

# **The situation of Article 2 TEU values in Greece**

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LIBE mission to Greece  
6 - 8 March 2023





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## **Abstract**

This study, written by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, the Rule of Law and Fundamental Rights in Greece and how Article 2 TEU values are respected and implemented in the country.

This document was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group.

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## LIST OF ABBREVIATIONS

<b>ADAE</b>	Hellenic Authority for Communication Security and Privacy
<b>CJEU, EUCJ</b>	Court of Justice of the European Union
<b>CoE</b>	Council of Europe
<b>COM</b>	Commission
<b>DRFMG</b>	Monitoring Group on Democracy, Rule of Law and Fundamental Rights
<b>EP</b>	European Parliament
<b>EPPO</b>	European Public Prosecutor
<b>EYP</b>	Greek National Intelligence Service
<b>FRA</b>	Fundamental Rights Agency
<b>GRECO</b>	Group of States against Corruption of the Council of Europe
<b>LIBE</b>	Committee on Civil Liberties, Justice and Home Affairs
<b>MPM</b>	Media Pluralism Monitor
<b>MS</b>	Member State
<b>OLAF</b>	European Anti-Fraud Office
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>PEGA</b>	Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
<b>PM</b>	Prime Minister
<b>RoL</b>	Rule of Law
<b>RRF</b>	Recovery and resilience fund

# 1. INTRODUCTION

The **Committee on Civil Liberties, Justice and Home Affairs** (LIBE) decided, upon suggestion of its **Monitoring Group on Democracy, Rule of Law and Fundamental Rights** (DRFMG), to organise a mission to Athens in Greece on 6 - 8 March 2023. The objective of the mission is to take stock of the latest developments in the country as regards the situation of Article 2 TEU values and notably democracy, rule of law, fundamental rights, the fight against corruption, the justice system, the media, migration and asylum, privacy and data protection, against the background of the recommendations made by the EU Commission and the EP debates on the situation in the country.

**This briefing** aims at providing an overview of the situation of Article 2 TEU values in Greece, on the reforms implemented, as well as of the shortcomings and gaps to be filled in. It is mainly based on the Commission Rule of Law 2021 report on Malta, media reports, national and international organisations documents, NGOs reports, etc. The briefing is **structured** around the main pillars of Article 2 TEU: democracy, rule of law (covering the justice system and anti-corruption policies), fundamental rights (covering media freedom and other fundamental rights and equality). Since the "Predator scandal" is an issue touching upon horizontally multiple aspects of DRF, it is presented separately in Annex 3, together with specific issues. The briefing also builds upon previous briefings and documents prepared by the Policy Department on Greece upon request of LIBE DRFMG and of the PEGA committee: **The situation of Article 2 TEU values in Greece: Focus on anti-corruption measures and media freedom** (April 2022, Requested by the DRFMG / LIBE committee).<sup>1</sup> and **Briefing for the PEGA mission to Cyprus and Greece - 1-4 November 2022** (requested by the PEGA committee).<sup>2</sup>

## 1.1. The Commission Rule of Law report 2023 and the Recommendations

The Commission Recommendations for Greece made within the RoL report 2023 are the following:

"In addition to recalling the commitments made under the national **Recovery and Resilience Plan** relating to certain aspects of the **justice system and the anti-corruption** framework, it is recommended to Greece to:

- 1 • Address the need for involvement of the **judiciary** in the **appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit** taking into account European standards on judicial appointments.
- 2 • Ensure the effective and systematic verification of the accuracy of **asset disclosures** filed by all types of **public officials**.
- 3 • Increase efforts to establish a robust **track record of prosecutions and final judgments in corruption cases**.
- 4 • Establish legislative and other safeguards to improve the physical safety and working environment of **journalists**, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.

<sup>1</sup> [https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL\\_IDA\(2022\)732214\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL_IDA(2022)732214_EN.pdf)

<sup>2</sup> [https://www.europarl.europa.eu/thinktank/en/document/IPOL\\_STU\(2022\)738330](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2022)738330)



5 • Ensure that **registration requirements for civil society organisations** are proportionate in view of maintaining an open framework for them to operate.”<sup>3</sup>

## 1.2. European Parliament follow-up of the situation in Greece

The **European Parliament** has dealt with the situation in Greece repeatedly:

- the **LIBE Committee** has held regular discussions and hearings on the treatment of **migrants** at the Greek borders and in Greece, including pushbacks (and the role of Frontex);<sup>4</sup> a number of LIBE missions to Greece took place, the last one being in November 2021, with the aim of assessing the situation of migrants and asylum-seekers;<sup>5</sup>
- the **Democracy, Rule of Law and Fundamental Rights Monitoring Group** held a session in camera on 24 June 2021 on the protection of journalism and safety of journalists in Greece and on 28 April 2022 to discuss journalists’ safety, media, the fight against corruption. A series of letters were also exchanged between DRFMG and the Greek government;<sup>6</sup>
- the **PEGA Committee** held a session on Greece on 8 September 2022,<sup>7</sup> while Nikos Androulakis spoke at the meeting of 6 October as a victim of surveillance;<sup>8</sup>
- the **European Parliament held a debate in plenary** on 12 September 2022 on “Illegal surveillance and predator spyware systems in Greece”;<sup>9</sup>
- **PEGA Committee** mission to Cyprus and **Greece** from 1 to 4 November 2022;<sup>10</sup>
- The **European Parliament held a Topical debate on** 15 February 2023 on “The erosion of the rule of law in Greece: the wiretapping scandal and media freedom”;<sup>11</sup>
- 28 February 2023 **PEGA** held exchange of views on Greece with Mr Christos Rammos (President of Hellenic Authority for Communication Security and Privacy) and Mr Konstantinos Menoudakos, (President of the Hellenic Data Protection Authority);<sup>12</sup>

<sup>3</sup> 2022 Rule of Law Report Country Chapter on the rule of law situation in Greece, [https://commission.europa.eu/system/files/2022-07/21\\_1\\_194014\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/system/files/2022-07/21_1_194014_coun_chap_greece_en.pdf)

<sup>4</sup> <https://www.europarl.europa.eu/news/en/press-room/20220624IPR33818/allegations-of-pushbacks-in-greece-the-minister-of-migration-in-parliament>

<sup>5</sup> <https://www.europarl.europa.eu/news/en/press-room/20211104IPR16613/civil-liberties-committee-delegation-concludes-mission-to-greece>

<sup>6</sup> See DRFMG website, section on Greece, at <https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662#20190103CDT02662-section-7> and Policy Department briefing requested by LIBE DRFMG [https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL\\_IDA\(2022\)732214\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL_IDA(2022)732214_EN.pdf)

<sup>7</sup> See agenda of the hearing <https://www.europarl.europa.eu/committees/en/pega-hearing-on-use-of-spyware-in-greece/product-details/20220912CHE10601>; webstreaming [https://multimedia.europarl.europa.eu/en/webstreaming/committee-of-inquiry-to-investigate-use-of-pegasus-and-equivalent-surveillance-spyware\\_20220908-0900-COMMITTEE-PEGA](https://multimedia.europarl.europa.eu/en/webstreaming/committee-of-inquiry-to-investigate-use-of-pegasus-and-equivalent-surveillance-spyware_20220908-0900-COMMITTEE-PEGA)

<sup>8</sup> <https://www.europarl.europa.eu/committees/en/pega-exchange-of-views-with-members-of-t/product-details/20221003CAN67105>

<sup>9</sup> Webstreaming of the debate at [https://multimedia.europarl.europa.eu/en/video/illegal-surveillance-and-predator-spyware-systems-in-greece-meps-debate\\_I229808](https://multimedia.europarl.europa.eu/en/video/illegal-surveillance-and-predator-spyware-systems-in-greece-meps-debate_I229808)

<sup>10</sup> See <https://www.cna.org.cy/press-release/article/4089671/press-release-european-parliament>

<sup>11</sup> EP debate: [https://www.europarl.europa.eu/doceo/document/CRE-9-2023-02-15-ITM-013\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2023-02-15-ITM-013_EN.html)

<sup>12</sup> Webstreaming at [https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting\\_20230228-0900-COMMITTEE-PEGA](https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20230228-0900-COMMITTEE-PEGA)

## 2. DEMOCRACY

Greece is a representative **parliamentary democracy with a unicameral parliament**. The legislative power is shared between the government and the Parliament for legislative initiatives, and between the Parliament and the President for the approval of legislation.

The current **President** is Katerina Sakellariopoulou, a judge elected by the Parliament in 2020 for a 5 years term.

The **main** parties in Greece are:

- **New Democracy party** (affiliated to EPP): leader **Kyriakos Mitsotakis**
- **Syriza** (Coalition of the Radical Left – Progressive Alliance; affiliated to The Left, GUE/NGL): leader **Alexis Tsipras**
- **PASOK** (Panhellenic Socialist Movement; affiliated to PSE), leader **Nikos Androulakis** since 12 December 2021
- **The Communist Party of Greece (KKE)**

Following the **2019 elections**, the previous government led by PM Alexis Tsipras and his left-wing Syriza party, in coalition with a national-social conservative party, was replaced by the current government led by the conservative **New Democracy party and its leader Kyriakos Mitsotakis**.

The relations between the government and its majority on one side, and the opposition on the other side, have radically **worsened**, notably following revelations concerning the widespread spying on politicians of the opposition and of the majority, journalists, NGOs and international organisations, army leadership, including through the **Predator** spyware. A vote on a no-confidence motion tabled by Syriza against the government took place on 27 January 2023 but failed,<sup>13</sup> while the opposition called for national elections and announced their abstention on parliamentary votes until these take place.<sup>14</sup> The PM stated that **elections would take place in the spring of 2023** but has not announced a precise date. Media initially reported that these could take place on 9 April, after the dissolution of the parliament around March 9 or 10, while a second round for the elections was expected on May 14 or May 21. Following the recent and dramatic train crash in northern Greece that costed the lives of at least 57 people,<sup>15</sup> elections might be postponed. The new electoral law is based on a proportional system and pushes parties to forge alliances, so the new government will most probably be a coalition government.

**Freedom House** categorises Greece as 'free' with a score of 87/100 in its report on Freedom in the World,<sup>16</sup> while the **V-Dem institute** ranks it as a "Liberal Democracy –" but remarks that it is an **autocratizing** country.<sup>17</sup> The **World Justice Rule of Law Index** ranks Greece as 44th over 140 countries monitored. The ranking of Greece in the **Economist Intelligence Unit (EIU) Democracy Index** has

<sup>13</sup> <https://www.reuters.com/world/europe/greek-pm-mitsotakis-wins-no-confidence-vote-over-wiretapping-scandal-2023-01-27/>

<sup>14</sup> <https://www.reuters.com/world/europe/greeces-main-opposition-party-abstain-votes-parliament-2023-01-31/>

<sup>15</sup> The authors of this briefing would like to express the most sincere condolences to the family of the victims of this tragic event.

<sup>16</sup> <https://freedomhouse.org/country/greece/freedom-world/2022>

<sup>17</sup> V-Dem Democracy Report 2022, Autocratization Changing Nature?, stating: "in Europe, Greece and Poland registered substantial and significant decline in the legislature's propensity to investigate the executive over the last decade... Croatia, Czech Republic, and Greece are also newly autocratizing countries..." see [https://v-dem.net/media/publications/dr\\_2022.pdf](https://v-dem.net/media/publications/dr_2022.pdf)

improved, as the country climbed nine places lifting the country from 34th place to 25th as its score rose to 7.97 in 2022, up from 7.56 in 2021.<sup>18</sup>

**Table on evaluations of Greece' democracy**

Organisation	Marking	Ranking or score	Source
Freedom House	Free (same as in 2021)	87/100 (same as in 2021)	Freedom in the World 2022 <sup>19</sup>
V-Dem institute	Liberal democracy -	Autocratizing country	Democracy Report 2022 <sup>20</sup>
World Justice Rule of Law Index		0.61/1.00 (same as in 2021) 44th / 140	Rule of Law Index 2022 <sup>21</sup>
Economist Intelligence Unit (EIU)		7.97 in 2022 (7.56 in 2021) 25th in 2022 (+ 9 compared to 2021: 34th in 2021)	Democracy Index

During the **Covid** crisis, Greece did not resort to a State of emergency regime and adopted all restrictive measures through normal legislation and procedures. In this regard, the **Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report (January 2023)** highlights the systematic discriminatory quarantine of newly arriving refugees (while no quarantine rules were applicable to other persons) and the discriminatory COVID-19 fines on refugees arriving in Chios and Cos for violating the Covid 19 rules.<sup>22</sup>

In terms of **constitutionality checks**, any court, at all levels, can review the constitutionality of legislation and shall disapply a law deemed contrary to the Constitution.

## 2.1. Quality of the legislative process

A series of **improvements** are reported by the Commission in its 2022 Rule of Law report on Greece,<sup>23</sup> notably the work of the Committee for the Evaluation of the Quality of the Law-making Process and of the Central Codification Committee, but civil society organisations (CSOs), professional associations and the European Network of National Human Rights Institutions complain about a lack of timely consultation and the extensive use of the expedited legislative process and omnibus legislation by the Government.

In particular, the **NGOs joint submission** notes that a third of the laws submitted to Parliament were omnibus laws and that last-minute amendments are routinely tabled and approved and not signalled as "overdue" as foreseen by the law, while Parliament has substantially suspended the labelling of late amendments as "overdue" for unknown reasons. NGOs criticise the codification process for being "improper and deficient", as substantive amendments are introduced and approved, while law-making principles are disregarded and delegated acts are not issued.<sup>24</sup>

<sup>18</sup> <https://greekreporter.com/2023/02/02/greece-economist-democracy-index-2022/>

<sup>19</sup> <https://freedomhouse.org/country/greece/freedom-world/2022>

<sup>20</sup> [https://v-dem.net/media/publications/dr\\_2022.pdf](https://v-dem.net/media/publications/dr_2022.pdf)

<sup>21</sup> <https://worldjusticeproject.org/rule-of-law-index/global/2022/Greece/>

<sup>22</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSOGreece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf)

<sup>23</sup> [https://commission.europa.eu/system/files/2022-07/21\\_1\\_194014\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/system/files/2022-07/21_1_194014_coun_chap_greece_en.pdf)

<sup>24</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSOGreece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf)

## 2.2. National independent institutions

The Constitution lists as independent authorities the Ombudsman, the Authority for Communication Security and Privacy and the Data Protection Authority, whose members are elected by a parliamentary 3/5 supermajority.

