

---

JANUARY 2025

---

# STRUGGLE FOR ACCOUNTABILITY

THE STATE OF THE RULE OF LAW  
IN GREECE

# Table of Contents

<b>Cross-cutting rule of law issues in Greece</b> .....	<b>3</b>
Introductory remarks .....	3
Absence of accountability & attribution of responsibility to state officials.....	3
Predatorgate surveillance scandal .....	5
Enforced disappearance & violence against people seeking asylum .....	7
Police violence.....	9
Declining press freedom & intimidation of journalists.....	10
Breaches of data protection obligations by state authorities.....	10
<b>Justice system</b> .....	<b>15</b>
Independence.....	15
Independence/autonomy of the prosecution service .....	15
Quality of justice .....	26
Accessibility of courts.....	26
Court statistics and their transparency.....	29
Judicial map .....	30
Ineffectiveness of judicial review .....	30
Efficiency of justice.....	31
Length of proceedings .....	31
<b>Anti-corruption framework</b> .....	<b>35</b>
Prevention .....	35
Lobbying.....	35
Gifts policy.....	36
Asset declarations .....	37
Political party financing.....	39
Conflicts of interest in the public sector .....	39
Whistleblower protection .....	41
Public procurement.....	42
Publicity of data on political advisors .....	42
<b>Media freedom and pluralism</b> .....	<b>44</b>
Media authorities & bodies.....	44
Independence of media regulatory bodies .....	44
Safeguards & transparency of media ownership .....	44
Transparency of media ownership.....	44
Fair and transparent allocation of state advertising .....	45

Safeguards against political interference.....	45
Protection of journalists.....	46
Journalists' independence & safety .....	46
SLAPPs.....	48
Transparency and access to documents.....	49
<b>Checks &amp; Balances.....</b>	<b>52</b>
Legislative process.....	52
Public consultation of bills .....	52
Late & irrelevant amendments .....	54
'Omnibus' legislation.....	55
Recurrent amendment of laws & poor codification .....	56
Independent authorities.....	58
Hellenic Authority for Communication Security and Privacy (ADAE).....	58
Hellenic Data Protection Authority (DPA) .....	58
National Transparency Authority (NTA) .....	59
Obfuscated Migration Ministry mechanisms .....	61
Implementation of judgments .....	62
European Court of Human Rights .....	62
Court of Justice of the European Union .....	63
Domestic courts .....	64
Enabling framework for civil society .....	64
Registration requirements.....	64
Hostile environment & criminalisation .....	66
Dialogue & participation in decision-making .....	71

# Cross-cutting rule of law issues in Greece

## Introductory remarks

1. The Rule of Law Report is construed by the Greek government as a positive acknowledgement of the country's policy and practice on rule of law compliance, in striking dissonance with the findings, concerns and recommendations of core monitoring institutions of the international order e.g. United Nations, Council of Europe.
2. Following the release of the 2024 Rule of Law Report, the Greek Prime Minister stated before Parliament that "the report classifies Greece in the 9 countries, out of the 27, with the fewest recommendations".<sup>1</sup> At cabinet level, the Minister of Justice declared that "the systematic effort of the Greek government to constantly strengthen the rule of law is delivering and is officially and validly affirmed through the highest European institutional framework". The Deputy Minister of Justice stated that "this year's Rule of Law Report of the European Commission documents Greece's systematic progress towards institutional upgrade and further strengthening of Justice". For his part, the Government Spokesperson said that "the European Commission Report vindicates the government's efforts for more transparency, state flexibility, faster delivery of Justice and protection of Press freedom. It also comes as a resounding reply to those who systematically attempt to defame Greece abroad through fake news".<sup>2</sup>
3. In light of the above, we consider it essential for the Commission to approach the issues surrounding the rule of law in Greece from a different perspective. Given that one of the most critical problems in the country is the lack of adequate implementation of the law, less emphasis should be placed on the "efforts" and "intentions" expressed by officials. Instead, greater importance should be attributed to the actual state of affairs – or at least what appears to be occurring in practice. Regrettably, the reality, as we perceive it, suggests that violations of rule of law principles and values do not constitute isolated incidents.

## Absence of accountability & attribution of responsibility to state officials

4. The Greek justice system persistently fails to judicially scrutinise unlawful activities and arbitrary use of powers by the executive, and to attribute responsibility to state officials for criminal conduct. We continue to stress this issue as a cross-cutting concern transcending different rule of law pillars and markedly present in high-profile cases that continue to test the public's declining trust in the country's judiciary.<sup>3</sup>
5. Specifically, since the publication of the previous Rule of Law Report, the Greek justice system has:

---

<sup>1</sup> Greek Prime Minister, 'Ομιλία του Πρωθυπουργού Κυριάκου Μητσοτάκη στη Βουλή, στην επετειακή συνεδρίαση για την αποκατάσταση της Δημοκρατίας', 24 July 2024, [URL](#).

<sup>2</sup> Nomiki Bibliothiki, 'Κράτος δικαίου στην Ελλάδα: Θετική Έκθεση της Ευρωπαϊκής Επιτροπής – Στις εννέα χώρες με τις λιγότερες συστάσεις', 25 July 2024, [URL](#).

<sup>3</sup> European Commission, *Perceived independence of the national justice systems in the EU among the general public – Greece*, June 2024, [URL](#).

- ❖ Found no indications of wrongdoing on the part of the National Intelligence Service (*Εθνική Υπηρεσία Πληροφοριών*, EYP) under the competence of the Greek Prime Minister,<sup>4</sup> or any other public officer in the “**Predatorgate**” **surveillance scandal** and shelved the surveillance case as far as state officials are concerned (Supreme Court Prosecutor).<sup>5</sup>
- ❖ Refused by majority to judicially review the 2023 **amendment of the composition of two constitutionally established independent authorities**, one of which was actively involved in the investigation of the surveillance scandal, citing a lack of sufficient interest of the applicant, the Bar Association of Athens (Council of State).<sup>6</sup>
- ❖ Disclosed data demonstrating that over the past five years it has shelved a total of more than 200 investigations into allegations of **push backs and related human rights violations against refugees and migrants** and has not launched a single prosecution against public officials (Public Prosecutors & Naval Court Prosecutor). As highlighted by the European Court of Human Rights (ECtHR) in its landmark *A.R.E. v. Greece* judgment of 7 January 2025, no case has passed the preliminary examination stage, thereby giving rise to serious doubts as to the effectiveness of the criminal justice system.<sup>7</sup>
- ❖ Grossly delayed the retrieval of critical pieces of evidence on the circumstances **Tempi train crash**, nearly two years after the tragic incident that claimed 57 lives, at an increasing risk of rendering collection of critical evidence impossible and jeopardising the effectiveness of investigations. This includes persisting delays in confiscation of communication records despite prosecutorial orders issued as early as March 2023, and reports of missing camera footage of the commercial train from the visual material submitted to the authorities.<sup>8</sup>
- ❖ Concluded in late December 2024 the preliminary examination into the **Pylos shipwreck** that took place on 14 June 2023 (Naval Court Prosecutor), without summoning officials of the National Search and Rescue Coordination Centre (*Ενιαίο Κέντρο Συντονισμού Έρευνας και Διάσωσης*, EKSED), the Operations Centre and the leadership of the Hellenic Coast Guard, despite clear evidence in the case file pointing to responsibilities for all of the above. The Prosecutor summoned only the captain and crew members of the PPLS920 vessel and the members of the Special Missions Squad of the Hellenic Coast Guard for written explanations. On 23 December 2024, the lawyers representing the survivors and relatives of victims filed a request before the Naval Court Prosecutor, urging for prosecution and a thorough investigation and attribution of responsibility to the competent officers of EKSED and the Operations Centre and to their political supervisors. They

<sup>4</sup> Reporters United, ‘Παρακολουθήσεις ΕΥΠ: Σιωπή, ο βασιλιάς ακούει!’, 1 April 2022, [URL](#).

<sup>5</sup> Supreme Court Prosecutor, ‘Ανακοίνωση – Ενημέρωση σχετικά με τις υποκλοπές’, 30 July 2024, [URL](#).

<sup>6</sup> Council of State, 1639/2024 and 1641/2024, 1 November 2024.

<sup>7</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, para 198.

<sup>8</sup> News 24/7, ‘Τέμπη: Εξώδικο κατά των αστυνομικών αρχών για ηχητικά και βίντεο’, 16 January 2025, [URL](#); Kathimerini, ‘Τέμπη: Στο κενό η έρευνα για τα βίντεο του δυστυχήματος’, 15 November 2024, [URL](#); Avgi, ‘Τέμπη / Μετά από 21 μήνες κατασχέθηκε το καταγραφικό των συνομιλιών – Έρευνα για μονταζιέρα’, 13 November 2024, [URL](#).

were informed that the Head of the Naval Court Prosecutor's Office has referred the case file back to the Prosecutor who conducted the preliminary examination for further action.<sup>9</sup>

6. We analyse these issues in further detail in **Justice: Independence**.
7. Horizontal concerns about the lack of accountability of state officials in the justice system continued to be raised by key international bodies. The latest United Nations Human Rights Committee periodic report on Greece “regrets the lack of specific information on the measures taken to guarantee independent and impartial investigations and prosecutions of corruption cases, and on reports of public officials accused of corruption and the proceedings which they may have originated”,<sup>10</sup> “is also concerned about the lack of systematic investigations into allegations of pushbacks and lack of accountability”,<sup>11</sup> and urges Greece to “Ensure that all allegations of excessive use of force and ill-treatment by law enforcement officials are promptly and thoroughly investigated by an independent authority”.<sup>12</sup> The European Committee for the Prevention of Torture (CPT) has also stressed that “the evidence to date seems to highlight that no effective investigations have been carried out into allegations of violent forcible removals from Greece to Türkiye.”<sup>13</sup>

### **Predatorgate surveillance scandal**

8. 2024 was another year raising serious questions regarding the protection of the rule of law and the privacy of communications in the context of the surveillance scandal in Greece, both in respect of the wiretapping by EYP<sup>14</sup> and the illegal use of Predator spyware against targets in Greece.<sup>15</sup>
9. The qualitative upgrade of the concerns regarding violations of the rule of law in consideration of the “Greek Watergate” in 2024 lies in the systematic refusal of state authorities to implement existing legislation and at least one high court decision concerning the protection of the confidentiality of communications of an opposition leader, on the one hand, and in the criticism of the failure of the criminal justice system to resolve the case and shed light on the illegal use of Predator against journalists, members of the opposition and the Greek government, as well as high-ranking officials of the Greek Armed Forces, on the other.<sup>16</sup>

---

<sup>9</sup> RSA, ‘Closure of the preliminary investigation by the prosecution of the Piraeus Maritime Court on the Pylos shipwreck’, 23 December 2024, [URL](#).

<sup>10</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 7, [URL](#).

<sup>11</sup> *Ibid*, para 19.

<sup>12</sup> *Ibid*, para 16.

<sup>13</sup> CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023*, CPT/Inf (2024) 21, 12 July 2024, para 159, [URL](#).

<sup>14</sup> Govwatch, ‘MEP and opposition party leader Nikos Androulakis under surveillance by the National Intelligence Service’, 26 September 2022, [URL](#); ‘Illegal surveillance of a Facebook security executive by Predator and the National Intelligence Service’, 20 March 2023, [URL](#).

<sup>15</sup> Govwatch, ‘Illegal use of spyware against more than 20 targets in Greece’, 26 January 2023, [URL](#).

<sup>16</sup> Govwatch, ‘National Intelligence Service: Surveillance of six senior politicians and military officials’, 20 February 2022, [URL](#); ‘Foreign Minister Nikos Dendias surveilled with Predator

10. In 2024, the **Hellenic Authority for Communication, Security and Privacy** (Αρχή Διασφάλισης του Απορρήτου των Επικοινωνιών, ADAE), guaranteed under Article 19(2) of the Constitution, published its annual Activity Reports for 2022 and 2023.<sup>17</sup> The reports state that both EYP and the Special Violent Crime Squad (SVCS, also known as the Anti-Terrorism Department) of the Hellenic Police failed to communicate to the independent authority in a timely manner 7,125 prosecution orders to lift the confidentiality of communications for national security reasons.
- ❖ During 2022, EYP sent ADAE 717 orders concerning wiretaps related to 2021 wiretaps, while during the same year the SVCS sent 5,988 orders related to 2021 wiretaps.<sup>18</sup>
  - ❖ During 2023, EYP sent ADAE 322 orders related to 2022 wiretaps, while on the same year SVCS sent 98 orders related to 2022 wiretaps.
11. This constituted an unreasonably long time-lapse and, through this systematic delay, EYP and the SVCS effectively ensured in practice that ADAE was unaware of thousands of wiretaps whilst they were active, rendering any control thereof impossible.
12. The administrative stance of EYP and the SVCS runs counter to the legal framework on the procedure for lifting the secrecy of communications and specifically Article 8(2) L 5002/2022, per which such orders shall be delivered without delay to ADAE in the context of its powers<sup>19</sup> and its broader mission to protect, as well as Article 19 of the Constitution on the right to confidentiality of communications.<sup>20</sup>
13. In July 2024, Supreme Court Prosecutor Georgia Adeilini, appointed in July 2023, issued a statement concluding that based on an “abundance of evidence” assessed in the judicial investigation by Deputy Supreme Court Prosecutor Achilles Zisis, it is “irrefutably inferred that there was absolutely no involvement of the National Intelligence Service (EYP), the Anti-Terrorism Unit (DAEEB) and more broadly of the Hellenic Police (Ministry of Citizen Protection) or of any state official with the predator surveillance software or any similar state service software.” (see further **Justice: Independence**).<sup>21</sup>
14. In the meantime, EYP has failed to comply with the April 2024 judgment of the Plenary of the Council of State which ruled as unconstitutional the legislative provision that

---

spyware’, 29 November 2022, [URL](#); ‘Opposition leader Nikos Androulakis targeted with Predator spyware’, 2 August 2022, [URL](#); ‘An alleged attempt to surveil National Intelligence Service employees through Predator’, 10 September 2022, [URL](#).

<sup>17</sup> ADAE, *2022 Activity Report*, January 2024, [URL](#); *2023 Activity Report*, July 2024, [URL](#).

<sup>18</sup> Govwatch, ‘Security and Intelligence Agencies failed to inform ADAE about thousands of wiretaps in a timely manner’, 31 January 2024, [URL](#); ‘Hellenic Authority for Communication Security and Privacy (ADAE) report reveals issues related to the protection of the constitutionally guaranteed confidentiality of communications’, 31 January 2024, [URL](#).

<sup>19</sup> Article 6 L 3115/2003.

<sup>20</sup> Govwatch, ‘Security and Intelligence Agencies failed to inform ADAE about thousands of wiretaps in a timely manner’, 31 January 2024.

<sup>21</sup> Supreme Court Prosecutor, ‘Ανακοίνωση – Ενημέρωση σχετικά με τις υποκλοπές’, 30 July 2024, para 6, [URL](#).

prohibited the leader of the opposition party PASOK and former MEP Nikos Androulakis from being informed about his surveillance by EYP.<sup>22</sup>

## Enforced disappearance & violence against people seeking asylum

15. Greece's *de facto* policy of violent enforced disappearance of people seeking asylum continues unabated despite an abundance of evidence and criticism from all major human rights monitoring bodies at United Nations, Council of Europe and European Union level.
16. On 7 January 2025, the European Court of Human Rights (ECtHR) published its landmark judgment on *A.R.E. v. Greece* and its decision on *G.R.J. v. Greece*. The cases concerned alleged push backs occurring in Evros in 2019 and on Samos in 2020 respectively. The Court concluded, based on a large number of diverse and concurring sources of official reports, that it had "serious indications allowing for the presumption that there was at the time of the alleged facts" pointing to the existence of a systematic practice of push backs by the Greek authorities" both in Evros and on the islands, which the Greek government has failed to refute.<sup>23</sup> In the former case, represented by the Greek Council for Refugees (GCR), the Court accepted that the applicant had been removed from Greece to Türkiye before accessing an asylum procedure in what it described as a "manifest breach" of domestic and international law,<sup>24</sup> amounting to violation of Articles 3, 5 and 13 of the European Convention on Human Rights (ECHR).
17. Further fresh warnings to the Greek government and calls to immediately cease this unlawful practice include:
  - ❖ The United Nations Human Rights Committee which stated in its November 2024 periodic report that "it remains gravely concerned about multiple reports of "pushbacks" at Greece's sea and land borders; in violation of the principle of non-refoulement. In this regard, the Committee is deeply concerned by allegations of excessive use of force, ill-treatment, incommunicado detention, and the lack of procedural and legal guarantees, in the context of pushback operations, as well as the detention of third-country nationals in pre-removal detention centres without any tangible prospect of return."<sup>25</sup>
  - ❖ The United Nations Committee on the Elimination of Racial Discrimination (CERD) which expressed concerns in its December 2024 periodic report at "Reported incidents of pushback and forced return in the sea and land border of migrants and asylum seekers in need of international protection, in violation of the principle of non-refoulement, by law enforcement agencies, while deploying excessive and

---

<sup>22</sup> Council of State, Decision 465/2024, 5 April 2024. This is in contravention of state authorities' duty with judgments of administrative courts under Article 95(5) Constitution and Article 50(4) PD 18/1989. See also Nomiki Bibliothiki, 'Σε θρίλερ εξελίσσεται η σχέση ΑΔΑΕ – ΕΥΠ για την υπόθεση Ανδρουλάκη', 7 June 2024, [URL](#).

<sup>23</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, paras 226-229; *G.R.J. v. Greece*, App No 15067/21, 7 January 2025, paras 187-190.

<sup>24</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, para 282.

<sup>25</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 19.



use of force, cruel, inhuman and degrading treatment and arbitrary detention without minimum and legal guarantees, and leading to death and injuries of migrants and asylum seekers".<sup>26</sup>

- ❖ The CPT, which "again received many consistent and credible allegations of persons pushed back, often violently, across the Evros river or at sea to Türkiye" upon its last visit to Greece.<sup>27</sup> Specifically, "the delegation received several allegations dating from mid-October to early November 2023 in relation to pushbacks across both land and sea borders. Many allegations obtained in different locations from various unrelated individuals, including unaccompanied and separated children, corroborated the detailed descriptions and stories received elsewhere."<sup>28</sup>
- ❖ The Frontex Fundamental Rights Officer (FRO), *inter alia* in a final Serious Incident Report (SIR) of 18 September 2023, following its own independent investigation regarding allegations in a 19 May 2023 New York Times report.<sup>29</sup> The Frontex FRO "established beyond doubt that the twelve migrants were on 11/4/2023 subjected to ill treatment and pushed back from... Lesbos to Turkey. The pushback was beyond doubt carried out by the Hellenic Coast Guard assets, including a Frontex co-financed CPB 617, which had brought the migrants into Turkish territorial waters and abandoned them adrift in a life-raft".<sup>30</sup>
- ❖ The Greek Ombudsman and the Greek National Commission for Human Rights (Εθνική Επιτροπή για τα Δικαιώματα του Ανθρώπου, GNCHR), in a third party intervention in the aforementioned *A.R.E. v. Greece* and *G.R.J. v. Greece* cases before the ECtHR. The GNCHR noted that push backs "do not constitute an occasional and irregular phenomenon" but "have developed the pattern of a systematic and organized operation", while the Ombudsman stated that "unlawful pushbacks at land and sea borders present features that do not correspond or correlated to an isolated phenomenon". The Ombudsman also reminded in the latest report of the National Mechanism for the Investigation of Arbitrariness Incidents that "The complaints submitted in relation to unlawful push backs are a strong indication of a broader phenomenon".<sup>31</sup>
- ❖ The Recording Mechanism of Incidents of Informal Forced Returns of the GNCHR, which detailed in its latest annual report that the total number of victims of push back incidents reported to the Recording Mechanism throughout 2023 was at least 1,438 people, including at least 158 women, 190 children and 41 people with

---

<sup>26</sup> CERD, *Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Greece*, CERD/C/GRC/CO/23-4, 13 December 2024, para 26(g), [URL](#).

<sup>27</sup> CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023*, CPT/Inf (2024) 21, 12 July 2024, para 154.

<sup>28</sup> *Ibid.*

<sup>29</sup> New York Times, 'Greece Says It Doesn't Ditch Migrants at Sea. It Was Caught in the Act', 19 May 2023, [URL](#).

<sup>30</sup> Frontex, *Final SIR Report*, SIR 12070/2023, 18 September 2023, [URL](#).

<sup>31</sup> Ombudsman, *ΕΜΗΔΙΠΑ | Ετήσια Έκθεση 2023*, 20 August 2024, 61, [URL](#).

special health needs.<sup>32</sup> The Recording Mechanism considers that its recordings of push backs “are limited only to what is commonly known as the tip of the iceberg”.<sup>33</sup> The GNCHR relied on the data of the Recording Mechanism in its intervention before the ECtHR in *A.R.E. v. Greece* and *G.R.J. v. Greece*.<sup>34</sup>

18. Throughout 2024, GCR successfully filed for interim measures before the ECtHR under Rule 39 of the Rules of Court in 56 cases of asylum seekers that arrived in the Evros region, following unsuccessful written interventions made by GCR towards the Greek authorities to locate and rescue these particular groups of people and to provide them access to reception, identification and asylum procedures; the authorities either did not respond to the requests or replied that they could not locate said persons.<sup>35</sup>
19. In total, from March 2020 to December 2024, GCR has filled 96 applications for Rule 39 interim measures corresponding to more than 1,100 applicants. The ECtHR has granted the requested interim measures in all cases. Despite the Court’s order to the Greek government not to remove the asylum seekers from Greek territory and to provide them with food, water and adequate medical care:
  - In 49 of the 96 cases, people complained to GCR that they were pushed back to Türkiye;
  - In 26 of the 96 cases the persons went missing after the Court’s decision and GCR is not aware of their whereabouts; and
  - In the remaining 23 cases, the persons were formally arrested by the Greek authorities.
20. Contrary to the above reports, however, the Ministry of Migration and Asylum has conveyed to the Commission an “apparent shift and reduction in the number of alleged pushback incidents, also acknowledged by the MoMA FRO”, without providing any further explanation or basis for such a claim.<sup>36</sup>

## Police violence

21. More broadly, incidents of police violence and misconduct in Greece have increased in recent years, with authorities often dismissing them as “isolated” or “proportionate use of force.” The National Mechanism for the Investigation of Arbitrary Incidents under the Greek Ombudsman has investigated over 1,200 cases in the last five years but acknowledges that these represent only a fraction of the problem.<sup>37</sup> Reports from international organisations and human rights bodies highlight a persistent culture of impunity and state inaction in addressing police misconduct. The GNCHR has spoken

---

<sup>32</sup> NCHR, *2023 Annual Report of the Recording Mechanism of Incidents of Informal Forced Returns*, June 2024, 10, [URL](#).

<sup>33</sup> *Ibid*, 70.

<sup>34</sup> GNCHR, *Third party intervention in G.R.J. v. Greece and A.E. v. Greece*, March 2024, [URL](#).

<sup>35</sup> GCR, *Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks*, 31 December 2024, [URL](#).

<sup>36</sup> European Commission, *Report on the visit of Commissioner Johansson to Greece on 8 January 2024*, Ares(2024)487089, 22 January 2024.

<sup>37</sup> According to the annual reports of the National Mechanism for the Investigation of Arbitrary Incidents, beyond the cases that fell outside the Mechanism’s jurisdiction, 296 cases were investigated in 2017-2018, 196 cases in 2019, 253 cases in 2020, 292 cases in 2021, and 204 cases in 2022: HLHR, *Police Brutality and Fundamental Rights. An overview of police arbitrariness in Greece*, September 2024, 8, [URL](#).

of “repeated incidents of violence” that “reinforce an endemic culture of impunity”.<sup>38</sup> The CPT has pointed out since 2016 that “despite overwhelming evidence to the contrary, the Greek authorities refuse to accept that mistreatment constitutes a serious problem in Greece”.<sup>39</sup> In 2020, the CPT once again expressed its deep concern, stating that “ill-treatment by the police remains a frequent practice throughout Greece and that the current system of investigations into allegations of ill-treatment cannot be considered effective”.<sup>40</sup> Despite public and international criticism, police impunity and misconduct remain prevalent, undermining democracy and the rule of law in Greece. The problem is systemic, and addressing it requires more than dismissing cases as isolated incidents.

22. In its *Panayotopoulos v. Greece* judgment of 23 January 2025, the ECtHR condemned Greece for breach of the prohibition on torture, inhuman or degrading treatment on both substantive and procedural aspects, in relation to ill-treatment of three applicants of Roma ethnicity by police officers in 2016 and to the state's failure to perform an effective investigation into the incident.<sup>41</sup> Importantly, the Court also found a violation of the prohibition on discrimination in connection to the ineffectiveness of investigations on account of the authorities' failure to demonstrate any steps taken to seek to determine any racist motivation for the perpetrators' actions.<sup>42</sup>

### **Declining press freedom & intimidation of journalists**

23. Greece continues to face several challenges regarding press freedom. For the third year in a row, Greece came last among EU countries in the Reporters Without Borders' (RSF) 2024 World Press Freedom Index.<sup>43</sup> Greece now ranks 88th out of 180 countries.
24. “Press freedom has suffered a systemic crisis since 2021. The scandal of the wiretapping of journalists by the National Intelligence Service (EYP) has yet to be cleared up, as is the case regarding the murder of veteran crime reporter Giorgos Karaivaz in 2021. SLAPP procedures are common and a journalist was arbitrarily convicted of spreading fake news in 2023”, RSF pointed out regarding the current situation of press freedom in Greece.
25. We analyse these issues in further detail in [Media Freedom & Pluralism](#).

