

Vera Jourova

Vice-President and Commissioner for Values and

Transparency

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1049 Brussels

By email to: cab-jourova-contact@ec.europa.eu

Athens, 27th of April 2022

Subject: The state of the Rule of Law in Greece

Dear Vice-President Jourova,

We are writing to you to express our serious concerns with regards to the continuous deterioration of the state of the Rule of Law in Greece.

The signatories of this letter, which include Greek civil society organisations and independent media outfits, are deeply alarmed by the Greek Government's problematic approach to what we deem as core aspects of the rule of law, democracy and fundamental rights. These concerns of ours are well founded and as we are certain that you are aware, have to an extent been documented in a series of recent reports by international organisations and institutions including the European Commission.

As a response to this worrying phenomenon Vouliwatch, along with partner civil society organisations, took the initiative to set up an independent monitoring initiative called "[Govwatch](#)" which collects, records and reports cases of violations or suspected violations of the rule of law in Greece.

The list of violations of the rule of law in our country is, unfortunately, long and growing exponentially. During the course of 2021 in fact, we have recorded close to two hundred violations. Our reports look at issues such as: the legal immunity granted to the members of the Committees advising the government in relation to the pandemic; Greece's low rank in the freedom of the press index and the extensive litigation journalists are increasingly facing in so-called SLAPP cases;

issues with the submission and scrutiny of asset declarations; cases of unlawful police violence, non-compliance with EU regulations; the refoulement of refugees; the extensive use of last minute and irrelevant amendments in bills voted in Parliament and the prohibition of demonstrations.

More specifically we would like to draw your attention to the following areas which we believe paint a rather accurate picture of the gravity of the situation in Greece regarding the application of rule of law principles.

Press freedom & media independence

Press freedom and media independence is probably the area that has suffered the most in recent years. The highly partisan and non-transparent way in which funds were [distributed](#) to the Greek media by the government during the pandemic, the illegal surveillance by Greek secret services of journalists [Stavros Malichoudis](#) and [Thanasis Koukakis](#), the ever increasing number of [SLAPP cases](#) against journalists, the murder of [Giorgos Karaivaz](#) as well as the [death threats](#) against Kostas Vaxevanis all reveal that freedom of the press is in a dire state in the country.

The right to information

Decision-making transparency and access to information constitute two fundamental elements of a healthy, democratic system of governance. Unfortunately neither of them seem to be viewed as a priority by Greek authorities, who systematically and stubbornly [fail to meet their obligations](#) set by existing legislation and the Greek Constitution. This essentially renders the exercise of public oversight by journalists and civil society organizations a quasi-Herculean task, which more often than not discourages the pursuit of otherwise important investigations at the expense of transparency and political accountability.

The legislative process

Aiming at the adoption of rules for good and transparent legislation, Article 74 paragraph 5 of the Greek Constitution, as well as Articles 88-89 and 101 paragraph 5 of the Rules of Procedure of the Parliament stipulate that ministerial amendments to proposed bills must be submitted, at the latest, three days before the opening of the debate in the Plenary or the competent parliamentary committee. Late submissions can not be introduced for discussion or voting in Parliament. Despite the importance of these rules for democracy and the rule of law, in 2021 the Greek government submitted a large number of late amendments. According to [research conducted by Vouliwatch](#), from July 2019 to September 2021, a total of 377 amendments were tabled, of which 244, i.e. over 64%, were overdue. What is

more, the vast majority of these amendments, also in violation of the law, regulate issues unrelated to the main objects of the bills.

Whistleblowers protection

As you are aware, Greece has failed to transpose EU Directive 2019/1937 regarding the protection of whistleblowers. What is more, the Ministry of Justice has repeatedly [ignored civil society organisations' requests](#) for updates on the progress of the work of the relevant drafting committee, while at the same time refusing to meet with them to discuss their recommendations. It is also worth mentioning that in a recent report of the OECD (Implementing the OECD Anti-Bribery Convention), the Greek government falsely claims that it had extended an invitation to civil society to contribute, which went unanswered.

Finally, the draft bill was presented by the Minister of Justice in front of the Ministerial Council on the 9th of March 2022, however following heated reactions by members of the Cabinet the bill was withdrawn. To this day there is no indication as to when the bill will be submitted in Parliament and one can only speculate as to the reasons behind the Greek government's hesitation to complete the transposition of the regulation in question.