The **Greek National Commission for Human Rights** is charged with protecting human rights and is accredited with A status by the Global Alliance of Human Rights Institutions.<sup>25</sup>

The **National Transparency Authority** was established in 2019. Its leadership is elected by simple majority, leading **NGOs** in their **joint report** to raise the issue of lack of independence. In 2022 NTA has been entrusted by the government with new very important tasks, from the Predator spyware scandal, to push backs and complaints on migration issues. NGOs underline that inquiries carried out by NTA fall short of being effective, independent and impartial, thorough and involving the victim. The NTA inquiry on Predator gave reason to the government, without looking into banks accounts of companies connected to the security services and holding an on-site visit to Intellexa only 2 months after the opening of the inquiry, while tax data of 2021 were not examined. The investigation on pushbacks against refugees and migrants consisted of interviews with the "local community" and personal details were published mistakenly, while the incidents reported in the Lighthouse report were not verified. The NTA also refused to grant access to information on the allocation of State advertising funding for Covid campaigns and an appeal has been tabled to the Athens administrative court.

**ADAE** (the Hellenic Authority for Communication Security and Privacy; its **President is Christos Rammos**) has the mission to ensure the confidentiality of mail and all other forms of free correspondence or communication. ADAE is responsible for conducting checks relating to the lifting of privacy of telecommunications. Following an on-site visit to the premises of Cosmote, one of the main telecommunications providers in Greece, to investigate further allegations of surveillance from Greek state authorities, the Supreme Court Prosecutor issued an opinion in January 2023, claiming that ADAE lost the competence to investigate into surveillance following the entry into force of L 5002/2022. The Prosecutor also threatened ADAE members with criminal sanctions. ADAE, Bar Associations and sixteen Greek legal scholars rejected the opinion and ADAE (see also Annex 3 on the Predator scandal).<sup>26</sup>

## 2.3. The Ombudsperson

The **Ombudsman** is also the national equality body with a mandate to combat discrimination and promote the principle of equal treatment irrespective of gender, racial or ethnic origin, family or social status, religion or belief, disability or chronic illness, age, sexual orientation and gender identity.<sup>27</sup>

**Andreas I. Pottakis** is ombudsman since 2016.

The Ombudsman has aimed in the last years at strengthening its powers and budgetary autonomy from the State budget and its capacities and has played an active role on Covid and asylum and migration issues, notably by publishing in 2022 an own initiative special report on allegations of **pushbacks** in 2021.<sup>28</sup>

<sup>25</sup> <https://ennhri.org/our-members/greece/>

<sup>26</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf).

For a portrait of Rammos, <https://www.politico.eu/article/christos-rammos-greece-privacy-chief-fighting-prime-minister-kyriakos-mitsotakis-spyware/>

<sup>27</sup> <https://equineteurope.org/eb/cp-slug-179/>

<sup>28</sup> <https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-on-returns-of-third-country-nationals>

**NGOs** underline that the government is disregarding the numerous recommendations of the Ombudsman on migration and asylum.<sup>29</sup>

## 2.4. ECHR

The Commission provides in its RoL report on Greece 2022, on the basis of the data of the European Implementation Network for January 2022, a series of quantitative information and recall that “On 1 January 2022, Greece had 34 leading judgments of the European Court of Human Rights pending implementation. Greece’s rate of leading judgments from the past 10 years that remained pending was at 35%, and the average time that the judgments had been pending implementation was 6 years and 5 months. The oldest leading judgment, pending implementation for 18 years, concerns the access to and the efficient functioning of justice due to the lack and the delayed enforcement of domestic judicial decisions. On 1 July 2022, the number of leading judgments pending implementation has decreased to 30.”

**NGOs in their joint report** underline that a considerable number of ECtHRs judgments and interim orders are not executed and respected by Greek authorities, notably in the area of migration and asylum (see further under Justice).

## 2.5. Civil society

**The 5th COM RoL recommendation focuses on civil society and calls Greece to “Ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.”**

**Civicus** denounces that the space for civil society is “**narrowed**”.<sup>30</sup> There is widespread **criticism and concern on the requirements introduced in 2020 for the registration on NGOs active in the area of asylum, migration and social inclusion**. The Council of Europe Expert Council on NGO Law, 3 Special Rapporteurs of the UN, FRA and many NGOs including Amnesty International expressed **criticism** on the law and called for its modification.

NGOs in their joint report state that **“No action has been taken to address the recommendation made by the Commission in the 2022 Rule of Law Report and reported above.**

The Commission notes in its 2022 RoL report that three appeals are pending before the Council of State challenging some aspects of the legality of legislation on the registration of CSOs. The joint NGOs report reports about pending cases in front of the judiciary, one pending and two critical judgments against the law (the conditions for registrations are “*ultra vires* and legally void”).

The Commission RoL report 2022 states that a law was adopted in September 2021 (‘Revision of expulsion proceedings ....’, Law 4825/2021, Article 40) stating that CSOs providing services in areas within the competence of the Hellenic Coastguard (NGOs engaged in search and rescue operations at sea), have the obligation to act only after **prior authorisation** of the Hellenic Coastguard. Custodial

<sup>29</sup> [https://rsaeglean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSOGreece.pdf](https://rsaeglean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf)

<sup>30</sup> Civicus notes that “On 8th November 2022, the provisions of a law creating a general register of trade union organisations were deemed to be unconstitutional and contrary to the European Convention as well as Greek legislation by a chamber of the Council of State, the supreme administrative court in Greece. On 9th November 2022, a general strike took place in the cities of Athens and Thessaloniki. The soaring cost of living driven by inflation brought together tens of thousands of protesters to request higher wages to compensate for the effects of inflation and the rise in energy costs. Following the surveillance scandal of Greek journalist Thanasis Koukakis and later others, on 6th November 2022 the Greek journal Documento revealed a new list of persons whose devices were wiretapped with the spyware tool called ‘Predator’. The spying scandal has rocked Greek politics in recent months.”, see <https://monitor.civicus.org/country/greece/>.

sentences up to one year are foreseen for CSOs' responsible persons violating the requirement. The Ombudsman criticised the **criminalisation of certain rescue at sea activities of CSOs** (annual report published on 31 December 2021).

A new law was adopted and is in force since April 2022 establishes a **database and a public registry for CSOs**, introduces state financial support and tax exemptions for CSOs registering, and provides monetary incentives to private actors in order to encourage donations to CSOs. **CSOs criticise the law for limiting their independence and creating an excessive burden on smaller CSOs** (and over 300 CSOs called the government to review it before its adoption). The Ombudsman expressed a generally positive view on the law but agreed that requirements for registration could be cumbersome for smaller CSOs.

The **UN Special Rapporteur on human rights defenders affirmed in a June 2022 statement** that "Defenders in the country working to ensure the rights of refugees, asylum seekers and migrants are respected, are currently under severe pressure." The Special Rapporteur described the Greek policy as putting "suffocating pressure" on civil society and "the climate of fear and insecurity created by this policy was reinforced by elements of the legal framework, in particular the discriminatory NGO Registry for organisations working on migration, and statements from high-ranking Government representatives attacking and undermining the work of human rights NGOs."<sup>31</sup>

The **Council of Europe Commissioner for Human Rights** stated in **January 2023** that: "Smear campaigns targeting individuals defending human rights, cumbersome NGO registration procedures and undue pressure on journalists have undermined the protection of human rights and shrunk the civic space in the country. The ongoing criminalisation of individuals assisting refugees, asylum seekers and migrants, as well as activists defending and promoting human rights in Greece, is part of this trend..."<sup>32</sup>

The **joint NGOs report** notes that hostile narrative, derogatory and defamatory language are used by authorities and MPs against human rights defenders is used, as well as criminalization of NGOs and human rights defenders.

Furthermore, **human rights activists are criminalised and put on trial for their activities.** Recently a controversial hearing that attracted international criticism took place in the framework of a trial involving 24 volunteers and activists associated with **Emergency Response Centre International** (ERCI; between 2016 and 2018, the group helped more than 1,000 people to reach safety and provided survivors with medical and other assistance on Lesbos). After more than four years of waiting, the court finally dropped some of the espionage charges, although they still face felony charges for smuggling, facilitation of illegal entry and for forming and participating in a criminal organisation that engages in the commission of felonies, in particular in the facilitation of illegal entry of third-country nationals. The criminal proceedings for the felony charges are still at the stage of pre-trial investigation and, if they come to trial, could lead to up to 25 years imprisonment. Amnesty International called the trial, which was postponed several times and had procedural flaws, a "farce", while according to Human Rights Watch, the charges against the NGO volunteers were "baseless."<sup>33</sup>

<sup>31</sup> <https://www.ohchr.org/en/press-releases/2022/06/greece-migration-policy-having-suffocating-effect-human-rights-defenders>

<sup>32</sup> <https://www.coe.int/en/web/commissioner/-/greek-authorities-should-reverse-the-trend-undermining-the-work-of-human-rights-defenders-and-journalists>

<sup>33</sup> <https://www.france24.com/en/live-news/20230113-greek-court-drops-spying-charges-against-migrant-rescuers> and [https://www.lemonde.fr/en/europe/article/2023/01/14/greek-court-drops-espionage-charges-against-24-aid-workers-who-helped-migrants-in-lesbos\\_6011584\\_143.html](https://www.lemonde.fr/en/europe/article/2023/01/14/greek-court-drops-espionage-charges-against-24-aid-workers-who-helped-migrants-in-lesbos_6011584_143.html).



Also Panayote Dimitras, the founder of the **Greek Helsinki Monitor** (active since 1993), as well as another NGO, is being prosecuted by the authorities for having “set up a **criminal organisation** with the purpose of receiving data of third country nationals who attempt to enter Greece illegally, in order to facilitate their illegal entry and stay, sending to the authorities their full details and their exact location in the country, in order for them to be subject to asylum procedures”, with the aggravating circumstances of commission “by profession, as the infrastructure he has created (namely the operation of the organization Greek Helsinki Monitor) demonstrates an intention of repeated commission of the act and for profit”. On 20 December 2022, a fine and a prohibition on involvement with the Greek Helsinki Monitor were imposed. NGOs and the Council of Europe Commissioner for Human Rights and the UN High Commissioner for Human Rights voiced concerns about the case in January 2023.<sup>34</sup> <sup>35</sup> Panayote Dimitras considers that the criminal investigation is in violation of national law and several ECHR Articles.

The NGO joint report recalls that there are also **other cases** of criminalisation of human rights defenders: the launch of preliminary examinations for serious crimes against 35 members of NGOs in September 2020; and four members of NGOs in July 2021. These concerns citizens of Germany, France, Norway and Austria, “whom the Police accused inter alia of forming a criminal organisation facilitating the smuggling of third-country nationals from Türkiye to Lesvos, and espionage. In the second case, the charges are similar, with one of the accused reporting being sexually harassed while in police custody. In both cases, the defendants are human rights defenders engaging in the documentation of human rights abuses at the Greek border”.<sup>36</sup>

## 2.6. Elections

On 15 February 2023, The Guardian published revelations on a special unit called “**Team Jorge**” that sells hacking services and access to fake social media profiles and leading disinformation campaigns across the world. Its mastermind Tal Hanan, a 50-year-old former Israeli special forces operative, claimed covert involvement in 33 presidential elections and advertised his capabilities to access Telegram and Gmail and his software Advanced Impact Media Solutions, or Aims, which controls more than 30,000 fake social media profiles and can be used to spread disinformation, as revealed by an undercover investigation carried out by reporters from 30 outlets including Le Monde, Der Spiegel and El País and coordinated by Forbidden Stories. Such “black ops” services were used by intelligence agencies, political campaigns and private companies aiming at secretly manipulate public opinion in Africa, South and Central America, the US and Europe. The company operates from six offices around the world and The Guardian wrote: “In his initial pitch to the potential clients, Hanan claimed: “We are now involved in one election in Africa ... **We have a team in Greece** and a team in [the] Emirates ... You follow the leads. [We have completed] 33 presidential-level campaigns, 27 of which were successful.” “<sup>37</sup>

<sup>34</sup> The UN Special Rapporteur on Human Rights Defenders on 25 January 2023 stated on Twitter (<https://twitter.com/MaryLawlorhrds/status/1618196397270130688>) “Receiving v. disturbing news about restrictions imposed on #HRD Panayote Dimitras, including on his right to continue his legitimate human rights work. Along with Tommy Olsen, he is facing what strongly appears to be an arbitrary criminal investigation in #Greece”

<sup>35</sup> See Commissioner of Human Rights at the Council of Europe “Greek authorities should reverse the trend undermining the work of human rights defenders and journalists” 12 January 2023 <https://www.coe.int/en/web/commissioner/-/greek-authorities-should-reverse-the-trend-undermining-the-work-of-human-rights-defenders-and-journalists>

<sup>36</sup> See [https://rsaagean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaagean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf) point 77.

<sup>37</sup> <https://www.theguardian.com/world/2023/feb/15/revealed-disinformation-team-jorge-claim-meddling-elections-tal-hanan>

The “**Predator scandal**” and the widespread surveillance of politicians, journalists, army, businessmen in Greece also raise concerns for the impact on democracy of such collection of private personal information, as “national security” justifications could be easily abused for political and personal reasons and gains: surveillance and spying, when exercised without functioning oversight, sanctions and redress, leads to a chilling effect and fear of blackmail and threats, which disrupts the functioning of democracy and of elections (see Annex 3 on the Predator scandal).