### **Breaches of data protection obligations by state authorities**

26. In 2024, ensuring compliance with the fundamental right to data protection by state authorities remained a significant challenge in Greece. The [Hellenic Data Protection Authority](#) (Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα, DPA) conducted

---

<sup>38</sup> GNCHR, ‘Δήλωση με αφορμή τις πρόσφατες καταγγελίες περί αναίτιολόγητης χρήσης βίας από την Ελληνική Αστυνομία και τις εξαγγελίες του Υπουργού Προστασίας του Πολίτη περί χρήσης καμερών σε επιχειρήσεις της’, January 2020, [URL](#).

<sup>39</sup> CPT, *Report to the Greek Government on the Visits to Greece by the CPT from 13 to 18 April and from 19 to 25 July 2016*, CPT/Inf (2017) 25, 26 September 2017, para 62, [URL](#).

<sup>40</sup> CPT, *Report to the Greek Government on the Visit to Greece by the CPT from 28 March to 9 April 2019*, CPT/Inf (2020) 15, 9 April 2020, para 7, [URL](#).

<sup>41</sup> ECtHR, *Panayotopoulos v. Greece*, App No 44758/20, 23 January 2025.

<sup>42</sup> *Ibid*, para 160-161.

<sup>43</sup> Reporters Without Borders, *2024 World Press Freedom Index*, [URL](#).

investigations and issued decisions on a broad range of topics, imposing substantial fines on Greek ministries and the Hellenic Police for violations of their data protection obligations under the Greek Data Protection Act,<sup>44</sup> implementing the General Data Protection Regulation (2016/679, GDPR) and the Law Enforcement Directive (2016/680, LED) within the Greek legal framework. The following section provides a concise chronological analysis of the relevant DPA decisions.

27. **CENTAUR & HYPERION case on migration surveillance apparatus:** Decision 13/2024 of the DPA is related to the border management systems CENTAUR and HYPERION managed by the Ministry of Asylum and Migration.<sup>45</sup> CENTAUR is a surveillance system deployed in the Closed Controlled Access Centres (CCAC) on the islands, aimed at managing the electronic and physical security around and inside these spaces. The system is composed of different technologies, including CCTV cameras, drones and artificial intelligence behavioural analytics algorithms.<sup>46</sup> HYPERION is a multi-purpose information and communications technology system, used as the main tool for controlling access (entry and exit) to the abovementioned facilities by processing biometric data (fingerprints).<sup>47</sup>
28. The DPA decision was issued in April 2024, following a two-year- investigation.<sup>48</sup> The DPA highlights that the Ministry of Migration and Asylum failed to conduct a comprehensive and coherent Data Protection Impact Assessment (DPIA) in accordance with the principles of data protection by design and by default, prior to the procurement and implementation of the CENTAUR and HYPERION systems. According to the Decision, this constituted a breach of Articles 25 and 35 GDPR and the DPA imposed a fine of €100,000 for this violation.<sup>49</sup>
29. The DPA also determined that communication and cooperation with the Ministry were highly problematic. The documents presented to the DPA were vague, incomplete, inconsistent, and contradictory. Furthermore, the Ministry declined to provide the DPA with contracts involving data processors that included clauses pertaining to personal data processing in the CENTAUR and HYPERION systems, citing reasons of confidentiality under Article 28 GDPR. The Ministry further failed to clarify the data processing activities conducted within the scope of CENTAUR, including its automated functionalities and its interoperability with HYPERION and other public-sector systems, such as those managed by the Hellenic Police for criminal matters.<sup>50</sup> As a result, the DPA imposed an additional fine of €75,000 on the Ministry for breaching Article 31 of
- 
- <sup>44</sup> L 4624/2019, Gov. Gazette A' 137/29.08.2019.
- <sup>45</sup> DPA, Decision 13/2024: 'Ministry of Migration and Asylum receives administrative fine and GDPR compliance order following an own-initiative investigation by the Hellenic Data Protection Authority', 3 April 2024, [URL](#).
- <sup>46</sup> Ministry of Digital Governance, Digital Transformation Bible 2020-2025, June 2021, [URL](#); Σύστημα KENTAΥΡΟΣ, December 2023, [URL](#).
- <sup>47</sup> *Ibid*; Ministry of Digital Governance, Σύστημα ΥΠΕΡΙΩΝ, December 2023, [URL](#).
- <sup>48</sup> The investigation was initiated by a request submitted by a coalition of civil society organisations and academics, namely the Hellenic League for Human Rights, HIAS Greece, Homo Digitalis and the academic Niovi Vavoula.: Homo Digitalis, 'The Hellenic DPA is requested to take action again the deployment of ICT systems IPERION & KENTAΥΡΟΣ in facilities hosting asylum seekers in Greece', 18 February 2022, [URL](#).
- <sup>49</sup> DPA, Decision 13/2024, 3 April 2024, 47.
- <sup>50</sup> Eleftherios Chelioudakis, 'Greek Ministry of Asylum and Migration face a record-breaking €175,000 fine for the border management systems KENTAΥΡΟΣ & HYPERION', 17 April 2024, [URL](#).

the GDPR, bringing the total penalty to €175,000.<sup>51</sup> Finally, the DPA mandated that the Ministry take all necessary measures to fulfil its obligations as a data controller within three months.<sup>52</sup>

30. **MEP Asimakopoulou case on unsolicited political communication via email:** In the period March-April 2024, the DPA received a large number of complaints by Greek expats regarding unsolicited political communication, titled “100 days before the European Elections,” sent via email on 1 March 2024 by New Democracy (European People’s Party) MEP Anna-Michelle Asimakopoulou.<sup>53</sup> Following these complaints, the DPA launched an *ex officio* investigation into the matter, utilising its investigative powers and examining the entities involved. Through a series of on-site inspections and the collection of evidence during the investigation, it was found that a file containing personal data of all registered overseas voters for the June 2023 elections – managed by the Ministry of Interior as the data controller – was distributed outside the Ministry, despite existing legislation prohibiting any such transfer to recipients outside the Ministry. This file included not only the usual information from the electoral rolls but also email addresses and phone numbers of overseas voters, which are explicitly excluded from being provided to recipients of electoral roll copies.<sup>54</sup>

31. The file in question was created on 8 June 2023, for internal use within the Ministry of Interior concerning electoral procedures. It was concluded that the leak occurred between 8 and 23 June 2023, as it was proven that by 23 June 2023 the file had been transferred to then Secretary for Overseas Greeks of the New Democracy party, Nikos Theodoropoulos, by a sender whose identity and role remain unidentified. According to Theodoropoulos’ claims, the file was intended for use in analysing election results. On 20 January 2024, the file was sent by Mr Theodoropoulos to Ms Asimakopoulou who subsequently processed the file originating from the Ministry of Interior to send emails to all voters listed within it. Ms Asimakopoulou’s email did not include the information required by Article 14 GDPR to inform recipients, particularly regarding the source of their personal data.<sup>55</sup>

32. Regarding the Ministry of Interior, Decision 16/2024 of the DPA highlighted that the leak of a file intended exclusively for internal use constitutes a breach of personal data confidentiality and thus a violation of data protection regulations. During the DPA’s audit of the Ministry, deficiencies were identified in its data protection procedures and policies, shortcomings in the investigation of the incident, and unsubstantiated disclosures about the incident’s circumstances. Additionally, inaccuracies and gaps were found in the records of activities maintained by the Ministry. As for Ms Asimakopoulou, the DPA found that collecting personal data of overseas voters, including electronic communication details, and using them for political communication violated the fundamental principles of legality, fairness, and

---

<sup>51</sup> DPA, Decision 13/2024, 3 April 2024, 47.

<sup>52</sup> *Ibid.*

<sup>53</sup> DPA, Decision 16/2024: ‘Επιβολή προστίμου και εντολή συμμόρφωσης σε Ευρωβουλευτή και στο Υπουργείο Εσωτερικών κατόπιν διαρροής αρχείου προσωπικών δεδομένων’, 27 May 2024, [URL](#).

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

transparency of data processing. This conduct also contravened electoral laws and could not reasonably be expected by the data subjects (overseas voters).<sup>56</sup>

33. The DPA imposed an administrative fine of €400,000 on the Ministry of Interior, as the data controller, for violations of Articles 5, 25, 30, 32, and 33 GDPR. It also mandated actions to ensure compliance with GDPR measures and procedures within a specified timeline. The DPA emphasised that the identified violations were unrelated to the voting process itself. An administrative fine of €40,000 was imposed on Anna-Michelle Asimakopoulou, as the data controller, for violations of Articles 5, 6, and 14 GDPR. The DPA also ordered the deletion of the data in question. As for New Democracy and Mr Theodoropoulos, the DPA postponed its decision, as Mr Theodoropoulos, after the hearing and submission of written statements, provided a sworn affidavit regarding how he came into possession of the electoral rolls. This new critical evidence necessitated further investigation into the claims presented.<sup>57</sup> The DPA issued a follow-up decision, Decision 38/2024, which imposed a total fine of €60,000 due to non-compliance by Mr Theodoropoulos, Mr Koromilas, and the New Democracy political party.<sup>58</sup>

34. **New identity cards case:** In October 2023, the DPA initiated an investigation into the Ministry of Citizen Protection regarding the process of issuing new ID cards for Greek citizens. The DPA identified several deficiencies in the provision of general information to data subjects. Specifically, for over five months, the Ministry had failed to publish any informational materials on its website regarding the data processing activities related to the issuance of the new ID cards. Furthermore, the DPA discovered that the required Data Protection Impact Assessment (DPIA) was conducted late and was inadequate.<sup>59</sup> Additionally, the electronic chip in the new ID cards contained personal data without a proper legal basis, including the surnames of the data subject's mother and father, the subject's municipality, the municipality number, and the place of issuance of the ID card.<sup>60</sup>

35. As a result, the DPA imposed an administrative fine of €150,000 on the Ministry of Citizen Protection, as the data controller, for these violations. The DPA also issued a compliance order, requiring the Ministry to take corrective action within six months. Finally, the Authority emphasised the Ministry's obligation to update and codify the legal framework governing the details of the new type of identity card for Greek citizens.<sup>61</sup>

36. **Ministry of Climate Crisis and Civil Protection case:** In May 2023, the DPA launched an investigation into the appointment and role of Data Protection Officers (DPOs) across 31 public sector entities in Greece. This investigation was part of a larger initiative

---

<sup>56</sup> DPA, 'Δελτίο Τύπου - Επιβολή προστίμου και εντολή συμμόρφωσης σε Ευρωβουλευτή και στο Υπουργείο Εσωτερικών κατόπιν διαρροής αρχείου προσωπικών δεδομένων', 27 May 2024, [URL](#).

<sup>57</sup> *Ibid.*

<sup>58</sup> DPA, Decision 38/2024, 'Επιβολή διοικητικών κυρώσεων σε πολιτικό κόμμα και δύο στελέχη του για μη νόμιμη χρήση αρχείων εκλογικών καταλόγων και έλλειψη μέτρων προστασίας δεδομένων', 22 October 2024, [URL](#).

<sup>59</sup> DPA, Decision 32/2024: 'Απόφαση για το νέο τύπο δελτίων ταυτότητας των Ελλήνων πολιτών', 23 September 2024, [URL](#).

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

coordinated by the European Data Protection Board (EDPB), aimed at evaluating DPO appointments and their implementation across EU Member States. As part of this process, the DPA sent a standardised questionnaire to the 31 selected public entities, including the Ministry of Climate Crisis and Civil Protection, to assess their compliance with the relevant regulations.<sup>62</sup>

37. However, the Ministry of Climate Crisis and Civil Protection had not appointed a DPO since its establishment, which itself was in clear non-compliance with the GDPR. Additionally, the Ministry failed to respond to the DPA's questionnaire within the set deadline. Upon further inspection, the DPA discovered several other instances of non-compliance with key GDPR provisions. These included violations related to transparency, data protection by design and by default, and the security of processing, among others.<sup>63</sup>
38. As a result of these multiple breaches, the DPA imposed a total fine of €50,000 on the Ministry for violating several articles of the GDPR, specifically Articles 5 (Principles relating to the processing of personal data), 12 (Transparent information, communication, and modalities for the exercise of the rights of the data subject), 25 (Data protection by design and by default), 30 (Records of processing activities), 31 (Cooperation with the supervisory authority), 32 (Security of processing), and 37 (Designation of Data Protection Officer).<sup>64</sup>

---

<sup>62</sup> DPA, Decision 43/2024: 'Μη ορισμός ΥΠΔ, μη συνεργασία με την Αρχή και έλλειψη συμμόρφωσης με τον ΓΚΠΔ', 27 November 2024, [URL](#).

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

# Justice system

## Independence

### Independence/autonomy of the prosecution service

39. We reaffirm our concerns that Greece flouts the independence, impartiality and effectiveness standards required by Articles 2 and 4 of the Charter of Fundamental Rights – and corollary provisions of the European Convention on Human Rights (ECHR) – as regards criminal investigations into unlawful conduct by state officials, the sole appropriate process to identify, try and punish perpetrators and to deliver justice to the victims concerned. These systemic deficiencies remain open in supervision of **Implementation of ECtHR Judgments** and lead to fresh condemnations of the Member State from the Strasbourg Court in January 2025 in *A.R.E. v. Greece* and *Panayotopoulos v. Greece*.
40. Specific examples of prosecutorial practice across different areas are provided below:
41. **Tempi train accident:** In November 2024, 21 months after the 28 February 2023 train crash that claimed 57 lives, reports noted that the audiovisual material that had been submitted to the Forensic Science Division (Διεύθυνση Εγκληματολογικών Ερευνών, DEE) of the Hellenic Police did not include footage of the loading and departure of the commercial train at the Thessaloniki train station. The Supreme Court Prosecutor ordered an urgent investigation into the reasons for this omission.<sup>65</sup>
42. On 30 December 2024, the son of the Court of Appeal Prosecutor (Εισαγγελέας Εφετών) of Larissa in charge of the Tempis investigation went missing<sup>66</sup> and has not been located at the time of writing. On 3 January 2025, the Supreme Court Prosecutor issued a public statement expressing “dismay and outrage at efforts of a part of the press to connect or correlate in any way this incident to the exercise of prosecutorial functions by the colleague and mother of the person being searched.”<sup>67</sup>
43. **“Predatorgate” surveillance scandal:** In July 2024, Supreme Court Prosecutor Georgia Adeilini, appointed in July 2023, issued a statement on the outcome of the judicial investigation into the **Predatorgate surveillance scandal** conducted by Deputy Supreme Court Prosecutor Achilleas Zisis,<sup>68</sup> amid media reports of an attempted judicial cover-up of the scandal.<sup>69</sup> In this press release, Ms Adeilini pointed out that the procedure laid down in the law was strictly followed as regards the process for lifting the confidentiality of communications by the EYP Prosecutor, Vasiliki Vlachou, which

---

<sup>65</sup> News 24/7, ‘Τέμπη: Έρευνα για τα βίντεο που εστάλησαν στον ανακριτή’, 18 November 2024, [URL](#).

<sup>66</sup> To Vima, ‘Λάρισα: Αγωνία για τον 39χρονο γιο της εισαγγελέως των Τεμπών’, 4 January 2025, [URL](#).

<sup>67</sup> Supreme Court Prosecutor, ‘Ανακοίνωση’, 3 January 2025, [URL](#).

<sup>68</sup> Supreme Court Prosecutor, ‘Ανακοίνωση – Ενημέρωση σχετικά με τις υποκλοπές’, 30 July 2024.

<sup>69</sup> Reporters United, ‘Πώς ο Άρειος Πάγος ματαιώσε την αποκάλυψη της σχέσης κυβέρνησης – Predator’, 24 October 2023, [URL](#).



*inter alia* does not require the inclusion of a specific justification. Ms Adeilini maintained that the relevant legal provisions, first established under L 2225/1994, were continuously followed until the entry into force of L 5002/2002. The Supreme Court Prosecutor also stated in her statement that the law “does not require the provision of specific justification for the lifting of secrecy for reasons of national security”, in “the spirit of the Court of Justice of the European Union”.

44. The Supreme Court Prosecutor concluded that “from the aforementioned abundance of evidence it is irrefutably inferred that there was absolutely no involvement of the National Intelligence Service (EYP), the Anti-Terrorism Unit (DAEEB) and more broadly of the Hellenic Police (Ministry of Citizen Protection) or of any state official with the predator surveillance software or any similar state service software.”<sup>70</sup> She further added that “in no other country was there such a thorough (Judicial) investigation – involving in fact three Independent Authorities – on a similar case”.<sup>71</sup>
45. However, influential legal scholars have persuasively refuted the legal conclusions reached by the Supreme Court Prosecutor.

- ❖ ADAE President, Mr Christos Rammos, published a scholarly article opining that prosecutorial orders to lift the secrecy of communications of a citizen for national security reasons, either by EYP or by the SVCS, should be issued based on specific justification, given that the Prosecutor must not act unreasonably or arbitrarily.<sup>72</sup> The article also presented the full reasoning of the CJEU judgment cited by the Supreme Court Prosecutor (C-349/21), which in fact provided that the specific reasons on the basis of which the competent court held that the requirements of the law were satisfied, in the light of the factual and legal circumstances of the case, can be readily and accurately deduced from a combined reading of the

---

<sup>70</sup> Supreme Court Prosecutor, ‘Ανακοίνωση – Ενημέρωση σχετικά με τις υποκλοπές’, 30 July 2024, para 6.

<sup>71</sup> *Ibid*, para 10.

<sup>72</sup> Snytagmawatch, ‘Οι διατάξεις άρσης του απορρήτου των επικοινωνιών για λόγους εθνικής ασφάλειας είναι νόμιμες εξ ορισμού ή είναι απλώς κατ’ αρχήν νομότυπες, ελέγξιμες όμως, περαιτέρω, ως προς την καθ’ όλα νομιμότητά τους;’, 5 August 2024, [URL](#). The article elaborates that a lack of oversight can lead to arbitrariness, which is unacceptable under the rule of law and the Greek Constitution, the Charter of Fundamental Rights and the ECHR, and that it must be possible to verify on the basis of the elements and criteria laid down by the Constitution and the laws associated with it, the reason for which the measure to lift the secrecy of communications was imposed, even in cases where it was imposed for reasons of national security. In order to ascertain whether the Public Prosecutor has not in fact acted arbitrarily or in breach of the general constitutional rule of the principle of proportionality, the tried and tested legal and political tool of reasoning is also necessary in this case, the article explains. State institutions, both administrative and judicial, are therefore obliged to give reasons for every administrative act, especially when restrictions are imposed on the individual rights of citizens. Finally, the article notes, this obligation derives both from the general concept of the rule of law and the principle of legality and from the principle of respect for human dignity which impose on state institutions the obligation to ensure, for the benefit of the governed, the faithful application of the laws, the protection of the goods legally acquired by them, as well as the respect and promotion by all appropriate means of the trust of the governed in the law. The article adds that the necessary justification for lifting the secrecy of communications of a citizen, even for reasons of national security, must be “spelled out”, as it is inconceivable that the ‘justification’ of such an invasive measure against a fundamental freedom should be a decision based on reasoning only in the mind of the Prosecutor at the time of signing the relevant order.

decision and the application for authorisation and provided that, after the authorisation has been granted, the person against whom the use of special information-gathering techniques was authorised is given access to the original application. Based on the above, the EYP Prosecutor should specify the reasoning for the prosecutorial provisions, that is to say, the establishment by the EYP Prosecutor of the existence and the relevant facts that led to the issuance of the prosecutorial order and that constitute the conditions for its issuance.

- ❖ Emeritus Professor of Constitutional Law at the Law School of the University of Athens, Mr Nikos Alivizatos, also expressed views in a scholarly article that opposed the content of Ms Adeilini's statement on the surveillance case: "When among the people being surveyed – and for two years, too – we see the name of a top judicial official (who actually sits in the office beside that of Zisis) and when the prime minister himself has stated that [opposition leader] Androulakis should never have been put under surveillance, we must ask why Adeilini appears so ready to adopt the opinion that there was absolutely nothing legally amiss with the phone taps that were ordered. All the more so when she erroneously invokes a decision of the European Court of Justice on the same matter. Responding to a pretrial question by a Bulgarian criminal court, the EU court in Luxembourg did indeed rule that authorizations to lift confidentiality do not need to be justified. It clarified, however, that this is only on the condition that there has been a "reasoned request submitted by the appropriate authorities" (to which the interested party may also be privy) and from which 'the reasons for granting that authorization can be reliably ascertained' (C-349/21)."<sup>73</sup>
- ❖ Professor at the Law School of the University of Athens, Antonis Karampatzos, also referred to the same issue in an article, stating that Ms Adeilini's Office was the first to state that the Prosecutor's office was legally justified from the outset, despite the fact that in May 2023 the Prime Minister and political head of the EYP himself had categorically stated that "Mr Androulakis is not a danger to national security and should never have been put under surveillance". The reference by the Supreme Court Prosecutor to Case C-349/21 of the CJEU in her attempt to support her position, is inaccurate: As colleagues N. Alivizatos and N. Papaspyrou have already rightly pointed out, the CJEU has already rightly held that the provisions for lifting confidentiality need not be justified, provided, however, that a "reasoned and detailed request from the competent authority" has been submitted beforehand, from which "the reasons for the monitoring can be readily deduced" and to which the person concerned may subsequently have access.<sup>74</sup>
- ❖ Professor Karampatzos also pointed out that "the citizens of the country do not yet know, although they have a right to know, whether top ministers or the Chief of Defence Staff were indeed a danger to national security or, on the contrary, whether they were unfairly monitored - which is the most likely - and why this happened. Moreover, victims of surveillance cannot have access to the data in the file concerning them and this, despite the recent relevant decision of the

---

<sup>73</sup> Kathimerini, 'Άρθρο Νίκου Αλιβιζάτου στην «Κ»: Η αποθέωση της υποκρισίας', 31 July 2024, [URL](#).

<sup>74</sup> Ta Nea, 'Η σκιά μεγαλώνει', 1 August 2024, [URL](#).

Plenary of the Council of State (no. 465/2024), which the EYP itself essentially refuses to comply with".<sup>75</sup>

46. The position of the Supreme Court Prosecutor to the effect that the “abundance of evidence” assessed by the judicial investigation “irrefutably” led to the conclusion that there was no involvement of EYP or any state agency with the Predator spyware has also been challenged. The certainty of such a conclusion is questionable, given that absence of any explanation for the overlap of multiple victims of EYP wiretapping and Predator surveillance,<sup>76</sup> other than mere coincidence.<sup>77</sup> In addition, multiple media reports have established that, during his investigation, Deputy Supreme Court Prosecutor Achilleas Zisis failed to summon witnesses and individuals who could contribute crucial information on the case and their involvement in the wiretapping scandal.<sup>78</sup>
47. **Enforced disappearance of people seeking asylum:** Criminal investigations into allegations of severe human rights violations by officers of the Hellenic Police and Hellenic Coast Guard, namely killings, (attempted) push backs, ill-treatment and failure to rescue people in distress, are still marred by systemic deficiencies yet to be meaningfully addressed despite numerous ECtHR condemnations and an increasing number of pending cases against the Member State, related *inter alia* to procedural breaches of Articles 2 and 3 ECHR.
48. The Strasbourg Court has recently highlighted that “in the current state of national practice, domestic remedies indicated by the Government are not effective concerning complaints stemming from *refoulement* as such and other alleged violations of the Convention perpetrated in the course of said *refoulement*”.<sup>79</sup>
49. We have highlighted these concerns through an analysis of 21 related criminal investigations, compiled in a November 2024 letter submitted to the European Commissioners for Justice and Home Affairs under their respective mandates.<sup>80</sup> Further coverage of such concerns may be found in recent reports from the Human Rights Committee and the CPT (see [Cross-Cutting Issues: Absence of Accountability](#)).
50. The systemic flaws of the Greek criminal justice system's response to arbitrariness by law enforcement bodies are corroborated by official statistics provided by the Greek authorities on investigations into push back allegations: prosecution services have

---

<sup>75</sup> Antonis Karampatzos, 'Παρακολουθήσεις: το φάσμα του ανέλεγκτου', 11 August 2024, [URL](#).

<sup>76</sup> Inside Story, 'Αυτοί είναι οι κοινοί στόχοι ΕΥΠ και Predator', 26 July 2024, [URL](#); in.gr, 'Αποκάλυψη: Τι ήξεραν οι εισαγγελείς επόπτες της ΕΥΠ για τους 28 κοινούς «στόχους» με Predator και ποιος τους παραπλάνησε;', 5 August 2024, [URL](#).

<sup>77</sup> Gonwatch, 'Scholarly analysis of the Judicial Investigation into the Wiretapping Scandal', 21 October 2024, [URL](#); in.gr, 'Αποκάλυψη: Τα SMS για τα ...εμβόλια αποκαλύπτουν τις «μαύρες τρύπες» της έρευνας για τις υποκλοπές', 28 July 2024, [URL](#).

<sup>78</sup> Reporters United, '«Γρηγόρης δεν λέγεται»: Το φιάσκο του Αρείου Πάγου με τις υποκλοπές', 3 August 2024, [URL](#); Inside Story, 'Συγκάλυψη Predatorgate: Ο κρίσιμος μάρτυρας που δεν κλήθηκε ποτέ να καταθέσει', 31 August 2024, [URL](#); News 24/7, 'Υποκλοπές: Η Μεγάλη Συγκάλυψη - Τι Δεν Ερεύνησε ο Άρειος Πάγος', 3 August 2024, [URL](#); in.gr, 'Υποκλοπές: Οι 15 «μαύρες τρύπες» της έρευνας', 5 August 2024, [URL](#).

