism and concentration

Levels of market concentration

The number of media outlets in Greece is large and the landscape is diverse. However, the ownership of major media groups is concentrated

among a handful of influential business owners with interests also in other sectors of the economy.

There is a broad perception that these structural issues, combined with wage pressure and limited work opportunities for journalists, have led to a significant level of self-censorship. Journalists tend to keep away from stories which would tackle the large advertisers or the owner's business interests, including coverage of good relations with the government due to potential participation in state procurement, tax rebates and contracts for state advertising.

Rules governing ownership in different segments of the media market, and their application (print, television, radio, online media)

The level of media concentration in Greece is high; this affects both the print and broadcasting sectors and has increased in the last decades together with the emergence of cross-ownership problems. The interdependence between political and media elites is considered among the major factors leading to ineffective and contradictory media policies and poor implementation of anti-corruption rules.

According to the applicable legislation on the Concentration and Licensing of Mass Media Undertakings (Law No. 3592/2007, as amended and in force), controlling more than one electronic media of the same form (television or radio) is prohibited. Participation in another business of the same form is allowed,

60 <https://insidestory.gr/article/giati-mas-afora-oloys-ayto-poy-symbainei-me-tin-adae>

provided that there is no control over it – according to the definition of ‘control’ as set out in the legislation.⁶¹ The Hellenic Competition Commission is the competent authority for the supervision of media concentration, the adoption of measures and the enforcement of the relevant sanctions. Merger control provisions are set out in Law 3959/2011 on protection of free competition, as amended (“Greek Competition Act”) (Articles 5-10 Greek Competition Act). Specific provisions⁶² on mergers in the media sector are provided for in Law 3592/2007 as amended (Article 3).

In practice, it is well known in Greece that the most influential media organisations and companies of the country are controlled by a few powerful entrepreneurs (Ioannis Alafouzos, Themistokles Alafouzos, Theodore/Thodoris Kyriakou, Evangelos Marinakis, Giannis Vardinogiannis) through a system of cross-ownership. One more is considered a semi-foreigner (the Russian-Greek businessman Ivan Savvidis, who used to be engaged in politics serving as a member of the Russian Parliament). All of them are also active in other sectors of the economy apart from media, such as in the oil and shipping industry, and some of them are engaged in the football field too.⁶³

Media ownership is also a field that showcases the inability of the National Council for Radio and Television to regulate the market. The Council publishes information on media

ownership and shareholding, but does not really engage in a robust assessment of their compatibility with the law.

Transparency of media ownership

The transparent allocation of state advertising (including any rules regulating the matter)

On 22 December 2022, the Greek Parliament ratified a new media law, including a new registry and the subsequent formation of a Special Committee, which will be in charge of overseeing the compliance of online media to journalistic ethics, and will have the power to exclude media from receiving state advertising funds for up to two years.

The law, titled “Strengthening publicity and transparency in the printed and electronic press - Establishment of electronic registers of printed and electronic press and other regulations of the competence of the General Secretariat of Communication and Information”, sparked debate in the Greek media. While the overall move to increase media ethics was broadly welcomed, some media raised concern that the new rules could potentially be misused to deliberately exclude media reporting critically on the government from receiving state advertising revenue. State advertising funding is a significant source of revenue in the Greek

61 <https://www.lexology.com/library/detail.aspx?g=5e439b78-c763-42c5-b479-b9183c89fe90>

62 <https://www.mergerfilers.com/guide.aspx?expertjuris=Greece#guidebook>

63 <https://media-ownership.eu/findings/countries/greece/>

media ecosystem and in recent years critical media have been excluded or received disproportionately lower funding from government communication campaigns. Critics have argued that the law gives the authority to a committee to judge if a media outlet is abiding by journalistic ethics, rather than by a self-regulatory industry body.⁶⁴ In November 2023, this new registry was formally presented.⁶⁵

The issue of state funding has been highly controversial the recent years, since the release of the infamous “Petsas list”⁶⁶ which named the media outlets that received money as part of the coronavirus public awareness campaign “We Stay Home”.⁶⁷ The Greek NGO VouliWatch was one of several independent actors raising the issue and demanding accountability through FOI requests. After multiple rejections (many implicit and one explicit) by the National Transparency Authority and two court battles before the Athens Administrative Court of Appeal with opposite outcomes (a positive decision in January 2022 and a negative one in June 2023), in October 2023, VouliWatch filed

an appeal against Greece before the European Court of Human Rights for this issue.⁶⁸

Rules governing transparency of media ownership and public availability of media ownership information, and their application

In the Greek media field, the clarity about the beneficial owners is achieved in many cases of media outlets through the official documents released by the national regulatory authorities (NCRTV, Hellenic Competition Commission) or published in G.E.MI. platform,⁶⁹ revealing the shareholding structure of the companies. The transposition of article 5 of the EU Directive 2018/1808 (Audiovisual Media Services Directive) into the national legal system (Law 4779/2021) obliges media services providers to render some major publicly available information with respect to their organisations: a) name and distinctive title of the media company; b) address of registered office and actual establishment; c) complete contact details and in particular e-mail and/or website address and telephone numbers; d) contact details of the

64 <https://www.mapmf.org/alert/25509>

65 <https://banks.com.gr/parousiasi-tou-mitroou-entypou-kai-ilektronikou-typou-stous-foreis/>

66 Named after the government spokesman by whom it was published, Stelios Petsas.

67 <https://wearesolomon.com/mag/focus-area/accountability/the-grey-areas-on-the-list-of-the-greek-media-outlets-payments-for-covid-19-awareness-campaign/>

68 <https://vouliwatch.gr/actions/article/lista-petsa-edda>

69 The General Electronic Commercial Registry (G.E.MI. in Greek) is a public access source in Greece where anyone can find, based on an internal search engine, all the official documents issued by the administration sector of the media companies. However, the visibility of the relevant data presupposes the user’s basic knowledge with regard to the official name of the media company under investigation. This is usually detectable on the impressum of the media outlet, as depicted either on the printed version of a newspaper/magazine or on its website version.

NCRTV, and in particular e-mail and website address, telephone numbers and postal address.

According to EurOMo indicators,⁷⁰ several media outlets in Greece comply with this regulation, mainly the print-media companies releasing the relevant information both in the printed version of the newspapers or magazines and on their respective websites (in specific printed or electronic sections devoted to the description of the media company's identity). By contrast, in the broadcasting sector, the deviation from the above rule is common, since there are cases of TV or mainly of radio channels that prove to be inconsistent with the obligation set by law, at least by looking at the content of their websites.

Regardless of the different degree of consistency shown by the media organisations towards the above law, a key risk to media transparency is the fact that media outlets are not required up to now to disclose contact details of their direct and actual beneficiary. On the other hand, the extent of the participation in the share capital of the media organisation arises at least from the need to demonstrate that there are registered shares up to a natural person in the entire spectrum of shareholding. Additionally, based on the Presidential Decree 310/1996, the radio and television companies are obliged to submit to the NCRTV a list of all persons employed in the media organisation based on a dependent employment relationship. Moreover, the law sets out requirements for immediate updates in

the ownership identity of media organisations after any relevant change takes place, given that approval or notification of the transfer of shares is required.