### 3. RULE OF LAW

#### 3.1. Justice

**The 1st COM recommendation concerns Justice and calls Greece to “Address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.”**

Concerning the **Justice system**, the **joint NGO report** underlines the “persistent ineffectiveness of criminal investigations into ill-treatment by law enforcement bodies” as demonstrated by a series of ECtHR judgments on ineffectiveness and lack of independence of criminal investigations. It also notes that it is one of the slowest in the EU, with more than a half of the ECtHRs judgments being on the length of judicial proceedings. The report also raises the issue of the non-compliance with ECtHRs order of interim measures under Rule 39 for migrants and asylum seekers.<sup>38</sup>

Concerns on the efficacy and length of judicial inquiries, among others on **Novartis, surveillance, Predator, Intellexa**, the killing of **Karaivaz**, of **Zacharias Kostopoulos**, have been expressed, as well as on independence, as underlined also by the Commission.

##### 3.1.1. Independence

The Commission RoL report 2022 notes in particular that:

- The level of perceived judicial independence continues to be **average** among the general public and is now average among companies.
- The **appointments procedures for the highest senior positions of judges and prosecutors continue to raise concerns due to a potentially strong influence from the executive**: appointments of judges and prosecutors in the most senior positions (such as the **President and Vice-President of the Council of State, of the Supreme Court or of the Court of Audit**) are made “by presidential decree, following 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** before an independent court the decision not to recommend them for appointment...These specific issues are per se not addressed in the new law ‘Code on the organisation of the courts and the status of judges’ dealing among others with the promotion of judges. Given the fact that addressing the concerns would imply the revision of the Constitution as well as the revision of the Regulation on the functioning of the Parliament, the new Code, according to the Greek authorities, made the effort to limit the discretionary power of the Council of Ministers by including a **seniority criterion** to the eligibility of the candidate judges: from now on, only the most senior of judges are eligible to be Vice-President of the Supreme Courts. Similar limitations are also included for the positions of the Presidents of the Supreme Courts.” As recalled, **the 1st COM RoL recommendation addresses this point.**
- Legislation on the code on the **organisation of the courts and the status of judges and prosecutors** was adopted by Parliament in June 2022, with the declared aim of improving efficiency

<sup>38</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf), points 114 to 13.

and quality of justice, including through digitalisation, and criteria for the promotion of judges and prosecutors such as quantitative and qualitative performance.

- **The Council of State and the Court of Audit** are taking action to ensure standards of integrity in their members and have adopted Code of Conducts based on best international practices and implemented with the support of committees. A special working group established by the President of the Supreme Court is actively working on the preparation of a code of conduct for civil and criminal justice.

### 3.1.2. Quality

The European Commission highlighted in its 2022 RoL report that:

- "**digitalisation** of administrative justice is well advanced, while further steps are needed to address shortcomings in the digitalisation of all branches of the judiciary including civil justice" where shortcomings exist. Digitalisation is one of the priority areas in the national Recovery and Resilience Plan (RRP) together with the programme of upgrading existing court buildings and the construction of new ones taking into consideration digital justice needs (see Annex IV). The Government is also taking measures to improve access to justice for persons with **disabilities**, notably to all court buildings and courtrooms.

- The **collection and processing of judicial statistics** is progressing with the development of an office for at the Ministry of Justice. NGOs report that "the data available appear to be patchy, inconsistent and incomplete" and denounce the "Inadequacy of JustStat data".<sup>39</sup>

- The **School of Judges** was reformed in December 2021 to improve the training of judges, with planned trainings in cooperation with the European Union Agency for Asylum and the Academy of European Law and courses on ethics and anti-corruption being essential in the curriculum. The planned **creation of a National School for Judicial Clerks** aims at ensuring better assistance to judges by increasing their number and training.

- The **reform of the judicial map** is ongoing: the International Bank for Reconstruction and Development will support the Justice Ministry on the reform of the judicial map in order to have a draft law prepared this year.

### 3.1.3. Efficiency

The Commission RoL report 2022 notes that:

- **Civil justice** continues to have a serious efficiency challenges regarding its overall efficiency, while improvements are noticed in administrative justice.

- The reviewed **Code of Civil Procedure** was adopted on 13 October 2021, with the aim of modernising civil procedure through digitalised procedures and pilot trials in civil cases to provide legal certainty and resolving more swiftly specific cases.

<sup>39</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSOGreece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf), point 23

### 3.2. Corruption

The **Joint Civil Society submission to the Commission of January 2023** notes that there are **“persistent concerns** about the effectiveness by which the audit bodies charged with this scrutiny perform their functions” in relation to the failure of auditing bodies to publish annual reports on asset declarations (notably the C Control Unit of the Anti-Money Laundering Authority and the Public Prosecutor supervising the Internal Affairs Service of the Hellenic Police), arrears in audits of asset declarations (notably by CIDA whose data published present shortcomings, see below, which **raises the lack of implementation of the COM recommendation on the matter**) and changes undermining transparency of party financing. The submission also raises concerns in relation to the widespread and increasing use of direct contracting (over 2/3 of the awarded public contracts were carried out through direct contracting).<sup>40</sup> Critics also denounce a wider lack of appropriate action against corruption, citing the **Lagarde list or the Novartis scandal**.

Concerning **EPPO**, media reported about a draft law allegedly creating obstacles to European prosecutor’s audits on EU funds use and limiting the role of EPPO.<sup>41</sup>

#### 3.2.1. Latest media reports on alleged corruption cases in the police

Following *To Vima* reports on alleged conversations between police officers and people involved with the **Greek mafia** on the activities of criminals, the non-implementation of court decisions, the placement of persons in key positions in the police and in the National Intelligence Service, the Greek Minister of Civil Protection, Takis Theodorikakos, and the Prosecutor of the Supreme Court, Isidoros Dogiakos, ordered an **investigation** into suspected relationships between the police and the mafia.

*Reporters United* reported that Brigadier General Dimitrios Davalos was promoted to director of Attica Security Department, a critical positions in the fight against organized crime, despite his alleged involvement of in a corruption group.

*Documento* newspaper reported that a senior police officer alleged that a drug case involving Minister Theodorikakos’s son was covered up, an allegation that the Minister rejected forcefully.

Media report also that seven police officers who served as heads of sensitive services were removed in connection to the ongoing surveillance scandal.<sup>42</sup>

Media reported also about an allegedly internal police report on the links between police officers and corruption circles.<sup>43</sup>

#### 3.2.2. Anti-corruption institutions

The COM RoL report 2022 recalls that there are three main institutions fighting against corruption, described in the below table. It also notes that anticorruption institutions established cooperation with private and public entities and that the National Transparency Authority (NTA) advised entities in the public and private sectors on fraud risk management and developing anticorruption policies, also by signing agreements with public entities.

<sup>40</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSOGreece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf)

<sup>41</sup> [https://www.euractiv.com/section/politics/news/greek-bill-puts-obstacles-to-eu-prosecutor-audits-on-secret-funds/?utm\\_source=piano&utm\\_medium=email&utm\\_campaign=29332&pnespid=qKQ6GjZZPv9LxfvRpWW3QoLQswi1TsVodeS7x7FiswBm0fWer.SrZg\\_OgyoX7UwjWMh7EAMLRQ](https://www.euractiv.com/section/politics/news/greek-bill-puts-obstacles-to-eu-prosecutor-audits-on-secret-funds/?utm_source=piano&utm_medium=email&utm_campaign=29332&pnespid=qKQ6GjZZPv9LxfvRpWW3QoLQswi1TsVodeS7x7FiswBm0fWer.SrZg_OgyoX7UwjWMh7EAMLRQ)

<sup>42</sup> <https://balkaninsight.com/2023/01/30/revelations-about-greek-police-and-its-connections-with-greek-mafia-under-scrutiny/>

<sup>43</sup> <https://balkaninsight.com/2023/02/06/new-report-reveals-the-connections-between-greek-police-and-underworld/>

National Transparency Authority (NTA)	oversees the implementation of the National Anti-Corruption Action Plan (NACAP) for 2022-2025, conducts investigations on corruption cases, monitors the implementation of provisions related to asset declarations and lobbying activities, and takes the necessary actions to ensure the coherence and effectiveness of the national strategy, with particular emphasis on coordination of control bodies and the efficiency of their operations, and provide relevant instructions. (See also in this briefing the section on the NTA)
The Directorate General of Financial and Economic Crime Unit (DG SDOE)	is the law enforcement agency of the Ministry of Finance, whose main focus is the detection of fraud and corruption cases.
Directorate of Internal Affairs of the Independent Authority for Public Revenue	tasked to tackle corruption. It has conducted 85 controls of property of the authority employees.

### 3.2.3. Perception

- The perception of public sector corruption is **high**: in the 2022 Transparency International Corruption Perceptions Index, **Greece scores 52/100, ranks 51 over 180 countries**.<sup>44</sup>

- The **2022 Special Eurobarometer on Corruption** shows that 98% of respondents consider corruption **widespread** in their country (EU average 68%) and 59% of respondents feel **personally affected** by corruption in their daily lives (EU average 24%). Furthermore, 90% of companies consider that corruption is widespread (EU average 63%) and 76% consider that corruption is a problem when doing business (EU average 34%). Only 30% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 34%), while 19% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 29%).

### 3.2.4. National Anti-Corruption Action Plan 2022-2025

In March 2022, the new National Anti-Corruption Action Plan (NACAP) for 2022-2025 was approved and the National Transparency Authority is responsible for its implementation. The lack of involvement of civil society is an issue of concern.

### 3.2.5. Corruption investigations and results

**The 3rd COM RoL recommendation calls Greek authorities to “Increase efforts to establish a robust track record of prosecutions and final judgments in corruption cases.”**

The Commission RoL report states that “A limited number of prosecutions related to corruption were taken forward, although **progress on final decisions remains to be established.**” It also notes that

- In December 2021, the **Criminal Code**’s provisions on active and passive bribery were **amended** in line with the recommendations from the GRECO.

- In 2021, the Prosecutor for Financial Crimes (with 13 prosecutors and 13 investigators) treated 266 cases in total, with 81 cases closed, and 19 cases with charges pressed, while 156 cases remained pending.

- There is **no data available** on the number of criminal sentences on cases of corruption by criminal courts. In September 2021, two cases for active bribery were closed due to the **statutory limitation**.

<sup>44</sup> <https://www.transparency.org/en/cpi/2022/index/grc>

- The OECD has raised concerns on the investigation and the legislation, including sanctions for natural and legal persons, related to **foreign bribery**.<sup>45</sup>

### 3.2.6. Asset declarations

**The 2nd COM RoL recommendation calls Greece to “Ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.”**

Asset declarations are filed in great numbers **but only a limited percentage of them are verified on their accuracy**. They are overseen by four oversight bodies:

Body	Task	COM remarks
National Transparency Authority (NTA)	responsible for receiving and verifying the asset declarations of administrative control authorities (inspectors, auditors, investigators)	While the completeness of asset declarations is regularly checked, relying on a risk-based assessment, in 2021 <u>the NTA verified the accuracy of only 139 declarations of assets</u> ; seven cases were referred to the tax authorities for further investigation, and in one case a situation of conflict of interests was found (compared to 15 cases of non-declared revenues and two cases of possible conflict of interest in 2020).
Committee of Parliament for the Investigation of Declarations of Assets (CIDA) (Committee 3-A)	responsible for the oversight and sanctions on political entities' (such as parties and persons) financing, and on asset declarations : carries out verifications of asset declarations of Members of the Parliament, political parties and members of the judiciary.	Manages an annual workload of several thousands of declarations. In 2021, it received eight whistleblowing reports, and three questions from the members of the judiciary; four reports were closed with no sanction, and the other four cases remain pending. In 2021, CIDA verified 23 financial declaration of political parties (for the year 2019), and found eight minor violations on the use of public funds.
Source of Funds Investigation Unit of the FIU (SFIU) of the Hellenic anti-money laundering authority	responsible for the audit of asset declarations of several categories of public officials, as well as for individuals performing management duties in specific private legal entities	In 2021, it received 83,528 asset declarations, performed 659 verifications and asked clarifications for 124 of the declarations verified. For the same year, violations (mainly for non-submission) were found in 27 cases, which were forwarded to the competent prosecutorial authorities. <u>The verification on the accuracy of the information declared is performed only at the request of the prosecutor on an ad hoc basis.</u>
Hellenic Internal Affairs Agency of Law Enforcement Bodies	responsible for the audit of asset declarations of Hellenic Police Personnel, Hellenic Coast Guard Personnel and Fire Brigade Personnel, as well as Public Servants of the wider public sector	Following verifications by it, 34 audit reports for non-declaration and 56 reports for inaccurate declarations (concerning 727 obligated persons) were transmitted to the prosecution authorities. In 2021, the same unit received approximately 990 complaints from whistleblowers concerning mainly cases of abuse of power, bribery, drugs dealing and gambling, which brought to open examinations on about 1,345 cases.

GRECO recommends further streamlining the declarations of assets of persons entrusted with top executive functions.

Greece's RRP includes the revision of the submission process and an upgrade of the IT platform for asset declaration and management by the end of 2023.

<sup>45</sup> <https://www.oecd.org/greece/the-oecd-is-gravely-concerned-about-greece-s-detection-and-enforcement-of-the-foreign-bribery-offence.htm>

**A new bill was voted very recently** in Parliament (L 5026/2023 on **asset declarations** & EPPO) aiming at simplifying processes, enhancing audits and transparency. NGOs underline **concerns** it reduces the publication period of assets declarations from 7 years to 3 years, no longer foresees the compulsory declaration of cash over EUR 30 000 and valuables over EUR 40 000 and fails to reintroduce the obligation to lift bank confidentiality for the completion of audits.