<sup>79</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, para 201.

<sup>80</sup> HIAS Greece et al., Letter: 'Lack of effective investigations into cases of fundamental rights violations at Greek borders', 14 November 2024.

examined more than 200 cases and have not launched a single prosecution against Hellenic Police and Coast Guard officers to date. This means that, as a rule, victims of fundamental rights violations in Greece have their cases shelved at the stage of preliminary examination (*προκαταρκτική εξέταση*) without ever reaching the interrogation stage (*ανάκριση*), let alone trial in court. Specifically:

- ❖ Public Prosecutors (*Εισαγγελίες Πρωτοδικών*) have investigated at least 79 cases of alleged push backs from 2020 to present.<sup>81</sup> Official statistics released in August 2024 confirm that zero charges have been levelled by Public Prosecutors against Hellenic Police officers.<sup>82</sup>
- ❖ As for the Piraeus Naval Court Prosecutor (*Εισαγγελία Ναυτοδικείου Πειραιά*), the sole authority competent to launch criminal proceedings against Hellenic Coast Guard officers, official data state that out of a total of 125 cases investigated from January 2019 to October 2024, 106 have been archived, 4 have been referred to Public Prosecutors on competence grounds, and 15 are pending preliminary examination.<sup>83</sup> Therefore, no charges have been levelled against Coast Guard officers either.

51. Shelved investigations by Public Prosecutors for want of “sufficient indications” of responsibility or pending cases with no known outcome to date include well-documented cases of push backs, not least cases directly raised by the European Commission with the Greek authorities. These include:

- ❖ The alleged push back of a Frontex interpreter from the Evros land border in September 2021, for which the Greek authorities had committed to a full investigation.<sup>84</sup> Following significant delays in the internal inquiry of the Hellenic Police, the Ombudsman initiated its own investigation on the case in February 2023. Based on this investigation, the Ombudsman concluded that “there was sufficient evidence to substantiate the accusations”.<sup>85</sup> The findings of the Ombudsman investigation were communicated to the Hellenic Police in September 2023, as well as to the local Public Prosecutor for the respective disciplinary and criminal proceedings.<sup>86</sup> For its part, the NTA also investigated the incident and submitted its findings to the Public Prosecutor, which have not been made publicly available. At prosecutorial level, however, the Prosecutor who had initiated the preliminary examination into the reported push back incident decided to archive the case on grounds of insufficient evidence, without previously having called either the complainant / victim or the officers on the day of the incident to testify. The case has subsequently been reopened due to the Appeals Prosecutor (*Εισαγγελέας Εφετών*)’s objections to the archiving of the case

---

<sup>81</sup> Ministry of Migration and Asylum, Letter to the European Commission, Ares(2024)1532076, 28 February 2024, [URL](#).

<sup>82</sup> Ministry of Justice, Reply to parliamentary question, 178/2024, 26 August 2024, [URL](#). The response includes enclosed replies from 19 Public Prosecutors’ Offices.

<sup>83</sup> Ministry of Defence, Reply to parliamentary question, Φ.900α/6153/19533, 21 October 2024, [URL](#).

<sup>84</sup> New York Times, ‘E.U. Interpreter Says Greece Expelled Him to Turkey in Migrant Roundup’, 1 December 2021, [URL](#).

<sup>85</sup> Ombudsman, *ΕΜΗΔΙΠΑ | Ετήσια Έκθεση 2023*, 20 August 2024, 65-69.

<sup>86</sup> *Ibid.*

and said Prosecutor ordered in November 2023 a supplementary preliminary examination by a Prosecutor themselves.<sup>87</sup> To our knowledge, the investigation is still pending to date, more than three years since the complaint.

- ❖ The alleged push back occurring on 11 April 2023 on Lesbos, brought to light by the New York Times on 19 May 2023. Following criminal complaint (*μηνυτήρια αναφορά*) filed in early July 2023 by 28 civil society organisations before the Piraeus Naval Court Prosecutor,<sup>88</sup> the Supreme Court Prosecutor and the Public Prosecutor of Mytilene, the former initiated a preliminary examination in August 2023 regarding potential criminal responsibility of the Hellenic Coast Guard.<sup>89</sup> As noted in **Cross-Cutting Issues: Enforced Disappearance**, the SIR completed in September 2023 by the Frontex FRO has “independently corroborated the information in NYT article” and has found that the push back has been “established beyond reasonable doubt”. The NTA has also initiated an investigation into the incident, following a direct request from the European Commission.<sup>90</sup> To our knowledge, there has been no update on the criminal investigation in this case.<sup>91</sup>

52. The main factors behind the closure of virtually all domestic criminal investigations into alleged ill-treatment by law enforcement have been rigorously covered in our previous report to the Commission. We highlight noteworthy, related developments below:

53. **Lack of independence of investigating officers** remains a reality still witnessed in recent cases of alleged ill-treatment undergoing criminal investigation:

- ❖ In September 2024, a Pakistani national was found dead inside a police station in Athens. The man was arrested on 13 September 2024, detained for eight days until 21 September 2024 and subsequently found dead in the Agios Panteleimon Police Station with visible signs of abuse. His family had been searching for him since 13 September as he had not been in contact with them. His personal belongings had been confiscated and, according to reports and police records, after his initial arrest at Omonia Police Station he was found to be without residence documents and was transferred to multiple police stations. The preliminary interrogation (*προανάκριση*) into the incident was carried out by the Agios Panteleimon Police Station, the very authority to which the alleged perpetrators belong. This happened despite a 2023 circular of the Supreme Court Prosecutor, instructing prosecutors not to entrust police officers with interrogations into incidents of alleged police ill-treatment, further to the *Torosian v. Greece* ruling of the ECtHR.<sup>92</sup> In December 2024, the Ombudsman initiated its own investigation into the incident, after its requests to obtain evidence and regular updates from the

---

<sup>87</sup> Information provided by the Greek government ahead of the ECtHR hearing of *A.R.E. v. Greece* App No 15783/21 and *G.R.J. v. Greece* App No 15067/21.

<sup>88</sup> GCR, 'Intervention of 28 organisations to competent Prosecutors on the pushback incident published by the New York Times', 27 July 2023, [URL](#).

<sup>89</sup> Information provided by the Greek government ahead of the ECtHR hearing of *A.R.E. v. Greece* App No 15783/21 and *G.R.J. v. Greece* App No 15067/21.

<sup>90</sup> European Commission, 'RE: Request for investigation – Ares(2023)3494606', 19 May 2023: "I would like to kindly ask the National Transparency Authority to investigate the incident reported here below".

<sup>91</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 9 December 2024, Item 2.6.

<sup>92</sup> App No 48915/17, 7 July 2022.

Hellenic Police on the administrative inquiry into the case went unanswered.<sup>93</sup> We recall that Greece has been condemned by the same Court for ill-treatment against migrants inside the same police station and for ineffective investigation thereof in *Sarwari v. Greece*.<sup>94</sup>

- ❖ In August 2024, a Kuwaiti national was fatally shot by Hellenic Coast Guard fire in the context of an interception at sea operation off the coast of Symi. The preliminary interrogation into the incident was conducted by the Symi Coast Guard.<sup>95</sup> The case appears to bear similarities with the Hellenic Coast Guard shooting incident off of Pserimos in 2014, which led to the *Alkhatib v. Greece* judgment of the ECtHR condemning Greece for breach of Article 2 ECHR on both substantive and procedural limbs.<sup>96</sup> The *Alkhatib* case has been incorporated into the *Sidiropoulos & Papakostas* group of cases regarding the lack of effective investigations against police violence.
- ❖ In June 2024, a criminal complaint was lodged with the Piraeus Naval Court Prosecutor against the Hellenic Coast Guard regarding the fatal incident of 20 October 2023 off the coast of Chios, where one Syrian asylum seeker was fatally injured, at least five Syrian asylum seekers were seriously injured and all people aboard the boat were exposed to risk for their life. The complaint of 7 June 2024, submitted on behalf of 16 persons including the widow and children of the deceased, has been associated to the existing preliminary examination (ABM 18/2024) for possible criminal actions and/or omissions of the Hellenic Coast Guard with regard to the incident, namely manslaughter, endangerment, unlawful violence, grievous bodily harm etc., still pending before the Naval Court Prosecutor.

54. **Deficiencies in evidence collection and assessment** range from failure to seek testimony from victims and failure to examine Hellenic Police or Coast Guard officers on duty at the time of the incident, to failure to review camera footage or authorities' records or to consider forensic reports of foreign national authorities.<sup>97</sup>

55. Instances of such deficiencies were recently stressed by the ECtHR in *A.R.E. v. Greece*, which found that the criminal investigation into a 2019 push back in the Evros region was "manifestly insufficient". The Court noted that the Public Prosecutor who archived the complaint in question: took no steps to allow the applicant's brother to testify, despite his requests; failed to consider documentary evidence from the Turkish judiciary

---

<sup>93</sup> Ombudsman, 'Ο Συνήγορος του Πολίτη ερευνά τον θάνατο αλλοδαπού κρατουμένου στο ΑΤ Αγίου Παντελεήμονα', 19 December 2024, [URL](#).

<sup>94</sup> App No 38089/12, 11 April 2019.

<sup>95</sup> Kathimerini, 'Καταδίωξη στη Σύμη: «Εφερε διαμπερές τραύμα κεφαλής»', 30 August 2024, [URL](#).

<sup>96</sup> App No 3566/16, 16 January 2024.

<sup>97</sup> HIAS Greece et al., Letter: 'Lack of effective investigations into cases of fundamental rights violations at Greek borders', 14 November 2024; GCR, *At Europe's Borders: Pushbacks continue as impunity persists*, November 2024, Chapter 4, [URL](#); *Third Party Intervention in the case of Muhammad v. Greece*, November 2024, [URL](#); RSA, 'Closure of the preliminary investigation by the prosecution of the Piraeus Maritime Court on the Pylos shipwreck', 23 December 2024.

and witness statements; and failed to examine the veracity of audiovisual material submitted by the applicant.<sup>98</sup>

56. They were equally recalled by the Strasbourg Court in *Panayotopoulos v. Greece*, which found “striking the failure to order a forensic medical examination” in a case of police violence in 2016 “even though the applicants had repeatedly requested one”,<sup>99</sup> and criticised the failure to conduct an on-site investigation, to provide explanations for the applicants’ injuries, and to address contradictions in the alleged perpetrators’ and other police officers’ testimonies regarding the incident.<sup>100</sup> The Court also criticised the lack of promptness of the nearly three-year-long criminal investigation, “large parts of which were marked by complete inactivity”.<sup>101</sup>

57. **Excessive standard of proof for criminal charges:** Whereas the Criminal Procedure Code requires the prosecution service to launch criminal charges (*ποινική δίωξη*) where they have “sufficient indications” (*επαρκείς ενδείξεις*) of commission of an offence,<sup>102</sup> Prosecutors investigating allegations of ill-treatment by law enforcement personnel have shelved cases on the basis that the complainants failed to “prove” at the stage of preliminary examination that the incidents in question in fact occurred. Cases documented by civil society and raised with the Commission include Public Prosecutor conclusions to the effect that detention was not proven since the competent border police station has an official capacity lower than the number of the victims, or that a complainant’s proof of presence on Greek territory is not sufficient indication insofar as the location where they were allegedly detained did not operate as an official detention site.<sup>103</sup>

58. The exact same deficiencies mar the effectiveness of administrative investigations performed by law enforcement bodies into such incidents. The Greek Ombudsman has cited detailed examples in the latest report of the National Mechanism for the Investigation of Arbitrariness Incidents and stresses that “these deficiencies now carry systemic characteristics and fall short of the effective investigation criteria which, according to the ECtHR, are assessed not against the particular outcome but by the ability to deliver results.”<sup>104</sup>

59. Conversely, under the persisting tendency to **misuse criminal law** against the populations that often find themselves at the receiving end of ill-treatment by the state, prosecutions and even convictions are handed down on far lower a threshold of evidence. Examples of such practice over the past year include:

- ❖ Prosecution of refugees for taking photographs and videos to prove their presence on Greek territory in at least two cases in the Evros area since August 2024. Charges have been levelled on espionage grounds due to capture of “confidential military

---

<sup>98</sup> App No 15783/21, 7 January 2025, para 199.

<sup>99</sup> App No 44758/20, 23 January 2025, para 111.

<sup>100</sup> *Ibid*, paras 112-113.

<sup>101</sup> *Ibid*, para 116.

<sup>102</sup> Article 43(1) Criminal Procedure Code.

<sup>103</sup> HIAS Greece et al., Letter: ‘Lack of effective investigations into cases of fundamental rights violations at Greek borders’, 14 November 2024.

<sup>104</sup> Ombudsman, *ΕΜΗΔΙΠΑ | Ετήσια Έκθεση 2023*, 20 August 2024, 65.

facilities" even for videos showing refugees explicitly requesting asylum before Greek officials. One case includes felony charges and pre-trial detention.<sup>105</sup>

- ❖ Prosecution and prolonged pre-trial detention of survivors of the Pylos shipwreck occurred outside territorial waters for offences including smuggling, illegal entry, criminal organisation and causing of a shipwreck, despite clear indications of non-fulfilment of the elements of the former two offences and a clear lack of jurisdiction<sup>106</sup> for the latter two, not least given that Egyptian authorities had informed their Greek counterparts that the survivors in question were not members of the smuggling network.<sup>107</sup> Though acquitted on 21 May 2024, the nine defendant survivors were denied compensation for unjust pre-trial detention by the Felony Court of Appeal of Kalamata.<sup>108</sup>
- ❖ Conviction and sentencing of five years of imprisonment and a fine of 30,500 € in December 2024 against a 29-year-old Syrian Kurd for transporting a Turkish national from Türkiye to Greece on a jet ski. The Felony Court of Appeal of Northern Aegean (*Εφετείο Κακουργημάτων Βορείου Αιγαίου*) convicted the Syrian national for smuggling of third-country nationals, even though, as both men explained, they had to flee to Greece due to the persecution faced in Türkiye. In fact, the two men, who were friends, had decided to share the cost of a jet ski and to self-transport themselves to Greece, instead of resorting to smugglers.<sup>109</sup>
- ❖ Conviction and sentencing of seven years and four months of imprisonment in October 2024 against a 60-year-old Iranian national who during his attempt to flee Türkiye was coerced into driving the car by the smuggler who abandoned him and a group of people in the forest at the land border, following a trial marred by several breaches of the right to a fair trial.<sup>110</sup>

---

<sup>105</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 11 November 2024, Item 2.1.

<sup>106</sup> Note persisting contradictions in domestic case law as regards the interpretation and application of jurisdiction to prosecute individuals rescued at sea: Human Rights Legal Project, 'The lack of jurisdiction in the Pylos 9 trial and the incoherent interpretation of international criminal law by Greek courts', 17 May 2024, [URL](#). Specifically, lack of jurisdiction for incidents occurring outside territorial waters has been accepted by: Felony Court of Appeal of Kalamata, No 92/2024, 21 May 2024; Felony Court of Appeal of Eastern Crete, No 22/2024, 22 January 2024; Felony Court of Dodecanese, No 246/2023, 9 November 2023; No 179/2023, 15 June 2023. It has been rejected, however, by the Felony Court of Appeal of Crete, Nos 145 to 147/2023, 14 September 2022; No 124/2022, 13 September 2022, as well as by the Felony Court of Appeal of Dodecanese in a November 2023 case: Information provided by Human Rights Legal Project, December 2024.

<sup>107</sup> Legal Centre Lesvos, 'The Nine Accused of the Pylos Shipwreck Acquitted Based on the Lack of Jurisdiction of Greek Courts', 21 May 2024, [URL](#); Solomon, 'Pylos Shipwreck: Greece knew the real smugglers', 4 December 2024, [URL](#).

<sup>108</sup> The Press Project, 'Pylos shipwreck: No compensation for unjustly imprisoned survivors', 26 November 2024, [URL](#).

<sup>109</sup> News 24/7, 'Χιός: Ο Κούρδος οδηγός jet ski που καταδικάστηκε ως διακινητής', 28 December 2024, [URL](#).

<sup>110</sup> Legal Centre Lesvos, 'Preliminary findings in Mr. Sabetara's appeal trial', 1 October 2024, [URL](#).



60. The above concerns have been consistently conveyed to the European Commission, not least in the form of written questions from MEPs, letters,<sup>111</sup> as well as regular meetings with the DG HOME Task Force Migration Management,<sup>112</sup> which per the Commission “meets on a regular basis, strengthening the continuous monitoring of the implementation of EU funds, amongst others, in the area of border management.”<sup>113</sup> In the context of those meetings, civil society organisations have “asked whether the Commission is informed of the way in which criminal proceedings are conducted in such cases, with a view to determining the effectiveness of the Greek criminal justice system. DG HOME has explained that it does not receive such information and that the effectiveness of the criminal process is assessed in the context of the Rule of Law Report”.<sup>114</sup>
61. DG HOME has reiterated the view that “the Commission monitors compliance with fundamental rights, including having place timely and effective reporting, through the Rule of Law Reports” in its October 2024 response to the European Ombudsman inquiry on the use of EU funds in the context of border management in Greece.<sup>115</sup> DG HOME repeated this view in a 16 January 2025 meeting with civil society organisations on the occasion of the Migration and Internal Affairs Commissioner’s visit to Greece. Contrary to those commitments, however, the 2024 Rule of Law Report only made passing reference to these concerns and refrained from incorporating them under the Justice pillar.<sup>116</sup> The 2023 Rule of Law Report did not address these concerns at all.
62. Furthermore, for the – more than 200 – cases already shelved by prosecution authorities, the Commission has no obstacles to obtaining information on the substance and investigations conducted since proceedings are no longer ongoing.<sup>117</sup> Yet, DG HOME has informed civil society organisations that it is *not* aware of the outcome of such cases so as to evaluate the effectiveness of domestic investigations conducted by the justice system.<sup>118</sup>
63. We therefore reiterate our plea for thorough and consistent consideration and assessment of the lack of independent and effective investigations and of delivery of criminal justice under the appropriate heading of the Rule of Law Report.

---

<sup>111</sup> HIAS Greece et al., Letter: ‘Lack of effective investigations into cases of fundamental rights violations at Greek borders’, 14 November 2024.

<sup>112</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 11 November 2024, Item 2.1; 9 September 2024, Item 2.1; 3 June 2024, Item 3; 4 March 2024, Item 1.

<sup>113</sup> European Commission, *Reply to a request for information from the European Ombudsman – complaint ref. 1418/2023/VS*, 29 February 2024 5, [URL](#).

<sup>114</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 4 March 2024, Item 1.

<sup>115</sup> European Ombudsman, *Report on the meeting with the European Ombudsman inquiry team with representatives of the European Commission*, 1418/2023/VS, 3 October 2024, [URL](#).

<sup>116</sup> European Commission, *2024 Rule of Law Report Country Chapter Greece*, SWD(2024) 808, 24 July 2024, 28, fn. 244: “CSOs voice criticism that despite credible evidence, official investigations into reported incidents have not made meaningful progress, raising concerns about the investigation procedures and the prospect of accountability.”

<sup>117</sup> European Ombudsman, *Report on the meeting with the European Ombudsman inquiry team with representatives of the European Commission*, 1418/2023/VS, 3 October 2024.

<sup>118</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 11 November 2024, Item 2.1.

64. This should in turn inform an in-depth reconsideration of the Commission's current reliance on the so-called "three-tier system" set up at domestic level to investigate alleged violations of EU law, including in the context of operations benefitting from EU funds,<sup>119</sup> whereby Public Prosecutors, the National Transparency Authority and internal bodies within the Hellenic Police and Coast Guard are still deemed by the Commission as apt to perform effective investigations.<sup>120</sup>
65. The Commission's assessment of the independence and effectiveness of domestic investigations should also draw upon the conclusions reached by the European Court of Human Rights in *A.R.E. v. Greece* in relation to both Public Prosecutors and the National Transparency Authority.<sup>121</sup>

### **Erosion of bar associations' standing to challenge independent authority appointments**

66. On 1 November 2024, the Council of State ruled that the Bar Association of Athens lacks *locus standi* to challenge the Minister of Justice decree regarding the September 2023 appointment of members of the **Hellenic Authority for Communication Security and Privacy** (Αρχή Διασφάλισης του Απορρήτου των Επικοινωνιών, ADAE) and the **National Council for Radio and Television** (Εθνικό Συμβούλιο Ραδιοτηλεόρασης, NCRTV), on the ground that judicial review applications against individual administrative acts amounts to *actio popularis* that is not established in the Constitution or legislation.<sup>122</sup> Through the rulings, decided by majority, the Council of State has effectively refrained from addressing the merits of the cases. The judgment contributes to broader concerns as to the **Absence of Accountability** of state officials, highlighted in our submission.
67. The rulings represent a substantial regression in Greek jurisprudence regarding the role of bar associations in safeguarding the institutional independence of independent authorities, contrary to express statutory provisions, namely Article 90(g) of the Lawyers Code (L 4194/2023) which explicitly foresees that bar associations may intervene before the courts and any authority "on any matter of national, social, cultural, economic nature or content that is of interest to their members or to the legal profession in general, as well as on any matter of national, social, cultural or economic interest."<sup>123</sup>
68. The Plenary of Bar Associations opposed the rulings and noted that the Council of State not only avoided an assessment of the merits of the measures in question but also rowed back on its case law and contravened Article 90 of the Lawyers Code. The Plenary announced an abstention from duties (αποχή) from all cases before the Plenary of the Council of State until the end of 2024.<sup>124</sup> It also sharply denounced a

<sup>119</sup> European Ombudsman, *Report on the meeting with the European Ombudsman inquiry team with representatives of the European Commission*, 1418/2023/VS, 3 October 2024.

<sup>120</sup> Kathimerini, 'Μάγκνους Μπρούνερ στην «Κ»: Εστιάζουμε στη νομοθεσία για επιστροφές μεταναστών', 19 January 2025, [URL](#).

<sup>121</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, paras 198-201.

<sup>122</sup> Council of State, 1639/2024 and 1641/2024, 1 November 2024.

<sup>123</sup> Information provided by the Bar Association of Athens, 22 January 2025.

<sup>124</sup> Plenary of Bar Associations, 'Απόφαση Ολομέλειας ΣΤΕ: Ιστορικής σηματικότητας δικαιοκρατική οπισθοδρόμηση', 11 November 2024, [URL](#).

subsequent intervention from the President of the Council of State as an attempt to interfere with the mandate of bar associations.<sup>125</sup>

## Quality of justice

### Accessibility of courts

69. **Excessive formalism of Greek supreme courts:**<sup>126</sup> Recent ECtHR jurisprudence highlights the unjustified formalism of the supreme courts as a major issue affecting the Greek judiciary. The matter has a well-established precedential history. The Strasbourg Court has consistently condemned the disproportionate stringency of the Greek Supreme Courts, indicating that case law practices amounting to denial of justice are incompatible with the need to effectively safeguard the right of access to justice.

- ❖ In *Alvanos v. Greece*,<sup>127</sup> *Perlala v. Greece*<sup>128</sup> and *Karavelatzis v. Greece*<sup>129</sup> concerning the Court of Cassation (*Άρειος Πάγος*), the ECtHR criticised the court for its unjustifiably formalistic interpretation of domestic law provisions regarding the admissibility of legal remedies and individual appeal grounds presented by the parties.
- ❖ In *Sotiris and Nikos Koutras ATTEE v. Greece*<sup>130</sup> regarding the Council of State, the ECtHR found a violation of Article 6 ECHR on account of the court's then-strict jurisprudential position concerning the inadmissibility of appeals filed with competent agencies other than itself when the relevant application lacked certain formal elements that could be inferred from other sources.

70. The ECtHR increasingly employs stricter language towards Greek supreme courts, reminding that Article 6(1) ECHR does not permit procedural pitfalls aimed at evading adjudication of the merits of a dispute.<sup>131</sup> All condemnation judgments retain a consistent message: priority must be given to protecting substantive rights over procedural form.

71. Regrettably, recent ECtHR judgments demonstrate that the practice of the supreme courts has not aligned with ECHR and corollary Charter requirements.

72. In its 14 March 2023 judgment in *Georgiou v. Greece*, the ECtHR found that the unjustified refusal of supreme courts to refer preliminary questions to the CJEU may violate the right to a fair trial,<sup>132</sup> in addition to raising broader EU law issues.

---

<sup>125</sup> Plenary of Bar Associations, 'Ήχηρή απάντηση του Προέδρου της Ολομέλειας στον Πρόεδρο του ΣτΕ για την αδόκιμη παρέμβαση στην εσωτερική αυτονομία των Δικηγορικών Συλλόγων', 13 November 2024, [URL](#).

<sup>126</sup> Information provided by the Bar Association of Athens, 22 January 2025.

<sup>127</sup> App No 38731/05, 20 March 2008.

<sup>128</sup> App No 17721/04, 22 February 2007.

<sup>129</sup> App No 30340/07, 16 April 2009.

<sup>130</sup> App No 39442/98, 16 November 2000.

<sup>131</sup> ECtHR, *Giannousis and Kifias v. Greece*, App No 2898/03, 14 December 2006, paras 26-27.

<sup>132</sup> ECtHR, *Georgiou v. Greece*, App No 57378/18, 14 March 2023.