Public service media

Editorial standards (including diversity and non-discrimination)

According to its Code of Conduct, the Hellenic Broadcasting Corporation “respects the value of diversity in our organisation and in the public. We are committed to fostering mutual respect and fairness oriented toward teamwork and equal opportunity. The Company’s practices for hiring and promoting employees are free from discrimination on the basis of age, race, colour, religion, gender, sexual orientation, nationality and disability. We are committed to the principles of the dignity of independence, inclusion and equal opportunities.”⁷¹

Other

The Hellenic Broadcasting Corporation, commonly shortened to ERT, is the state-owned public radio and television broadcaster in Greece. ERT is mainly funded by a license fee, which is paid with the electricity bill (along with other applicable taxes) and represents the vast majority of financial resources available to the public body. ERT operates four nationwide TV channels, nine national and 19 regional radio stations. State owned Athens-Macedonian

70 <https://media-ownership.eu/findings/countries/greece/>

71 <https://www.ert.gr/kodikas-deontologias/>

News Agency (ANA-MPA) counts about 240 Greek media organisations among its clients.

Throughout the years, all governments have, more or less, been considered as exercising influence and control over ERT, through appointing persons of their choice to the management and key positions. Shortly after the 2019 election, ERT and ANA-MPA were placed under direct oversight of the Prime Minister's office. This institutional setup, along with installing the former ND director of communications upon the government's proposal as the president of ERT in 2019, reinforced the already existing perception that the broadcasters are not fully independent.

In a similar pattern, after the 2023 elections, it was the chairman of the Election Commission and former Director General of the ruling party, Giannis Bratakos, who took over the reins of state television and radio, the state news agency, the General Secretariat of Information and Communication, and the National Intelligence Service. By assigning all these powers to a person so closely linked to his cabinet, the prime minister further intensified the intertwinement of state-owned media with the party in power.

Online media

Impact on media of online content regulation rules (including content removal obligations, liability rules)

The pressure to regulate social media in Greece has intensified over the previous years – however, it has led mostly to complaints about overblocking or in extremist groups migrating to other platforms. The existing case law in Greece concerning Meta, although mostly relevant to alleged infringement of freedom of speech because of the removal of legitimate political content (i.e. overblocking), suggests that the liability of online platforms before Greek courts is an open issue.

Competence and powers of bodies or authorities supervising the online ecosystem

The 2022 media law (Law 4967/2022) defined “electronic press” (websites and blogs which publish news, information, articles, interviews or audiovisual material with political, social, financial, sports, cultural and other content, with or without compensation), thus making supervision easier. The extent of this competence is however challenged since, according to the Council of State, the national law does not expressly confer jurisdiction to the NCRTV to regulate media content broadcasted exclusively online; the Greek Council of State stressed that these administrative sanctions would be considered legal, only if they could be based on the provisions of the Directive.

Thus, the Greek Council of State has recently referred several preliminary questions to

the Court of Justice of the European Union (CJEU) regarding the EU Directives and the obligations that they impose on the national regulatory authorities as regards media service providers that broadcast exclusively online.⁷²

Public trust in media

The discussion surrounding press freedom intensified in 2022, after the annual press freedom index by Reporters Without Borders (RSF) placed Greece in 108th position (down 38 places from 2021), below many non-democratic countries; the 2023 RSF report puts Greece in a similar position with last year (107th).⁷³ Similarly, a recent study examining perspectives on the news media from over 40 countries highlights that only 19% of Greek consumers had trust in the news media, the lowest among all countries in the report.⁷⁴

More importantly, 2023 Digital News Report – a study carried out by the Reuters Institute for the Study of Journalism that aims to understand news consumption in a range of countries in the digital age – shows that this lack of trust is prevalent across the political/party spectrum: among the 46 countries in the research sample, Greece has the lowest percentage of respondents who say they trust “most news most of the

time” (19%). Compared to the 2022 measurement, we see a decrease of eight percentage points. Over the years, we have noted that the lowest trust rates are observed among respondents who self-identify as left wing or those who do not want to or do not know how to position themselves on the political axis (left/right) – as a general rule, citizens with a low interest in politics. However, 2023 saw the largest decline was among respondents who self-identify as right wing (from 42% in 2022 to 28% in 2023).⁷⁵

Safety and protection of journalists and other media actors

Frequency of verbal and physical attacks

The Safety of Journalists Platform has documented several cases of verbal and physical attacks and threats against journalists. The numbers are lower than the peak year of 2022 but remain considerably high compared to previous years.⁷⁶ The platform has documented a total of nine alerts over 2023; similarly, the Mapping Media Freedom Platform by the European Centre for Press and Media Freedom has documented five incidents of physical

72 https://www.epra.org/news_items/regulation-of-online-media-providers-preliminary-requests-by-the-greek-council

73 <https://rsf.org/en/country/greece>

74 <https://www.statista.com/statistics/308468/importance-brand-journalist-creating-trust-news/>

75 <https://www.dianeosis.org/2023/06/oi-psifiakes-eidiseis-stin-ellada-to-2023/>

76 <https://fom.coe.int/en/pays/detail/11709522>

assault, four attacks or threats against property and 11 verbal attacks for the reporting period.⁷⁷

On 5 March 2023, three journalists and a camera operator were detained and taken to a police station as they covered the trial of a stationmaster in connection with the deadliest rail accident in Greek history. All four were released later that evening. In a common statement, the Panhellenic Federation of Journalists' Union (POESY) and several editors' unions denounced a "provocation and a flagrant violation of the constitutional obligation of our colleagues", saying the arrest stemmed from an "oral complaint by a lawyer who unprovoked approached the colleagues and started threatening them". International press freedom groups called for an explanation as to why and under what charge the journalists were detained.

Several attacks against journalists have been linked to sport events, football club owners and oligarchs. On 29 August 2023, the journalist and publishing advisor of the newspaper TA NEA, Giorgos Papachristos, was assaulted and injured by the businessman and ship-owner Yiannis Karagiorgis during half-time of a football match between Panathinaikos FC and SC Braga in Athens Olympic Stadium.⁷⁸ On 8 August 2023, a day after publishing an

article criticising, among others, the football club of AEK for the events leading to the death of AEK fan Michalis Katsouris during a fight with Dinamo Zagreb hooligans outside AEK stadium, the journalist Lefteris Charalambopoulos received a phone call from Dimitris Melissanidis, the owner of AEK FC. Melissanidis reportedly threatened Charalambopoulos by saying the journalist "will pay for both the past and the present", "I've already ordered a casket in your size, I have it here", "I'll have everyone chasing you" and "I've marked you". The Journalists' Union of the Athens Daily Newspapers (ESIEA) condemned the intimidation and threats targeted at Charalambopoulos.⁷⁹ On 27 May 2023, Dimitris Hatzigeorgiou, director of the sports department of ERT, was verbally attacked by Peristeri fans shortly after the team's victory over Panathinaikos in the fourth semi-final of the basketball league. Local journalists' unions denounced the attack on Hatzigeorgiou, and called on all competent bodies to take appropriate measures to ensure the safety of media professionals working at sport events.⁸⁰

There has also been a pattern of politically motivated attacks. On 21 March 2023, members of the anarchist group Rouvikonas vandalized journalist Stavros Theodorakis' house in

77 [Mapping Media Freedom: Alerts Explorer \(mapmf.org\)](https://www.mapmf.org/)

78 <https://www.dikastiko.gr/eidhsh/o-dimosiografos-giorgos-papachristos-minyse-efoplasti-kataggellei-oti-toy-epitethike-me-grothies-omothymi-katadiki-apo-kyvernisi-kai-antipoliteysi/>

79 <https://www.in.gr/2023/08/11/plus/medianews/katadikazei-esiea-ti-stoxopoiisi-tou-leyteri-xaralampopoulou-apo-aek-fc-kai-melissanidi/>

80 <https://www.gazzetta.gr/basketball/basket-league/2226701/psat-katadikazei-tin-epithesi-opadon-toy-peristeri-oy-ston-dimitri>

Chalandri, while Alpha TV was broadcasting the journalist's interview with Prime Minister Kyriakos Mitsotakis in a program called "Protagonists". This was the first televised interview the PM gave after the deadly train accident in Tempi. Local journalists' union ESIEA condemned the act of vandalism as an attempt to intimidate journalists.⁸¹ On 25 August 2023, Kostas Vaxevanis, a veteran journalist and publisher of Documento and his family were attacked by a man who appeared to be unhappy with a report the newspaper had published about a tax evasion scandal. The Journalists' Union of Athens Daily Newspapers published a statement condemning the attack.⁸²

The recent report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor,⁸³ cites the claims of several journalists that they have been subject to assault and other mistreatment, mainly as a result of police violence, particularly in attempting to cover protests or to report on migration issues. Also, some journalists, including foreign correspondents, informed the Special Rapporteur of incidents of their equipment being taken away when they were reporting on pushbacks of migrants, with the authorities forcing them to delete photos.