### 3.2.7. Lobbying

**New legislation on 'Strengthening Transparency and Accountability of State Institutional Bodies' (Law n. 4829)** was adopted on **10 September 2021** and contains provisions for the regulation of lobbying. A **Lobbying Registry** managed by the National Transparency Authority will be created. The law does not mandatorily apply to civil society organisations.

The Law also regulates the gift policy for the President of the Republic, the members of the Government and the Deputy Ministers.

Greece's RRP includes actions to strengthen the implementation of lobbying regulations (such as the development of the lobbying registry) to be developed by the end of 2023. A general code of conduct for officers in local and regional governance was expected to be published in 2022, in line with the milestone foreseen under the recovery and resilience plan.

### 3.2.8. Integrity of the administration and of the police

As noted elsewhere in this briefing, recent reports confirm and highlight that the police has integrity issues that remain a matter of **serious concern**. **The joint NGOs report** discusses "police violence and impunity of law enforcement officers", arbitrariness, excessive use of force, as well as of lack of adequate investigations on complaints and ensuing "virtual impunity" of police officers, which constitute a "systemic problem", despite ECtHR judgments.<sup>46</sup>

The Commission RoL report 2022 noted that in June 2022 a new law on the 'System of evaluation in view of enhancing the efficiency of the public administration' (Law 4940/2022) was adopted, which enhanced the transparency for high level officials working at the Offices of Members of the Government and General Secretaries in Ministries. The law follows up the concerns expressed by GRECO in its report of December 2021, which made recommendations on conflicts of interest of persons with top executive functions, including a post-employment regime.

In 2021 the Ethics Committee of the National Transparency Authority examined three cases and imposed a restriction on post-employment in one case.

Greece's **RRP includes a review of policies and provisions on conflict of interests**, which are to be implemented by the end of 2024.

GRECO had notably recommended to improve the **integrity in the Police force**, by carrying out a comprehensive risk assessment of corruption in the Police; updating the Code of Ethics for the Police; strengthening integrity checks during staff recruitment and to provide for independent and effective investigation into police complaints.

(A summary of the GRECO recommendations are available the Policy Department briefing on The situation of Article 2 TEU values in Greece.<sup>47</sup>)

<sup>46</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf), point 7. See also in this paper the section on Roma and on LGBTIQ rights.

<sup>47</sup> See page 10 of [https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL\\_IDA\(2022\)732214\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL_IDA(2022)732214_EN.pdf)

### 3.2.9. Whistleblowers

**Greece adopted on 15 November 2022** (with a considerable delay from the transposition deadline) **a law transposing the Directive on the protection of whistleblowers** (on 27 January 2022 the Commission had started infringement proceedings against Greece).

**NGOs criticised the lack of involvement and the transposition deemed partial.** Nikolas Leontopoulos, co-founder of Reporters United, stated that "...the Greek government failed to consult with any of the relevant stakeholders in the field. The result is a weak law that falls short of real, extensive, and inclusive protection for whistleblowers".<sup>48</sup> The Joint NGOs submission underlines that the directive transposition is partial and contains omissions.<sup>49</sup>

**OECD** had recommended the legislation to cover also cases of **foreign bribery**.<sup>50</sup>

**GRECO** had recommended to strengthen the protection of whistleblowers within the **Police**.<sup>51</sup>

### 3.2.10. Corruption and Covid, direct contracting

The Commission notes in its report that in June 2021 the Hellenic Single Public Procurement Authority (HSPPA) issued guidelines for contracting authorities to avoid risks of corruption and that collaboration continues among the NTA, the SDOE, and HSPPA, while 21 targeted audits were performed in 2021.

The **joint NGO report** raises the issue of widespread and increasing use of **direct contracting**, with more than 2/3 of all public contracts being awarded in this way, (ab)using an "extreme urgency" clause to justify the use of this procedure, which raises concerns in relation to fairness and competition and compatibility with EU rules on public procurement.<sup>52</sup>

<sup>48</sup> <https://www.whistleblowingmonitor.eu/?country=greece>

<sup>49</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf)

<sup>50</sup> <https://www.oecd.org/greece/the-oecd-is-gravely-concerned-about-greece-s-detection-and-enforcement-of-the-foreign-bribery-offence.htm>

<sup>51</sup> <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a5a148>

<sup>52</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf) point 36



## 4. FUNDAMENTAL RIGHTS

### 4.1. Media Freedom and Pluralism, Freedom of Expression and Information

#### 4.1.1. General information and reports by Media Pluralism Monitor, NGOs and associations

The killing of the journalist **Giorgos Karaivaz on 9 April 2021**, the death threats against journalist **Kostas Vaxevanis**, the revelations concerning the surveillance of journalists **Stavros Malichudis** and **Thanasis Koukakis, as well as many more** (see Annex 3 on Predator scandal), the treatment of journalists working on **migration** and reporting from **demonstrations**, the **political influence** exerted by the government on the media, as well as the other elements described in this chapter, have led national and international journalists' associations and NGOs to **raise serious concerns on the situation of media freedom and journalists' safety in Greece**.

Although the **Greek Constitution** and media laws transposing the revised Audiovisual Media Services Directive (AVMSD) protect freedom of expression and press freedom, Greece ranks **108th** out of 180 monitored countries in the 2022 **World Press Freedom Index** of Reporters without Borders, **falling 38 places down** compared to 2021, when it was 70th.<sup>53</sup> Greece now ranks **worst among EU Member States**.

The 2022 **Media Pluralism Monitor** for Greece<sup>54</sup> attributes the following risk levels to the various indicators: **high risk for Market Plurality (72%)** and medium risk for Fundamental Protection (52%), Political Independence (66%), Social Inclusiveness (66%) and more in detail<sup>55</sup> (the sections in bold highlight high risk indicators.:

Areas	Risk percentage and risk level	Risk level	High risk indicators	Medium risk indicator
Fundamental protection	52% medium risk		- <b><u>Journalistic profession, standards and protection (74%)</u></b>	- Protection of freedom of expression (49%) - Protection of the Right to Information (35%) - Independence and effectiveness of the media authority (63%) - Universal reach of traditional media and access to the Internet (38%)
<b>Market plurality</b>	<b>72%</b> <b>high risk</b>		- <b><u>Online Platforms Concentration and Competition Enforcement (88%)</u></b> - <b><u>Media Viability (74%)</u></b> - <b><u>Commercial and Owner Influence Over Editorial Content (83%)</u></b>	- Transparency of Media Ownership (56%) - News-Media Concentration (57%)

<sup>53</sup> Prime Minister Kyriakos Mitsotakis has dismissed the ranking as "crap" and stated: "We have a vibrant press, you can read everything you want in Greece", see <https://www.euronews.com/my-europe/2023/02/20/state-surveillance-and-court-cases-the-lonely-fight-for-press-freedom-of-greeces-independence>

<sup>54</sup> <https://cadmus.eui.eu/bitstream/handle/1814/74691/MPM2022-Greece-EN.pdf?sequence=1&isAllowed=y>

<sup>55</sup> [https://cadmus.eui.eu/bitstream/handle/1814/71955/malta\\_results\\_mpm\\_2021\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/71955/malta_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y)



Political independence	66% medium risk		<ul style="list-style-type: none"> <li>- <b>Editorial Autonomy (97%)</b></li> <li>- <b>State Regulation of Resources and Support for the Media Sector (67%)</b></li> <li>- <b>Independence of PSM Governance and Funding (67%)</b></li> </ul>	<ul style="list-style-type: none"> <li>- Political Independence of Media (58%)</li> <li>- Audio Visual Media, Online Platforms and Elections (39%)</li> </ul>
Social inclusiveness	66% medium risk		<ul style="list-style-type: none"> <li>- <b>Access to Media for Minorities (76%)</b></li> <li>- <b>Access to media for local/regional communities and for community media (69%)</b></li> <li>- <b>Access to Media for Women (72%)</b></li> <li>- <b>Protection Against illegal and Harmful Speech (69%)</b></li> </ul>	<ul style="list-style-type: none"> <li>- Media Literacy (46%)</li> </ul>

The **Council of Europe's Platform to promote the protection and the safety of journalists** notes that since 2015 there have been 53 active alerts, 35 State replies, 8 resolved alerts and one journalist killed, Giorgos Karaivaz.<sup>56</sup>

**Reporters Sans Frontières** 2022 report chapter on Greece notes that "Press freedom in Greece suffered serious setbacks in 2021 and 2022, with journalists regularly prevented from covering issues from migration to Covid-19. Further, the assassination of veteran crime reporter Giorgos Karaivaz in April 2021 remains unsolved despite the government's promise of a quick investigation."<sup>57</sup>

At the end of March 2022, the **Media Freedom Rapid Response (MFRR)** published a report entitled "**Controlling the Message: Challenges for independent reporting in Greece**",<sup>58</sup> following a series of online meetings with stakeholders in December 2021. The report highlights that "challenges to the independence of the media and the safety of journalists are systemic in Greece" and that "while the problems examined in this report are not unique to the country, their intensity is highly problematic and sets it apart from most other EU Member States". It also adds that "news that is inconvenient or unflattering for the government, which includes reporting on serious human rights violations, does not get reported in many outlets, creating a serious obstacle for the general public's access to information about current affairs and, subsequently, their informed participation in the democratic process. The current situation can only be understood by taking a long view, including the lasting impact of the economic crisis and historic problems with the rule of law and accountability of law enforcement agencies and personnel. In a sense, few of the problems journalists in Greece face are new. Yet, the crisis has deepened as the result of the New Democracy government's obsession with controlling the message, as we heard again and again in the course of this fact-finding mission." The report notably highlights that: 1) there are "significant problems" in Greece with journalists' safety, as demonstrated by the assassination of Giorgos Karaivaz and death threats against Kostas Vaxevanis; 2) that the government policy towards media and journalists aims at minimising critical and dissenting voices, 3) that reporting on migration is met with press freedoms violations, 4) while reporting on protests is dangerous due to aggressions by law enforcement agents and demonstrators, 5) that journalists face legal threats and SLAPPs (more details are given below). The report also makes recommendations to the Greek authorities and to the EU institutions and other EU Member States.

<sup>56</sup> <https://fom.coe.int/pays/detail/11709522>

<sup>57</sup> <https://rsf.org/en/country/greece>

<sup>58</sup> <https://ipi.media/wp-content/uploads/2022/03/Greece-mission-report-MFRR.pdf>

Media organisations also reacted to the recent revelations that **further journalists have also been spied upon**, including investigative journalist Tasos Telloglou, who works for Inside Story, Kathimerini and the ANT1 television, as well as Eliza Triantafillou and journalist Thodoris Chondrogiannos of Reporters United and many other journalists, editors, media owners and others connected to the industry, who were targeted with Predator spyware.<sup>59</sup> It is reported that **no less than 13 journalists have been targeted with Predator**.<sup>60</sup>

#### 4.1.2. The National Council for Radio and Television (NCRTV)

The Commission RoL report 2022 notes that the **National Council for Radio and Television (NCRTV)** has not received additional financial or human resources to improve its effective functioning and monitoring duties. This led the European Audiovisual Observatory and the European Platform of Regulatory Authorities (EPRA) and the Media Pluralism Monitor (MPM 2022) to consider the independence and effectiveness of the media authority to be an area of **medium risk**.

Media reported about a new law authorising the National Council for Radio and Television (NCRTV) to impose recurrent administrative fines on newspapers for slander, something that has raised the concerns of the journalist unions.<sup>61</sup>

#### 4.1.3. Transparency of media ownership, media concentration and media pluralism

The Commission RoL 2022 report states that “some steps” were taken to strengthen transparency of media ownership. Law 4779/2021 foresees that media service providers shall register in the NCRTV's Business Register. The National Strategic Plan on the fight against corruption (Law 4915/2022, Article 110) includes obligations for the newspapers to expressly indicate the ownership structure and the legal representatives. Safeguards to prevent a high degree of horizontal concentration in the media sector are enshrined in the legislation. The MPM 2022 indicates a **medium risk** for news media concentration.

Still, according to the report on Greece by the **Media Freedom Rapid Response**, the media landscape is politically polarised and fragmented, and “Under the current administration, this **capture of media by business interests** is a bigger problem for media pluralism and professional reporting than it was in the past, as the **interests of owners and the government's politics often align**, making it difficult to find strong oppositional voices in these media. These **oligarch cross-ownership in industries tied to public tenders has increased the risk for interference in independent journalism**. The result is that **media pluralism in Greece is weak** and that this segment of the media ecosystem is characterised by a **largely pro-government narrative**.”<sup>62</sup>

The MFRR report also notes the “**lack of independence of the public service media**”.

The **joint NGO report** also raises concerns on the lack of pluralism at the **Athens News Agency**.

#### 4.1.4. Political interference, surveillance by the intelligence service and Predator spyware

The report by the **Media Freedom Rapid Response** affirms that the systemic crisis affecting press freedom in Greece is exacerbated by the government's attempts to “**control the message**” and

<sup>59</sup> <https://www.mfrr.eu/greece-mfrr-alarmed-by-latest-revelations-of-spying-on-journalists/>

<sup>60</sup> <https://rsf.org/en/greek-and-european-authorities-must-take-urgent-action-after-many-more-journalists-said-have-been>

<sup>61</sup> <https://www.aljazeera.com/opinions/2022/4/23/greece-media-freedom-under-assault>

<sup>62</sup> <https://ipi.media/wp-content/uploads/2022/03/Greece-mission-report-MFRR.pdf>

**minimise critical and dissenting voices**, with opposition or neutral media and journalists “singled out by the government for unequal treatment that undermines their journalistic activities”. According to MFRR there is a “lack of transparency around the allocation of state **advertising** and its distribution based on established **partisan** lines.” The report also discusses the “suffocating climate for independent journalism in Greece has been a source of increasing concern for the Media Freedom Rapid Response... a landscape in which it is difficult for journalists to report on matters in the public interest, to hold the government to account for its actions and to work safely and unobstructed by undue **pressure and interference.**”

The accusation of political interference on journalists and on media is further strengthened by the revelations on the **surveillance** of journalists, including through the Predator spyware (see Annex 3).