73. In *Zouboulidis v. Greece (No. 3)* decided on 4 September 2024, the Court identified fundamental flaws in the Council of State's jurisprudential stance regarding mandatory liability of the state for judicial error. The case concerns dismissal by the Council of State of an action by a former embassy employee against the Greek State concerning compensation related to an alleged manifest error of law by a Court of Cassation judgment. The Court found that the Council of State had adopted a disproportionately formalistic interpretation of Article 105 of the Introductory Law to the Civil Code (*Εισαγωγικός Νόμος Αστικού Κώδικα*) on actions for damages against the state, leading it to rule that neither this provision nor any other legislative provision allowed for an action for damages as regards judicial bodies.<sup>133</sup> The ECtHR ruled that the applicant had a valid claim under domestic law since the state is liable for damages caused by its judicial bodies. It then concluded that the restriction imposed by the Council of State created undue burden and impaired the essence of the applicant's right to access to a court. The *Zouboulidis (No. 3)* ruling led to the formation of a legislative drafting committee composed of judges, without participation from the bar association.<sup>134</sup>
74. Finally, on 19 November 2024, the ECtHR delivered its judgment in *Tsiolis v. Greece*, finding a breach of Article 6 ECHR on account of the "very restrictive interpretation" adopted by the Council of State as regards the admissibility criteria laid down in Article 53(3) PD 18/1989 for appeals before it on points of law (*αίτηση αναίρεσης*). The ECtHR condemned the Council of State for dismissing the applicant's appeal as inadmissible *inter alia* due to failure to adduce relevant case law to meet the requirement of absence of (contrary) jurisprudence on the subject matter of the case, on the ground that it defies reasoning for the court to insist upon submission of case law by an appellant when administrative court judgments are not published in their entirety in any official publication or database to which litigants and their lawyers have unimpeded access.<sup>135</sup> The Strasbourg Court reiterated in *Tsiolis* that national courts must avoid excessive formalism that contravenes the requirement to ensure an effective right of access to court in practice, pursuant to Article 6(1) ECHR. Hence, it found that the Council of State, by construing the aforementioned admissibility requirement without considering the practical obstacles facing the appellant's access to case law, adopted an excessively formalistic approach that was not necessary to protect legal certainty or the proper administration of justice.
75. We particularly note the Court's finding that "The applicant was required to adduce case-law to which the assertions of the appellate court's judgment were contrary or to put forward the absence of case-law. The Court emphasises in that respect that judgments delivered by the administrative justice were not published in any official journal or accessible database containing the entire case-law to which the applicant or his lawyer had access. This would have significantly hindered his ability to find relevant case law even if the applicant had been represented by a lawyer. To consider that this allegation was not formulated in an admissible manner and to expect the

---

<sup>133</sup> ECtHR, *Zouboulidis v. Greece (No. 3)*, App No 57246/21, 4 September 2024, paras 71 and 80-84.

<sup>134</sup> Nomiki Bibliothiki, 'Υπουργείο Δικαιοσύνης: Συστήνεται Επιτροπή για τη ρύθμιση της ευθύνης του Δημοσίου από δικαστικά σφάλματα', 3 December 2024, [URL](#).

<sup>135</sup> ECtHR, *Tsiolis v. Greece*, App No 51774/17, 19 November 2024, paras 75-81, 84-86.

applicant to have further substantiated his argument that no relevant case-law existed is not only unreasonable but also constitutes a disproportionate burden on him."<sup>136</sup>

76. Further to the ruling, the Council of State stated that anonymised decisions of the Court are available on its website, while rulings are also transmitted to the ISOKRATIS database of the Bar Association of Athens and to paid subscription databases.<sup>137</sup> The Bar Association of Athens has clarified, however, that its database does not publish all Council of State judgments and such entries require anonymisation and further processing before publication. It stressed that transmission of decisions to the Bar Association in no way substitutes the Court's obligation to allow full access to its case law.<sup>138</sup>

77. **Legal aid:** The state continues not to discharge legal aid obligations directly deriving from EU law, not least in the area of migration and asylum. Specifically:

- ❖ Greece still has no scheme in place for free legal assistance and representation to people deprived of their liberty for immigration purposes, despite express EU law obligations in the Return Directive<sup>139</sup> and Reception Conditions Directive<sup>140</sup> and ongoing infringement proceedings on the matter.<sup>141</sup> The absence of accessibility of court remedies against immigration detention remains under supervision by the Committee of Ministers of the Council of Europe in the *M.D. v. Greece* group of cases.<sup>142</sup> As recently highlighted by our organisations, official statistics of the Greek state confirm that remedies against removal and detention are largely inaccessible, given that only one in five detention orders are challenged through objections at the administrative courts and less than 1.5% of removal orders are challenged through the available administrative appeal at the Hellenic Police.<sup>143</sup> These concerns are exacerbated by the lack of adequate legal information and interpretation to people deprived of their liberty for immigration purposes, as highlighted by the CPT.
- ❖ As regards the duty to afford free legal assistance and representation in asylum appeals under the Asylum Procedures Directive,<sup>144</sup> implemented in Greece under

---

<sup>136</sup> *Ibid*, para 79.

<sup>137</sup> Council of State, Note to the President, 721/2024, 12 December 2024, [URL](#).

<sup>138</sup> Bar Association of Athens, 'ΣΤΕ: Αδικαιολόγητες καθυστερήσεις και αδυναμία πρόσβασης στις αποφάσεις', 17 December 2024, [URL](#).

<sup>139</sup> Article 13(4) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals [2008] OJ L348/98.

<sup>140</sup> Article 9(6) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) [2013] OJ L180/96.

<sup>141</sup> European Commission, 'September Infringements package: key decisions', INF/22/5402, 29 September 2022, [URL](#).

<sup>142</sup> App No 60622/11, 13 January 2014.

<sup>143</sup> GCR & ECRE, *Communication on the M.D. v. Greece* group of cases, DH-DD(2024)1329, November 2024, para 26, [URL](#); RSA, *Systemic deficiencies persist in immigration detention in Greece*, DH-DD(2024)1235, October 2024, 6-7, [URL](#).

<sup>144</sup> Article 20 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) [2013] OJ L180/60.

the Asylum, Migration and Integration Fund (AMIF),<sup>145</sup> arrears in payments of lawyers of the Asylum Service Registry of Lawyers reached one year in November 2024. This led bar associations across the country to declare an abstention from duties (αποχή) for all Registry lawyers on 11 November 2024 until back payments were made. The abstention was prolonged three times until 24 January 2025 as the Greek government had not paid the total amounts owed to legal aid lawyers.<sup>146</sup>

## Court statistics and their transparency

78. The statistical data published online by the Ministry of Justice for 2024 appear to be patchy, inconsistent and incomplete, exactly as reported the previous years.<sup>147</sup> Even though statistics relating to the justice system can be found in fragments on the websites of the Hellenic Statistical Authority, the Hellenic Police, and also in the “Crime and Justice” section of [data.gov.gr](https://data.gov.gr), we still consider the data available to the public to be insufficient.
79. Regarding the Office for the Collection and Processing of Statistics, we still have serious doubts as to whether it is in fact functioning. Indicatively, we note that:
- ❖ Despite the provisions of Article 4 PD 47/2022,<sup>148</sup> we were unable to locate an annual statistical work programme or an annual evaluation report of that programme in a search we conducted on 16 December 2024 on the website of the Ministry of Justice; and
  - ❖ Despite the passing of four years since the statutory establishment of the Office,<sup>149</sup> the procedures for its creation, organisation and operation appear to still be at an early stage.<sup>150</sup>

<sup>145</sup> TAMEY, Παροχή νομικής συνδρομής και βοήθειας στο Β' Βαθμό, [URL](#).

<sup>146</sup> Bar Association of Athens, 'Αποχή δικηγόρων από το Μητρώο Ασύλου μέχρι και 24.1.2025', 11 January 2025, [URL](#); 'Παράταση αποχής των δικηγόρων από το Μητρώο Ασύλου μέχρι και 12-1-2025', 24 December 2024, [URL](#); 'Παράταση αποχής δικηγόρων από το Μητρώο Ασύλου μέχρι και 31-12-2024', 30 November 2024, [URL](#); 'ΔΣΑ: Αποχή των δικηγόρων του Μητρώου Ασύλου από τα καθήκοντά τους', 8 November 2024, [URL](#).

<sup>147</sup> Ministry of Justice, Στατιστικά στοιχεία από το 2016 έως σήμερα, [URL](#); Ανοικτά Δεδομένα Υπουργείου Δικαιοσύνης, [URL](#).

<sup>148</sup> Article 4 of PD 47/2022 (Gov. Gazette A' 114/17.6.2022) states: "1. The Office draws up an annual statistical work programme, which is submitted for approval to the Committee for the Supervision of Judicial Statistics by the end of October of the year preceding the year of implementation and is accompanied by the annual evaluation report on the statistical programme of the previous year. 2. The annual statistical programme of the Office and the annual evaluation report of the statistical work programme of the previous year are published on the website of the Ministry of Justice (...)"

<sup>149</sup> Article 358 L 4700/2020, Gov. Gazette A' 127/29.6.2020.

<sup>150</sup> The creation, organization and effective operation of the Office is the subject of the project "Support for the office for the collection and processing of judicial statistics", which has been included in the Recovery and Resilience Fund. The decision of the inclusion was amended by the Decision of 21 October 2024 of the Ministry of National Economy and Finance, [URL](#), for the purpose *inter alia* of extending the project end date. According to the project's information on the [greece20.gov.gr](https://greece20.gov.gr) website, [URL](#), the project start date is 1 January 2024 and the end date is 31 March 2026. On 25 November 2024, a summary of the tender notice for the provision of support services was published on Diavgeia, [URL](#), with the deadline for receiving offers being 30 December 2024.

## Judicial map

80. In May 2024, L 5108/2024 was passed, reforming the judicial map in civil and criminal justice. Both lawyers and judicial officials have expressed – and continue to express – doubts and reservations as to whether the provisions of this law can be implemented in practice or solve (or at least not aggravate) the existing problems in the judiciary.<sup>151</sup> In any case, it is worth mentioning that the “rushed” and “haphazard” manner in which the “reform” took place seems to be corroborated by the actions of the legislature, which proceeded to a series of amendments to its provisions within a short period of time after the adoption of the law (see **Checks & Balances: Law-Making**).

## Ineffectiveness of judicial review

81. The lack of effectiveness of review of detention orders in the context of migration remains a long-lasting issue of concern in the Greek justice system, and a matter of ongoing supervision of **Implementation of ECtHR Judgments**. Fresh condemnations thereon have been handed down by the ECtHR in *H.T. v. Germany and Greece*.<sup>152</sup>
82. Objections against detention (*αντιρρήσεις κατά της κράτησης*) remain the applicable remedy against all forms of deprivation of liberty for immigration purposes.<sup>153</sup> This is a remedy before single-judge composition (*Προεδρική Διαδικασία*), and rulings of the first-instance administrative courts are non-appealable. We therefore continue to track “a lack of certainty and predictability as contradictory decisions on ‘objections against detention’ are issued by courts in cases with similar or identical factual and/or legal basis”, while errors in the application of EU law remain frequent.<sup>154</sup>
83. Furthermore, whereas the rate of detention orders quashed upon judicial review following objections is over 40%, *ex officio* review of extension of detention orders by the same administrative courts based on the exact same legislative provisions results in no more than 0.5% of detention orders quashed. Read in the light of the

<sup>151</sup> Indicatively: Εναλλακτική Παρέμβαση Δικηγόρων Αθήνας, ‘Για την έναρξη εφαρμογής του νέου δικαστικού χάρτη: Δήλωση των συμβούλων της ΕΠΔΑ Ευγενίας Κουινιάκη και Γιώργου Βλάχου’, 12 September 2024, [URL](#); Association of Judicial Clerks, ‘Αποφάσεις του Δ.Σ. της ΟΔΥΕ για κινητοποιήσεις και δράσεις ενόψει της έναρξης της νέας δικαστικής χρονιάς [ΑΠ234/2024]’, 12 September 2024, [URL](#); Bar Association of Athens, ‘Σφοδρή αντίδραση του ΔΣΑ για το “νέο” δικαστικό χάρτη της Αθήνας, με μαζικές κινητοποιήσεις και στοχευμένες αποχές’, 24 September 2024 [URL](#); ‘«Νέος» δικαστικός χάρτης: Επιτελικό χάος – δικαστική ταλαιπωρία’, 1 October 2024, [URL](#); Bar Association of Piraeus, ‘Απόφαση Διοικητικού Συμβουλίου σχετικά με την εφαρμογή του νέου δικαστικού χάρτη’, 2 October 2024, [URL](#); Αγωνιστική Συστήρωση Δικηγόρων, ‘Για την τροπολογία της κυβέρνησης σχετικά με την εφαρμογή του Δικαστικού Χάρτη’, 1 November 2024, [URL](#); Association of Judicial Clerks, ‘Δελτίο Τύπου’, 3 November 2024, [URL](#); Steering Committee of the Plenary of the Bar Associations, ‘Η δικαιοσύνη αποδίδεται εν ονόματι του ελληνικού λαού και ουχί της πολιτείας και των λειτουργών της’, 7 November 2024, [URL](#); Ψυνάντηση αντιπροσωπείας της Συντονιστικής Επιτροπής της Ολομέλειας των Προέδρων των Δικηγορικών Συλλόγων Ελλάδος με τον Υφυπουργό Δικαιοσύνης στα γραφεία του ΔΣΑ’, 13 November 2024, [URL](#); Association of Judicial Clerks, ‘Συμπαραστάση στις κινητοποιήσεις του Συλλόγου Δικαστικών Υπαλλήλων Καλαμάτας [ΑΠ253/2024]’, 22 November 2024, [URL](#).

<sup>152</sup> App No 13337/19, 15 October 2024.

<sup>153</sup> Article 40(a) L 4939/2022; Article 50(6) L 4939/2022; Article 30(2) L 3907/2011; Article 76(3) L 3386/2005.

<sup>154</sup> GCR & ECRE, *Communication on the M.D. v. Greece group of cases*, November 2024, paras 33-34.

aforementioned absence of free legal assistance to people deprived of their liberty, the staggering disparities in the effectiveness of objections and *ex officio* review mean that “the chances of quashing a detention order are near zero unless a person manages to access legal assistance and representation by their own means”.<sup>155</sup>

84. The above concerns have been conveyed by our organisations before the Committee of Ministers of the Council of Europe in the context of supervision of execution of the *M.D. v. Greece* group of cases (see [Implementation of ECtHR Judgments](#)).

## Efficiency of justice

### Length of proceedings

85. The administration of justice in Greece continues to face significant challenges that raise serious concerns about access to justice and the right to a fair trial within reasonable time, as enshrined in Article 47 of the Charter. Recent statistics from CEPEJ and the Court of First Instance of Athens (*Πρωτοδικείο Αθηνών*) reveal systemic delays far exceeding European standards. A comparative analysis of case disposition times between Greece and other Council of Europe Member States presents a troubling picture of judicial inefficiency that may constitute a structural barrier to effective legal protection. Persisting deficiencies with regard to processing times in the Greek justice system should be reiterated with due reference to the factors underlying chronic delays and to the inadequacy of interim relief mechanisms. CEPEJ statistics indicate that the backlog of pending civil and criminal cases is increasing despite a significant drop in new cases and a notable increase in the number of judicial officials, as detailed below.<sup>156</sup>

86. **Delays in civil and criminal courts:**<sup>157</sup> The disparity between Greek judicial processing times and European median values is particularly stark in civil proceedings where cases take over three times longer to resolve compared to the European median, potentially undermining citizens’ fundamental right to timely judicial protection:<sup>158</sup>

	Civil cases		Criminal cases	
	Average	CoE median	Average	CoE median
First instance	746 days	239 days	223 days	133 days
Court of Appeal	422 days	200 days	294 days	110 days
Court of Cassation	No data	152 days	304 days	101 days

87. In addition, CEPEJ data show a dramatic decrease in incoming civil cases at first instance, from 5.83 per 100 inhabitants in 2012 to merely 1.31 per 100 inhabitants in 2022. Figures from the Court of First Instance of Athens are even more revealing: the

<sup>155</sup> RSA, *Systemic deficiencies persist in immigration detention in Greece*, DH-DD(2024)1325, October 2024, 12-13.

<sup>156</sup> Bar Association of Athens, ‘Οι αργυθμίες στη δικαιοσύνη με αριθμούς’, 25 October 2024, [URL](#).

<sup>157</sup> Information provided by the Bar Association of Athens, 22 January 2025.

<sup>158</sup> Bar Association of Athens, ‘Οι αργυθμίες στη δικαιοσύνη με αριθμούς’, 25 October 2024.



number of incoming cases dropped from 224,391 in 2010 to 102,285 in 2023, representing a 54.5% reduction.

88. Of those cases, 82,316 in 2010 (36.7%) and 25,516 in 2023 (25%) concerned mortgage pre-notations (*προσημειώσεις υποθήκης*). This means that the number of cases requiring substantive adjudication and reasoned judicial decisions was at 142,075 in 2010 and at 76,769 in 2023.
89. Meanwhile, the number of judges in Greece has significantly increased over the past decade and significantly exceeds the Council of Europe median at the moment:<sup>159</sup>

Judicial officials per 100,000 inhabitants		
	Greece	Council of Europe median
2012	23.3	17.7
2022	37.3	17.6

90. Causes of protracted delays are owed to chronic systemic deficiencies, particularly protracted delays in the scheduling of hearings especially in ordinary proceedings, as well as in the time required for the delivery of a judgment.
91. Court of Athens data refer to 133,440 rendered judgments compared to 224,391 incoming cases, pointing to a 60% clearance rate. This means that for every 100 cases filed with the court, only 60 were concluded, thereby leading to a considerable annual rise in the backlog. A similar ratio persisted in subsequent years.
92. In 2023, the number of judgments rendered by the Court of Athens dropped by 57.4% to 56,860. Of those, 9,388 concerned mortgage pre-notations and 9,472 were payment orders (*διαταγές πληρωμής*), meaning that cases requiring a reasoned judicial decision amounted only to 38,000.
93. As regards criminal cases in particular, delays persist in spite of measures taken to resolve them. Specifically, new legislative rules enacted by L 5090/2024 prohibit counsellors from requesting postponement (*αναβολή*) of the trial more than once and postponement requests are subject to a fee.<sup>160</sup> However, these rules not only place a burden on parties and their attorneys but have also proven ineffective in addressing processing times, given that delays in criminal trials are primarily owed to the high volume of cases scheduled on any given daily docket (*πινάκιο*). The increase in cases directly referred to trial by the Public Prosecutor (*απευθείας κλήση στο ακροατήριο*) without prior assessment by judicial councils (*δικαστικά συμβούλια*) is another contributing factor, as is the limited effectiveness of the penal order (*ποινική διαταγή*) instrument designed to address delays in the criminal justice system through sentencing without a trial for certain minor offences.
94. **Delays in administrative courts:** Here too, CEPEJ data reveal that Greek administrative courts consistently exceed European standards for case disposition times across all instances:<sup>161</sup>

<sup>159</sup> *Ibid.*

<sup>160</sup> Article 349(2A) Criminal Procedure Code, inserted by Article 138(1) L 5090/2024.

<sup>161</sup> *Ibid.*

Processing times in administrative cases		
	Greek average	Council of Europe median
First instance	464 days	292 days
Second instance	661 days	215 days
Council of State	1,239 days	234 days

95. The stark difference between Greek processing times and European medians is most pronounced at Council of State level, where case resolution takes more than five times longer compared to the Council of Europe median. This points to a systemic issue in Greek administrative justice which requires urgent measures.

96. Regrettably, the Rule of Law Report seems to pay limited regard to the length of administrative court proceedings beyond cases adjudicated by the Council of State. We still stress, however, that administrative law remedies at lower court level are also marred by protracted delays that have severe repercussions on access to judicial protection, not least in cases involving removal from Greek territory at risk of breach of the prohibition on torture, inhuman or degrading treatment and of the principle of *non-refoulement* as enshrined in Articles 4 and 19 of the Charter.

97. Specifically, we continue to observe long waiting times throughout all stages of judicial proceedings at the administrative courts, namely:

- ❖ **Delayed schedule of hearings:** The setting of a hearing date (*ορισμός δικασίμου*) at the administrative courts still takes several months and exceeds one year in cases represented by our organisations.<sup>162</sup>
- ❖ **Repeated postponement of hearings:** Administrative courts continue to systematically postpone hearings of their own motion (*οίκοθεν αναβολές*). Current litigation supported by our organisations at first instance includes several cases postponed six times,<sup>163</sup> seven times,<sup>164</sup> or even eight times.<sup>165</sup> As for the Council of State, cases may be postponed as many as 20 times before the actual hearing. In addition, tens of cases before lower administrative courts were suspended pending the issuance of a Council of State ruling on a preliminary reference relating to the constitutionality of Appeals Committees responsible for adjudicating asylum appeals.
- ❖ **Delayed delivery of decisions:** Even after a hearing has taken place, administrative courts may not issue a judgment for periods exceeding two years.<sup>166</sup>

<sup>162</sup> Namely, Administrative Court of Athens, AK1397/2022; AK1921/2022, AK612/2023; AK701/2023; AK1108/2023; AK1114/2023; Administrative Court of Appeal of Piraeus, ΕΦ65/2024, lodged on 9 January 2024 and not yet allocated to a section.

<sup>163</sup> Namely, Administrative Court of Athens, AK1695/2021; AK2013/2021; AK574/2022.

<sup>164</sup> Namely, Administrative Court of Athens, AK937/2021; AK1452/2021; AK1946/2021; AK356/2022.

<sup>165</sup> Namely, Administrative Court of Athens, AK1736/2021; AK482/2022.

<sup>166</sup> Namely, Council of State, E1686/2018, heard on 27 September 2022 and not yet decided; E259/2021, heard on 2 December 2022 and not yet decided; Administrative Court of Athens, AK868/2020, heard on 6 May 2022 and decided on 16 July 2024; AK915/2021, heard on 4 May 2023 and not yet decided.

98. In light of the above issues, most of the judicial review cases lodged by our organisations in 2021 and subsequent years are still pending at first instance at the time of writing. At least two cases represented by our organisations have been pending before the Council of State since 2018, for six and a half years.
99. At the same time, interim relief cannot effectively be sought pending the outcome of proceedings at the administrative courts. Requests for suspensive effect (*αιτήσεις αναστολής εκτέλεσης*) in cases represented by our organisations in 2024 have taken over five or even six months to be decided.<sup>167</sup> We recall that no provisional order (*προσωρινή διαταγή*) can be requested pending the conclusion of suspensive effect proceedings in asylum cases, regardless of the urgency of the request.<sup>168</sup>
100. The intricate and continually evolving legal framework stemming from constant changes to rules of procedure (*δικονομίες*) and to substantive rules is another factor contributing to persistent delays in justice in Greece (see **Checks & Balances: Law-Making**).

#### Proposed recommendations: Justice system

Enhance the effectiveness of criminal investigations of allegations of ill-treatment by law enforcement bodies, including through a robust track record of prosecutions.

Promptly and fully comply with interim measures indicated by the European Court of Human Rights under Rule 39 of the Rules of Court.

Ensure a more efficient and accountable institution for legal aid in Greece, a centralised approach under the supervision of the Ministry of Justice addressing identified shortcomings and promoting a fair and effective provision of legal aid.

Strengthen the effectiveness and uniformity of judicial review of detention orders and introduce an appeal against court decisions on objections against detention.

---

<sup>167</sup> Namely, Administrative Court of Athens, ANΔ83/2024, lodged on 24 February 2024 and decided on 23 July 2024; ANΔ104/2024, lodged on 10 March 2024 and decided on 9 September 2024; ANΔ226/2024, lodged on 14 May 2024 and decided on 4 December 2024.

<sup>168</sup> Article 15(7) L 3068/2002.

# Anti-corruption framework

## 2024 Rule of Law Report recommendation

Continue efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption

## Prevention

### Lobbying

101. L 4829/2021, which regulates lobbying activities, was passed in September 2021. Three and a half years later – and two years since the launch of the Transparency Register – it remains questionable whether the law is – or even can be – effectively implemented in practice in order to enhance transparency and accountability. Unfortunately, the reality of implementing such legislative provisions seems to reveal a gap between the theoretical enhancement of transparency and its application in practice.
102. After numerous extensions to the deadline for submission, the annual declarations of lobbyists (*εκπρόσωποι συμφερόντων*) were published for the first time in the summer of 2024, while the declarations of institutional stakeholders (*θεσμικοί φορείς*) were published in the autumn of 2024, almost three years after the adoption of the law.
103. Vouliwatch analysed the content of the Transparency Register and identified issues that raise concerns regarding the implementation of the law, finding it: limited in scope and information; lacking annual declarations by lobbyists; containing generalised / incomplete reporting of the intended outcome of a meeting, incomplete / contradictory records etc. Accordingly, on 24 October 2024 Vouliwatch sent a concise report to the NTA, highlighting the identified issues and requesting that the agency take action, as well as requesting the provision of relevant information and documents.<sup>169</sup> Unfortunately, our concerns have not been addressed by the NTA response of 28 November 2024,<sup>170</sup> which reinforces our belief that, while the enactment of L 4829/2021 was a positive development towards transparency and accountability in theory, its efficacy and implementation in practice remain problematic.
104. Additionally, the results of a recent OECD survey conducted among employees in the Greek public administration raise further concerns with regard to the sound implementation of the law. Specifically, the report concludes that “An overwhelming majority of surveyed public officials are not aware of the Law on Lobbying (Law 4829/2021) and do not report direct experiences with lobbyists”.<sup>171</sup>

<sup>169</sup> Vouliwatch, ‘Προβληματική Εφαρμογή του Νόμου για το Lobbying: Διαφάνεια στα Χαρτιά, Αδράνεια στην Πράξη’, 24 October 2024, [URL](#).