In November 2023, the Greek Ministry of Justice presented draft amendments to the penal code which media unions warned could leave journalists at greater risk of serving prison sentences for criminal defamation.

Convictions for criminal defamation of journalists in Greece are currently rare, and prison sentences for members of the press are ever rarer. However, press freedom groups have long called for the decriminalisation of defamation in line with EU standards, warning that keeping criminal defamation within the penal code has a chilling effect on media reporting.⁸⁴ Criminal defamation has been abolished in many EU countries. Responding to the draft bill, critics said that under the proposed reforms, rather than move in line with EU norms, Greece would instead increase the likelihood of the imprisonment of journalists over their reporting. In cases involving the convictions of journalists for defamation, appeals to higher courts have in the past overturned the first instance rulings. However, under the new law, a journalist would potentially face years in prison until their conviction was overturned at a higher court. In Greece, it is a common practice for those filing defamation lawsuits against media or journalists in Greece to launch proceedings under both civil and criminal law,

81 <https://www.esiea.gr/i-prospatheia-ekfovismoy-ton-dimosiog/>

82 <https://www.dikastiko.gr/aidhsh/epithesi-se-varos-toy-dimosiografoy-kosta-vaxevani-se-estiatorio-stin-eyvoia-traymatistike-sygggeniko-toy-prosopo-ti-anaferei-o-idios/>

83 [Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece \(A/HRC/52/29/Add.1\) \(Advance Edited Version\) - Greece | ReliefWeb](#)

84 <https://www.tribune.gr/media/news/article/874555/poesy-pros-floridi-kathestos-tromokratias-gia-toys-dimosiografos-apo-ton-neo-poiniko-kodika.html>

increasing the intimidating nature of an accusation of serious criminal defamation.

The Parliament is expected to vote on the bill in the new year of 2024; it is the sixth time that the penal code has been amended under the ruling New Democracy government, which won re-election in 2023.

The ESIEA union and the POESY union, along with other groups, sent a joint letter of concern to the Minister of Justice, George Floridis, and the General Secretary of Information and Communication, Dimitris Galamatis, regarding the draft law. They said: “We request that the tightening of the conditions for suspending the imposed penalties does not apply to journalists who, while acting within the framework of the journalistic function, are subject to the wave of SLAPPs...usually brought by companies or individuals with the aim of intimidation, the financial or psychological exhaustion of press representatives, making use of possibilities provided by our legal system. We are sure that you understand the importance of freedom of the press, as a pillar of democracy and the value of criticism as a means of defending a democratic society, and in this context we ask for your timely intervention to resolve the issue.”⁸⁵

Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

The rising use of strategic lawsuits against public participation (SLAPPs) and other legal actions aimed at intimidating and silencing journalists, has become a favourite tool of powerful individuals and corporations. The practice became widespread in last couple of years with the aim of silencing journalists who reported around the biggest wiretapping scandal in the Greek history, also called Predatorgate.⁸⁶

In December 2023, Grigoris Dimitriadis – the nephew and former secretary of Greek Prime Minister Kyriakos Mitsotakis, who had resigned following revelations of his alleged involvement with Intellexa, a company that sells Predator, an illegal spyware in Greece – filed a series of SLAPPs against media and journalists over reports about Predatorgate, in which he is allegedly involved.

The Journalists’ Union of Athens daily newspapers, ESIEA,⁸⁷ claimed that Dimitriadis “unleashed a flurry of new lawsuits against many journalists and the media and with exorbitant and exterminating claims”, to intimidate journalists and limit access to information.

Dimitriadis sent lawsuits to the media outlet *Efimerida ton Syntakton*, *EfSyn*, the media group

85 <https://www.documentonews.gr/article/eshea-kai-poesy-antidroyn-gia-tis-allages-floridi-kathestos-tromokratias-gia-toys-dimosiografoys/>

86 <https://predatorgate.gr/>

87 [Να σταματήσει η βιομηχανία αγωγών κατά δημοσιογράφων | ΕΣΗΕΑ \(esiea.gr\)](https://www.esiea.gr/)

Alter Ego and to journalist Dimitris Terzis, and for a second time to journalists Thanasis Koukakis, Nikolas Leontopoulos, Thodoris Chondrogiannos and Christoforos Kasdaglis.⁸⁸

This practice is also becoming widespread in general reporting. In early November 2023, the publisher of *Documento*, Kostas Vaxevanis, and one of the daily's journalists, Vangelis Triantis, were summoned by the Athens Prosecutor's Office as suspects as part of a criminal investigation into possible "fencing violation of official secrecy" in connection with their investigative reporting. The probe could see the journalists face serious criminal charges. It stemmed from a *Documento* article, published in February 2023, that contained details from a report on the audit by the Economic Crimes Enforcement Agency (SDOE) of supply and service contracts concluded by the Secretariat General of Anti-Crime Policy to combat the spread of COVID-19 in prisons, outlining how the state had reportedly lost €2 million to companies. A few months after, the newspaper was heavily fined for financial irregularities. Vaxevanis attributed the fine to a targeting from the authorities because of his previous revelations.^{89,90}

Confidentiality and protection of journalistic sources (including whistleblower protection)

Late in 2022, the Greek Parliament finally voted Law 4990/2022 (Government Gazette A/210-11.11.2022) entitled "Protection of persons reporting breaches of EU law – Implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 and other urgent regulations". Until then, Greece did not have any legal framework in place concerning whistleblowing and protection against retaliation.

The purpose of the law is to establish a system for internal and external reporting of breaches of EU law, the protection of persons reporting such breaches, the roadmap of the respective proceedings in order to submit, receive and follow-up the respective reports and the penalties applicable in the event of breaches of the new legislation already in force.⁹¹

Nikolas Leontopoulos, the co-founder of Reporters United who has personally been targeted with SLAPPs and other harassment practices over his reporting the previous years, commented: "The adoption of the law came one full year after the official deadline for transposition but the real problem is that the Greek government failed to consult with any of the

88 <https://balkaninsight.com/2023/12/08/greek-union-condemns-former-govt-officials-mass-slapps-against-media/>

89 <https://fom.coe.int/en/alerte/detail/107640212>

90 <https://balkaninsight.com/2024/01/03/investigative-greek-media-outlet-documento-condemns-fine-as-censorship/>

91 <https://www.lambadarioslaw.gr/2022/12/greece-transposes-directive-eu-2019-1937-re-whistleblowing-is-your-organization-ready-to-comply/>

relevant stakeholders in the field. The result is a weak law that falls short of real, extensive, and inclusive protection for whistleblowers”.⁹²

Other

In February 2023, the decision of a special court⁹³ to convict the former Minister of Digital

Policy, Telecommunications and Media for illegal interference in the TV licensing auction in 2016 – along with others who participated in the process – exacerbated existing perceptions of undue political and business influence in Greek media.