#### 4.1.5. Criminal measures against false news

As recalled by the **Media Freedom Rapid Response** report on Greece, on 11 November 2021 the Greek Parliament adopted amendments to Article 191 of the Criminal Code proposed by the Ministry of Justice and that include penalties for disseminating, in public or online, “**false news** that is capable of causing concern or fear to the public or undermining public confidence in the national economy, the country’s defence capacity or public health”. The amendment also adds that “if the transaction was performed repeatedly through the press or online, the perpetrator is punished with **imprisonment** of at least six months and a fine” and the publisher or owner of a media outlet responsible also potentially faces prison sentences and financial penalties. MFRR and Greek unions expressed **concern** about these changes due to the vague definitions that are open to misuse and that could lead to fine and jail journalists reporting on matters of public interest and called the Greek authorities to review them and the EU to intervene.<sup>63</sup>

#### 4.1.6. Allocation of state advertisement: transparency and fairness

The report by the **Media Freedom Rapid Response** (MFRR) describes the so-called “**Petsas list scandal**”, concerning the allocation by the government of 20 million euros to be distributed among media outlets for public health communication campaigns. Following criticism and calls for transparency, the government disclosed the list and revealed the names of the supported outlets, “which included non-existent websites, personal blogs and a religious outlet that advocated that communion, which involves sharing eating utensils, is harmless during the pandemic. In early July 2020, the disclosure of the sums allocated to each outlet confirmed that the funds had been distributed along out-spoken partisan lines and certain newspapers including Documento were excluded altogether.”<sup>64 65</sup>

The European Commission included the issue in its Rule of Law report of 2022, noting that it raises “some concerns”, as the lack of transparency in the distribution of state subsidies to media outlets was noted by the Media Freedom Rapid Response (MFRR) fact-finding mission to Greece and the 2022 Media Pluralism Monitor (MPM 2022).

<sup>63</sup> <https://rsf.org/en/news/new-greek-law-against-disinformation-endangers-press-freedom> and

<https://www.euractiv.com/section/digital/news/reporters-without-borders-calls-out-eu-over-silence-on-greek-media-law/>

<sup>64</sup> <https://ipi.media/wp-content/uploads/2022/03/Greece-mission-report-MFRR.pdf>

<sup>65</sup> <https://www.euractiv.com/section/all/news/jourova-slams-eu-governments-selective-media-funding-to-spread-propaganda/> and [https://www.euractiv.com/section/politics/short\\_news/greek-media-landscape-raises-eyebrows-in-brussels/](https://www.euractiv.com/section/politics/short_news/greek-media-landscape-raises-eyebrows-in-brussels/)

Although a parliamentary inquiry was launched in November 2021, “the detailed information on the implementation of the public contract concerning the criteria used for the distribution of funds and the amount received by the different media have not been entirely disclosed” and a request for access to documents was made by Vouliwatch and rejected by the authorities.

At the beginning of 2022 the Administrative Court of Appeal of Athens found this rejection to be unlawful, but the National Transparency Authority (NTA) continued to **refuse to grant access to the data**.

#### 4.1.7. Protection of journalists and freedom of the media

**The 4th COM RoL recommendation calls Greece to “Establish legislative and other safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.”**

The murder of Greek investigative journalist **Giorgos Karaivaz** has shocked the country and brought focus on the need to improve the safety and protection of journalists. The fact that the inquiry did not manage to locate the perpetrators to date is also concerning.

The **Commission Rule of Law report 2022** states that “Attacks and threats against journalists persist and journalists’ professional environment has deteriorated further”. It notes that threats “range from physical attacks to threats and arbitrary detainment. Journalists also continue to face criminal lawsuits” and refer to Pegasus and EYP surveillance. It also recalls the signing of a ‘Memorandum of Understanding on the protection, safety and empowerment of journalists and other media professionals’.

The **Council of Europe’s Platform to promote the protection and the safety of journalists** has for **53 active alerts** (aggregated data since 2015). The number of alerts has been rising progressively, with a peak in 2021 and 2022.<sup>66</sup>

The **Media Freedom Rapid Response (MFRR)** report on Greece stated in relation to the killing of Giorgos Karaivaz that “the requirements of transparency and public scrutiny are not currently being met, also when taking into account that there is an evident need for discretion in what is likely a complex inquiry. This uncertainty has a chilling effect and creates mistrust about the government’s ability or willingness to protect the journalistic community”.

#### 4.1.8. Reporting on migration and asylum

The **Media Freedom Rapid Response (MFRR)** report on Greece highlights that journalists inquiring on migration policy, humanitarian issues and human rights violations and pushbacks, face “press freedom violations” such as arbitrary arrest, detention, restriction of access, surveillance and harassment, with the aim of obstructing independent reporting, as the authorities attempt to keep these out of the public eye and concealed from scrutiny. The report notes:

1) Obstructions to reporting from refugee camps and other migration hotspots, as access has become more difficult and only official visits are organised by the authorities; journalists are brought to police stations, held for 7 or 8 hours, their material is inspected and access to lawyers is impeded; for instance, a German documentary crew was detained and mistreated by the police on the island of Samos in October 2020; in May 2021, a Dutch broadcaster VPRO team was detained near Dikaina; in November

<sup>66</sup> <https://fom.coe.int/pays/detail/11709522>

2021, a German freelance journalist and photographer and his team were detained on the island of Lesbos. The report also highlights that journalists are threatened and warned on what they will publish, while the police does not protect them when there are tensions with fascist and extreme right-wing groups.

2) Surveillance of journalists: media reported about the secret monitoring by the National Intelligence Service of journalists (among which Stavros Malichudis) (see also Annex 3)

3) Harassment of Ingeborg Beugel: In November 2021, Dutch journalist Ingeborg Beugel left Greece after she was subjected to a campaign of harassment and attempts to discredit her work following a confrontation with Prime Minister Mitsotakis at a press conference with Mitsotakis and his Dutch counterpart Mark Rutte. Beugel asked Mitsotakis a pointed and very direct question about refugee pushbacks, to which he responded that he would not accept insults to himself "or the Greek people", defending his government's migration policy as "tough but fair".

Furthermore, **ECRE** reports that Der Spiegel received severe pressure of the Greek government over its reporting of the tragic death of a child stuck on an islet in the Evros region with authorities unresponsive for an extended period despite interim measures from the European Court of Human Rights (ECtHR).<sup>67</sup>

Repeating his criticism expressed in a letter of May 2021,<sup>68</sup> the **Commissioner for Human Rights of the Council of Europe** stated in January 2023 that Greek authorities should reverse the trend undermining the work of human rights defenders, journalists and individuals assisting refugees, asylum seekers and migrants.<sup>69</sup>

#### 4.1.9. Reporting on protests

The **MFRR reports** that stakeholders denounced a lack of adequate police protection from violent protesters and arrests and aggressions by the police aimed at impeding reporting, listing a series of cases of harassment, disproportionate use of force, injuries. Internal disciplinary procedures reportedly are ineffective, long and rarely lead to sanctions, while penalties are light.

Measures contained in the controversial Ministry of Civil Protection's National Plan for the Management of Public Outdoor Assemblies to establish designated areas or safe zones for journalists and photojournalists are not implemented. The report states that "the widespread nature of police violence and obstruction of reporting points to a lack of orders that prohibit such violence or prioritise facilitating journalists' capacity to work safely and effectively... the lack of adequate disciplinary proceedings creates a climate in which there is no accountability for law enforcement personnel...".

#### 4.1.10. SLAPPs

The MFRR report discusses a series of **lawsuits by multinational companies and executives targeting independent journalists in Greece**, including post-publication and pre-publication legal review as a pre-emptive measure (a number of cases are described in the report, notably in relation to environmental issues).

<sup>67</sup> <https://ecre.org/greece-government-takes-another-crack-at-preventing-free-press-reports-of-pushbacks-and-non-response-continue/>

<sup>68</sup> <https://www.coe.int/en/web/commissioner/-/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept>

<sup>69</sup> <https://www.coe.int/en/web/commissioner/-/greek-authorities-should-reverse-the-trend-undermining-the-work-of-human-rights-defenders-and-journalists>

Also, criminal charges are contested to **journalists** in relation to their work, like Kostas Vaxevanis and Ioanna Papadakou following their publications on the Novartis scandal and the Lagarde list.

The **COM 2022 RoL report** recalls the above and the fact that SLAPPs target “mostly government-critical outlets and journalists who report on corruption”.

Furthermore, Grigoris Dimitriadis (former Secretary General of the Mitsotakis government) filed **defamation claims** (ranging between €150,000 and €250,000) against the newspaper Efimerida ton Syntakton (EFSYN), investigative online portal Reporters United and their reporters Nikola Leontopoulos and Thodoris Chondrogiannos, and freelance journalist Thanasis Koukakis. These SLAPPs followed the publication of investigations into Dimitriadis' links with the spyware company Intellexa, which led to his resignation from the role of general secretary in the office of the Greek Prime Minister in August 2022. International media freedom and journalists organisations expressed concern and asked him to withdraw them.<sup>70</sup> Dimitriadis was also awarded on 20 October the ‘SLAPP Politician of the Year Award’ 2022 by the [CASE Coalition](#) at its European Anti-SLAPP contest 2022.

## 4.2. Fundamental rights and Equality

### 4.2.1. Minorities, hate speech, racism

On **26 January 2023**, the Commission sent a **reasoned opinion** to Greece ([INFR\(2021\)2063](#))<sup>71</sup> for failing to fulfil its obligations to transpose the [Framework Decision on combating racism and xenophobia by means of criminal law](#) (Council Framework Decision 2008/913/JHA), following up a letter of formal notice sent on [9 June 2021](#), asking for an appropriate level of criminalisation of hate speech. The government has two months to reply to the Commission's reasoned opinion (end of March) and shall these be unsatisfactory, the Commission may decide to bring this matter further before the Court of Justice of the European Union.<sup>72</sup>

### 4.2.2. Roma

On 5 December 2022, **Kostas Fragoulis**, a 16-year-old teenager, was shot in the head in Thessaloniki by a policeman after reportedly driving away from the service station without paying for 20 euros of petrol. CCTV revealed that four policemen were inside the petrol station at the time and chased him on motorbikes. Police stated that he turned his vehicle towards them with the aim of ramming into them. A 34-year-old officer was suspended and charged with manslaughter with possible intent and released on bail with the prohibition to leave the country.<sup>73</sup> Fragoulis died a few days later. A series of demonstrations with thousands of participants took place in Thessaloniki and Athens, where protesters clashed with the police. The Roma community and the Panhellenic Association of Greek Roma denounced structural discrimination and racism motives. In 2021, an 18-year-old Roma man, Nikos Sampanis, was killed in a car chase near Athens and on 6 December 2008 a 15-year-old boy, Alexis Grigoropoulos, was shot dead in the capital during a police night patrol.<sup>74 75</sup>

<sup>70</sup> <https://www.mfrr.eu/greece-slapp-award-winner-grigoris-dimitriadis-urged-to-drop-defamation-lawsuits/>

<sup>71</sup> as well as to Hungary ([INFR\(2016\)2078](#)).

<sup>72</sup> [https://ec.europa.eu/commission/presscorner/detail/EN/inf\\_23\\_142](https://ec.europa.eu/commission/presscorner/detail/EN/inf_23_142)

<sup>73</sup> <https://www.ekathimerini.com/news/1200881/greek-officer-back-in-court-over-teens-shooting-death/>

<sup>74</sup> <https://www.bbc.com/news/world-europe-63871046>

<sup>75</sup> <https://www.dw.com/en/greek-police-violence-against-roma-boy-shot-because-of-20/a-64196003>



#### 4.2.3. LGBTIQ+

**The ILGA Europe Rainbow Europe Map**<sup>76</sup> page on Greece, the country scores 52% and ranks 17th of 49 European countries. Greece prohibits discrimination in employment and goods and services, but **not in education and health**. Registered partnership exists and is similar rights to marriage, but **without adoption rights**.

ILGA-Europe notes that “Prime Minister Mitsotakis continued to **support** legal reform to advance LGBTIQ+ rights, following the adoption of the National Strategy for Equality of LGBTIQ+ people (2021-2023) last year and in the leadup to the 2023 elections.”

Greece **banned so-called ‘conversion practices’** in May 2022 on minors and other ‘vulnerable persons’ that try to change their sexual orientation or gender identity and impose fines or prison sentences - but excluding consenting adults, only if money was involved and excluding priests or other religious/spiritual leaders.

Non-consensual surgeries performed on **intersex** children were banned in July with fines or prison sentences. “Intersex children over the age of 15 will be able to consent to hormones or surgeries if that is the care path they want to take. Prime Minister Kyriakos Mitsotakis apologised for the abuses carried out to date.”

In January, the **blood donation ban was lifted**.

**The Annual Report 2023**<sup>77</sup> highlighted the following issues:

- **Hate speech by political and religious leaders**: a group of Orthodox priests published a joint statement against marriage equality, calling same-sex relations a “deviation” and “perversion”.

- **Violence**: “The national hate crime monitoring body’s annual report, published in May, found that crimes against LGBTIQ+ people continued to be very common in 2021.” recalls the report. Furthermore, “In May, two men were sentenced to the maximum punishment of 10 years of prison for the **murder of LGBT+ activist Zacharias Kostopoulos** in 2018. Four police officers, who were also on trial for causing fatal bodily harm, were acquitted. A demonstration was held outside the court and public outcry followed the acquittal. LGBTIQ+ civil society organisations published a joint statement. In July, one of the two men convicted earlier was released on parole. In October, the Disciplinary Body of the Hellenic Police **cleared the police officers**, triggering anger in the LGBTQ+ community.”