The Justice system

The Greek Justice system is plagued by delays in both the adjudication of cases and in the issuance of judgments, as well as by frequent changes to basic criminal legislation. Between 2019 and 2021 the provisions of the Penal Code have been extensively amended by at least 3 different laws. There are also a disturbing number of complaints of the infringement of [prisoners' rights](#), as well as reports of poor conditions in prisoners, for which Greece has been repeatedly condemned by the European Court of Human Rights (see the case of [Kargakis vs. Greece](#) for example).

Unlawful police violence

The excessive use of violence by the Greek police constitutes a perennial issue which Greek governments have repeatedly failed to adequately address. The pandemic unfortunately has further exacerbated this phenomenon leading to a surge of such cases. Reports by international organisations such as [Amnesty International](#) are indicative of the recent rise of unlawful police violence and abuse of power, while in 2021 alone at least thirty four such incidents have been [recorded](#) by journalists and civil society organisations. These mainly include excessive use of force and other human rights violations during demonstrations, the ill treatment of individuals arrested on suspicion of criminal offences, racial profiling, obstacles in

identifying perpetrators during demonstrations, and attacks on journalists covering protests. There is also a persisting [pattern of impunity](#) for law enforcement officials committing human rights violations. National and international human rights institutions have repeatedly [reported](#) and documented the failure of police and/or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice. Moreover, there is a failure to guarantee the right to an effective remedy.

Rights of refugees and asylum seekers

There is substantial evidence that asylum seekers and migrants are subject to [unlawful deportations](#) ("pushbacks"), including cases where migrants lawfully residing in Greece have been [apprehended in cities inland](#) and forcibly transferred to the border area and pushed across to Turkey.

Asylum seekers arriving to Greek territory are routinely denied access to due process under Greek and EU laws. There is evidence of *refoulement* of Turkish citizens, [including one](#) who also holds EU citizenship. There is also evidence that the actions of Greek officers amount to [cruel and degrading treatment](#), even [risking the lives](#) of asylum seekers at sea.

Greece's border areas have turned into de facto zones of unaccountability. Civil society actors and journalists are denied access to monitor the actions of border enforcement officials and hold them accountable. NGOs and their volunteers active in these regions have been persecuted on frivolous grounds. Journalists and photographers, the latest of whom is award-winning Norwegian photographer [Knut Bry](#), have been detained on 'espionage' charges.

Recent legislation, [in violation of EU law](#), imposes onerous requirements on any civil society activity in defense of migrant rights. According to intelligence agency documents [leaked to the media](#), a Greek civil servant was monitored due to her "active involvement in issues related to the migration issue and appears as a defender of labour and human rights of migrants, participating in campaigns with NGOs known for their delinquent behaviour."

Rights of third country nationals

Following the pandemic, the Greek state [failed to provide](#) an adequate procedure for the renewal of over 250,000 residence permits. As a consequence, there have been continuous extensions of the expired permits that cannot guarantee the access to several rights of immigrants that are residing lawfully in the country. More precisely, during the last two years, third country nationals have been 'trapped' either in Greece or abroad because external authorities do not allow them to travel

without holding a valid residence permit. They have also faced serious problems during their transactions with Greek public services and banks, which in some cases deprived them of social rights and benefits.

Furthermore, Law 4735/2020 along with the Ministerial Decision 29845/2021 brought essential changes to the naturalization process. The new prerequisite of the minimum adequate income per annum was adopted retrospectively including all pending applications. The retroactivity of this provision is not in line with the principle of legal certainty and ignores the unprecedented economic crisis that Greece has faced for over a decade. As a result, during the last months there has been a wave of rejections. The majority of third country nationals that have been living for decades in the country and are fully integrated in the society are now prevented from obtaining Greek citizenship.

At a time when the basic tenets of democracy and the rule of law are being increasingly challenged throughout the world, we believe that it is of paramount importance that the EU continues to stand true to its founding principles by ensuring that these are respected by all its Member States. The well-documented gradual democratic backsliding witnessed in Greece does not only constitute a real threat for Greek citizens but also for the very values that the EU stands for.

We therefore call upon you to take all necessary actions and send a strong political message that the EU is ready to stand up for every person residing in Greece and protect their rights by ensuring that the rule of law is respected.

Yours sincerely,

Stefanos Loukopoulos

Director, Vouliwatch

On behalf of the following organisations:

[Generation 2.0 RED](#)



[Hellenic League for Human Rights](#)



[HIAS Greece](#)



[HumanRights360](#)



[Inter Alia](#)



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[Simeio/Signal - Researching & Confronting the Far Right](#)



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