Checks and balances

Key recommendations

- *Ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.*
- *Refrain from any interference with the operation of Independent Authorities.*

Process for preparing and enacting laws

Despite efforts to improve the quality of the legislative process in practice, challenges remain. While draft bills are consistently subject to public consultation and follow-up reports address the comments submitted, concerns regarding the lack of effective and timely consultation of stakeholders persists. Civil society organisations and other stakeholders have frequently criticised the practice of adopting omnibus legislation and last-minute amendments.

According to the Centre for Liberal Studies (KeFiM), “in 2023, from the beginning of the year until the closure of Parliament in view of the national elections [May 2023], the quality of legislation in our country decreased by 4.74 points compared to 2022, according to the Quality of Legislation Index published today for the fifth year by the Centre for Liberal Studies”.⁹⁴ The report underlines that the greatest weakness in the quality of legislation in 2023 is found in the implementation of laws (38.4/100) and is linked, inter alia, to two key features of the legislative process: the

92 <https://www.whistleblowingmonitor.eu/?country=greece>

93 [Greek court finds former minister guilty of breach of duty in TV licences case | Reuters](#)

94 <https://kefim.org/deiktis-poiotitas-nomothetisis-2023-arnitiki-i-fetini-proeklogiki-chronia-gia-tin-poiotita-tis-nomothetisis/>

acceleration of lawmaking due to the upcoming elections, and “symbolic lawmaking”, in which laws are passed to satisfy public opinion rather than to solve real problems. Also, the average deliberation days decreased to 12 days in 2023, four days fewer than in 2022, while 82% of the amendments passed per law in 2023 were unrelated to the main subject of the law.

There were at least three legislative instances in 2023 marred by reports of a breach of proper legislative rules:

- The preparation and enactment of law 5043/2023 failed to meet a number of good law-making considerations, including the fact that the public consultation period was shortened without justification, amendments to the law were filed late and were irrelevant to the main content of the bill.⁹⁵
- The government’s amendment on the electoral exclusion of neo-Nazis was, in breach of good law-making rules, irrelevant to the main subject matter of the bill into which it was incorporated. Furthermore, according to a prominent academic, the content of the provision potentially raises issues of compatibility

with Article 6 of the ECHR, which guarantees the right to a fair trial.⁹⁶

- On 10 July 2023, the Ministry of Interior posted for public consultation a bill entitled “Removal of restrictions on registration in the special electoral rolls of foreign voters”. By stipulating, however, that the consultation period would last until 17 July 2023 and failing to adequately justify this decision to shorten the consultation period, the procedure stipulated by Law 4622/2019 and the rules of good legislation were not followed.⁹⁷

A large number of last-minutes amendments⁹⁸ were introduced, which, apart from violating the rules of good legislation prescribed by law, also resulted in a lack of transparency and accountability on issues that affect individual rights, public procurement and other issues of public interest.

Independent authorities

Independent authorities are administrative bodies that are part of the legal entity of the state but enjoy intra-administrative independence and have financial and administrative autonomy. In Greece, independent authorities may be enshrined in the Constitution

95 <https://govwatch.gr/en/finds/o-nomos-5043-2023-kai-oi-provlimatismoi-se-epipedo-kalis-nomothetisis/>

96 <https://govwatch.gr/en/finds/tropologia-gia-ton-eklogiko-apokleismo-ton-neonazi-kaki-nomothetisi-kai-zitimata-symvatotitas-me-esda/>

97 <https://govwatch.gr/en/finds/mi-aitiologimeni-syntmisi-toy-chronoy-diavoyleysis-apo-to-ypourgeio-esoterikon-ioylios-2023/>

98 [ΝΔ και ΣΥΡΙΖΑ ταυτίζονται στην κατάθεση παράνομων και αντισυνταγματικών τροπολογιών | vouliwatch](#)

(the Hellenic Data Protection Authority, the National Council for Radio and Television, the Hellenic Authority for Communication Security and Privacy, the Supreme Council for Civil Personnel Selection and the Ombudsman) or provided for by common law (e.g. the Competition Commission, the Greek National Commission for Human Rights etc.).

The recent changes to the composition and to the way that new members of the independent authorities of the Hellenic Authority for Communication Security and Privacy (ADAE) and the Greek National Council for Radio and Television (NCRTV) are selected, have been a major topic of public debate regarding whether this constituted an attempt to interfere with the functioning of these independent authorities.

According to Article 101A of the Constitution, the staff of these Independent Authorities:

(a) are appointed for a fixed term and are governed by personal and functional independence, as provided by law; and

(b) shall be selected by majority decision of the Conference of Presidents of the Parliament, with a three-fifths majority.

The personal independence of the members of the independent authorities is guaranteed on the basis of a procedure that provides impartial judgement, the provision of a fixed term of

office and the guarantee of a minimum level of financial independence.⁹⁹

Furthermore, Articles 13 and 14 of the Parliament's Rules of Procedure, as amended and in force,¹⁰⁰ regulate matters relating to the composition, convening and powers of the Conference of Presidents of the Parliament.

On 7 September 2023, a few days before the controversial vote, the plenary of the Parliament amended this provision in the Rules of Procedure of the Parliament and added another member to the Conference of Presidents: the President of the Special Standing Committee on Research and Technology.

On 28 September 2023, the Conference of Presidents of the Parliament met to select the members of two of the constitutionally enshrined Independent Authorities, Hellenic Authority for Communication Security and Privacy and the Greek National Council for Radio and Television. The procedure followed for the appointment of these members has, however, been the subject of much controversy from political and legal experts.

The main issues that have emerged as causes for concern are as follows:¹⁰¹

- The fact that the decision of the Conference of Presidents was taken

99 [Οι ανεξάρτητες αρχές \(Γενικό Διοικητικό Δίκαιο, 19.6.2023\) - Ευγενία Πρεβεδούρου \(prevedourou.gr\)](#)

100 [Conference of Presidents \(hellenicparliament.gr\)](#)

101 <https://govwatch.gr/skepseis-me-aformi-tin-prosfati-epilogi-ton-melon-tis-adae-kai-toy-esr/>

without the constitutionally required full majority of three-fifths of its members;

- The fact that the selection of the new members took place without prior parliamentary consultation or consensus, and without the candidates being subject to a parliamentary hearing;
- The fact that the Conference of Presidents was convened unexpectedly and hastily;
- The ministerial decisions and the Official Gazette appointing the selected members were issued much more quickly than is usual practice;
- The fact that the composition of the Conference of Presidents was enlarged just 20 days before the meeting in question;
- The fact that the whole sequence of events calls into question the independence of the authorities and may be construed as interference (or attempted interference) in their work.

Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (including their publication

and the availability and publicity of data concerning administrative decisions)

Diavgeia is the official transparency portal of the government. All government institutions are obliged to upload their acts and decisions on the Internet with special attention to issues of national security and sensitive personal data. Each document is digitally signed and assigned a unique Internet Uploading Number (IUN) certifying that the decision has been uploaded at the “Transparency Portal”. Following the latest legislative initiative (Law 4210/2013) of the Ministry of Administrative Reform and e-Governance, administrative acts and decisions are not valid unless published online.¹⁰²

Although constituting a very important tool for the accessibility of administrative decisions, there is mounting criticism that Diavgeia has not been updated to incorporate new tools and parameters and needs reform in order to serve its purpose.¹⁰³

Powers accorded to the courts to carry out judicial review (including the scope and suspensive effect of review powers)

Judicial review could be carried out either through the annulment or the appeal against adverse administrative acts, or decisions, or material actions. Annulment results in the total or partial annulment of the administrative act

102 <https://diavgeia.gov.gr/>

103 <https://lab.imedd.org/h-elleipsi-anoikton-dedomenon-stin-ellada-odigei-se-adiafaneia-kai-anakoptei-tin-oi-konomiki-anaptyxi/>, <https://www.protothema.gr/economy/article/1419114/pasok-dekatria-hronia-diaugeia-pro-taseis-gia-perissoteri-diafaneia/>

from the legal world, while the appeal gives to the ordinary administrative judge the power not only to annul, referring to the administration, but also to amend the challenged administrative act. Petitions for judicial review (annulment) of enforceable acts of the administrative authorities for excess of power are heard in principle by the Council of State¹⁰⁴ which decides in first and last instance. Certain categories of judicial review (annulment) cases fall under the jurisdiction of administrative courts, following a special provision by law, for reasons pertaining to their nature and their importance. On the contrary, it is the ordinary administrative courts that have the original competence to decide cases by exercising full jurisdiction, while the Council of State has the competence to hear petitions for reversal of final judgments reached by the appellate or first- and last-instance administrative courts in such cases. In certain categories of cases the Council of State has also the competence to decide cases by exercising full jurisdiction, either by virtue of an express constitutional provision (as in cases of dismissal or in cases of downgrading of civil servants) or by virtue of a law issued upon constitutional authorization. Finally, the elaboration of all decrees of regulatory nature falls under the jurisdiction of the Council of State which has the competence to give an opinion concerning the legality thereof.

The administration's obligation to comply with the content of the judicial decisions of the administrative courts is provided for in

article 95 par. 5 of the Constitution and is further specified in article 50 par. 4 of the p.d. 18/1989. Governmental acts (article 45 par. 5 of Presidential Decree 18/1989) and non-executory administrative acts (article 45 par. 1 of the Presidential Decree 18/1989) are excluded from judicial review. In this context, serious political decisions, such as the decision of premature dissolution of the Parliament due to a serious national matter, are excluded from judicial review. In addition, the acts of promotion of judges into the positions of President or Vice-President of the Highest Courts of the State are exempted from judicial review explicitly by the Constitution (article 90 par.6 Constitution as in force). In article 10 of the Constitution, and more particularly in article 27 of the Code of Administrative Procedure, it is stipulated that for the acts of the executive power that are not provided judicial review, administrative review is provided.

Electoral framework

Limitations on the right to vote

Voting is compulsory for citizens who are at least 17 years of age in an election year, although penalties for abstention are not enforced. Citizens who have been found mentally incompetent by a court are deprived of suffrage rights. According to ODIHR/OSCE, "this restriction contravenes principles of universal and equal suffrage, as provided for in the 1990 OSCE Copenhagen Document, UN

104 http://www.adjustice.gr/webcenter/portal/SteEn?_afzLoop=6014480831558289#!%40%40%3F_afz-Loop%3D6014480831558289%26_adf.ctrl-state%3D17xoeb0wwg_209

treaties, and other international obligations.”¹⁰⁵ Citizens forfeit their voting rights due to criminal conviction for certain crimes. Positively, the blanket restriction was abolished, narrowing it down to certain types of serious crimes where the punishment is irrevocable.

Enabling environment for the exercise of the right to vote: voter registration systems, accessibility of polling stations, remote/e-voting arrangements, threats and intimidation

In the 2023 early Parliamentary Election, the ODIHR/OSCE mission underlined that persons with disabilities faced difficulties in exercising their right to vote in relation to voter information on the electoral process via media as well as physical accessibility and autonomous voting on election day. “In line with recommendations of previous ODIHR missions, a new amendment mandates provision of support to voters with mobility issues at the polling station and allows for them to be accompanied by a person of their choosing. While this is a positive step, further actions could be taken to facilitate autonomous participation, including the use of assistive tools, such as Braille or tactile ballot guides for persons with visual impairments, eliminating physical obstacles in polling centres and exploring the possibility of using alternative voting methods to be in line with international standards. Information on

the electoral process by various stakeholders in the media should also be made accessible to persons with disabilities to enhance their participation in public life.”¹⁰⁶

Based on a law passed in 2019, Greeks residing abroad could vote for the first time in national elections. However, this required physical presence in specific polling stations which practically excluded many potential voters who could not travel what proved to be very big distances in many cases. On a positive development, the government has recently announced that it will introduce a new legislation giving the possibility of postal voting for the first time in the June 2024 EU elections, for citizens inside or outside the country that are registered in the voting catalogues, through postal vote.¹⁰⁷

Rules on political advertising and their enforcement

There is an extensive legal framework that defines the nature and length of obligatory broadcasts.¹⁰⁸ The law requires broadcasters to allocate party coverage proportionally to the results of the last elections. The free-airtime division benefits bigger parliamentary parties, giving them an advantage in terms of both the amount of exposure and time slots. Paid advertising in broadcasts is not allowed while free airtime is available to each registered

105 <https://www.osce.org/files/f/documents/4/0/558300.pdf>

106 <https://www.osce.org/files/f/documents/4/0/558300.pdf>

107 <https://www.euractiv.com/section/elections/news/greece-to-test-postal-voting-in-eu-elections-for-the-first-time/>

108 https://www.kodiko.gr/nomologia/download_fek?f=fek/2023/b/fek_b_2881_2023.pdf&t=da6bafcf94f2524e16c0495f179a45e6

party. Free airtime arrangements allow every contestant to present their views. Both public and private broadcasters are obliged to air 45-minute-long press conferences and 10-minute-long advertising slots for each registered party. Independent candidates can appear once on national channels, and twice on regional channels. Public broadcasters are also obliged to show 45-minute-long interviews with the leader or representative of each registered party and transmit at least two live campaign events for each parliamentary party.

While the broadcasters fulfilled their obligations regarding the amount of airtime, smaller parties generally complained that their appearances were relegated to less popular time slots. Still, given that outside the campaigning period most media coverage is seen to benefit the governing party, we could say that broadcasters generally made efforts to achieve fairness during the election campaign.

Eligibility criteria and restrictions to be a candidate

Citizens who are eligible to vote and have reached the age of 25 can run for parliamentary elections. The legal framework continues to restrict the candidacy rights of certain professions, including all salaried public employees, members of the armed forces, governors and mayors, and chairpersons of boards of public corporations. Candidates can only run in one constituency, with the exception of the party/

coalition leader, who can register in up to three constituencies. In order to be able to present a national list, parties must present candidates in at least three-quarters of constituencies.

Before the elections of 2023, the government introduced a series of legal amendments that led to banning the newly founded party Ellines from running in these elections because of the conviction of one of its leaders, Elias Kasidiaris, in the Golden Dawn trial.

Amendments adopted in February 2023 disqualify parties led by politicians convicted of serious offences and when a party does not “serve the free functioning of [Greece’s] democratic constitution” from competing in elections.¹⁰⁹ The law was further amended in April 2023 to define the “leadership” of a party. It also mandated the Supreme Court to decide on the eligibility of a party to compete in elections. While the prohibition might be in conformity with the specific permissible grounds of limitations as set out in Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the broad wording of the amendments could open up the risk of arbitrary application in future elections. In addition, these amendments were adopted in the run up to elections with the support of only two parliamentary parties and thus lacked genuine public consultation and broad political consensus.

¹⁰⁹ <https://www.osce.org/files/f/documents/4/0/558300.pdf>

Several prominent legal scholars¹¹⁰ have challenged the legality of these amendments, both in terms of timing and procedure, but also in terms of constitutionality and scope. It is to be noted that the Greek Constitution, in art. 29, does not provide for the possibility of banning the operation or dissolution of political parties mostly for historical reasons related with the previous banning of the Communist Party, while according to article 51 para. 3 of the Constitution, the deprivation of political rights requires a final court decision. There was a discussion on adding a relevant provision to the constitution during the 2019 revision that never concluded.