NGOs like **Amnesty International and Human Rights Watch** expressed concern and various civil society initiatives were established to ensure accountability.<sup>78</sup>

The family of Zacharias brought a **petition to the EP**, which was examined by the PETI Committee during its session of 26 January 2023. MEPs agreed to keep the petition open and send it for opinion to **LIBE**.<sup>79</sup>

<sup>76</sup> <https://www.rainbow-europe.org/#8636/0/0>

<sup>77</sup> <file:///C:/localdata/omarzocchi/Downloads/annual-review-2023.pdf>

<sup>78</sup> Amnesty international campaign to demand justice (<https://action.amnesty.org.au/act-now/demand-justice-for-zak-kostopoulos>) and statements on the case: <https://www.amnistia.org/ve/noticias/2022/05/20899/greece-letting-police-officers-involved-in-brutal-death-of-lgbti-activist-off>; Human Rights Watch included the case in its 2022 World report for Greece under ‘Racism and Intolerance’: <https://www.hrw.org/world-report/2022/country-chapters/greece#ec42f8>; see also the monitoring initiative for the trial: <https://zackieohjustice.watch/en/about-en> and Forensic Architecture, a research agency, based at Goldsmiths, University of London, investigating human rights violations, investigation on the killing: <https://forensic-architecture.org/investigation/the-killing-of-zak-kostopoulos>.

<sup>79</sup> Information on the petition available at

ILGA-Europe recommends Greece to: 1) Specifically including all SOGIESC (sexual orientation, gender identity, gender expression, sex characteristics) grounds in legislation and policies prohibiting discrimination in **education and health**. 2) Formalizing policies and/or other positive measures on **asylum** that contain express mention of all SOGIESC (sexual orientation, gender identity, gender expression, sex characteristics) grounds. 3) Adopting legal measures to ensure **marriage equality** for all.<sup>80</sup>

#### 4.2.4. Asylum and migration

##### I. Background information

Greece faced a huge flow of refugees and migrants fleeing war and persecution in **2015**, following the explosion of the conflict in Syria. Over 800,000 refugees and migrants came via the Aegean Sea from Turkey into Greece, accounting for 80% of the people arriving irregularly in Europe by sea that year.

The European Council and Turkey reached an **agreement in March 2016** aimed at reducing the flow of irregular migrants into Europe via Turkey: the **EU-Turkey Statement** foresees that all new irregular migrants and asylum seekers arriving from Turkey on the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey in exchange for further visa liberalisation for Turkish citizens and the payment of EUR 6 billion under the Facility for Refugees in Turkey, until the end of 2018.

In June **2021**, a Greek Joint Ministerial Decision designated **Turkey as a 'safe third country'** for persons with nationalities from Afghanistan, Bangladesh, Pakistan, Somalia and Syria, which means that applications from these persons are deemed inadmissible if not proven otherwise.<sup>81</sup> **Turkey has not accepted returns since March 2020**, which leaves persons with inadmissible applications in a precarious situation: they are stuck on the Greek islands, without access to asylum or documents indicating their legal status, and no right to housing, cash assistance, work, or catering services in the camps they reside in.<sup>82</sup>

Despite increasing investments in border control, the number of persons arriving has risen significantly in 2022 and is expected to do so even more in 2023.<sup>83</sup>

Year	Sea arrivals	Land arrivals	Dead and missing
01/01/23 - 12/02/23	1,648	252	
2022	12,758	6,022	326
2021	4,331	4,826	115

<https://www.europarl.europa.eu/petitions/en/petition/content/0605%252F2022/html/Petition-No-0605%252F2022-by-Eleni-Kostopoulos-%2528Greek%2529-on-the-killing-of-Zacharias-Kostopoulos-and-impunity-for-police-violence-in-Greece> ; webstreaming available at [https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-petitions\\_20230126-1500-COMMITTEE-PETI](https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-petitions_20230126-1500-COMMITTEE-PETI)

<sup>80</sup> "The European Parliament's Petitions Committee (PETI) examined the petition of a rainbow family, who are recognised as a family unit in Germany but would lose this recognition and relevant rights upon their move to Greece. The PETI affirmed that all families in the EU must be recognised across borders".

<sup>81</sup> <https://migration.gov.gr/etisia-epikairopoiisi-asfalon-choron-proeleyisis-kai-dielelysis/> and <https://eu.rescue.org/article/what-eu-turkey-deal>

<sup>82</sup> <https://www.ispionline.it/en/publication/renewal-eu-turkey-migration-deal-30509#:~:text=After%20several%20months%20of%20tensions,humanitarian%20bridge%20funding%E2%80%9D%20for%202021> <https://eu.rescue.org/article/what-eu-turkey-deal>

<sup>83</sup> <https://data.unhcr.org/en/situations/mediterranean/location/5179>



2020	9,714	5,982	102
2019	59,726	14,887	71

According to the UNHCR based on data from January 2022 of those arriving 54% are men, 17.8% are women and 28.3% children.<sup>84</sup>

The **arrivals by sea** until 12 February 2023 are the most on Lesbos (596), followed by Kos (419), Samos (355), Evos (252), Leros (148), Chios (79), and Rhodes (51).<sup>85</sup>

The most **common nationalities** of the sea arrivals since 1 January 2022 are the following (see table<sup>86</sup>):

Country	Percentage of sea arrivals	Figures in total
State of Palestine	21.7%	2,769
Afghanistan	17.2%	2,194
Somalia	14.1%	1,794

## II. Hotspots and reception facilities

The 'hotspot approach' was introduced by the European Commission as part of the European Agenda on Migration in April 2015.<sup>87</sup> The '**hotspots**' – **first reception facilities** – aim to improve coordination of the EU agencies' and national authorities' efforts at the external borders of the EU, in the initial reception, identification, registration and fingerprinting of asylum-seekers and migrants.<sup>88</sup>

In Greece, the hotspot approach remains the **key strategy** in addressing migratory pressures. Since their inception, the majority of the hotspots have suffered from **overcrowding**, and stakeholders in particular have raised **concerns** with regard to camp facilities and living conditions for vulnerable migrants and asylum-seekers – and to **gaps** in access to asylum procedures.<sup>89</sup>

Initially five hotspots, under the legal form of First Reception Centres – now Reception and Identification Centres (RIC) – were established on Lesbos, Chios, Samos, Leros and Kos. Whereas the RICs on Samos, Leros, and Kos have been converted into 'Closed Controlled Access Centers of Islands (CCACI)' during 2021, RICs still exist in Diavata, Malakasa and Fylakio.<sup>90</sup> The new facility in Samos has been inaugurated on 18 September 2021 and the ones in Leros and Kos on 27 November 2021. A €121 million grant from the European Commission was used for the construction of the facilities.<sup>91</sup> CCACIs also exist on Lesbos, where also the "Controlled Facility of West Lesbos" exists, and Chios.<sup>92</sup>

<sup>84</sup> <https://data.unhcr.org/en/situations/mediterranean/location/5179>

<sup>85</sup> <https://data.unhcr.org/en/situations/mediterranean/location/5179>

<sup>86</sup> <https://data.unhcr.org/en/situations/mediterranean/location/5179>

<sup>87</sup> [https://ec.europa.eu/home-affairs/pages/glossary/hotspot-approach\\_en](https://ec.europa.eu/home-affairs/pages/glossary/hotspot-approach_en)

<sup>88</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL\\_STU\(2016\)556942\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf)

<sup>89</sup> <https://www.theguardian.com/global-development/2020/jan/17/moria-is-a-hell-new-arrivals-describe-life-in-a-greek-refugee-camp#:~:text=The%20conditions%20in%20Moria%20are,Syrians%2C%20this%20is%20a%20hell>

<sup>90</sup> Ministerial Decision 25.0 / 466733/15-12-2021, according which the RIC of Samos, Leros and Kos are renamed as 'Closed Controlled Access Centers of Islands (C.C.A.C.I.)', See also Art. 8 par. 4 L.4375/2016.

<sup>91</sup> [https://home-affairs.ec.europa.eu/news/opening-new-reception-centres-greek-islands-leros-and-kos-2022-01-25\\_en](https://home-affairs.ec.europa.eu/news/opening-new-reception-centres-greek-islands-leros-and-kos-2022-01-25_en)

<sup>92</sup> <https://migration.gov.gr/en/ris/perifereiakes-monades/kyt-domes/>

The CCACIs are located far from the cities on the islands, as for example the CCACI on Leros as the closest is 7km away from the city Argia Marina and the CCACI on Lesbos 30km from Mitilini. They each have a capacity from 1780 to 5000 persons.<sup>93</sup>

**NGOs criticise the modern facilities as prison-like;** the CCACI in Samos is surrounded by a double NATO-type security fence, and conditions as precarious with limited or no access to basic services, constant surveillance and extreme restrictions on the residents' freedom of movement.<sup>94</sup> According to residents in the CCACI of Samos there is only one doctor operating, which leaves people without access to health care. Residents have few possibilities to inform themselves about their rights and leaving the facility is difficult because of intimidating security checks: the facilities are guarded 24 hours a day by Greek police and private security and features turnstiles, magnetic gates, x-rays, a fingerprint access system, and closed circuit surveillance throughout.<sup>95</sup> In Samos there are reportedly two to three drones passing constantly over the facility.<sup>96</sup>

Persons without an "asylum applicant card" are not allowed to enter or exit the facility. That applies to persons arriving, to persons whose asylum claim has been rejected or to persons who cannot afford a second subsequent asylum application fee (which costs €100). Persons arriving have to wait until their registration process is finished. The time limit of 25 days legally allowing a detention of newly registered residents is thereby often exceeded.<sup>97</sup>

The situation in the CCACIs is **also criticised by the European Commission.** The package of infringement decisions released in January reveals that the European Commission has **issued several letters of formal notice to Greece for failing to comply with the provisions of the Reception Conditions Directive and the Qualification Directive.**<sup>98</sup> Two of the letters issued relate to the reception conditions of asylum seekers and the qualification for international protection.<sup>99</sup> According to the Greek outlet Efsyn one letter concerns discriminatory criteria excluding recognised refugees from most social benefits in Greece. The other relates to the arbitrary detention of asylum seekers during screening procedures, dubbed in law as "restriction on freedom" inside Reception and Identification Centres on the islands, the land border and two mainland locations.<sup>100</sup>

### III. Pushbacks and surveillance of borders

An increasing number of allegations of pushbacks continued to be reported and have been largely criticised inter alia by UNHCR, IOM, the UN Special Rapporteur on the human rights of migrants, the Council of Europe Commissioner, the Greek Ombudsperson and civil society organisations.<sup>101</sup> <sup>102</sup>Several reports indicate that they have become a "standard practice", including

<sup>93</sup> <https://rsaegean.org/en/new-prison-structures-in-the-aegean/>

<sup>94</sup> <https://reliefweb.int/report/greece/life-without-freedom-not-life-life-closed-controlled-access-centresamos#:~:text=The%20Samos%20CCAC%20remains%20surrounded.capacity%20of%202040%20%5B2%5D.>

<sup>95</sup> <https://www.infomigrants.net/en/post/41291/jungle-to-prison-for-migrants-on-samos-island>

<sup>96</sup> <https://reliefweb.int/report/greece/life-without-freedom-not-life-life-closed-controlled-access-centresamos#:~:text=The%20Samos%20CCAC%20remains%20surrounded.capacity%20of%202040%20%5B2%5D>

<sup>97</sup> <https://reliefweb.int/report/greece/life-without-freedom-not-life-life-closed-controlled-access-centresamos#:~:text=The%20Samos%20CCAC%20remains%20surrounded.capacity%20of%202040%20%5B2%5D.>

<sup>98</sup> [https://ec.europa.eu/commission/presscorner/detail/EN/inf\\_23\\_142](https://ec.europa.eu/commission/presscorner/detail/EN/inf_23_142)

<sup>99</sup> <https://ecre.org/greece-infringement-letters-from-the-european-commission-ngos-urge-more-oversight-on-greek-islands-joint-civil-society-rule-of-law-submission-hundreds-of-thousands-prevented-entr/>

<sup>100</sup> [https://www.efsyn.gr/ellada/dikaionomata/376712\\_apologomeni-gia-zitimata-prosfygon-i-ellada](https://www.efsyn.gr/ellada/dikaionomata/376712_apologomeni-gia-zitimata-prosfygon-i-ellada)

<sup>101</sup> <https://asylumineurope.org/reports/country/greece/overview-main-changes-previous-report-update/>

<sup>102</sup> See also the most recent March 2023 report by the Greek Council of Refugees <https://www.rte.ie/documents/news/2023/03/at-europes-borders-between-impunity-and-criminalization.pdf>

**violent border practices, arbitrary detention and even deaths at borders.** ‘In Greece, pushbacks at land and sea borders have become **de facto general policy**’ notes the UN Special Rapporteur on the Human Rights of Migrants in a report issued in June 2022.<sup>103</sup>

In relation to **pushbacks at the land border**, the Special Rapporteur on the Human Rights of Migrants has noted that, in addition to “increased militarisation of the Evros land border...which has effectively resulted in preventing entry and in the summary and collective expulsion of tens of thousands of migrants and asylum seekers”, there have been allegations that “pushbacks are also reportedly carried out from urban areas, including reception and detention centres”.<sup>104</sup>

The five-meter steel wall to the east across the Evros River used to extend more than 27 kilometres and, according to Greek authorities, helped cover another 10 kilometres. Now, a 35-kilometre stretch is being added with the ultimate goal of extending it to cover most of the 192-kilometre border.<sup>105</sup> The EU Council summit on 9 February decided to channel “substantial funds into frontier guards and surveillance equipment”.<sup>106</sup>

According to the interim report of the **Greek Ombudsman, the pushbacks follow a systematic pattern, in which those affected are being arbitrarily detained, refused to register and ultimately forcefully returned to Turkey.**<sup>107</sup>