<sup>170</sup> Vouliwatch, ‘«Απάντηση» Εθνικής Αρχής Διαφάνειας για την Εφαρμογή του Νόμου για το Lobbying’, 18 December 2024, [URL](#).

<sup>171</sup> OECD, *Measuring the Implementation and Impact of Integrity Policies in Greece*, OECD Survey Results, 2024, 25, [URL](#).

105. Finally, we believe that the poor implementation of said law is not solely owed to bureaucratic inefficiency or lack of political will. We rather deem that specific aspects of the regulation itself render its efficacy problematic. This namely includes the fact that the law recognises as lobbying activities – and therefore regulates – only those performed by professional lobbyists.<sup>172</sup> This definition leaves out in-house lobbying which constitutes the vast majority of lobbying in Greece. This in our opinion partly explains the very low number of registrations and recorded meetings in the Transparency Register.

## Gifts policy

106. Following on from our previous submissions, we once again report that we maintain doubts about whether the rules on gifts are actually being followed.<sup>173</sup>

107. **Gifts to Members of Parliament:** There seems to have been no development on the issue of gifts to Members of Parliament. It should be noted, however, that as reported in the most recent Implementation Report of the National Anti-Corruption Action Plan, Action 2.3.19 regarding the update of the code of conduct for Members of Parliament “has not started”.<sup>174</sup>

108. **Gifts to Members of Cabinet and Deputy Ministers:** The gifts registry provided for in Article 17 L 4829/2021 was published for the first time in May 2024. Before this publication took place, Vouliwatch had already sent two access to information requests (one in 2023 and one in 2024),<sup>175</sup> which were never answered. Against the (unlawful) presumptive rejection of the second request, Vouliwatch appealed to the NTA, again requesting the granting of access to the lists of gifts.<sup>176</sup> The NTA granted the aforementioned appeal by a decision of 10 April 2024. Access to the lists was made available in a somewhat odd manner, namely via their publication and posting on the website of the Presidency of the Government within the month of April 2024.<sup>177</sup> It therefore took two and a half years from the enactment of the law, two requests for access to documents and an appeal, as well as an intervention via a decision of the NTA, before the competent authority published the list in question and complied with its obligations imposed by the law. This fact in itself raises serious concerns, especially with regard to how issues related to transparency and the right of access to public information are actually dealt with in Greece.

109. Moreover, it has to be noted that the way that this document was eventually published, as well as its location, are indicative of the lack of seriousness that the Greek government attributes to this specific legal provision. In particular, the list in question is found in a seemingly informal document that lacks a date, stamp, signature, or any

---

<sup>172</sup> Article 2(a) and (c) L 4829/2021.

<sup>173</sup> Joint Civil Society Submission on the 2024 Rule of Law Report, January 2024, paras 59-61.

<sup>174</sup> NTA, *NACAP 2022-2025 Implementation Report*, 1 September 2024, 42, [URL](#).

<sup>175</sup> Vouliwatch, ‘Το Vouliwatch ζητάει τη λίστα με όλα τα δώρα που έχουν λάβει τα μέλη της Κυβέρνησης’, 19 July 2023, [URL](#).

<sup>176</sup> Vouliwatch, ‘Δώρα πολιτικών – Προσφυγή Vouliwatch στην Εθνική Αρχή Διαφάνειας’, 22 March 2024, [URL](#).

<sup>177</sup> Vouliwatch, ‘Δώρα πολιτικών – Δικαίωση (;) Vouliwatch από την Εθνική Αρχή Διαφάνειας’, 11 April 2024, [URL](#).

other element indicating its issuer or the public body from which it originates. In addition, the document in question is located at the very bottom of an irrelevant page on the website of the Prime Minister and is thereby extremely difficult to locate.<sup>178</sup>

110. Finally, the relatively small number of entries in the list may raise doubts as to the sound implementation of the relevant law. In particular, according to the published list, the recipients of the total of 25 gifts are only four individuals: the Prime Minister, two Ministers of Foreign Affairs, and the Minister of Tourism, with the majority of the gifts being given to the Prime Minister. The number of declared and published gifts to members of the Government and Deputy Ministers – just 25 – seems disproportionately small considering that the Government currently comprises of the Prime Minister along with 60 Ministers, Alternate Ministers and Deputy Ministers. Furthermore, this registry covers a two-year period (2022 and 2023). Notably, during the same timeframe, the President of the Republic alone declared a total of 85 gifts,<sup>179</sup> more than three times the number declared by the 61 members of the Government combined.

### Asset declarations

111. We reiterate the concerns expressed in our previous submission, which remain unchanged.<sup>180</sup> To those, we add the following:

112. **Changes to the law on asset declarations:** In July of 2024, L 5130/2024 was passed, amending a number of provisions of L 5026/2023. Despite the relatively large scope of the changes introduced, no substantial change seems to have taken place in the direction of enhancing transparency and accountability. Furthermore, the fact that changes had to be made so soon after the law's enactment – just one year after the passing of the law and before it had really been put into practice – could also be argued to indicate the haphazard way in which the provisions of L 5026/2023 were prepared and adopted.

113. **GRECO recommendation:** As part of the Fifth Evaluation Round, GRECO recommended “that the legal status and obligations of political advisors be clarified and thoroughly regulated to subject them to the highest standards of integrity, including as regards rules of conduct, conflicts of interest and financial disclosure obligations”.<sup>181</sup> As explicitly stated later in the report: “... Political advisors are not required to report liabilities (although they may do so on a voluntary basis), their financial declarations are not published, and, once they leave office, they are only bound to report in the successive year (whilst the obligation for members of government extends to three years following the completion of the public function duties). Because the type of information available to them and the matters that they may be called upon to assist the minister can almost be as broad as the minister they serve, the GET considers that they must be subject to an equivalent level of disclosure.

---

<sup>178</sup> Prime Minister's Office, *Προεδρία της Κυβέρνησης*, [URL](#); *Κατάλογος αντικειμένων που προσφέρθηκαν ως δώρα στα μέλη της Κυβέρνησης και στους Υφυπουργούς κατά τα έτη 2022-2023*, [URL](#).

<sup>179</sup> Presidency of the Hellenic Republic, *Κατάλογος δώρων*, [URL](#).

<sup>180</sup> Joint Civil Society Submission to the 2024 Rule of Law Report, January 2024, paras 62-63.

<sup>181</sup> GRECO, *Fifth Evaluation Round, Evaluation Report Greece*, GrecoRC5(2020)4, March 2022, para 37 (Recommendation i), [URL](#).

This is a shortcoming to be specifically addressed when implementing recommendation i, paragraph 37.”<sup>182</sup>

114. Whereas the regulatory impact assessments of L 5026/2023 and L 5130/2024 claim that the recommendations of the GRECO Fifth Evaluation Round have been taken into account,<sup>183</sup> the abovementioned recommendations pertaining to the asset declarations of political advisors do not in fact appear to have been taken into account, given that to date: (a) the asset declarations of these persons are not published; (b) they are not obliged to declare their liabilities; and (c) they are not among the categories that are obliged to submit declarations for three years following the completion of the public function duties.<sup>184</sup>

115. **Continuous extensions of deadlines:** It can now be argued with relative certainty that the statutory deadlines for the submission of asset declarations have become merely indicative submission dates, since this has been happening for at least four consecutive years. In 2024, the deadline for the submission of asset declarations was extended twice! In particular:

- ❖ Article 68 L 5113/2024, introduced for voting by an amendment in an unrelated bill on the eve of the plenary vote,<sup>185</sup> provided that both the initial and annual returns for the years 2023 (fiscal year 2022) and 2024 (fiscal year 2023) shall be submitted by 31 December 2024.
- ❖ Subsequently, Article 37(5) L 5167/2023, also introduced for voting by amendment in an unrelated bill on the eve of the plenary vote (see **Checks & Balances: Law-Making**),<sup>186</sup> extending the deadline again until 28 February 2025.

116. We note, in passing, that Article 17 L 5130/2024 has added transitional provisions to L 5026/2023.

117. The recurring extensions of the submission deadlines inevitably lead to long delays in audits. These delays will presumably be exacerbated by the large volume of

---

<sup>182</sup> *Ibid*, para 110.

<sup>183</sup> Hellenic Parliament, *Impact assessment of L 5026/2023*, 4, [URL](#); *Impact assessment of L 5130/2024*, 11, [URL](#).

<sup>184</sup> The obligation of political advisors to submit a declaration of assets is provided for in Article 5 L 5026/2023. According to the same law: (a) only the declarations of the persons referred to in Article 4 (members of the government, deputy ministers, heads of political parties, Members of Parliament, Members of the European Parliament, those who manage the finances of parties) and Article 6(a) (regional governors and mayors) are made public: Article 32(1) L 5026/2023; (b) only the declarations of the persons referred to in Articles 4, 6(a) and 8(1)(a) (judges and prosecutors) shall include information on property liabilities: Article 20(2) L 5026/2023; and (c) only the persons referred to in Articles 4, 6(a) and 8(1)(a) shall submit declarations for three years following the completion of the public function duties: Article 18(1) L 5026/2023.

<sup>185</sup> Hellenic Parliament, *Ενσωμάτωση της Οδηγίας (ΕΕ) 2021/2118 για την ασφάλιση αστικής ευθύνης που προκύπτει από την κυκλοφορία αυτοκινήτων οχημάτων, λήψη μέτρων προς εφαρμογή του Κανονισμού (ΕΕ) 2022/858 σχετικά με το πιλοτικό καθεστώς υποδομών της αγοράς που βασίζονται σε τεχνολογία κατανεμημένου καθολικού, ειδικότερες ρυθμίσεις για τα οχήματα και τη δημόσια περιουσία και άλλες διατάξεις του Υπουργείου Εθνικής Οικονομίας και Οικονομικών*, Amendment 182/45, 19 June 2024, [URL](#).

<sup>186</sup> Hellenic Parliament, *Αναδιάρθρωση σιδηροδρομικού τομέα και ενίσχυση ρυθμιστικών φορέων μεταφορών και άλλες διατάξεις*, Amendment 300/7, 18 December 2024, [URL](#).

declarations that will eventually have to be audited when the declarations for the years in question are finally submitted.

118. Finally, it is worth mentioning that the new platform for filing declarations reportedly faced several problems, at least until November 2024.<sup>187</sup>

### Political party financing

119. The concerns we expressed in our previous submission remain intact.<sup>188</sup> There has been no change in the quantity or quality of information published by the Parliamentary Committee for the Investigation of Declarations of Assets (CIDA) on its website or of the publicly available information on political finance in general.

120. It is worth mentioning that according to the November 2024 statement of the Hellenic Court of Audit, an illegal payment of funding to a political party totalling 240,691.65 € was made to cover its operational, research, training and election expenses, following the suspension of the party's operation.<sup>189</sup>

### Conflicts of interest in the public sector

121. **GRECO recommendations:** Conflict of interest was of particular concern to GRECO in the Fifth Evaluation Round of Greece.<sup>190</sup> As stated in the Compliance Report recommendations vi and vii, relating to strengthening the management system of conflict-of-interest issues on the one hand and to the issue of the post-public employment regime on the other, have not been implemented.<sup>191</sup> It is worth noting in particular that in the context of recommendation vi, GRECO states that: "...the adequacy of the post-employment regime, raised in the Evaluation Report with respect to this recommendation, has not been tackled. This includes looking into whether a one-year/18 months cooling-off period is enough, since a period of two years is the norm for most GRECO members reviewed to date in the Fifth Evaluation Round. The issue of the revolving door policy with respect to possible conflicts of interest of current persons with top executive functions as a result of their activities prior to government service, has also not been addressed."

122. **OECD findings and recommendations:** In August 2023, the deliverables of the "Strengthening of integrity, transparency and anti-corruption framework" project were

---

<sup>187</sup> Economic Chamber of Greece, 'Πρόεδρος ΟΕΕ: Να μεταταχθεί για τις 31 Μαρτίου 2025 η προθεσμία υποβολής δήλωσης Πόθεν Έσχες, λόγω τεχνικών προβλημάτων', 10 December 2024, [URL](#); Panagiotis Pantelis, 'Η εξέλιξη του Πόθεν Έσχες άργησε...πολλές μέρες', 22 November 2024, [URL](#); Naftemporiki, 'Πόθεν Έσχες: Σοβαρά τεχνικά προβλήματα στη νέα πλατφόρμα', 20 November 2024, [URL](#).

<sup>188</sup> Joint Civil Society Submission to the 2024 Rule of Law Report, January 2024, paras 64, 66-68.

<sup>189</sup> Hellenic Court of Audit, 'Εκθεση επί του Απολογισμού των εσόδων και εξόδων του κράτους 2023 και του Ισολογισμού (κατάστασης χρηματοοικονομικής θέσης) και των λοιπών χρηματοοικονομικών καταστάσεων της κεντρικής διοίκησης της 31-12-2023', 13 November 2024, 13, 97, 159, [URL](#).

<sup>190</sup> GRECO, *Fifth Evaluation Round, Evaluation Report Greece*, GrecoRC5(2020)4, March 2022, paras 37, 55-58, 85 et seq. (especially paras 91-93, 95), 101-104, 154-158.

<sup>191</sup> GRECO, *Fifth Evaluation Round, Compliance Report Greece*, GrecoRC5(2024)1, March 2024, paras 32, 38-42, 43, 45-46.



published on the NTA website.<sup>192</sup> These documents, prepared by the OECD, state *inter alia* that: (a) the conflict-of-interest framework in Greece is scattered in various legal instruments, resulting in various challenges and inconsistencies in its implementation;<sup>193</sup> and (b) according to OECD research, “A majority of surveyed public officials indicated a lack of awareness regarding conflict of-interest regulations, which combined with the large number of respondents who claimed to have not faced a conflict-of-interest situation may indicate a lack of knowledge and ability to identify conflict-of-interest situations.”<sup>194</sup>

123. Finally, the OECD has formulated a series of proposals for legislative or institutional reforms to strengthen the Greek system.<sup>195</sup>

124. **Decisions of the NTA Ethics Committee:** In the course of 2024, the Ethics Committee of the NTA published eight decisions (10 to 17/2024) on issues related to Article 73 L 4622/2019.<sup>196</sup> Of these eight decisions:

- Three reject the application as inadmissible (Decisions 10, 13 and 16/2024);
- Four grant permission to the applicant to carry out professional / business activity;<sup>197</sup>
- Only one decides not to grant permission (Decision 15/2024).

---

<sup>192</sup> NTA, *Παραδοτέα Πράξης «Ενίσχυση του Πλαισίου για την Ακεραιότητα, τη Διαφάνεια και την Καταπολέμηση της Διαφθοράς»*, 13 August 2024, [URL](#).

<sup>193</sup> OECD, *Mapping and Gap Analysis of the Conflict of Interest System in Greece*, 2024, 11 and 22, [URL](#).

<sup>194</sup> OECD, *Measuring the Implementation and Impact of Integrity Policies in Greece*, OECD Survey Results, 2024, 13, [URL](#).

<sup>195</sup> OECD, *Recommendations on Enhancing Greece's System for the Prevention and Management of Conflicts of Interest*, 2024, [URL](#).

<sup>196</sup> NTA, *Επιτροπή Δεοντολογίας: Αποφάσεις*, [URL](#).

<sup>197</sup> Namely, (i) Decision 11/2024, which unanimously decided to grant the applicant (who served as Secretary General for Health Services [Γενικός Γραμματέας Υπηρεσιών Υγείας] from September 2019 to July 2023) permission to undertake academic duties in the framework of the EU research and innovation programme ‘Horizon Europe 21-27’ and the ‘Horizon 2020’ programme without conditions and restrictions; (ii) Decision 12/2024, by which it was decided by majority to grant the applicant (who served from July 2019 to May 2024 as Alternate Minister of Foreign Affairs and from June 2023 to September 2023 as Minister of Maritime Affairs and Island Policy) permission “on the condition that, until the expiry of one year from the end of his term of office as Minister of Maritime Affairs and Insular Policy, i.e. until 11.09.2024, he does not represent the company in which he wishes to be employed, in any meeting with the leadership or executives of the Ministry of Maritime Affairs and Insular Policy.” See p. 9 for the opinion of Committee Member, D. Laskaratou (Vice President, Supreme Council for Civil Personnel Selection, ASEP), who appears to consider that there is a conflict-of-interest issue; (iii) Decision 14/2024, which decided by majority to grant the applicant (who served as a temporary official in the post of the Director of the Reception and Identification Service of the Ministry of Migration and Asylum from March 2020 to January 2024) permission “on condition that he abstains, until the completion of one year from the expiry of his term of office as Administrator of the Reception and Identification Service, i.e. until 25.01.2025, from any negotiation of contract terms/conclusion of a contract with the Ministry of Immigration and Asylum and entities subject to its supervision.”. See pp. 11-12 for the opinion of the Committee Member, A. Pottakis (Ombudsman), who considers that in this particular case there is a case of revolving doors; (iv) Decision 17/2024, which unanimously decided to grant to the applicant (who served as First Vice-Chairman of the Hellenic Capital Market Commission from September 2019 to December 2023) permission “on condition that he does not attend, until one year after the expiry of his term of office at the Hellenic Capital Market Commission i.e. until 31.12.2024, any meeting with or in any on-site inspection conducted by the staff of the Hellenic Capital Market Commission”.

125. The fact that in two cases issues of conflict of interest / revolving doors were raised by members of the Committee (Decisions 12 and 14/2024), and that four decisions seem to concern the same person (Decisions 10, 13, 15 and 17/2024) appears surprising.
126. It is worth mentioning that in the Parliament plenary session of 8 October 2024, the Parliamentary Representative of PASOK referred to a case of an individual taking up a position without prior authorisation from the Committee, pointing out the lack of relevant monitoring.<sup>198</sup>
127. The above, in conjunction with the observations made in our previous submission,<sup>199</sup> confirm and further reinforce our concerns about the overall adequacy of the legal framework, at both legislative and implementation level.

### **Whistleblower protection**

128. Two years after the adoption of L 4940/2022, we still have doubts as to whether the provisions of the law are being applied in practice. Our doubts even extend to whether the (private and public) entities provided for in the law have complied with the “formal” obligations set out therein such as the obligation to establish an internal reporting channel. For this reason, on 27 November 2024 Vouliwatch sent a request for information and documents to the NTA, asking how many entities have complied with this obligation – even after the lapse of the statutory deadline– and how many and which entities have not yet complied.<sup>200</sup>
129. It should also be noted that, according to the results of an OECD survey,<sup>201</sup> “a significant portion of respondents (71%) either were not aware of or only had limited knowledge of legislation protecting whistleblowers who report violations of EU law, indicating a potential lack of understanding of their rights and protections” and “55% did not know if there is a reporting channel in their institution”. The report notes that: “Despite the transposition of the EU Directive 2019/1937, more efforts may be required to raise awareness on the protections afforded to officials if they were to report violations of EU law and to strengthen the implementation of the regulations, as a large group of respondents is not aware of the applicable legislation and only a few respondents reported that their institutions had established a reporting channel.”
130. Relatedly, we note that an October 2024 decision by the Financial Prosecutor’s Office to revoke the protection status of two key whistleblowers in a case involving government officials, politicians and the pharmaceutical industry represents a significant setback for whistleblower protection in Greece. This decision was made following requests by political figures implicated in the case. The two whistleblowers whose identity has been revealed now face the possibility of legal action without

---

<sup>198</sup> Hellenic Parliament, *Plenary Session*, 8 October 2024, [URL](#).

<sup>199</sup> Joint Civil Society Submission to the 2024 Rule of Law Report, January 2024, paras 69-71.

<sup>200</sup> Vouliwatch, ‘2 χρόνια Νόμος για whistleblowers: που βρίσκεται η εφαρμογή του;’, 22 November 2024, [URL](#).

<sup>201</sup> OECD, *Measuring the Implementation and Impact of Integrity Policies in Greece*, OECD Survey Results, 2024, 7-13.

enjoying the safeguards initially afforded to them.<sup>202</sup> The persons in question have been prosecuted and have been referred to trial for March 2025.<sup>203</sup> The decision raises profound concerns about the future of whistleblowing in Greece. It sets a troubling precedent that could discourage potential whistleblowers from coming forward, knowing that their anonymity and protection might be revoked under political or judicial pressure. This undermines the fundamental principles of the EU Whistleblower Protection Directive, which emphasises the importance of safeguarding individuals who expose corruption and wrongdoing.

## Public procurement

131. As we have not been able to find sufficient published statistics or observations on the issue of public procurement, we are only in a position to report that: (a) according to the recent statement of the Hellenic Court of Audit there were cases where public procurement legislation was not properly followed e.g. issues related to direct awards, segmentation and untimely planning of public supplies / services;<sup>204</sup> (b) every month the Hellenic Court of Audit publishes a press release in which it states *inter alia* the number of contracts audited in the framework of a pre-contractual audit, the number of contracts checked which were found to be illegal (*μη νόμιμες*) and the sum of the value of these contracts.<sup>205</sup>

## Publicity of data on political advisors

132. In the Fifth Evaluation Round Report on Greece, GRECO recommended “that for the sake of greater transparency the names, functions and remuneration (for the tasks performed for the government) of political advisors, as well as information on ancillary activities (when those are carried out), is disclosed in a way that provides for easy, appropriate public access on-line”.<sup>206</sup>
133. Subsequently, Article 47A was added to L 4622/2019.<sup>207</sup> As noted in GRECO’s Compliance Report: “The Greek authorities report that Article 47A of Law 4622/2019, as amended by Article 36 of Law 4940/2022, now provides that the details (full name, job title) of associates (one of the two types of political advisors) are published on the website of the body that employs them, which is also responsible for updating this information. The Presidency of the Government now keeps a centralised electronic list of the details of all the categories of associates in private offices (full name, status, job title, institution/agency to which they are assigned and salary scale). The Presidency of

---

<sup>202</sup> Kathimerini, ‘Αίρεται η προστασία των μαρτύρων της Novartis’, 24 October 2024, [URL](#).

<sup>203</sup> Kathimerini, ‘Novartis: Στο εδώλιο οι πρώην προστατευόμενοι μάρτυρες – Δίωξη για δύο πλημμελήματα’, 20 January 2025, [URL](#).

<sup>204</sup> Hellenic Court of Audit, ‘Έκθεση επί του Απολογισμού των εσόδων και εξόδων του κράτους 2023 και του Ισολογισμού (κατάστασης χρηματοοικονομικής θέσης) και των λοιπών χρηματοοικονομικών καταστάσεων της κεντρικής διοίκησης της 31-12-2023’, 13 November 2024, 13, 97-98, 159.

<sup>205</sup> Hellenic Court of Audit, ‘Δελτίο Τύπου, Εργασίες Προσυμβατικού Ελέγχου’, November 2024, [URL](#) and [URL](#); October 2024, [URL](#) and [URL](#); September 2024, [URL](#); August 2024, [URL](#); July 2024, [URL](#); June 2024, [URL](#); May 2024, [URL](#); April 2024, [URL](#); March 2024, [URL](#); February 2024, [URL](#); January 2024, [URL](#).

<sup>206</sup> GRECO, *Fifth Evaluation Round, Evaluation Report Greece*, GrecoRC5(2020)4, March 2022, para 38 (Recommendation ii).

<sup>207</sup> Article 47A L 4622/2019, inserted by Article 36 L 4940/2022, Gov. Gazette A’ 112/14.6.2022.

the Government is also under the obligation of drawing up an annual report, including statistics on the total number of associates, their salary scale and the penalties imposed for breaching their obligations. The website of the Presidency, which includes the list and the annual report, will be accessible to the public".<sup>208</sup> GRECO therefore concluded that "recommendation ii has been partly implemented".<sup>209</sup>

134. However, Article 47A L 4622/2019 appears to be another provision purported to increase transparency that has yet to do so in practice. In early December 2024, Vouliwatch visited the sites of the Presidency of the Government, looking for the Article 47A L 4622/2019 centralised electronic list and annual report, which were not found. Vouliwatch therefore sent a document request to the Presidency of the Government on 5 December 2024.<sup>210</sup> Unfortunately, this request still remains unanswered at the time of writing.
135. On 9 and 10 December 2024, Vouliwatch visited the websites of all 20 ministries of the Greek government, looking for the details of their advisors. However, it was only able to locate the relevant data in the websites of seven of these ministries<sup>211</sup>. In six of these seven ministries, the data posted were only the name and surname of the collaborator, the office in which they served and their status.<sup>212</sup>

#### Proposed recommendations: Anti-Corruption

Ensure that the asset declaration system is aligned in both law and practice with the principles of transparency and accountability and with GRECO recommendations. Amend asset declaration legislation to render publication of declarations of interest compulsory for Members of Parliament and Members of Cabinet.

Amend lobbying legislation in place to ensure that in-house lobbying is also regulated.

Amend the Code of Conduct of Parliament to ensure that gifts to Members of Parliament are publicly recorded and published on a public register.

Increase transparency in the work of the Parliamentary Committees and especially CIDA.

Ensure that the rules set out to strengthen transparency, integrity and accountability and to fight corruption are implemented in practice.

<sup>208</sup> GRECO, *Fifth Evaluation Round, Compliance Report Greece*, GrecoRC5(2024)1, March 2024, para 13.

<sup>209</sup> *Ibid*, para 15.

<sup>210</sup> Vouliwatch, 'Το Vouliwatch ζητά από την Προεδρία της Κυβέρνησης τη λίστα των συνεργατών των ιδιαίτερων γραφείων των μελών της Κυβέρνησης, των Υφυπουργών, των Γενικών και Ειδικών Γραμματέων', 5 December 2024, [URL](#).