Access to balanced and reliable information online and offline during electoral campaign: campaigning, media coverage, disinformation and misinformation

As analysed above (in the section on “Media Environment”), although the number of media outlets in Greece is large and the landscape is diverse, the ownership of major media groups is concentrated among a handful of influential business owners with interests also in other sectors of the economy. The broad perception that these structural issues, combined with wage pressure and limited work opportunities for journalists, have led to a significant level of self-censorship was also prevalent during the 2023 election period. Smaller, mainly online media outlets fill the gap for investigative journalism. However, their audience is limited and long-term financial viability unclear.

In general, political coverage was seen as being predominantly supportive of the government. While television is still the most popular source, the perceived interdependence of media and politics has led to low trust in journalism with audiences relying on social networks for news.

Free and open civic discourse online and offline during electoral campaign

The ODIHR Election Assessment Mission Final Report for the 2023 early parliamentary election verified the embedded tradition of peaceful and pluralistic elections in Greece in the post-Junta era. The elections were held in a competitive and pluralistic environment, and fundamental freedoms were respected. Voters were provided with ample information enabling them to make an informed choice. Contestants conducted their campaigns freely, and fundamental freedoms of assembly, association and expression were respected. The campaign was competitive, and the wide range of contestants ensured a broad choice of political alternatives. Main campaign topics centred around the economy, growth, employment, living costs, social security, and a potential post-election coalition. Parties mainly relied on small and medium-sized gatherings, face-to-face meetings, social media and television, with large-scale closing campaign events organised in Athens.¹¹¹

110 [Κασιδιάρη - constitutionalism.gr](https://www.kasidiarh.gr)

111 <https://www.osce.org/files/f/documents/4/0/558300.pdf>

Civic space –

Key recommendations

- *Re-evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs.*
- *Ensure full accountability for the mass surveillance scandal, commonly known as Preda-torgate.*

Freedom of association

Formation, establishment and registration of associations, including rules on membership

Although the Constitution and law provide for freedom of association, courts continue to place legal restrictions on associations of persons who self-identify as ethnic Macedonian or associations that include the term ‘Turkish’ as indicative of a collective ethnic identity. In December 2022, a court in Florina, in northern Greece, approved the registration of an NGO called the Centre for the Macedonian Language, focused on promoting the language and culture of North Macedonia in northern Greece. The decision was appealed by the Prosecutor of the Florina District Court, but the Court of First Instance of Florina upheld the decision in 2023 on the grounds that “associations established for purposes such as the pursuit of various social or economic objectives, the protection of cultural or intellectual heritage, the search for

national identity or the affirmation of a minority consciousness are important for the smooth functioning of democracy. The way in which national legislation establishes this freedom and its practical application by the authorities reveals the state of democracy within the country concerned.”¹¹²

Other

The shrinking of civic space has become a worrying trend in the country in recent years. While no new laws were passed on freedom of association in 2023, a Joint Ministerial Decision, which in 2020 introduced strict requirements for the operation of CSOs working on migration in Greece, is still in place. The law makes it difficult for these organisations to register, consequently hindering their operations. Various domestic and international bodies, including the European Commission, have raised concerns about the compatibility of the legislation with the country’s legal obligations, nevertheless, Greece insists on implementing

112 <http://www.odos-kastoria.gr/2023/06/florina.html>

it. Indicatively, the Expert Council on NGO Law of the Council of Europe¹¹³ has concluded that the measures introduced through the above legislative initiatives raise both procedural and substantive difficulties with respect to freedom of association¹¹⁴ and the protection of civil society space. According to the opinion of the Council, the requirements introduced are vague, disproportionate and do not satisfy the requirements of the principle of legality.

The 2023 Civic Space Watch Report¹¹⁵ highlights that further deteriorations of civic space have been noted in Greece, downgrading its CIVICUS Monitor rating from “narrowed” to “obstructed”.

Worryingly, the criminalisation of solidarity has continued, with several human rights defenders on trial. In January 2023, the famous trial of 24 humanitarian aid workers, including Seán Binder and Sarah Mardini, charged with facilitating illegal immigration to Europe, began on the Greek island of Lesbos. The trial was characterised as “the largest case of criminalisation of solidarity in Europe”, according to a 2021 European Parliament report.¹¹⁶ The ICJ called on the Greek authorities to support

rather than criminally prosecute people who provide humanitarian assistance to migrants and refugees.¹¹⁷ In January 2023, the Court of Appeal of Mytilene found procedural flaws in the relevant summons, including a lack of translation. The Court of Appeal’s ruling resulted in the summons being annulled and in the relevant case against Sarah and Seán being rejected. In February 2023, a Supreme Court Deputy Prosecutor appealed the decision.¹¹⁸

Another worrying case of judicial harassment is the one against Panayote Dimitras, the head and founder of the Greek Helsinki Monitor,¹¹⁹ a non-governmental group, and a prominent Greek human rights defender who has been active for 30 years. In 2022, Dimitras, along with the director of Aegean Boat Report, Tommy Olsen, were charged by Greek judicial authorities on the island of Kos for “forming or joining for profit and by profession a criminal organisation with the purpose of facilitating the entry and stay of third country nationals into Greek territory.”¹²⁰ In June 2023, Greece’s Anti-Money Laundering Authority reportedly ordered the freezing of all of Dimitras’ assets, which in large part include funding received

113 [16809ee91d. \(coe.int\)](https://www.coe.int/t/0900016809ee91d)

114 [franet_greece_civic_space_2021.pdf \(europa.eu\)](https://www.europa.eu/press-room/media/30612/franet_greece_civic_space_2021.pdf)

115 [Civic-Space-Report-2023-GREECE-European-Civic-Forum.pdf](https://www.europa.eu/press-room/media/30612/Civic-Space-Report-2023-GREECE-European-Civic-Forum.pdf)

116 [IPOL_STU\(2021\)694413_EN.pdf \(europa.eu\)](https://www.europa.eu/press-room/media/30612/IPOL_STU(2021)694413_EN.pdf)

117 <https://www.icj.org/greece-criminalization-of-humanitarian-support-to-migrants-and-refugees-must-end/>

118 [Greece: Humanitarian’s ordeal must now end - Amnesty International](https://www.amnesty.org/en/latest/news/2023/01/greece-humanitarian-ordeal-must-now-end/)

119

from the European Union to support his work as a human rights defender.¹²¹

The freezing of assets by the Anti-Money Laundering Authority without any formal process or mechanism of appeal, and without any deadline as to whether a formal investigation will actually be initiated or not, constitutes a harassment tactic that has become more and more frequent in recent years.¹²²

The overall widespread targeting of human rights defenders has raised great concern among civil society as well as independent media correspondents. The UN Special Rapporteur on Human Rights Defenders, Mary Lawlor, expressed in her recent report following a visit to Greece, her concern about the “reports of human rights defenders, in particular those supporting migrants, refugees and asylum seekers, being targeted by hostile comments, including by key stakeholders in the government. They are described as traitors, enemies of the state, Turkish agents, criminals and smugglers and traffickers”.¹²³ Moreover, concerns about the alleged intimidation, criminalisation and restriction of the work of defenders of the rights of refugees, asylum seekers and migrants have been communicated to the Greek government by multiple UN Human Rights Council experts on several previous occasions.

Freedom of peaceful assembly

Rules on organisation, authorisation of and participation in assemblies

The right to freedom of assembly, which is guaranteed by the Constitution, is generally protected. This protection has been partially compromised after the passage of Law No. 4703/2020, on public outdoor gatherings and other provisions, which introduced certain restrictions on the exercise of the right of peaceful assembly, as enshrined in article 11 of the Constitution. It should be noted that the introduction of restrictions on public gatherings was part of the government’s election programme and was unrelated to the COVID-19 pandemic.