The submission to the UN Committee against Torture 73rd session of **Amnesty International** found the same practice interviewing affected persons. The detention periods varied from several hours to several days and those carrying out pushback operations were consistently identified as appearing to belong to law enforcement.<sup>108</sup>

According to the Aegean Boat Annual Report 2022 there have been **988 pushbacks in the Aegean Sea in 2022, involving 26.133 persons.** That is an increase of 57.1% compared to 2021. Over a third of them, 9.656 persons, had already arrived on the Greek Aegean islands and was arrested by police and deported by the Hellenic Coast Guard. 60% of all registered pushback cases happened around Lesbos and Samos. 15.225 persons have been pushed back at sea in 583 rubber boats, engines or petrol removed.<sup>109</sup>

In addition to active pushback operations, NGOs report that **vessels in distress are being left in the sea, even though Greek authorities are informed.** The NGO hotline Alarm Phone reported of a case before the islands of Evia and Andros, where a vessel got in distress on 31 October 2022. Twelve people were found alive after days in distress, 36 are believed to have died.<sup>110</sup>

After the alleged pushback operation of Greek Coast Guards close to the Greek island Farmakonisi in 2014, in which eleven women and children died, the **European Court of Human Rights** has ruled that **Greek authorities had not done all that could reasonably be expected of them during the**

<sup>103</sup> <https://www.ohchr.org/en/documents/thematic-reports/ahrc5031-human-rights-violations-international-borders-trends-prevention>

<sup>104</sup> [https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR\\_2021update.pdf](https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR_2021update.pdf)

<sup>105</sup> <https://apnews.com/article/politics-turkey-government-european-union-greece-europe-271147c8ec3a4c0b85458e25ff52a2aa>

<sup>106</sup> <https://www.consilium.europa.eu/en/meetings/european-council/2023/02/09/>

<sup>107</sup> <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

<sup>108</sup> <https://www.amnesty.org/en/wp-content/uploads/2022/01/EUR2551782022ENGLISH.pdf>

<sup>109</sup> <https://aegeanboatreport.com/annual-reports/#jp-carousel-9083>

<sup>110</sup> <https://ecre.org/greece-two-deadly-shipwrecks-in-the-aegean-continued-pushbacks-and-non-response-by-authorities-ngos-urge-a-repeal-safe-third-country-list/>

**operation to prevent the tragedy and protect the people on board.** The court also found that authorities had **not carried out a thorough investigation** capable of shedding light on the circumstances in which the boat had sunk, violating the right to life of the applicants and their relatives.<sup>111</sup>

The **European Anti-Fraud Office's investigation**, which was opened in December 2020 and published in October 2022, proofed (on the basis of 16 months of investigation, 20 witnesses and a report with 123 pages) human rights violations of Greek officials and showed that **Frontex knew about them early on and did not intervene.**<sup>112</sup> Frontex officials are present in the Aegean Sea with the operation Poseidon that covers Greek sea borders with Turkey and the Greek islands and almost 600 guest officers are deployed, who - according to Frontex - perform border surveillance, assist in the identification and registration of incoming migrants, as well as debriefing and screening.

According to a recent **New York Times article**, "The human rights chief of the European Union border agency said last year that it should stop operating in Greece because of serial abuses by Greek border guards, including violently pushing asylum seekers back to Turkey and separating migrant children from their parents, according to confidential documents".<sup>113</sup> The government rejected the allegations and announced it will investigate.<sup>114</sup> In a recent interview, Jonas Grimheden suggested **Frontex should now reinforce its presence in Greece given reports of abuse against asylum seekers.**<sup>115</sup>

#### IV. Main state institutions and legislation

The **Greek Asylum Service**, which operates under the auspices of the Ministry of Migration and Asylum, receives, examines and decides on all applications for international protection lodged in Greece. Decisions of the Asylum Service are appealed before the Independent Appeals Committees under the Appeals Authority. An appeal must be lodged within 30 days in the regular procedure, 20 days in the accelerated procedure, in case of an inadmissibility decision (e.g. applicants for whom Turkey is deemed a safe third country) or where the applicant is detained, 15 days in the Dublin procedure, 10 days in the border procedure and in the fast-track border procedure (applicants subject to the EU-Turkey statement) and 5 days in the case of an inadmissibility decision on a subsequent application.

**Law nr 4636/2019 (International Protection Act/IPA)**, which entered into force on 1 January 2020, replaced the previous legislation on asylum and reception. **The IPA has been repeatedly and heavily criticised by national and international human rights bodies including the Greek Ombudsman,**<sup>116</sup> **the Greek National Commission for Human Rights,**<sup>117</sup> **UNHCR**<sup>118</sup> **and several civil society organisations.**<sup>119</sup> As noted by UNHCR, the new law reduces safeguards for people seeking international protection and creates additional pressure on the overstretched capacity of administrative and judicial authorities. It introduced a facilitation of returns to Turkey of the asylum

<sup>111</sup> <https://www.hrw.org/news/2022/07/08/european-court-slams-greece-over-deadly-migrant-pushback>

<sup>112</sup> <https://fragdenstaat.de/dokumente/233972-olaf-final-report-on-frontex/>

<sup>113</sup> <https://www.nytimes.com/2023/02/14/world/europe/eu-greece-border-abuses.html?smid=url-share>

<sup>114</sup> <https://www.infomigrants.net/en/post/46907/greece-rejects-media-report-on-migrants--we-will-investigate>

<sup>115</sup> <https://euobserver.com/migration/156742>

<sup>116</sup> <https://www.synigoros.gr/el?i=kdet.el.news.608123>

<sup>117</sup> [https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/Paratiriseis%20EEDA%20sto%20nomosxedio%20gia%20Asylo%2024.10.2019.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Paratiriseis%20EEDA%20sto%20nomosxedio%20gia%20Asylo%2024.10.2019.pdf)

<sup>118</sup> <https://www.unhcr.org/gr/en/13170-unhcr-urges-greece-to-strengthen-safeguards-in-draft-asylumlaw.html>

<sup>119</sup> <https://www.amnesty.gr/news/press/article/22623/proteinomeno-shedio-nomoy-gia-asylo-ypovathmizei-tin-prostasia-kai-ta> <https://rsaegrean.org/en/rsa-comments-on-the-international-protection-bill/>

seekers arriving in Greece by the sea. Although this procedure was initially introduced as an exceptional and temporary measure, it has become the rule for a significant number of applications lodged in Greece (more than half out of a total of 40 559 application in 2020 ).<sup>120</sup>

Further amendments have been introduced that seem to weaken the legal position of migrants even more.<sup>121</sup> The controversial **Deportations and Returns law** came into effect on 4 September 2021. Specifically, under one of the key provisions, the police are able to order the deportation of migrants caught crossing into Greece through irregular channels and without proper papers if they do not apply for asylum or if their application for protection is rejected.<sup>122</sup> Additionally, undocumented migrants may also be held in custody prior to deportation if they are considered a flight risk or a threat to public order. The legislation reduces the grace period for voluntary deportations from 30 days to between a week and 25 days, while also making it more difficult for migrants to challenge a deportation order by applying a stricter definition to what can be regarded as "humanitarian grounds", and reducing the period in which they can take legal action against such a decision to 30 days after it is issued.

A **Fundamental Rights Officer** (FRO) and a **Special Commission on Fundamental Rights Compliance within the Ministry of Migration and Asylum** were established by the government in 2022 through a last-minute amendment to a bill on protection of unaccompanied children (Articles 49 and 50 L 4960/2022). Unfortunately, the mandate is restricted to the activities of the Ministry and not to borders and pushbacks. The first FRO is a former Armed Forces official. Concerning the **Special Commission**, no Ministerial Decision has defined its exact responsibilities. The Ombudsman and the National Commission for Human Rights have called upon the government to reconsider these bodies as they do not guarantee a function of independent monitoring mechanisms for fundamental rights compliance.<sup>123</sup>

The **joint NGOs report** provides updated and detailed information on a series of further aspects that raise serious concerns in relation to migration and asylum in Greece.<sup>124</sup>

## V. EU support

Further to Frontex assistance, Greece benefits from EU support from three **EU funds**: from the Asylum, Migration and Integration Fund, the Internal Security Fund and the Emergency Support Instrument. In the period from 2015 to January 2022 Greece has benefitted from support of 3.39 billion Euros.<sup>125</sup>

Established in September 2020, after the fires in the Moria reception centre on the Greek island of Lesbos, the **Task Force Migration Management** works with the Greek authorities and EU agencies to improve conditions for migrants arriving to Greece.<sup>126</sup>

<sup>120</sup> <https://ecre.org/aida-2020-update-greece/>

<sup>121</sup> [https://asylumineurope.org/reports/country/greece/asylum-procedure/general/short-overview-asylum-procedure/#\\_ftn4](https://asylumineurope.org/reports/country/greece/asylum-procedure/general/short-overview-asylum-procedure/#_ftn4)

<sup>122</sup> <https://www.coe.int/en/web/commissioner/-/greece-s-parliament-should-align-the-deportations-and-return-bill-with-human-rights-standards>

<sup>123</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf) points 80-84

<sup>124</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf)

<sup>125</sup> [https://home-affairs.ec.europa.eu/system/files/2022-01/202202\\_Eu%20Budget-financial%20support%20to%20greece.pdf](https://home-affairs.ec.europa.eu/system/files/2022-01/202202_Eu%20Budget-financial%20support%20to%20greece.pdf)

<sup>126</sup> [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/task-force-migration-management\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/task-force-migration-management_en)



## ANNEX 1: The killing of Giorgos Karaivaz

On 9 April 2021, the 52-year-old journalist Giorgos Karaivaz was murdered outside his house in Alimos, a southern suburb of Athens. No suspects have been publicly identified and no arrests have been made, while public information about the status of the investigation is limited.<sup>127</sup>

Karaivaz worked for national TV channels and newspapers as experienced crime reporter, inquiring extensively on crime, including through his website bloko.gr, focusing on the criminal connections between organized crime, businessmen and certain persons within the police, intelligence service agents and the political world.

The Committee to Protect Journalists recalls that "In the weeks before he was killed, Karaivaz published articles on *Bloko* on topics including police procurement policies, how a criminal suspect allegedly blackmailed police officers into granting free services, police policies amid the COVID-19 pandemic, and a commentary article calling on police to tell the "whole truth" about a recent traffic accident near the parliament building." The same organisation also reports that "On April 28, a law enforcement source told the Greek daily *Kathimerini* that police were investigating whether the killing was linked to Karaivaz's reporting on alleged ties between the Hellenic Police and organized crime, and his coverage of the 2018 killing of a former police officer under investigation for such ties."<sup>128</sup>

The case remains unresolved, as authorities have not managed to identify the authors of the killing.

## ANNEX 2: The Novartis Scandal<sup>129</sup>

**Novartis** is a Swiss multinational pharmaceutical company and one of the largest in the world. On 3 January 2017, media reported that anti-corruption prosecutors **raided the offices of Novartis in Athens** as part of an ongoing investigation over **bribery** allegations ordered by Greece's Supreme Court. **FBI** provided assistance to Greek authorities. Executives of Novartis in Greece provided US authorities with documents indicating that **more than 4,000 private and public doctors were bribed** to promote the company's products and boost prescriptions (innovative and expensive anti-cancer drugs), which led US prosecutors to investigate the company since 2 years.<sup>130</sup>

Prosecutors investigated **10 former government officials** allegedly involved in the bribery cases, including: Antonis Samaras (former Prime Minister, 2012-15) and Panagiotis Pikrammenos (former caretaker PM, 2012); former European Commissioner Dimitris Avramopoulos; the Central Bank governor, Yannis Stournaras (former Finance Minister, 2012-2014); Evangelos Venizelos (former Minister of Finance 2011-12), Marios Salmas (former alternate Health Minister, 2012-12), George Koutroumanis (former deputy Labour Minister, 2011-12) and Andreas Likourentzos (former Health Minister, 2012-13), Adonis Georgiadis (former Health Minister, 2013-14) and Andreas Loverdos (former Minister of Health and Social Solidarity, 2010-2012). US reports also tabled at the Greek Parliament allege that then-Vice President of Novartis Greece Konstantinos Frouzis used Greek public relations

<sup>127</sup> The government underlined on 7 October 2021 that "Investigations by law enforcement Authorities in charge of this case are well underway and in full swing. New data and information gathered so far by the competent investigators cannot, however, be disclosed as, under Greek relevant legal framework (the Greek Code of Criminal Procedure), preliminary investigation is confidential", see <https://rm.coe.int/greece-coe-platform-alert-reply-en-veteran-crime-reporter-giorgos-kara/1680a4124d>

<sup>128</sup> <https://cpj.org/data/people/giorgos-karaivaz/>

<sup>129</sup> among many: <https://balkaninsight.com/2022/02/21/greek-prosecution-of-novartis-reporters-an-attempt-to-terrorize-journalists/> and <https://www.occrp.org/en/daily/15161-greece-witnesses-protection-status-upheld-in-novartis-case>

<sup>130</sup> <https://www.euractiv.com/section/health-consumers/news/novartis-under-scrutiny-for-alleged-pharma-scandal-in-greece/>

firms to **launder cash and pay bribes to doctors and government officials** in exchange for arranging access to the Greek ministries of Finance, Defence, Education, Health and Development.<sup>131</sup>

Those investigated denied wrongdoings and **filed lawsuits against prosecutor Touloupaki**, the then PM **Tsipras** and Deputy Justice Minister Dimitris **Papangelopoulos**, accusing them of defamation and slander. A Court was petitioned to force whistleblowers to reveal their identity.

In 2019, **seven prosecutions were dropped** by prosecutor Touloupaki, with only Andreas Loverdos, Adonis Georgiadis and Dimitris Avramopoulos remaining under investigation. The Prosecutor was removed from the case.

In 2020, **Novartis agreed to pay 347 million US dollars** for a settlement with the U.S. Department of Justice and the Securities and Exchange Commission over violations of the Foreign Corrupt Practices Act, in which it **acknowledged making illegal payments to Greek healthcare providers and officials**.