<sup>211</sup> In particular, the aforementioned information was found (albeit with great difficulty in some cases) only on the websites of the Ministries of: Labour and Social Security, [URL](#); Interior, [URL](#); Migration and Asylum, [URL](#); Environment and Energy, [URL](#); Culture, [URL](#); Citizen Protection, [URL](#); Infrastructure and Transport, [URL](#). On the Ministry of Development's website, there was also a field called "See the Associates of the Ministry" (*Δείτε τους Συνεργάτες των Ιδιαίτερων Γραφείων του Υπουργείου*), but it did not lead to a list or contain any further information: [URL](#). Through a Google search, some Ministry documents were found that contained the relevant information, which, however, carried older dates, namely November 2023, [URL](#) and February 2023, [URL](#).

<sup>212</sup> Only the Ministry of Interior had published data on the salary scale and the category to which the associate belongs.

# Media freedom and pluralism

## 2024 Rule of Law Report recommendation

Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists

## Media authorities & bodies

### Independence of media regulatory bodies

136. There have been reports of attempts to interfere with the functioning of the National Council for Radio and Television (*Εθνικό Συμβούλιο Ραδιοτηλεόρασης*, NCRTV), the constitutionally established independent authority responsible for regulating radio and television in Greece.<sup>213</sup> In November 2024, the Council of State decided by majority to dismiss judicial review applications brought by the Bar Association of Athens against the amendment of the composition of the Authority on grounds of lack of sufficient interest (see [Justice: Independence](#)).
137. The NCRTV has been significantly impacted by substantial budget cuts which have progressively undermined its ability to effectively carry out its duties. According to its latest activity report, the authority's budget was reduced by over 45% between 2010 and 2015, with payroll and operational expenses bearing the brunt of the cuts. These financial constraints have led to the discontinuation of the political pluralism report, difficulties in maintaining and upgrading information systems and equipment, inability to participate in international conferences and events, and challenges in acquiring essential resources such as books, manuscripts, printing paper, and office supplies.<sup>214</sup> These persisting issues were also highlighted in the 2023 Rule of Law Report.<sup>215</sup>

## Safeguards & transparency of media ownership

### Transparency of media ownership

138. Following the 10-year-long financial crisis, a model of ownership concentration was developed which combines sports teams, shipping companies, and several media – from newspapers and website to television. An investigative project linking nine dominant business families that control Greece's established media with their business abroad found a total of 762 companies in 32 countries. Half of those (386) were based

<sup>213</sup> Syntagmawatch, 'Ανεξαρτησία προς απόδειξη', 29 September 2023, [URL](#).

<sup>214</sup> NCRTV, *2023 Activity Report*, December 2024, 35-36, [URL](#).

<sup>215</sup> European Commission, *2023 Rule of Law Report – Country Chapter Greece*, SWD(2023) 808, 5 July 2023, 20.

in Greece, followed by Cyprus (122) and the Marshall Islands (61); two countries classified by the Independent Authority for Public Revenue (Ανεξάρτητη Αρχή Δημοσίων Εσόδων, AADE) as tax havens.<sup>216</sup>

139. An analysis of financial statements of the country's largest television stations showed that they have an aggregate of €350 million in debt to the banks. The analysis took into consideration long-term and short-term bank loans to obtain an overall picture of television stations' collective debts.<sup>217</sup> Greece's systemic banks have been consistently accused of providing large media organisations with loans that are not repaid.
140. **Outdated NCRTV Transparency Department:** The Transparency Department of the NCRTV, the constitutionally established independent authority responsible for regulating radio and television in Greece, is in charge of matters including transfers of radio stations and channels, or changes in their corporate capital. The NCRTV is required by L 2328/1995 to maintain a database of such information.
141. However, there are ownership details that are not listed in the NCRTV database as it is often not updated. By way of example, the real owner of 50% of Alpha TV, one of the largest nationwide television stations in the country, remains unknown to the public as it is not listed in the database.

### **Fair and transparent allocation of state advertising**

142. In its November 2024 assessment of L 5005/2022, the United Nations Human Rights Committee stated that it "remains concerned that the law may be misused to exclude media that are critical of the government from receiving state advertising revenue".<sup>218</sup>
143. The International Press Institute (IPI) has found in a November 2024 report that a significant amount of state funding is distributed through various subsidies, yet the scale and criteria used to allocate state funding are not transparent and limit public awareness. The report details that "Media companies in Greece are not legally obliged to disclose the following information: The total amount of public funds for state advertising allocated to them; The total amount of advertising revenues received from third-country public authorities or entities; Any money received from third-country public authorities or entities."<sup>219</sup>

### **Safeguards against political interference**

144. The IPI compliance monitoring report on the European Media Freedom Act has found that Greece appears to have partial legislation in line with the provisions of the Act regarding independence of public service media and of media regulators, the misuse

---

<sup>216</sup> Solomon, *Who Owns the Media*, September 2024, [URL](#).

<sup>217</sup> Solomon, 'Who controls the media in Greece: 12+1 conclusions from Solomon's investigation', 29 October 2024, [URL](#).

<sup>218</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 29.

<sup>219</sup> IPI, *Media Capture Monitoring Report: Greece – Measuring Compliance with the European Media Freedom Act*, November 2024, [URL](#).

of state funds to influence media, and ensuring ownership transparency and media pluralism, but lacks effective independence in all of those examined.<sup>220</sup>

145. The Athens Journalists' Union has denounced the opacity of recruitment competitions and precarious work offered by the Hellenic Broadcasting Corporation (*Ελληνική Ραδιοφωνία Τηλεόραση*, ERT) as conditions that affect the ability of staff to provide journalistic work that is objective, pluralist and independent from government positions, as required by the freedom of the press and the constitutionally guaranteed mission of ERT.<sup>221</sup>

146. In September 2024, leading journalists' unions found that ERT failed to provide non-objective coverage of the Tempi rail tragedy.<sup>222</sup>

## Protection of journalists

### Journalists' independence & safety

147. In 2024, press organisations, journalists' associations and *Mapping Media Freedom*, a platform by the European Centre for Press and Media Freedom (ECPMF), a European non-profit organisation aiming to promote media freedom, recorded multiple cases of attacks, threats or violations against the freedom of the press, journalists and media in Greece. Indicatively:

- ❖ The Independent Authority of Public Revenue (*Ανεξάρτητη Αρχή Δημοσίων Εσόδων*, AADE) issued a €161,000 fine against the newspaper *Documento*, which was condemned by *Documento* and journalist unions as politically motivated and as an attempt to cripple its business and muzzle its reporting;<sup>223</sup>
- ❖ A journalist was assaulted and arrested by riot police while filming police violence during a demonstration;<sup>224</sup>
- ❖ Employees of the Hellenic Broadcasting Corporation (*Ελληνική Ραδιοφωνία Τηλεόραση*, ERT) raised concerns over “demotion” of their journalistic work by ERT management;<sup>225</sup>

---

<sup>220</sup> *Ibid.*

<sup>221</sup> Gonwatch, 'ERT: Recruitment opacity and precarious work as threats to press freedom', 5 September 2024, [URL](#).

<sup>222</sup> Gonwatch, 'Two leading journalist unions allege state broadcaster failed to provide non-objective coverage of the Tempi rail tragedy', 20 September 2024, [URL](#).

<sup>223</sup> Panhellenic Federation of Journalists' Unions, 'Όχι στα εξοντωτικά πρόστιμα', 22 November 2024, [URL](#); Journalists' Union of Macedonia and Thrace Daily Newspapers, 'Όχι στα εξοντωτικά πρόστιμα', 22 November 2024, [URL](#); *Documento*, 'SLAPP μέσω ΑΑΔΕ: Νέο πρόστιμο 161.000 ευρώ στο *Documento* ως εκδίκηση για τις αποκαλύψεις μας', 20 November 2024, [URL](#).

<sup>224</sup> Journalists' Union of the Athens Daily Newspapers, 'Καταδικάζουμε την επίθεση κατά του δημοσιογράφου του Ριζοσπάστη Γιώργου Ανδρούτσου και τη βίαιη προσαγωγή του', 1 November 2024, [URL](#).

<sup>225</sup> The Press Project, 'Journalists' Union criticises continued sidelining of public broadcaster during TIF press event', 12 September 2024, [URL](#).

- ❖ News outlets were not given the opportunity to ask questions at a press conference of the Prime Minister;<sup>226</sup>
- ❖ A businessman threatened TVXS with legal action if 182 posts about him were not deleted within three days;<sup>227</sup>
- ❖ A journalist was targeted by a religious brotherhood for his reporting;<sup>228</sup>
- ❖ The daily edition of the Greek newspaper Avgi was shut down by left-wing opposition party SYRIZA, its main shareholder;<sup>229</sup>
- ❖ Fact-checking website Ellinika Hoaxes was threatened with closure by member of the Greek Parliament and leader of the Greek Solution party Kyriakos Velopoulos;<sup>230</sup>
- ❖ A journalist was physically attacked during live broadcast;<sup>231</sup>
- ❖ A TV journalist was attacked and seriously injured<sup>232</sup>,
- ❖ An anarchist group attacked a journalist's house after she mocked an activist during live broadcast;<sup>233</sup>
- ❖ A journalist was physically attacked and injured by riot police while covering a demonstration;<sup>234</sup>
- ❖ Another reporter was physically assaulted by an officer of the riot police while covering a demonstration;<sup>235</sup>

<sup>226</sup> Govwatch, 'TIF: Journalists Union claims that government blocked questions from journalists and media', 20 September 2024, [URL](#).

<sup>227</sup> TVXS, 'Νέο εξώδικο προς Tvxs / Από τον Αριστείδη Φλώρο της Energa! – Καταγγελία της ΕΣΗΕΑ', 14 August 2024, [URL](#).

<sup>228</sup> Journalists' Union of Macedonia and Thrace Daily Newspapers, 'Στοχοποίηση δημοσιογράφου από την Ιερά Μονή Εσφιγμένου', 23 July 2024, [URL](#).

<sup>229</sup> European Federation of Journalists, 'Greece: Daily edition of Avgi Newspaper bluntly shut down', 26 June 2024, [URL](#); Journalists' Union of the Athens Daily Newspapers, 'Έντονη διαμαρτυρία για την αναστολή της καθημερινής έκδοσης της ΑΥΓΗΣ', 25 June 2024, [URL](#).

<sup>230</sup> EFCSN, 'EFCSN condemns the threats against Ellinika Hoaxes made by a political party in Greece', 29 July 2024, [URL](#); Ellinika Hoaxes, 'Ανακοίνωση για τις αντισυνταγματικές εξαγγελίες του Κυριάκου Βελόπουλου για κατάργηση των Ellinika Hoaxes', 25 June 2024, [URL](#).

<sup>231</sup> Journalists' Union of the Athens Daily Newspapers, 'Καταδικάζουμε την άγρια επίθεση που δέχτηκε ο Φρίξος Δρακοντίδης', 20 June 2024, [URL](#).

<sup>232</sup> Efsyn, 'Επίθεση δέχθηκε η δημοσιογράφος του ALPHA Ρένα Κουβελιώτη', 14 May 2024, [URL](#).

<sup>233</sup> Panhellenic Federation of Journalists' Unions, 'ΠΟΕΣΥ: Η ελευθερία της έκφρασης δεν περιορίζεται', 15 February 2024, [URL](#).

<sup>234</sup> Govwatch, 'Complaint of police violence against journalist Spyros Halikias', 10 March 2024, [URL](#); Journalists' Union of the Athens Daily Newspapers, 'Η ΕΣΗΕΑ καταδικάζει την επίθεση σε βάρος του συναδέλφου Σπύρου Χαλικιά', 9 March 2024, [URL](#).

<sup>235</sup> Govwatch, 'Complaints of police violence towards journalists during the coverage of a strike in Thessaloniki', 12 April 2024, [URL](#); Panhellenic Federation of Journalists' Unions, 'Η ΕΣΗΕΜ-Θ καταγγέλλει τη στοχοποίηση δημοσιογράφων από αστυνομικούς', 14 March 2024, [URL](#).



- ❖ A journalist was physically attacked and threatened while covering a protest;<sup>236</sup>
- ❖ A journalist was insulted and discredited by ruling New Democracy party MP Dimitris Markopoulos;<sup>237</sup>

148. **Restrictions on trial coverage:** In July 2024, Parliament passed controversial legislation strengthening restrictions on journalistic coverage of trials,<sup>238</sup> contrary to constitutional safeguards.<sup>239</sup> Specifically, Article 8(1) L 3090/2002, as amended by Article 31 L 5119/2024, prohibits full or partial broadcast of trials “by whatever means, in particular via television, radiophone, internet and generally any technological means, as well as filming, recording and transcription of the trial in written text via special software converting oral speech to text, before a criminal, civil or administrative court.” The provision has been invoked by judges as a basis for denying journalists the possibility to take notes during criminal trials.<sup>240</sup>

## SLAPPS

149. So far, the Greek government has not adopted legislation in order to deal with Strategic Lawsuits Against Public Participation (SLAPPs), which pose a significant threat to the media and journalists.<sup>241</sup>

150. The nephew and former Secretary-General of the Greek Prime Minister, Mr Grigoris Dimitriadis, has filed at least 16 lawsuits against media outlets and journalists regarding the **Predatorgate surveillance scandal**.<sup>242</sup> However, it must be mentioned that in October 2024 the Greek judiciary rejected his first lawsuit against Reporters United, Efsyn and reporters Nikolas Leontopoulos, Thodoris Chondrogiannos and Thanasis Koukakis for their investigation into the Predatorgate scandal which led to his resignation from the Prime Minister’s office.<sup>243</sup> Mr Dimitriadis has appealed. International

<sup>236</sup> Panhellenic Federation of Journalists’ Unions, ‘ΠΟΕΣΥ: Όχι στη στοχοποίηση δημοσιογράφων’, 16 February 2024, [URL](#).

<sup>237</sup> Gownwatch, ‘MP’s on air verbal attack on journalist widely condemned’, 7 February 2024, [URL](#); Panhellenic Federation of Journalists’ Unions, ‘ΠΟΕΣΥ: Απαράδεκτη η φραστική επίθεση του βουλευτή ΝΔ Δημήτρη Μαρκόπουλου σε δημοσιογράφο’, 7 February 2024, [URL](#).

<sup>238</sup> Gownwatch, ‘The ban on broadcasting trials as a restriction on freedom of the press and the right to information’, 11 July 2024, [URL](#); Panhellenic Federation of Journalists’ Unions, ‘Η ΠΟΕΣΥ για τη νομοθέτηση που ενισχύει τους περιορισμούς στην δημοσιογραφική κάλυψη δικών’, 15 July 2024, [URL](#).

<sup>239</sup> Syntagmawatch, ‘Περί της (αντι-)συνταγματικότητας του άρθρου 8 παρ. 1 ν. 3090/2002, όπως τροποποιήθηκε από το άρθρο 31 ν. 5119/2024’, 24 July 2024, [URL](#).

<sup>240</sup> Poraganda, ‘Μπλακάουτ στη δημοσιότητα των δικών: Η ελευθερία της πληροφόρησης συρρικνώνεται’, 9 July 2024, [URL](#).

<sup>241</sup> Reporters United, ‘Πώς η αγωγή Δημητριάδη μετατράπηκε σε δίκη του Predator Gate’, 5 February 2024, [URL](#).

<sup>242</sup> Reporters United, ‘«Αψεγάδιαστο δημοσίευμα»: Η εκδίκαση της δεύτερης αγωγής Δημητριάδη κατά Reporters United & ΕφΣυν για τις υποκλοπές’, 18 December 2024, [URL](#).

<sup>243</sup> Reporters United, ‘Υποκλοπές: Η δικαστική απόφαση που απορρίπτει την αγωγή Δημητριάδη και δικαιώνει Reporters United και ΕφΣυν’, 10 October 2024, [URL](#); ‘Η πρώτη ήττα της κυβέρνησης Μητσοτάκη στις υποκλοπές’, 12 October 2024, [URL](#); X post, 17 October 2024, [URL](#).

and Greek press freedom organisations have condemned Dimitriadis' lawsuits as abusive legal actions (SLAPPs), aimed at silencing the ongoing investigation.<sup>244</sup>

151. The United Nations Human Rights Committee “remains concerned about reports that local officials file strategic lawsuits against public participation (SLAPPs) to suppress critical news reporting and put financial and psychological pressure on journalists”.<sup>245</sup>
152. Furthermore, the Criminal Code amendment brought about by L 5090/2024 has introduced several problematic provisions against press freedom. According to Assistant Professor of Criminal Law at the Law School of the University of Athens, Mr Alexandros Dimakis, the repeal of Article 367 of the Criminal Code, which constituted a ground for removing the offence in favour of journalists in the exercise of their duties on the basis of the justified interest in covering issues of public interest, raises serious concerns for the freedom of the press.<sup>246</sup> In December 2024, Professor Dimakis stressed that a serious legislative effort to improve Article 367 of the Criminal Code, adapted to the requirements of the ECHR and the Charter, would have facilitated legal certainty and protection of journalists from abusive lawsuits against which the Greek government has not adopted any legislation. Professor Antonis Karampatzos also pointed out that the repeal of Article 367 of the Criminal Code creates serious difficulties in invoking it as a special ground for removing the offence in journalistic cases, both in criminal and civil law. Professor of Public Law at the University of Athens, Mr Yannis Tassopoulos, also expressed the scholarly view that the repeal of Article 367 of the Criminal Code poses a serious issue for the protection of press freedom in Greece.

## Transparency and access to documents

153. **GRECO recommendation:** During the Fifth Evaluation Round on Greece, GRECO addressed the issue of access to information, highlighting *inter alia* the need to review the existing legislative framework and the problems that arise in the practical application of the existing law.<sup>247</sup> According to recommendation iv, Greece should “undertake an independent assessment on access to information requirements in order to adopt regulation, and the necessary implementation measures, that fully meet the standards of the Council of Europe Convention on Access to Official Documents (CETS 205) (paragraph 66)”. As explicitly stated in the Compliance Report, “the scope of the recommendation is much broader than just providing adjustments to the Code of Administrative Procedure, without having first examined the legislative and practical

---

<sup>244</sup> International Press Institute, ‘Greece: Media and journalists targeted in second lawsuit by PM’s nephew over spyware revelations’, 21 December 2023, [URL](#); ECPMF, ‘Press freedom organisations support Reporters United and EfSyn’, 22 November 2024, [URL](#); RSF, X post, 10 November 2023, [URL](#); Journalists’ Union of the Athens Daily Newspapers, ‘Να σταματήσει η βιομηχανία αγωγών κατά δημοσιογράφων’, 7 December 2023, [URL](#); International Press Institute, ‘SLAPP award winner Grigoris Dimitriadis urged to drop defamation lawsuits’, 21 October 2022, [URL](#).

<sup>245</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 29.

<sup>246</sup> Nomiki Bibliothiki, ‘Σιωπή ή Αλήθεια; Η σκοτεινή πλευρά των SLAPP αγωγών – Οι ειδικοί εξηγούν’, 16 December 2024, [URL](#).

<sup>247</sup> GRECO, *Fifth Evaluation Round, Evaluation Report Greece*, GrecoRC5(2020)4, March 2022, paras 59-66, especially paras 63-66; *Fifth Evaluation Round, Compliance Report Greece*, GrecoRC5(2024)1, March 2024, paras 24-27.

shortcomings of the existing system (of which several were highlighted by the interlocutors met at the time of the evaluation visit and described in detail in the ensuing Evaluation Report, see paragraphs 64 and 65)."<sup>248</sup>

154. **Amendment of Article 5 of the Code of Administrative Procedure:** Article 57 L 5143/2024 brought about an amendment of Article 5 of the Code of Administrative Procedure (Κώδικας Διοικητικής Διαδικασίας) on access to public documents. According to the initial regulatory impact assessment of the bill, put to public consultation in September 2024, "the proposed regulation incorporates the implementation of the Council of Europe's Tromsø Convention on Access to Public Documents..."<sup>249</sup>

155. However, as Vouliwatch pointed out during the consultation process, the contents of this provision are not sufficient to amount to an incorporation of the Tromsø Convention into Greek law, nor to implementation of the abovementioned GRECO recommendation.<sup>250</sup> Although some of the proposals submitted by Vouliwatch on amendments to the provision were accepted in the adopted version of the amended Article 5 of the Code of Administrative Procedure, we still maintain that a more general paradigm shift is needed through a holistic revision of the existing legal framework in order to ensure both the effective exercise of the right of access and the application of fundamental democratic principles such as transparency and accountability. Finally, Vouliwatch and 14 more civil society organisation have already addressed a joint letter to the Greek authorities with concrete proposals for improving the legal framework.<sup>251</sup> However, there has been no further development on the issue at the time of writing.

156. **Consistent failure to reply to information and access to documents requests:** The lack of sufficient published data and the repeated lack of response to requests for access to public information persisted in the reporting period.<sup>252</sup> These two issues seem to be related to some extent, as on more than one occasion we have had to send a request for access to public information due to the fact that the authorities had not proceeded on their own initiative to publication of documents they are required to release under the law.<sup>253</sup>

---

<sup>248</sup> GRECO, *Fifth Evaluation Round, Compliance Report Greece, GrecoRC5(2024)1*, March 2024, para 26.

<sup>249</sup> Ministry of Interior, *Ανάλυση συνεπειών ρύθμισης: Ρυθμίσεις για τους χερσαίους συνοριακούς σταθμούς, την ενίσχυση των Οργανισμών Τοπικής Αυτοδιοίκησης και λοιπές διατάξεις*, 2 September 2024, [URL](#).

<sup>250</sup> [Opengov.gr](#), Vouliwatch comment, 15 September 2024, [URL](#); Vouliwatch, 'To Vouliwatch συμμετέχει στη διαβούλευση για τις αλλαγές στην πρόσβαση στα έγγραφα', 16 September 2024, [URL](#).

<sup>251</sup> Vouliwatch, *Συμμαχία Vouliwatch & Συστάσεις για βελτίωση του νομικού πλαισίου του ΔΠΔΠ*, 10 October 2024, [URL](#).

<sup>252</sup> Joint Civil Society Submission to the 2024 Rule of Law Report, January 2024, paras 77 et seq.

<sup>253</sup> For example, according to Article 17 L 4829/2021 the list of gifts received by Members of Cabinet should be posted on the website of the Presidency of the Government. In order for this list to be published, however, Vouliwatch had to send two requests for documents (see [Anti-Corruption: Prevention](#)). Furthermore, according to Article 67 L 4727/2020, public bodies must record and evaluate the sets of documents in their possession, by category, for the purpose of making them openly available, publishing and posting on their website the relevant decisions. Vouliwatch, unable to locate the relevant decisions for all Ministries, sent on 25 November 2024 a request for information and documents to the NTA which is the competent authority for the fulfilment of the obligations of the abovementioned

### Proposed recommendations: Media Freedom

Ensure that the NCRTV operates independently.

Ensure that the NCRTV has access to adequate state funding to allow it to perform its duties and responsibilities effectively and in a timely fashion.

Adopt anti-SLAPP legislation to protect journalists and media from SLAPPs.

Proceed with ratification of the Tromsø Convention.

Ensure that access to all information held by public bodies, currently governed by dispersed, confusing legislative provisions, falls under the scope of a single access to information legal framework and that disclosure of such information is subject only to exceptions laid down in law.

---

Article 67: Vouliwatch, 'Παροχή πληροφοριών και χορήγηση εγγράφων σχετικά με την τήρηση των υποχρεώσεων του άρθρου 67 του ν. 4727/2020', 25 November 2024, [URL](#).

# Checks & Balances

## Legislative process

### 2024 Rule of Law Report recommendation

Step up the efforts to ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by observing the statutory timeframe for public consultation

157. The standards laid down in the Greek legal order for the preparation, submission and adoption of legislation continue to be systematically disregarded by both executive and legislative powers.<sup>254</sup>
158. Throughout 2024, Parliament passed 88 pieces of legislation (L 5080/2024 to L 5167/2024), of which 64 were laws and 24 international conventions. The section below draws on Vouliwatch's analysis of the procedure followed for 48 of the laws adopted last year.<sup>255</sup>

### Public consultation of bills

159. For yet another year, the rules set out in Article 61 L 4622/2019 on public consultation do not seem to be followed.
- ❖ Contrary to the provisions of Article 61(2) and (3) L 4622/2019, 20 bills (41.67%) were subject to a consultation period shorter than the legally prescribed 14 days, without proper justification in the regulatory impact assessment of those laws for the use of a shorter deadline.

<sup>254</sup> Namely, Articles 74-75 Constitution; Articles 85, 87, 88 and 101 Standing Orders of the Hellenic Parliament (Section of Parliamentary Business); Articles 57 et seq. L 4622/2019; Manual of Legislative Methodology, 2020, [URL](#).

<sup>255</sup> The data set used to extract the statistics and conclusions mentioned in this chapter can be found in the following spreadsheet, [URL](#). The abovementioned list (and the research in general) excludes the 24 international conventions (L 5081/2024, L 5084/2024, L 5088/2024, L 5091/2024, L 5096/2024, L 5097/2024, L 5101/2024, L 5114/2024, L 5117/2024, L 5118/2024, L 5132/2024, L 5133/2024, L 5137/2024, L 5139/2024, L 5145/2024, L 5146/2024, L 5147/2024, L 5148/2024, L 5150/2024, L 5152/2024, L 5153/2024, L 5154/2024, L 5159/2024), L 5144/2024 relating to the ratification of the VAT Code, and L 5155/2024, L 5156/2024 and L 5165/2024 relating to the state budget and state balance sheets, in view of applicable special voting rules. It also excludes 12 laws concerning the ratification / approval of contracts, draft contracts, agreements, private agreements or amendments thereto (L 5080/2024, L 5098/2024, L 5109/2024, L 5112/2024, L 5115/2024, L 5124/2024, L 5125/2024, L 5126/2024, L 5127/2024, L 5138/2024, L 5141/2024, L 5158/2024) as a slightly different procedure seems to be followed for the preparation and adoption of these laws, whose provisions do not seem to have been subject to public consultation. In order to apply a consistent methodology, the data concern the remaining 48 laws.