The most important changes introduced by the law included obligations imposed on organisers of gatherings or protests to notify the local Hellenic Police or Coast Guard authority of their intent to invite people to participate in a public gathering, as well as to provide details as to the specific time, place and route to be followed by protestors, in “due time”, prior to the protest. Under the law, organisers must also provide the authorities with their identification and contact details and must cooperate with them in maintaining peace and order. Spontaneous public gatherings are permitted, exceptionally, provided that they are not deemed to pose a threat to public safety or to

121 <https://www.fairtrials.org/articles/news/panayote-dimitras-fair-trials-denounces-continuing-harassment/>

122 See also, <https://www.lifo.gr/stiles/optiki-gonia/epameinondas-farmakis-enas-epaggelmatias-toy-prosfygikoy>

123 <https://srdefenders.org/statement-on-preliminary-observations-and-recommendations-following-official-visit-to-greece/>

present a risk of seriously disrupting social and economic activities.

The legislation has been heavily criticised by human rights defenders, both on the scope and on the process, since it was adopted without the necessary dialogue with social partners, unions or civil society. Most importantly, the provisions on spontaneous gatherings reverse the presumption of legality for peaceful protests, while the provisions on organisers establish a liability for any damages incurred during the protest, ultimately discouraging persons from assuming this role and creating a chilling effect on the organisation of peaceful gatherings.

Policing practices, including dispersion of protests, use of force

Incidents of police violence and arbitrariness are not isolated cases but rather a frequent and increasingly common phenomenon in Greece. The Greek police force has a long history of corruption and excessive use of force but since New Democracy was elected in 2019 – at least in part on a law-and-order platform – complaints have soared.¹²⁴

In her recent report on Greece, UN Special Rapporteur on Human Rights Defenders Mary Lawlor expressed concern about reports of excessive use of force by law enforcement officers acting to disperse demonstrators, including cases of police violence and the extensive use of tear gas against migrants and asylum-seekers protesting in reception centres, such as on Lesbos and Samos. “The Special Rapporteur joins the Committee against Torture in recommending that Greece review the crowd control procedures applied by the police in the context of demonstrations, ensure effective investigations into all allegations relating to the excessive use of force and increase efforts to provide training to all law enforcement officers on the use of force.”¹²⁵

Excessive use of force was reported in several instances, with most prominent the rolling protests that have gripped Greece with demonstrators after the deadliest car crash in Greece’s history at Tempi.^{126,127}

In another indicative case, there were reports and complaints over the use of chemicals and violence by police forces outside the Volos court, where a trial was being held against police

124 [Police brutality on the rise in locked-down Greece, activists warn – POLITICO](#)

125 <https://reliefweb.int/report/greece/report-special-rapporteur-situation-human-rights-defenders-mary-lawlor-visit-greece-ahrc5229add1-advance-edited-version>

126 <https://www.voanews.com/a/police-protesters-clash-at-rail-disaster-rally-in-athens/6990417.html>

127 <https://www.hlhr.gr/%ce%b5%cf%80%ce%b9%cf%83%cf%84%ce%bf%ce%bb%ce%ae-%cf%85%cf%80%ce%b-%cf%85%cf%81%ce%b3%cf%8c%cf%82-%ce%b1%cf%83%cf%84%cf%85%ce%bd%ce%bf%ce%bc%ce%af%ce%b1-%ce%b4%ce%b9%ce%b1%ce%b4%ce%b7%ce%bb%cf%8e/>

officers for a previous case of using excessive violence against a citizen.¹²⁸

In December 2023, 424 people were brought in by the police after a policeman was fatally injured during a football match. Lawyers have complained that people were questioned for several hours without being given the right to speak to their family or a lawyer, while their family members were not given to information on their whereabouts, even if they were under 18.¹²⁹

Most worryingly, according to the latest report of the Ombudsman, complaints about incidents of police arbitrariness and violence against citizens are being investigated inadequately or even in a completely bogus manner. The Criminal Procedure Code designates Hellenic Police and Hellenic Coast Guard officials as “general investigating officers” (γενικοί ανακριτικοί υπάλληλοι) competent for the conduct of the preliminary investigation (προκαταρκτική εξέταση) and pre-interrogation (προανάκριση) following a Public Prosecutor order or ex officio. Furthermore, the Prosecutor may archive cases without preliminary investigation where an administrative inquiry (ένορκη διοικητική εξέταση) has been conducted or a NTA report has been issued. This means that investigations, including administrative inquiries, into potential criminal conduct by law enforcement bodies are carried out by the very same state bodies.

These systemic deficiencies have consistently been highlighted through condemnations by the European Court of Human Rights and corollary Committee of Ministers decisions on the execution of such judgments. In only 12% of the cases of police or administrative arbitrariness examined by the Ombudsman, it was considered that a full investigation had been carried out.¹³⁰

Freedom of expression and of information

The controversial provision of the Criminal Code on the spread of disinformation, voted in 2021, was amended to address the concerns previously identified. In December 2022, Article 191 of the Criminal Code aiming at preventing the spread of disinformation was amended. Thus, for an offence to be committed, the concrete “effect” of “causing fear is required” and not merely the abstract risk of “causing fear in citizens”, which is a concept difficult to prove and not easy to evaluate. Moreover, the amendment removed the aggravating circumstance of repeated offence.

On 26 October 2023, French and Canadian journalist Romain Chauvet was given a six-month suspended prison sentence by an Athens court, which was appealed by his lawyer. Chauvet, an Athens-based freelance reporter for Radio Canada, the French TV news

128 <https://govwatch.gr/en/finds/kataggelia-peristatikoy-astynomikis-vias-sta-dikastiria-toy-voloy/>

129 <https://www.thetoc.gr/koinwnia/article/ekatonrades-oi-prosagoges-meta-ton-traumatismou-astunomikou-15xronoi-anamesa-tous---diamarturia-suggenon/>

130 <https://www.hlhr.gr/wp-content/uploads/2023/10/171023-EMIDHPA-EKTHESH-WEB.pdf>

channel BFMTV and the news site *Courrier des Balkans*, was found guilty of disseminating false information by allegedly making a false bomb alert. The first court hearing took place the next day, on 13 October 2023. Reporters Without Borders (RSF) said the conviction represented a dangerous precedent in the application of the law against fake news.¹³¹

Attacks and harassment

The UN Special Rapporteur on Human Rights Defenders, Mary Lawlor, expressed in her recent report following a visit to Greece, her concern about the “reports of human rights defenders, in particular those supporting migrants, refugees and asylum seekers, being targeted by hostile comments, including by key stakeholders in the government. They are described as traitors, enemies of the state, Turkish agents, criminals and smugglers and traffickers”.¹³²

The swift shift in migration policy to a strict securitisation and militarisation of borders, in which migrants are designated as a “hybrid threat”, coincided with the hardening policy against NGOs. The criminalisation of NGOs, organisations and human rights defenders working at the field include criminal charges for facilitation of entry, migrant smuggling, conspiracy, abuse of office, fraud, abetting

irregular immigration, illegally obtaining state secrets, complicity in trafficking in human beings. Soon the criminalisation took the form of smearing campaigns for money laundering, espionage and membership of a criminal organization.

Allegations against human rights defenders and NGOs in the media undermine their work, creating a generalised suspicion of NGOs. The latter tends to continue long after they are released, as their names are rarely cleared. The lack of action, which is limited to general recommendations by EU and other bodies, has created this atmosphere of impunity regarding the smearing campaign against human right defenders and persons on the move.