Anti-corruption prosecutor Touloupaki had her home broken into; federal prosecutors filed criminal charges against her in relation to her inquiries for abuse of power and dereliction of duties.

In September 2021, the Financial Prosecutor's Office decided that the real names of the whistleblowers ("Maximos Sarafis" and "Aikaterini Kelesi") **shall remain secret** for two more years and cannot be prosecuted while under protection.<sup>132</sup>

**In January 2022, Greek authorities decided to prosecute two journalists, Costas Vaxevanis and Gianna Papadakou, who revealed the Novartis scandal some years before, and the Anti-corruption prosecutor Eleni Touloupaki.** Serious concern was expressed by national and international journalists associations.<sup>133</sup> Vaxevanis faced 4 charges: participation in a criminal organisation, breach of duty, and two counts of conspiracy to abuse power.

In **February 2022**, prosecutor Eleni **Touloupaki was summoned to appear for questioning** at the Greek Supreme Court in March.<sup>134</sup>

On **17 June 2022**, the **Greek state finally sued Novartis** for 214 million euros as compensation for the non-pecuniary damage it has suffered "from the actions that Novartis itself has admitted to in the USA that concerns payments to doctors."<sup>135</sup>

On **30 June 2022**, the Judicial Council of the Supreme Court ruled that all allegations made against four journalists (Kostas Vaxevanis, of Documento newspaper, Ioanna Papadakou; Ioannis Filippakis, publisher of Dimokratia and Alexandros Tarkas, a reporter at Dimokratia) were baseless and declined to send them to full trial at the Special Court.<sup>136</sup>

More recently, the special court prosecutor Olga Smyrli has **recommended the acquittal** of former corruption prosecutor Eleni Touloupaki and ex-minister Dimitris Papangelopoulos of the charges of abuse of power, arguing there was no evidence.<sup>137</sup>

<sup>131</sup> <https://www.politico.eu/article/greece-politics-novartis-scandal-pharmaceutical-whistleblower/>

<sup>132</sup> <https://www.occrp.org/en/daily/15161-greece-witnesses-protection-status-upheld-in-novartis-case>

<sup>133</sup> <https://rsf.org/en/news/greece-concern-over-criminal-charges-against-investigative-reporters>

<sup>134</sup> <https://www.occrp.org/en/daily/16268-ex-prosecutor-graft-and-rule-of-law-failures-in-greece-are-an-eu-problem>

<sup>135</sup> <https://www.ekathimerini.com/news/1186979/greek-state-to-sue-novartis-for-214-million-euros/>

<sup>136</sup> <https://ipi.media/greece-mfrr-partners-welcome-acquittal-of-journalists-in-novartis-criminal-case/>

<sup>137</sup> <https://www.ekathimerini.com/news/1204677/acquittal-recommended-for-ex-minister-prosecutor/>

## ANNEX 3: The Predator scandal<sup>138</sup>

In 2022, a scandal revolving around widespread surveillance of journalists, politicians, the army and businesspeople emerged and grew exponentially in time (leading to the establishment of the PEGA committee in the EP and of an inquiry committee in the Greek Parliament).

**EYP reportedly wiretapped** journalists Thanasis Koukakis and Stavros Malichoudis, while the journalists investigating the PredatorGate scandal (Nikolas Leontopoulos, Thodoris Chondrogiannos, Tasos Telloglou, Eliza Triantafyllou) were put under surveillance, as well as MP and Minister of Energy Kostis Hatzidakis, MEPs Nikos Androulakis and Giorgos Kyrtzos, the Head of the Hellenic Armed Forces Konstantinos Floros.

In 2022, it was also revealed that **Predator spyware** was used to spy on journalist Thanasis Koukakis, a year after EYP put him under surveillance, as well as on MEP Nikos Androulakis and MP Christos Spirtzis. Nikos Androulakis was wiretapped by EYP and targeted by Predator during the same period in September 2021.

The Greek government repeatedly **denied** the use of Predator by the Greek authorities. But journalistic investigations discovered **business links between the Prime Minister's Secretary General (and nephew) Grigoris Dimitriadis and the businessman Felix Bitzios, a shareholder of Intellexa**, the company that trades **Predator** based in Athens (it also later emerged that **the Greek government provided licenses permitting the export of Predator** to Madagascar, while high-ranking officials of the Bangladeshi authorities were trained in Greece in 2021-2022 on the use of a surveillance system linked to businessman Tal Dilian at Intellexa).

The revelations led to the **resignation of Grigoris Dimitriadis as Secretary General of the Greek Prime Minister, as well as the resignation of Panagiotis Kontoleon as chief of EYP in August 2022.**

In June 2022, it was revealed that EYP destroyed the surveillance files of Nikos Androulakis and Thanasis Koukakis. The government also blocked the creation of the official digital archive of citizens under surveillance. The police only very belatedly raided the Intellexa offices, that were empty at that point.

After a three-month investigation, the **National Transparency Authority** (NTA, see specific section), cleared the Greek authorities, but criticism was raised in relation to the fact that the inquiry did not examine important elements. ADAE, the DPA and prosecutors continued their inquiries, while victims tabled appeals to the ECtHR.

One of the first decisions of the Mitsotakis government was to put **EYP under the PM direct control**. The government then proposed an amendment that was adopted (Article 87 Law 4790/2021) in 2021 to **prohibit ADAE from informing individuals** of their surveillance by EYP on national security grounds. The law was modified to give the power to a **tripartite body** on whether to inform victims of surveillance on national security grounds (composed by the two Prosecutors involved in EYP surveillance orders and the Head of ADAE), **3 years after** the surveillance. The law is unclear in terms of procedural issues and raises concerns, as it does not guarantee independent scrutiny.

<sup>138</sup> For more detailed information see: Policy Department Briefing for the PEGA mission to Cyprus and Greece 1-4 November 2022 [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/738330/IPOL\\_STU\(2022\)738330\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/738330/IPOL_STU(2022)738330_EN.pdf) and Policy Department study on The use of Pegasus and equivalent surveillance spyware [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/740151/IPOL\\_STU\(2022\)740151\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/740151/IPOL_STU(2022)740151_EN.pdf), as well as EPRS, Greece's Predatorgate: The latest chapter in Europe's spyware scandal? [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_ATA\(2022\)733637](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2022)733637); see also [https://rsaeean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CSO\\_Greece.pdf](https://rsaeean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSO_Greece.pdf)



Documento published in November a list of 33 **people allegedly spied on by the EYP**, including Foreign Minister Nikos Dendias, Deputy Defense Minister Nikos Hardalias, Development Minister Adonis Georgiadis, Labor Minister Kostis Hatzidakis, Finance Minister Christos Staikouras, former Prime Minister Antonis Samaras, former Public Order Minister Michalis Chrysochoidis, and former National Security Adviser Alexandros Diakopoulos. It then revealed that more persons were under surveillance: former Greek police chief Michalis Karamalakis, Greek Intelligence Service Prosecutor Vasiliki Vlachou, Education Minister Niki Kerameus, and government spokesperson Yiannis Ikonomou.<sup>139</sup> EYP also wiretapped Chief of General Staff Konstantinos Floros, Chief of Land Forces Charalambos Lalousis, and General Director of Defense Investments and Armaments Thodoris Lagios, as well as businessmen Panagiotis Kanellopoulos and George Filiopoulos, journalists George Tragas and Aris Spinos, MEP Eva Kaili, and Yannis Zervakis, senior advisor to the prime minister on civil society, were also subject to EYP spying, among others.<sup>140</sup>

**The Hellenic Data Protection Authority (DPA) fined (for 50.000 Euro) Intellexa in January 2023 for failing to cooperate** in investigations into spyware use, as the company submitted unduly late replies to questions and did not provide specific data requested by the Authority.

Following an on-site visit to the premises of Cosmote, one of the main telecommunications providers in Greece, to investigate further allegations of surveillance from Greek state authorities, the **Supreme Court Prosecutor Isidoros Ntogiakos issued an opinion** in January 2023, claiming that ADAE lost the competence to investigate into surveillance following the entry into force of L 5002/2022. The Prosecutor also threatened ADAE members with criminal sanctions. ADAE, Bar Associations and sixteen Greek legal scholars rejected the opinion as unconstitutional and contrary to ECHR.<sup>141</sup>

The PEGA committee received in February a letter from the lawyers of **Intellexa** threatening legal action, which was criticised by MEPs.<sup>142</sup>

At a recent PEGA meeting, Konstantinos Menoudakos, President of the Hellenic **Data Protection Authority**, stated that the DPA investigation on SMSs to install Predator found that at least 300 SMSs were sent to around **100 receivers**. He also said that after being fined, Intellexa sent DPA documents that are being examined. The DPA inquiry is proceeding.

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The **EP Draft Recommendation** to the Council and the Commission pursuant to Rule 208(12) of the Rules of Procedure following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware - as drafted by the rapporteur Sophie In't Veld: [https://www.europarl.europa.eu/doceo/document/PEGA-RD-740554\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/PEGA-RD-740554_EN.pdf)

*17. Concludes that contraventions and maladministration in the implementation of Union law have taken place in Greece;*

*18. Calls on Greece to:*

<sup>139</sup> <https://www.aa.com.tr/en/europe/new-names-revealed-as-alleged-target-of-spyware-in-greece-report/2749433>

<sup>140</sup> <https://www.aa.com.tr/en/europe/greek-intelligence-spied-on-top-military-generals-says-report-amid-ongoing-surveillance-scandal/2755992>

<sup>141</sup> [https://rsaegean.org/wp-content/uploads/2023/01/RoL2023\\_JointSubmission\\_CS0\\_Greece.pdf](https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf)

<sup>142</sup> <https://www.euractiv.com/section/politics/news/greek-watergate-meps-fume-after-receiving-provocative-legal-notice/>

- (a) urgently restore and strengthen the institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;*
- (b) urgently repeal all export licences that are not fully in line with the Dual-Use Regulation and investigate the allegations of illegal exports, among others to Sudan;*
- (c) ensure that the authorities can freely and unhindered investigate all allegations of the use of spyware;*
- (d) urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;*
- (e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;*
- (f) reverse the legislative amendment of 2019 that placed the EYP under the direct control of the Prime Minister;*
- (g) urgently implement the Whistleblowers Directive;*
- (h) ensure the independence of the EAD leadership;*
- (i) urgently launch a police investigation following the alleged abuse of spyware and seize physical evidence of proxies, broker companies and spyware vendors that are linked to the spyware infections;*
- (j) invite Europol to immediately join the investigations*

**Full Draft report by PEGA rapporteur Sophie In't Veld:** <https://www.sophieintveld.eu/nl/pega-draft-report>

## ANNEX 4: RRF

### Anti-corruption and anti-fraud

From: European Commission: RR Scoreboard, Thematic analysis, Anti-corruption and anti-fraud<sup>143</sup>

*Allocation: EUR 10.4 million. Relevant components 4,2*

The Plan sets out measures to facilitate the fight against corruption, such as introducing legislative initiatives to combat corruption, strengthening the National Anti-Corruption Framework through targeted interventions in the fields of detection, prevention and raising awareness, enhancing the AML/CFT Framework and modernize institutional framework for state owned enterprises. The Plan also foresees the adoption of the new National Anti-Corruption Action Plan for the period 2022-2025, the implementation of the new law on Internal Controls in public administration, and the entry into force of a new legislation on asset declarations. In the anti-money laundering field, a new platform for the collection of statistical data will be launched and the special registry for the record-keeping of beneficial ownership information is to be improved. On state owned enterprises, the reform puts in place a modern legal framework for their operation and management in order to increase transparency.

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<sup>143</sup> [https://ec.europa.eu/economy\\_finance/recovery-and-resilience-scoreboard/assets/thematic\\_analysis/scoreboard\\_thematic\\_analysis\\_anti-corruption.pdf](https://ec.europa.eu/economy_finance/recovery-and-resilience-scoreboard/assets/thematic_analysis/scoreboard_thematic_analysis_anti-corruption.pdf)

## Rule of Law - Judicial systems

From: European Commission: RR Scoreboard, Thematic analysis, Rule of Law - Judicial systems.<sup>144</sup>

### *Allocation: EUR 122 million. Relevant component 4.3.*

The Greek plan comprises a number of measures aimed at enhancing the effectiveness and efficiency of the Greek Justice system by introducing a revision of the judicial map of the country, addressing infrastructure needs, adopting measures to increase the digital capacities of the Justice system, modernising the function of courts and setting up a judicial police. The projected revision of the judicial map will result in a rational reorganisation of judicial districts across Greece and the establishment, abolition or redistribution of judicial structures in these districts, based on objective criteria and on the extensive collection of data pertaining to all courts across the country. The plan contains a targeted investment for the construction and renovation of buildings that are part of the judicial system, closely linked with the revision of the judicial map, to maximise judicial efficiency and avoid unnecessary effort and expenses. Finally, the digital transformation of the Greek justice system is set out in a reform to increase the judiciary's IT capabilities with regard to the digitisation of documents, the enhancement of the record-keeping system of the courts, the simplification, standardisation and acceleration of procedures through digitalisation, and the interoperability of IT systems of

the courts with those of the Ministry of Justice, as well as other national and international authorities and/or databases.

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<sup>144</sup> [https://ec.europa.eu/economy\\_finance/recovery-and-resilience-scoreboard/assets/thematic\\_analysis/scoreboard\\_thematic\\_analysis\\_rule\\_of\\_law.pdf](https://ec.europa.eu/economy_finance/recovery-and-resilience-scoreboard/assets/thematic_analysis/scoreboard_thematic_analysis_rule_of_law.pdf)

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This study, written by the Policy Department for Citizens' Rights and Constitutional Affairs, at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, the Rule of Law and Fundamental Rights in Greece and how Article 2 TEU values are respected and implemented in the country.

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