- ❖ Despite the provisions of Article 61(4) L 4622/2019,<sup>256</sup> (a) in only 7 out of 48 cases was the public consultation report posted on the [opengov.gr](https://opengov.gr) website and (b) the obligation to send the report by email to the participants of the consultation does not seem to have been respected. In our personal experience, as many times as we have submitted a comment during the consultation process, we have not received the corresponding email.

160. Furthermore, many legislative provisions still do not seem to go through public consultation. In the vast majority of the cases examined (44 out of 48 cases), the bill introduced for voting had more articles than the corresponding bill submitted to public consultation. In addition, the bills introduced for voting appear to have had a total of 3,000 articles, with only 2,673 of those found in the corresponding version of the bills put to public consultation, regardless of changes in form in the two versions.<sup>257</sup> We also note that articles submitted for voting through amendments are usually not put to prior consultation.

161. In addition, the period from the end of the consultation to the submission of the draft law in the Parliament seems in several cases to be extremely limited – minimum zero days, maximum 247 days, average 17.68 days, median 3.5 days.

162. In particular, we observed that in 18 cases the submission of the draft law to Parliament took place on the same or the day after the end of the consultation. This raises serious concerns, as the short period of time that in some cases elapses between the end of the consultation and the submission of the draft law. This issue, coupled with the large number of comments submitted in the context of certain consultations, logically calls into question whether these comments are taken into account, as there does not appear to be time to even read all the comments, let alone to assess their possible incorporation into the proposed provisions. For example:

- ❖ For L 5089/2024 on marriage equality, the consultation on the bill ended on 31 January 2024 at 21:00 after receiving 7,088 comments. The bill was submitted to Parliament on the evening of 1 February 2024, i.e. one day after the end of the consultation period.
- ❖ For L 5106/2024 on addressing the effects of climate change, the consultation on the bill ended on 15 April 2024 at 08:00 after receiving 556 comments. The bill was tabled on the evening of the same day.
- ❖ For L 5108/2024 on judicial reform, the consultation on the bill ended on 18 April 2024 at 21:00 after receiving 1,781 comments. The bill was submitted to Parliament on the evening of 19 April 2024, i.e. one day later.

---

<sup>256</sup> According to Article 61(4) L 4622/2019: "The Coordination Service of the Ministry concerned prepares a report on the public consultation... The report is included in the final Regulatory Impact Assessment of Article 62 of this Law and accompanies the regulation when it is submitted to Parliament, is posted on the website where the consultation took place and is sent by e-mail to the e-mail addresses from which the comments were received."

<sup>257</sup> The calculation excludes Article 1 L 5085/2024 regarding the sanctions of emergency decree.

- ❖ For L 5110/2024 on the establishment of a Hellenic Defence Innovation Centre, modernisation of Higher Military Education Institutions and other provisions, the consultation on the bill ended on 13 May 2024 at 10:00 after receiving 9,118 comments. The bill was tabled on the evening of the same day.

163. Conversely, in two cases, the period of time between the end of the consultation and the introduction of the respective draft law – or provisions of the draft law in question – was too long, namely 146 and 247 days in the case of L 5120/2024 and 5122/2024 respectively. This also raises concerns, in particular because of the confusion that the intervening period may cause to citizens. In any case, we note that according to the results of a recent survey, “the days that it takes to vote a publicly consulted bill also negatively (positively) affect similarity (changes). Likewise, this negative relationship is also somewhat linear; the longer an article takes to be voted, the more it changes”.<sup>258</sup>

164. Finally, it is worth mentioning that GRECO has also raised concerns about the consultation process – and the legislative process in general – in the context of the Fifth Evaluation Round Recommendations, namely recommendation v.<sup>259</sup>

### Late & irrelevant amendments

165. Last-minute amendments that are not related to the subject matter of the bill remain a frequent phenomenon, as is their inclusion in the final text of the law. The laws under which ministerial amendments are not tabled are few and far between. In 46 out of 48 cases (95.83%), ministerial amendments were tabled after the bill had been submitted to Parliament. A total of 76 amendments were submitted, amounting to a total of 325 articles.

166. Despite the provisions of the Constitution and the Standing Orders of the Hellenic Parliament (Section of Parliamentary Business),<sup>260</sup> of those 76 amendments:

<sup>258</sup> Antonis Athanasiou, *Impact analysis of Greece's OpenGov public consultation contributions on final legislation* (AUEB, 2024), [URL](#).

<sup>259</sup> GRECO, *Fifth Evaluation Round, Evaluation Report Greece*, GrecoRC5(2020)4, March 2022, especially paras 68, 71 and 71. As per the Compliance Report, GrecoRC5(2024)1, March 2024, paras 28-31, GRECO considers that “*recommendation v has not been implemented*”.

<sup>260</sup> According to Article 74(5) Constitution: “A Bill or law proposal containing provisions not related to its main subject matter shall not be introduced for debate. No addition or amendment shall be introduced for debate if it is not related to the main subject matter of the Bill or law proposal. Additions or amendments by Ministers are debated only if they have been submitted at least three days prior to the commencement of the debate in the Plenum, to the Section specified in article 71 or to the competent standing parliamentary committee, as specified by the Standing Orders...” According to Article 87(1) Standing Orders of the Hellenic Parliament (Section of Parliamentary Business): “Additions or amendments... are filled in the appropriate department of the Parliament, and listed in a separate book, numbered consecutively.... Submissions on Friday shall be made no later than 13.00. Confirmation of the submission of additions or amendments is provided by the competent department of the Parliament by drawing up, underneath their text, an act stating the number, date and time of the submission.”

- 43 (56.58%) were last-minute amendments, filed either on the day or the eve of adoption of the law – or the start of the plenary debate in cases where more sessions have been held prior to adoption;<sup>261</sup>
- 16 were filled on a Friday after 13:00;
- 73 (96.05%) were irrelevant amendments, as they contained provisions that seem not to be directly related to the main subject matter – or at least one of the main topics – governed by the original bill submitted to public consultation. This assessment seems to be confirmed by the legislature's choice to include said provisions in sections of the acts titled “other provisions”, “other urgent provisions”, “other provisions of the Ministry” etc.<sup>262</sup>

167. Finally, it should be noted that it is not unusual for amendments to be tabled late at night and for the debate on the bill to start the next morning.<sup>263</sup>

168. In 21 cases, amendments appear to be tabled at or after 23:00.<sup>264</sup>

### **‘Omnibus’ legislation**

169. For yet another year, we note that legislative acts often regulate a number of unconnected topics. This view seems to be borne out both by the titles of the laws passed and by the government itself.

170. The titles of 37 of the 48 laws (77.08%) contained terms such as “and other provisions”, “other urgent provisions / regulations” etc. Furthermore, even in the laws that did not contain any of these phrases in their title, there is very often a chapter within the text that bears a similar title.<sup>265</sup>

<sup>261</sup> Note that amendment No. 79/12/22-1-2024, [URL](#), submitted in the context of the adoption procedure of L 5083/2024, after the process of debate in the Plenary had already begun, and was stamped as “overdue”. The provisions contained in this amendment, albeit introduced for voting, did not obtain the required increased majority required for their passage and therefore were not included in the law. Despite the fact that it was not passed, this amendment and its articles were taken into account in the context of this research, since in any case their “failure to pass” was not due to their late submission but to the failure to obtain the required majority.

<sup>262</sup> There were five amendments which could be argued to contain provisions that may be related in some way to the (broader) subject matter of the respective law: Amendments No. 154/11/24-4-2024 in L 5106/2024, [URL](#); 227/29/9-9-2024 in L 5134/2024, [URL](#); 266/19/30-10-2024 in L 5151/2024, [URL](#); 272/24/8-11-2024 in L 5157/2024, [URL](#); 281/31/27-11-2024 in L 5161/2024, [URL](#). However, we considered it more appropriate to present them here as “irrelevant” due to the legislature's choice to place them in sections bearing the abovementioned titles. This also indicates its assumption of a lack of connection between these provisions and the other sections of the laws in question.

<sup>263</sup> The day, date and time of tabling of amendments can be found in column ‘o’ of the abovementioned spreadsheet, while the date of start of the debate in the Plenary of the House can be found in column ‘x’.

<sup>264</sup> Namely, amendments in L 5094/2024, L 5102/2024, L 5111/2024, L 5113/2024, L 5116/2024, L 5128/2024, L 5131/2024, L 5135/2024, L 5140/2024, L 5157/2024, L 5162/2024, L 5163/2024, L 5164/2024, L 5166/2024 and L 5167/2024.

<sup>265</sup> This was the case in nine of the eleven laws that did not contain the above phrases in their title. Namely, in L 5105/2024, L 5120/2024, L 5129/2024, L 5136/2024, L 5140/2024, L 5149/2024, L 5151/2024, L 5161/2024 and L 5164/2024 there is a chapter or part bearing a similar title.



171. There are also cases where the bill is described as ‘omnibus’ (πολυνομοσχέδιο / ερανιστικό νομοσχέδιο) either by the supervising ministry in the context of the public consultation,<sup>266</sup> or by the majority rapporteur during the debate in the Parliament plenary session.<sup>267</sup>

## Recurrent amendment of laws & poor codification

172. As we highlighted last year, legislation is frequently amended, often within a very short period of time from its enactment or previous amendment. Indicatively:

- ❖ L 5108/2024 on judicial reform was passed in May 2024. By the end of 2024, a number of its provisions had already been amended by the provisions of nine subsequent acts.<sup>268</sup>
- ❖ L 4963/2022 regarding the judicial police was enacted in July 2022. Within two years, its provisions have extensively been amended by L 5049/2023, L 5108/2024 and L 5134/2024.
- ❖ The extension of deadlines previously set by other laws does not seem to be an isolated phenomenon.<sup>269</sup> We specifically highlight the case of Article 46(6) of L 4830/2021 concerning the deadline for animal shelters to comply with the provisions thereof, which has been amended four times since its adoption.<sup>270</sup>

173. These issues and the broader trend of frequent or short-term amendments to legislative provisions arguably indicate either a hasty, haphazard approach to preparing and enacting laws, or an inability to implement newly adopted provisions and a corresponding need to change them.

---

<sup>266</sup> There are instances where the .pdf document of the bill uploaded for consultation on [opengov.gr](http://opengov.gr) carried the mention “omnibus” (ερανιστικό), as seen in the titles of the documents of bills for: L 5095/2024, [URL](#); L 5130/2024, [URL](#); L 5161/2024, [URL](#); L 5166/2024, [URL](#). Note also the press release for the bill adopted as L 5102/2024: Ministry of Health, ‘Σε δημόσια διαβούλευση το ερανιστικό νομοσχέδιο του Υπουργείου Υγείας’, 7 March 2024, [URL](#). Furthermore, this particular bill was put to consultation on 7 March 2024 according to the announcement, whereas the [opengov.gr](http://opengov.gr) website states that the bill was put to consultation on 6 March 2024, [URL](#).

<sup>267</sup> Regarding L 5128/2024, the New Democracy rapporteur stated at the 26 July 2024 plenary session: “this is an omnibus bill, meaning that there is no main structure of a principal topic but there are provisions remedying most of the problems related to the Ministry of Education”: Hellenic Parliament, *Plenary Debate ΠΟΣΤ*, 26 July 2024, 4, [URL](#).

<sup>268</sup> Namely, Article 36 L 5111/2024; Article 33 L 5119/2024; Articles 33 and 42 L 5130/2024; Article 51 L 5131/2024; Articles 109, 112 and 113 L 5134/2024; Article 72 L 5140/2024; Articles 38 and 63 L 5143/2024; Article 89 L 5151/2024; Article 50 L 5167/2024.

<sup>269</sup> Note *inter alia* the extensions provided for in: Articles 33-39 L 5167/2024; Articles 14, 56, 78, 80-81 and 86-87 L 5151/2024; Articles 41-42 and 48 L 5131/2024; Articles 52, 63-65 and 67 L 5116/2024; and Articles 66 and 68 L 5113/2024.

<sup>270</sup> The provision has been amended by Article 53 L 4940/2022, Article 166 L 4964/2022, Article 45 L 5056/2023 and Article 44 L 5130/2024. As commented by MP Milena Apostolaki during the plenary session in Parliament: “The continuous amendments to Law 4830, and the introduction of new extensions constitute an irrebuttable presumption of sloppiness, irresponsibility, failure and in any case not of an executive state”: Hellenic Parliament, *Plenary Debate Γ*, 8 October 2024, 26, [URL](#).

174. At the same time, questions of legal certainty arise, especially given that consolidated versions of laws are not always easily accessible to citizens. We recall that the National Codification Portal is not yet operational.<sup>271</sup>

175. For yet another year we highlight the concerns caused by the continuous changes to the Criminal Code (L 4619/2019) and the Criminal Procedure Code (L 4620/2019). Throughout 2024, changes to these two codes were introduced by six different legislative acts,<sup>272</sup> while on 24 December 2024 another bill containing amendments to the provisions of these codes was put to public consultation.<sup>273</sup> In general, the frequent, fragmentary changes to criminal legislation, and even more frequent Government announcements of impending changes, raise serious concerns. They may *inter alia* be interpreted as a sign of “penal populism”, which has no place in a state governed by the rule of law. Recurrent changes to criminal procedure rules also create understandable barriers to sound processing of cases before the courts, thereby undercutting objectives to promote **Efficiency** in the justice system.

176. Similar concerns are encountered in the context of the administrative procedure as well. Following the entry into force of L 5119/2024 with extensive changes on the rules of procedure before the Council of State in September 2024, Greece has three parallel rules of procedure in administrative cases (διοικητικές δικοномίες): (a) L 2717/1999 (Κώδικας Διοικητικής Δικονομίας) for substantive proceedings before lower administrative courts (τακτικά διοικητικά δικαστήρια); (b) PD 18/1989 as currently in force for judicial review and substantive proceedings before the Council of State; and (c) PD 18/1989 in the version in force prior to 16 September 2024 for judicial review proceedings before lower administrative courts.<sup>274</sup> The opacity of the scope of the reform brought about by L 5119/2024, coupled with the absence of a publicly available consolidated version of the pre-September 2024 PD 18/1989 is liable to create confusion among practitioners and judges as to the applicable rules of procedure. In fact, in judicial review applications lodged by our organisations since the reform, some courts have continued to apply the previous version of PD 18/1989,<sup>275</sup> while other courts have instructed applicants to follow the new rules of procedure.<sup>276</sup>

---

<sup>271</sup> Secretariat-General for Legal and Parliamentary Affairs, Εθνική Πύλη Κωδικοποίησης, URL: “The National Codification Portal is in the final stage of implementation”.

<sup>272</sup> L 5090/2024; L 5095/2024; L 5108/2024; L 5134/2024; L 5149/2024; L 5151/2024.

<sup>273</sup> Ministry of Justice, Δημόσια διαβούλευση του Υπουργείου Δικαιοσύνης με τίτλο «Αντιμετώπιση νέων μορφών βίας κατά των γυναικών –Ενσωμάτωση της Οδηγίας (ΕΕ) 2024/1385 – Πρόσθετες ρυθμίσεις στον νόμο περί ενδοοικογενειακής βίας – Αναδιοργάνωση των ιατροδικαστικών υπηρεσιών –Ενίσχυση της λειτουργίας της Eurojust- Μέτρα για την προστασία των ανηλίκων και την καταπολέμηση της εγκληματικότητας στον Ποινικό Κώδικα και τον Κώδικα Ποινικής Δικονομίας – Δικονομικές διατάξεις αρμοδιότητας των τακτικών διοικητικών δικαστηρίων και άλλες ρυθμίσεις», 24 December 2024, URL.

<sup>274</sup> Article 23(2) L 5119/2024.

<sup>275</sup> Namely, Administrative Court of Athens, AK1246/2024, lodged on 16 December 2024.

<sup>276</sup> Namely, Administrative Court of Chania, AKY11/2024, lodged on 23 October 2024.

## Independent authorities

### Hellenic Authority for Communication Security and Privacy (ADAE)

177. **Unconstitutional change of ADAE composition:** In November 2024, the Plenary of the Council of State decided by majority to refrain from reviewing the legality of the unconstitutional change of the composition of ADAE and NCRTV in September 2023, by dismissing judicial review applications lodged by the Bar Association of Athens for want of legitimate interest (see [Justice: Independence](#)).<sup>277</sup>
178. **Intimidation and obstructed performance of functions:** In the foreword to the 2022 annual report of ADAE, the President of the Authority, Mr Christos Rammos, cited “various difficulties” in the exercise of the independent authority’s functions, including the “well-known” chronic issue of understaffing, and the need to overcome “old practices” impeding the exercise of the independent authority’s powers. Mr Rammos mentioned in his remarks: “Unfortunately, the Greek political system seems to believe that the Independent Authorities fulfil their role only when they do not disturb or criticise the authorities and do not question their choices. However, when they do fulfil their constitutional role, which is to act as a counterweight to authority, they are subject to a whole series of unfair attacks, as the... attacks on the ADAE and its President, the signatory of this foreword, have shown in the most unpleasant way. It seems, one might say, that the Greek political system is too immature to accept this institution; an institution which, however, has been adopted by all the mature and advanced democracies of the European legal culture to which we want our country to belong. It has not been realised in Greece that the existence of checks and balances is a fundamental and necessary institution for the functioning of the rule of law, which, together with the principle of majority rule, is a fundamental pillar (I would even say a *sine qua non*) of the constitution of liberal democracy.”<sup>278</sup>
179. Similar remarks were made in the foreword to the 2023 annual report of the Authority: “It must be clear to all institutions of the Greek State... that independent authorities must be respected, not only when they do not criticise their choices and do not disagree with them, but also in the cases where these authorities become unpleasant during the performance of their functions. This is precisely what independent authorities means.”<sup>279</sup>

### Hellenic Data Protection Authority (DPA)

180. The Hellenic Data Protection Authority (*Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα*, DPA) faces significant challenges in fulfilling its duties due to the heavy workload with ongoing cases, particularly those enforcing the GDPR, limited human resources, and a severe office space shortage. These issues result in substantial delays in exercising its powers.<sup>280</sup> The DPA has previously raised concerns about its lack of

---

<sup>277</sup> Council of State, 1639/2024 and 1641/2024, 1 November 2024.

<sup>278</sup> ADAE, *2022 Activity Report*, January 2024, 7.

<sup>279</sup> ADAE, *2023 Activity Report*, July 2024, 7.

<sup>280</sup> See more in European Data Protection Board, *Overview on resources made available by Member States to the Data Protection Supervisory Authorities*, September 2022, [URL](#).

funding and resources with the Greek government, hoping to improve its difficult operational situation. For instance, in 2023, the Association of Scientific Personnel of the DPA issued two statements highlighting the shortage of staff and insufficient salaries, which undermine the Authority's effectiveness.<sup>281</sup> In another public statement, the DPA's personnel emphasised the urgent need for adequate resources and salary increases to enable the Authority to comply with EU law.<sup>282</sup>

181. In its annual report for 2022, published in late 2023, the DPA issued another desperate appeal for assistance.<sup>283</sup> One of its most pressing operational challenges is the lack of proper office accommodation. The DPA warns that it faces the risk of losing office space as the Greek state has not addressed the real estate market challenges.<sup>284</sup> In March 2023, the DPA had to vacate one of its two floors after a court ruling, forcing the displacement of a large part of its services. Additionally, the DPA faces an imminent threat of being evicted from its remaining office space, as the owner of the floor has requested a rent increase which the Ministry of Finance has not approved, with the matter currently under review by the courts.<sup>285</sup>
182. The DPA also acknowledges that the growing volume of incoming cases, combined with chronic understaffing and limited funding, hampers its ability to effectively carry out its mission. The Greek DPA currently has only 50 staff members,<sup>286</sup> in contrast to the Hungarian DPA with 128 and the Dutch DPA with 270 staff members. The Greek DPA's 2022 budget was €2.523m, which decreased to €2.219m in 2023.<sup>287</sup> In comparison, the Dutch DPA's 2022 budget was nearly ten times higher, at €29.24m.<sup>288</sup>
183. Given these circumstances, the Greek state must allocate more personnel and resources to enable the Hellenic DPA to fulfil its responsibilities, including its investigatory, supervisory, and advisory functions. Without effective intervention, the DPA's capacity to manage its tasks will only worsen in the future, particularly as new advisory and supervisory duties related to the forthcoming AI Act (Regulation 2024/1689) will be added to its workload.
184. Furthermore, the DPA has highlighted a lack of cooperation on the part of different Government ministries in the context of investigations into data protection breaches resulting in administrative fines (see [Cross-Cutting Issues: Data Protection](#)).

## National Transparency Authority (NTA)

185. **Management:** As of December 2024, i.e. two and a half years after the vacancy caused by the resignation of Mr Angelos Binis, the NTA is still managed by an Interim Governor and no open competition had been announced for the selection of a new

---

<sup>281</sup> Lawspot, 'Ανακοίνωση – Ψήφισμα του Σωματείου του Επιστημονικού Προσωπικού της Αρχής Προστασίας Δεδομένων', 3 February 2023, [URL](#).

<sup>282</sup> Lawspot, 'Διαμαρτυρία του Σωματείου Επιστημονικού Προσωπικού της Ανεξάρτητης Διοικητικής Αρχής Προστασίας Δεδομένων Προσωπικού Χαρακτήρα', 6 March 2023, [URL](#).

<sup>283</sup> DPA, *Ετήσια Έκθεση 2022*, February 2024, 22 et seq., [URL](#).

<sup>284</sup> *Ibid.*

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.*

<sup>288</sup> GDPR Hub, *AP (The Netherlands)*, [URL](#).

Governor.<sup>289</sup> This continues to raise concerns both in terms of legality and sustainability.<sup>290</sup>

186. In October 2024, Article 53 L 5143/2024 was passed, amending Article 90 L 4622/2019 on the qualifications required by law for candidates for the position of the NTA Governor. The impact assessment of the bill carried no mention, even a brief or general one,<sup>291</sup> of the reason why this amendment was necessary, especially given that a notice of competition to fill the post in question is yet to be published. This also raises serious concerns about the purposes pursued by the amendment, a point raised during the plenary debate in Parliament.<sup>292</sup>

187. We further note that Article 88(5) L 4622/2019 was amended by Article 62 L 5083/2024 and subsequently by Article 73 L 5108/2024. These amendments changed the duration by which the term of members of the NTA management may be extended, from the original six months to nine months and then to 12 months.

188. Furthermore, as reported by media,<sup>293</sup> the appointments of the members of the NTA Management Board were approved in September 2024 by the Institutions and Transparency Committee of the Parliament.<sup>294</sup>

189. The persisting **lack of independence** of the NTA has been highlighted as a concern by both the Human Rights Committee and the CPT.<sup>295</sup>

190. **Lack of effectiveness and transparency of NTA investigations** into push backs against refugees and migrants has persisted. Specifically, the European Commission cites an “enhanced mandate and competence” of the NTA to investigate push back cases, without further explanation of the methodology and investigative powers employed to that end.<sup>296</sup> The NTA in fact states that it has set up “an audit team which reviews and assesses all reports, complaints and publications submitted to the Authority concerning issues related to management of migration flows on Greek territory by the responsible national bodies, based on a structured audit programme established upon study of

---

<sup>289</sup> No notice or call for expressions of interest has been published on the NTA website, [URL](#) or on [opengov.gr](#), [URL](#).

<sup>290</sup> Joint Civil Society Submission to the 2024 Rule of Law Report, January 2024, para 98.

<sup>291</sup> The regulatory impact assessment only mentions that “The proposed regulation updates the required qualifications for the Governor of the National Transparency Authority”: Hellenic Parliament, *Ανάλυση Συνεπειών Ρύθμισης – Ρυθμίσεις για τους χερσαίους συνοριακούς σταθμούς, την ενίσχυση των Οργανισμών Τοπικής Αυτοδιοίκησης και λοιπές διατάξεις*, 25 September 2024, 20, [URL](#).

<sup>292</sup> Hellenic Parliament, *Plenary Debate Γ'*, 8 October 2024, 9, 25, 79 (SYRIZA); 11-12, 105, 58, 65 (PASOK); 16, 32 (New Left), essentially stating that the qualifications are being amended in order to place a certain person in the NTA Governor position.

<sup>293</sup> Καθημερινή, ‘Βουλή: Εγκρίθηκαν οι διορισμοί των μελών του Συμβουλίου Διοίκησης της Εθνικής Αρχής Διαφάνειας’, 18 September 2024, [URL](#).

<sup>294</sup> Despite the fact that the 2024 Rule of law Report (p. 14) stated that: “The recruitment procedure for a new Governor will be launched after the new members of the Management Board are appointed,” the procedure for filling the post of Governor does not appear to have started.

<sup>295</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, paras 8 and 20.

<sup>296</sup> European Commission, *Reply to a request for information from the European Ombudsman – complaint ref. 1418/2023/VS*, 29 February 2024, 5.

the national, EU and international legal framework",<sup>297</sup> without providing any further information.