Online civic space

Digital surveillance

The mass surveillance scandal commonly known as *Predatorgate* is still tormenting the Greek public sphere.

The surveillance scandal began with revelations in November 2021 that Greece’s intelligence service, EYP, had wiretapped the phone of freelance reporter Stavros Malichoudis.¹³³ It then emerged in April 2022 that the mobile phone

131 <https://rsf.org/en/greece-rsf-concerned-about-possible-conviction-french-canadian-reporter-accused-issuing-false-bomb>

132 <https://srdefenders.org/statement-on-preliminary-observations-and-recommendations-following-official-visit-to-greece/>

133 [Solomon’s reporter Malichoudis under surveillance for “national security reasons” - Solomon \(wearesolomon.com\)](#)

of Thanasis Koukakis,¹³⁴ a freelance journalist investigating banking and business stories, was infected by the Predator spyware. This software allows users to monitor every aspect of a target's phone, including calls, messages, photos, and videos, as well as to access the microphone and camera. Days later, it was also revealed that the security service had also wiretapped Koukakis' phone through the official procedure.

At the end of July and in early August, it was reported that the intelligence services had also conducted surveillance on the leader of the opposition party PASOK and member of the European Parliament, Nikos Androulakis,¹³⁵ and that there had been an attempt to hack his mobile phone with Predator.

Since then, a much broader and growing list of targets,¹³⁶ including journalists, politicians, entrepreneurs, members of the government, and judicial officials have reportedly also been targeted by Predator, according to the investigative¹³⁷ media outlet *Documento*. National authorities have been accused of being complicit in the surveillance.

The government denies the allegations and its links to the use of spyware. It admitted,

however, that the state intelligence service was monitoring Androulakis for what it described as reasons of national security. The head of the security services, which falls under the direct supervision of the prime minister's office, resigned¹³⁸ following the news.

Almost two years since this scandal broke, people in Greece are still awaiting the outcome of ongoing judicial investigations into the allegations of surveillance, and for improvements to safeguards on the right to privacy. In October 2023, one reporter from Inside Story, who had been summoned to testify by the Athens Prosecutor's Office, was notified that her testimony was postponed because the Supreme Court Prosecutor, Georgia Adilini, had removed the two prosecutors who handled the case and assigned the investigation to the deputy prosecutor of the supreme court Achilles Zisis. Independent media saw a stalling and manipulation tactic in this move.¹³⁹

New legislation was introduced late 2022 by the government, which was criticised for lack of procedural safeguards. Meanwhile, the Hellenic Authority for Communication Security and Privacy stated¹⁴⁰ that the law opens up the possibility of legal monitoring

134 [Greece: Journalist Thanasis Koukakis surveilled for 10 weeks with powerful new spyware tool - https://ipi.media](https://ipi.media)

135 [EU Commission alarmed by new spyware case against Greek socialist leader – Euractiv](#)

136 “Predatorgate”, dozens of Greek ministers and journalists under surveillance / Greece / Areas / Homepage - [Osservatorio Balcani e Caucaso Transeuropa \(balcanicaucasos.org\)](https://www.balcanicaucasos.org/)

137 [SPYWARE | inside story](#)

138 [Greek intelligence chief resigns over alleged spying scandal | Euronews](#)

139 [Αποκαθλώθηκαν οι εισαγγελείς των υποκλοπών λίγο πριν τις διώξεις κατά δύο προσώπων | inside story](#)

140 <http://www.opengov.gr/ministryofjustice/?c=32953>

with spyware technology outside of the existing official system of legally permitted interception of communications.

Public participation

Greece's largest recognised minority population, the Muslim community of Thrace, has full political rights, and four members of the community won seats in the 2023 parliamentary

elections. The right to vote in national elections is restricted to Greek citizens, so the reported delays in naturalization and granting of citizenship process might exclude several people from their right to vote. Though there are no significant legal or practical barriers to women's political participation, women only hold a little more than a fifth of the seats in parliament and sexist and patriarchal attitudes dissuade their active participation.

Disregard of human rights obligations and other systemic issues affecting the rule of law environment

Key recommendations

- *Strengthen the institutional implementation mechanism through the creation of an inter-ministerial committee in which the competent ministries would participate, along with the Legal Council of State, the National Commission for Human Rights, and the Ombudsman. The committee would meet regularly and formulate proposals relating to implementation measures.*
- *Creation of an independent authority to investigate pushbacks of refugees and migrants.*

Systemic human rights violations

Impunity and/or lack of accountability for human rights violations

Being a part of border control strategies for so long, pushbacks of migrants and refugees in the Greek border zones have gradually become normalised and have become seen as an

alternative way of border control. The frequency and organised coordination of these operations have been well-substantiated by various local and international organisations over recent years, as well as the violence exercised throughout the operations. Greece has been repeatedly denying the existence of these operations, while the EU has – quite hypocritically – been calling for investigation, while at the same time

rewarding Greece's position as the 'shield of Europe'.¹⁴¹

Several NGOs and human rights groups have been documenting those practices for years (indicatively^{142,143,144}); numerous attempts have been made to find legal recourse before national and international courts and bodies. The difficulty to acquire hard data is flagrant: the militarisation of the border regions makes access extremely difficult; a restricted 'buffer zone' runs along both banks of the river Evros while the access to the sea border zone is also practically impossible. Detention centres and border guard stations are often located within this buffer zone, keeping detained people out of sight and without access to legal support. For many people pushed back, it is essentially impossible to return to Greece and pick up where they left off.

Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights

During 2023, Greece had 27 leading judgments of the European Court of Human Rights pending implementation, as well as 41 repetitive

cases.¹⁴⁵ Greece is one of the countries that has been condemned in a large number of judgements relating to administrative detention, reception and accommodation conditions, the treatment of migrants by the police and border authorities, the asylum system, the treatment of unaccompanied minors, and human trafficking.

Overall, Greece has improved its implementation in terms of the number of ECtHR judgements under supervision by the Council of Europe Committee of Ministers. It is now roughly on a par with the European average in terms of time it takes to implement decisions and in terms of the percentage of the judgements, in which implementation is still pending. However, formal compliance with ECtHR judgements does not necessarily go hand in hand with substantive implementation of human rights in administrative practice and government policy. Measures adopted by national authorities, such as legislation or accommodation structures, are often inadequate, or they are not (effectively) put into practice.¹⁴⁶

141 <https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-636-7/978-88-6969-636-7-ch-07.pdf>

142 <https://www.msf.org/greece-pushbacks-detention-and-violence-towards-migrants-lesbos>

143 <https://ecre.org/greece-decrease-in-arrivals-amidst-ongoing-pushbacks-and-ill-treatment-of-refugees-rights-organisations-denounce-lack-of-credible-investigation-into-pylos-tragedy-amid-ongoing-calls-for-accountability/>

144 <https://www.gcr.gr/el/news/press-releases-announcements/item/2111-new-gcr-report-reveals-violence-against-refugees-at-the-greek-turkish-borders-and-criminalization-of-legal-aid-organizations>

145 <https://www.coe.int/en/web/execution/greece>

146 <https://www.eliamep.gr/wp-content/uploads/2023/02/Policy-brief-127-Anagnostou-final-EN-1.pdf>

Fostering a rule of law culture

Contribution of civil society and other non-governmental actors

Govwatch is an independent, not-for-profit initiative by Vouliwatch.¹⁴⁷ It collects, records and reports violations or suspected violations of the rule of law in Greece, by theme. Govwatch aims to provide a source of information for citizens and institutions, to enable civil society to highlight wrongdoing, and to increase accountability in the political system.

147 <https://govwatch.gr/en/about/>

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

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