191. The NTA adds that it has completed audit and assessment of 194 cases and highlights that its audit reports are confidential.<sup>298</sup> The Authority refused again to disclose statistics on the number of cases it has investigated following a HIAS Greece request in October 2024, citing data protection considerations and stating that it does not hold statistical documents that may be disclosed.<sup>299</sup>
192. The Authority has not released a single inspection report since the one it published in May 2022. We recall that the ECtHR has stressed in its *A.R.E. v. Greece* judgment that this report is not such as to call into question the credibility of reports on **Enforced Disappearance** which point to a systematic practice of push backs from Greece to Türkiye.<sup>300</sup> The Court has also noted that recourse to the NTA in this case does not meet the requirements of an effective domestic remedy.<sup>301</sup>

### **Obfuscated Migration Ministry mechanisms**

193. In October 2024, RSA requested statistics on the number of complaints handled by the FRO for the purpose of this submission and was subsequently referred to the activity report published by the FRO on 10 January 2025. According to the report, during the period 2023-2024 the FRO received 119 complaints and no more than 10 were declared admissible and transmitted to the competent authorities. Of those, eight were transmitted to the General Secretariat for Reception of Asylum Seekers concerning reception conditions, one was referred to the Asylum Service regarding legal aid in asylum appeals, and one was brought to the NTA in relation to *de facto* deprivation of liberty.<sup>302</sup> The FRO has confirmed that it has received zero complaints concerning push backs or related fundamental rights violations at borders.<sup>303</sup>
194. Further to the observations made in our last submission regarding the role of the Fundamental Rights Officer (FRO) established under the Ministry of Migration and Asylum, DG HOME has explained that, given its limited staff of only three officials, "the FRO is not meant to investigate on site, to conduct interviews etc. Instead, it refers cases to the competent authorities, following up on their processing. It thus serves as a coordinator for complaints to ensure cases are not left without assessment."<sup>304</sup>
195. The limitation of the FRO functions to transmission of complaints to other authorities is crucial as it means that the FRO does not engage in investigations. Often, complaints are transmitted to the very alleged perpetrators of the fundamental rights violation in

---

<sup>297</sup> NTA, *Annual Report 2023*, September 2024, 64-65.

<sup>298</sup> *Ibid.*

<sup>299</sup> NTA, *Απάντηση σε έγγραφό σας*, 46825/2024, 14 October 2024.

<sup>300</sup> ECtHR, *A.R.E. v. Greece* App No 15783/21, 7 January 2025, para 228.

<sup>301</sup> *Ibid.*, para 200.

<sup>302</sup> Ministry of Migration and Asylum, *Υπεύθυνος Προστασίας Θεμελιωδών Δικαιωμάτων: Μηχανισμός Καταγγελιών, Περίοδος Αναφοράς 26/09/2023 – 31/12/2024*, 10 January 2025, [URL](#).

<sup>303</sup> Ministry of Migration and Asylum FRO, *Αίτημα παροχής στοιχείων – στατιστικά ΥΘΔ*, 20 January 2025.

<sup>304</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 4 March 2024, Item 1.

question. This seems to be corroborated by official FRO statistics, given that nine out of the ten admissible complaints against Ministry of Migration and Asylum services were transmitted by the FRO to the very same Ministry without further assessment.

196. For its part, the Special Committee on Fundamental Rights does not seem to have discharged its obligation to submit annual reports on its activities.<sup>305</sup> No such report has been published or cited in meetings of the Monitoring Committee of Home Affairs Funds to date.

## Implementation of judgments

### European Court of Human Rights

197. Judgments of the Strasbourg Court pending execution raise issues directly pertaining to rule of law safeguards monitored by the Rule of Law Report such as the independence and effectiveness of the Greek justice system.

- ❖ The effectiveness of investigations into ill-treatment by law enforcement, discussed in detail under the **Justice** pillar, remains under enhanced supervision by the Committee of Ministers in the *Sidiropoulos & Papakostas v. Greece* group of cases.<sup>306</sup> The group continues to attract fresh cases of condemnation for substantive and procedural violations of the Convention, including *Alkhatib v. Greece* concerning lethal use of force in the context of migration management operations. The same deficiencies are recalled in *Panayotopoulos v. Greece*.
- ❖ The same issues form the subject matter of separate, stand-alone cases before the Committee such as *Safi v. Greece*.<sup>307</sup> The Greek Ombudsman has deplored the authorities' lack of response to general measures it has recommended for the execution of the ruling.<sup>308</sup> The recent condemnation of Greece by the ECtHR in *A.R.E. v. Greece* reinforces the need for urgent, tangible measures to develop effective domestic remedies against such violations.
- ❖ Judicial scrutiny of immigration detention, a matter linked to the **Quality of Justice**. Is also under supervision by the Committee of Ministers in the context of the *M.D. v. Greece* group of cases. In September 2024, Greece requested closure of supervision even though it concedes in the context of supervision of a different group – *M.S.S. v. Greece* – that it does not yet comply with its duty to provide legal aid to detained persons. This issue has also formed the subject matter of infringement proceedings launched by the Commission against Greece.<sup>309</sup> The Committee of Ministers does not seem to have heeded the Greek government's request for closure of the group of cases at the time of writing.

---

<sup>305</sup> Article 1(4) MD 329937/2023.

<sup>306</sup> App No 33349/10, 25 January 2018.

<sup>307</sup> App No 5418/15, 7 July 2022.

<sup>308</sup> Ombudsman, ΕΜΗΔΙΠΑ | Ετήσια Έκθεση 2023, 20 August 2024, 166.

<sup>309</sup> European Commission, 'September Infringements package: key decisions', INF/22/5402, 29 September 2022, [URL](#).

198. Certain cases have been pending execution for a particularly long time and have parallel enforcement proceedings at EU level. The asylum procedure and reception of asylum seekers has been under enhanced supervision by the Committee of Ministers for 14 years in the *M.S.S. v. Greece* group of cases.<sup>310</sup> The group continues to attract new cases of condemnations from the Court, including *T.S. & M.S. v. Greece*,<sup>311</sup> *T.A. v. Greece*,<sup>312</sup> *A.R. v. Greece*,<sup>313</sup> *Muhammad v. Greece*,<sup>314</sup> *W.S. v. Greece*,<sup>315</sup> *O.R. v. Greece*.<sup>316</sup> The European Commission has noted that the same issues come under active infringement proceedings launched against Greece in 2009.<sup>317</sup>
199. Following on from 2023, Greece remains the second largest recipient Contracting Party of Rule 39 orders from the ECtHR, with a total of 32 interim measures requests granted by the Court in the first half of 2024. The majority of those – 27 out of 32 – concern border management and prevention of unlawful removal of refugees and migrants from the Greek territory. No such request has been refused by the Court this year.<sup>318</sup>
200. Greece has continued to demonstrate unacceptable contempt for the Rule 39 process and has proceeded to unlawfully removing refugees from its territory in direct breach of Court orders (see **Cross-Cutting Issues: Enforced Disappearance**).
201. We therefore reiterate our plea to the European Commission to issue specific recommendations to Greece to comply with Rule 39 interim measures indicated by the ECtHR and to refrain from any contempt of Court orders that jeopardises the integrity of the Convention system.

## Court of Justice of the European Union

202. In October 2024, the CJEU issued its ruling on a preliminary reference from the Council of State regarding the application of the “safe third country” concept as a ground for dismissing asylum applications without an assessment on the merits. Whereas the CJEU deemed that an asylum claim may not be dismissed as inadmissible where it is established that the third country in question does not in fact readmit asylum seekers,<sup>319</sup> the Greek administration has continued to dismiss individual applications and to order return of the persons concerned to Türkiye in the face of a near five-year halt of readmissions thereto.<sup>320</sup>

<sup>310</sup> App No 30696/09, 21 January 2011.

<sup>311</sup> App No 15008/19, 3 October 2024.

<sup>312</sup> App No 15293/20, 3 October 2024.

<sup>313</sup> App No 59841/19, 18 April 2024.

<sup>314</sup> App No 14606/20, 25 April 2024.

<sup>315</sup> App No 65275/19, 23 May 2024.

<sup>316</sup> App No 24650/19, 23 January 2024.

<sup>317</sup> INFR(2009)4104. According to the European Commission database, letters of formal notice have been sent to Greece on 29 September 2009, 24 June 2010 and 23 September 2015 *inter alia* on reception conditions: European Commission, ‘More Responsibility in managing the refugee crisis: European Commission adopts 40 infringement decisions to make European Asylum System work’, IP/15/5699, 23 September 2015, [URL](#).

<sup>318</sup> ECtHR, *Interim measures accepted – By respondent State and key theme – January-June 2024*, [URL](#).

<sup>319</sup> CJEU, C-134/23 *Elliniko Symvoulío gia tous Prosfyges*, 4 October 2024, para 54.

<sup>320</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 9 December 2024, Item 2.2.



## Domestic courts

203. As stated in **Cross-Cutting Issues: Surveillance**, EYP has failed to comply with the April 2024 judgment of the Plenary of the Council of State which ruled as unconstitutional the legislative provision that prohibited the leader of the opposition party PASOK and former MEP Nikos Androulakis from being informed about his surveillance by EYP.<sup>321</sup> The Prime Minister, who had previously publicly acknowledged that Mr Androulakis should not have been placed under surveillance, has deferred the matter to EYP without additional comment.<sup>322</sup> We note that EYP makes no mention of the Council of State ruling in its latest annual report published in December 2024.<sup>323</sup>

## Enabling framework for civil society

### 2024 Rule of Law Report recommendation

Strengthen efforts to evaluate the current legal framework for the registration system for civil society organisations and assess whether there is a need to amend it, while moving forward with a structured dialogue with CSOs

## Registration requirements

204. Greece has not taken steps to revise the **arbitrary registration requirements imposed specifically on NGOs working with refugees and migrants**.<sup>324</sup> Despite previous Rule of Law Report recommendations and more than one year of repeated assurances from the Greek government that it would amend the relevant legal framework,<sup>325</sup> the rules governing the NGO Registry of the Ministry of Migration and Asylum remain intact and there is no clear timeline by which a reform may be expected.<sup>326</sup>

205. Already since January 2021, the European Commission had stated in relation to the legal framework in question that it is “assessing its compatibility with EC law”.<sup>327</sup> However, in its 22 January 2025 reply to RSA request for access to “all documents held

<sup>321</sup> Council of State, Decision 465/2024, 5 April 2024. This is in contravention of state authorities' duty with judgments of administrative courts under Article 95(5) Constitution and Article 50(4) PD 18/1989. See also Nomiki Bibliothiki, 'Σε Θρίλερ εξελίσσεται η σχέση ΑΔΑΕ – ΕΥΠ για την υπόθεση Ανδρουλάκη', 7 June 2024, [URL](#).

<sup>322</sup> Efsyn, 'Ποιος κυβερνά, κ. Μητσοτάκη; Εσείς ή η ΕΥΠ;', 31 May 2024, [URL](#).

<sup>323</sup> EYP, *Annual Report*, December 2024, [URL](#).

<sup>324</sup> Article 78 L 4939/2022; JMD 10616/2020.

<sup>325</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 11 November 2024, Item 2.7: 'The General Secretary for Reception of Asylum Seekers has voiced understanding for the issues and readiness to examine amendments after other urgent matters as resolved'; European Commission, 'Meeting with Secretary General for Reception', Ares(2024)5590307, 4 April 2024: 'Ms Siarapi acknowledged the difficulties and she wants to take a series of measures. She wants to have a registry as a tool to assist her job and not something to create obstacles.'

<sup>326</sup> The Greek government has recently indicated that new legislation may be expected by the last quarter of 2025, without further detail: *Εθνικό Σχέδιο Κυβερνητικής Πολιτικής 2025*, January 2025, 198, 340-341, [URL](#).

<sup>327</sup> European Commission, Reply to written question P-5656/2020, 15 January 2021, [URL](#).

by DG JUST” regarding said legal framework, DG JUST identified no Commission document thereon.<sup>328</sup> This leads us to believe that, contrary to its earlier commitments in the aftermath of the 2020 reform, the Commission has not performed a legal assessment of the compatibility of the registration rules for NGOs working with refugees and migrants.

206. We further note that DG HOME has stated that the compatibility of the rules with EU law falls within the scope of the Rule of Law Report in a 16 January 2025 meeting with civil society organisations on the occasion of the Migration and Internal Affairs Commissioner’s visit to Greece.

207. The judgment of the Council of State on 2021 judicial review applications against the regulatory framework of said NGO Registry is still pending at the time of writing, more than two years after the hearing of the case and nearly four years after the cases were lodged with the Court (see [Justice: Efficiency](#)).

208. In the meantime, international criticism of the NGO Registry continues. The Human Rights Committee “remains concerned about the stringent registration and financial requirements imposed on civil society organizations, in particular those working in the areas of migration, asylum and social integration”.<sup>329</sup> This adds to an abundant body of criticism of the NGO Registry from international institutions from 2020 to present, not least the UN Special Procedures, the Council of Europe Commissioner for Human Rights and the Expert Council on NGO Law.

209. In the meantime, civil society in Greece continues to encounter severe deficiencies in the application of the NGO Registry, which are brought to the attention of the European Commission. These confirm our repeatedly expressed view that “official discourse on the Registry does not match implementation on the ground”.<sup>330</sup> Examples of arbitrary use of registration rules against NGOs working with refugees and migrants in the reporting period include refusals to allow access of staff of registered NGOs in Reception and Identification Centres (RIC) and Closed Controlled Access Centres (CCAC) of the Ministry of Migration and Asylum as follows:

- Denied entry of Equal Rights Beyond Borders lawyers in CCAC of Kos in July 2024;
- Denied entry of Equal Rights Beyond Borders lawyers in CCAC Leros in July 2024;
- Denied entry of RSA members in CCAC Leros and meeting with the camp authorities in September 2024;
- Obstructed entry of GCR lawyers in RIC Malakasa in October 2024;
- Obstructed entry and requirement on Equal Rights Beyond Borders and RSA lawyers to request permission to access RIC Malakasa in November 2024.

210. Transparency on the workings of the NGO Registry is still scarce. Neither the Commission nor civil society are aware of the number of NGOs which have had their registration suspended from the Registry or of individuals denied registration as NGO members, as

---

<sup>328</sup> European Commission, Reply to Access to documents request No 2024/6949, Ares(2025)504698, 22 January 2025.

<sup>329</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 35.

<sup>330</sup> Meeting minutes of the Legal Aid Working Group CEAS Sub-Working Group, 9 September 2024, Item 2.1.

related requests for information from civil society continue to go unanswered. This includes a March 2024 letter from 12 NGOs as described in [Dialogue & Participation](#), as well as an October 2024 information request from RSA.

211. Finally, the NTA reports that it performed eight audits of organisations registered on the NGO Registry of the Ministry of Migration and Asylum in 2023, without further information or context.<sup>331</sup>

## **Hostile environment & criminalisation**

212. The Human Rights Committee “is concerned at reports of an increasingly hostile environment towards human rights defenders, particularly those working with refugees, asylum seekers and migrants, including reports of smear campaigns, intimidation, harassment, and threats. The Committee is particularly concerned by the legal harassment and criminal charges against human rights defenders...”<sup>332</sup>

213. The positions of the Committee echo earlier concerns from reputable international institutions such as UN Special Procedures and the Council of Europe Commissioner for Human Rights, covered in our previous submission. The state continues to employ criminal proceedings as a means of targeting human rights defenders, including lawyers, as well as people seeking protection from persecution and harm.

214. The ECtHR has also acknowledged in its *A.R.E. v. Greece* judgment the “reports according to which in Greece there is a hostile environment towards refugee rights defenders”.<sup>333</sup>

## **Criminalisation of lawyers**

215. In October 2024, Samos lawyer Dimitris Choulis was interrogated in relation to the activities of his organisation, Human Rights Legal Project (HRLP), during September and December 2022 concerning the facilitation of access of newly arrived asylum seekers to asylum procedures. The objective of the criminal investigation was to determine whether HRLP knowingly facilitated smuggling or whether their activities were exploited by smuggling networks. Statements were collected from asylum seekers and law enforcement officials. The Public Prosecutor also requested the lifting of confidentiality of HRLP phone records. This request was rejected by the Judicial Council due to lack of evidence. This is the third criminal investigation against Mr Choulis in relation to smuggling charges. The first two have been archived for want of sufficient evidence.

216. The first investigation took place in summer 2022 and involved Turkish nationals accused of smuggling who had Mr Choulis' phone number saved in their phone contacts. Mr Choulis was never officially informed of the case but unofficially learned about it from a colleague. The Public Prosecutor requested the lifting of confidentiality of phone records for Mr Choulis and another lawyer cooperating with him, alleging that this was necessary for the investigation of their potential involvement in the commission of the

---

<sup>331</sup> NTA, *Annual Report 2023*, September 2024, 36.

<sup>332</sup> Human Rights Committee, *Concluding observations on the third periodic report of Greece*, CCPR/C/GRC/CO/3, 7 November 2024, para 31.

<sup>333</sup> ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025, para 263.

crime. The request was granted but the case was eventually archived for lack of sufficient evidence. The lifting of Mr Choulis' confidentiality was a serious violation of client-attorney privilege, which is fundamental to the legal profession. It also risked compromising unrelated and sensitive cases handled by Mr Choulis.

217. The second case concerned the arrival of Turkish asylum seekers on Samos in October 2022. Mr Choulis had received messages from unknown Turkish nationals seeking legal assistance due to fear of being illegally pushed back to Türkiye without being allowed to submit an asylum application (see **Cross-Cutting Issues: Enforced Disappearance**). He advised them to call 112 and provided HRLP's hotline number. Later, at the request of the Coast Guard Authority, Mr Choulis assisted in locating and communicating with the asylum seekers, encouraging them to trust the authorities. However, the Public Prosecutor ordered a preliminary examination into the incident. Mr Choulis was called as a suspect for allegedly facilitating the illegal entry of the asylum seekers based on the fact that some members of the group had his phone number saved in their contacts.

218. In March 2023, the Coast Guard requested the lifting of confidentiality of Mr Choulis' phone records to investigate alleged prior communication with the group. The Public Prosecutor ordered the lifting of confidentiality but the Judicial Council rejected it, citing insufficient evidence. Importantly, the Judicial Council emphasised that Mr Choulis' role as a lawyer necessitates his contact information being public for any individual seeking legal assistance, including third-country nationals. Despite the lack of evidence, the preliminary investigation continued. Mr Choulis submitted a written legal statement in November 2023 and the case was ultimately archived for lack of sufficient evidence.

219. In November 2021, Mr Choulis and HRLP informed MEPs of the LIBE Committee visiting Samos about the systematic practice of push backs taking place on the island. They also accompanied an MEP to the point of arrival, where the MEP witnessed masked men and people hiding in fear. On the following day, during the press conference of the LIBE delegation and the Ministry of Migration and Asylum, former Minister Notis Mitarakis made statements referring to lawyers on Samos who "suspiciously" know the locations of arrivals and called for an inquiry into their activities.<sup>334</sup> Two years later, Mr Choulis underwent a tax audit, which was in fact launched shortly after the former Minister's public statements. The investigation aimed at determining whether Mr Choulis had received irregular income from third-country nationals allegedly connected to smuggling networks. The audit found no evidence of alleged misconduct relating to smuggling networks.

### **Criminalisation of other human rights defenders**

220. **Proceedings in 2018 case against 24 NGO members on Lesbos:** We recall from our previous submission that on 10 January 2023, 24 humanitarian activists, including search and rescue volunteers and humanitarian workers, faced trial for a series of misdemeanour charges, including unlawful use of radio frequencies, espionage,

---

<sup>334</sup> Ministry of Migration and Asylum, 'Συνάντηση του Υπουργού Μετανάστευσης και Ασύλου κ. Νότη Μητράκη με την Επιτροπή LIBE του Ευρωπαϊκού Κοινοβουλίου για τα δύο χρόνια διαχείρισης του Μεταναστευτικού', 4 November 2021, [URL](#).

forgery, and assisting the criminal organisation of the NGO Emergency Response Center International (ERCI) in their smuggling activities. The Court of Mytilene acquitted all defendants for the crime of unlawful use of radio frequencies, which had been abolished in the meantime. It also annulled the summons for all foreign defendants on the ground that it had not been translated in a language they could understand, and the charge of espionage for all defendants due to lack of precision. It eventually referred to trial two of the Greek defendants for the respective crimes of forgery and provision of information to ERCI. However, the first instance decision was partially annulled following an annulment application by the Prosecutor of the Supreme Court. The Supreme Court found *inter alia* that the Greek authorities were not obliged to have provided translation of the summons to those defendants that had not informed them that they do not understand the Greek language, as well as that the charge of espionage was sufficiently precise.

221. As a result, 16 persons were referred again to trial for the offence of espionage. Three of them were also accused of providing essential information for the purpose of facilitating a criminal organisation whose object is the commission of criminal acts. On 30 January 2024, six years after the initiation of the criminal proceedings against them, the Misdemeanour Court of Mytilene acquitted the defendants of all charges.

- ❖ In relation to the accusation of espionage, the Court *inter alia* found that the information collected by the defendants e.g. places of assembly of the boats on the coast of Asia Minor, the number of persons in them, the situation in the boats, their direction and expected time and place of arrival on the coast of Lesbos, did not constitute state secrets and that the radio dialogues which the defendants listened to were made through open channels and were not encrypted communications.
- ❖ In relation to the accusation of providing essential information for the purpose of facilitating a criminal organisation whose object is the commission of criminal acts, the Court found that the information obtained by the defendants and circulated in a Whatsapp group was not intended for disclosure to a narrow circle of persons, i.e. the members of ERCI, but was shared among all members of the group, i.e. hundreds of persons involved in the response and management of migratory flows. Similarly, the defendants received the third-country nationals only after the latter had already arrived on Greek territory. Additionally, it was not proven that they ever hid the people concerned, but instead they would board them on vehicles and hand them over to the police. They never attempted to interfere with the procedure for dealing with the foreigners they received compared to other foreigners received on the island's shores by the Hellenic Coast Guard, the Hellenic Police or other organisations and volunteer groups. The defendants systematically and in an organised manner did what any official authority or other organisation did or ought to have done when it became aware of the disembarkation of irregularly arrived foreigners.

222. We further recall that the 24 defendants also 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. Should the felony charges come to trial, they could lead to up to 25 years imprisonment. Additionally, three of the defendants

who were working for ERCI had been kept in pre-trial detention for more than 100 days. Amnesty International has called the charges farcical. Serious concerns have also been voiced by the UN Special Rapporteur on human rights defenders and by the Council of Europe Commissioner for Human Rights.

223. **Criminal conviction of journalist:** On 4 December 2024, Dutch journalist Ingeborg Beugel was convicted by the Misdemeanour Court of Piraeus to an eight-months suspended sentence of imprisonment for facilitating the illegal stay of a 23-year-old Afghan asylum seeker in Greece. Ms Beugel had sheltered the young man in her house in June 2021, while he was awaiting the registration of his subsequent asylum application during a period when access to asylum on the mainland had been documented as highly problematic.<sup>335</sup> The Afghan national was later granted asylum. Ms Beugel is a correspondent of Dutch media in Greece, well known for her criticism of the Government's push back policies during a press conference in November 2021.<sup>336</sup>

224. **Closure of 2020 case against 35 NGO members on Lesbos:** In February 2024, the Judicial Council of the Misdemeanour Court of Mytilene (*Συμβούλιο Πλημμελειοδικών Μυτιλήνης*) decided that no charges should be pressed against the 35 members of NGOs who were prosecuted in 2020 for forming / managing a criminal organisation facilitating the illegal entry of third-country nationals from Türkiye to Lesbos, and for espionage.<sup>337</sup> The Judicial Council agreed with the Public Prosecutor and the Investigating Judge that no criminal prosecution should be launched due to lack of sufficient evidence.

225. Specifically, the Judicial Council found that, based on the evidence collected, including the testimonies of Hellenic Police officers, the objective of the NGOs was to put pressure on the authorities to rescue migrants arriving by sea by calling the competent authorities or by publicising their operations. The statutory purpose of the NGOs was the identification of potential violations of human rights, dissemination thereof and the drafting of complaints. They were thus functioning as an informal mechanism of rescue and human rights monitoring at sea.

226. Similarly, it did not transpire that the NGO members provided direct assistance to organised smuggling networks. Their role rather focused on communication with the migrants already aboard the dinghies and exclusively on their assistance in cases of need or danger. Based on the evidence and communications examined by the Hellenic Police, they never instructed the migrants how to evade the control of the Greek authorities, nor where they involved in transporting the persons on their own means. Therefore, the assistance provided by the NGOs and the defendants does not fall within the ambit of evading controls of third-country nationals and their travel documents. The members of the NGOs, having received the exact coordinates of the third-country nationals, would notify the competent authorities so as to urge them to rescue them and to follow all applicable procedures for their control and registration.

---

<sup>335</sup> ECRE, *AIDA Country Report Greece, 2021 Update*, May 2022, 52, [URL](#).

<sup>336</sup> The Press Project, 'Journalist Ingeborg Beugel condemns Greek government for "Criminalising solidarity and silencing journalists"', 12 December 2024, [URL](#); Govwatch, 'Dutch journalist subjected to intimidation and attacks after questioning the Prime Minister about pushbacks of refugees', 16 November 2021, [URL](#).

<sup>337</sup> Kathimerini, 'Δικογραφία εις βάρος 35 μελών ΜΚΟ', 29 September 2020, [URL](#).

Moreover, the notification of their coordinates did not at all aim at helping them enter from specific entry points so as to avoid the Hellenic Coast Guard. On the contrary, the defendants were informing the authorities to urge them into action, whereas the publication of photos and videos aimed at exerting pressure on said authorities.

227. Moreover, no particular information could be obtained from the photos and videos of Frontex or the Hellenic Coast Guard regarding the equipment of the boats so as to substantiate a risk of breach of territorial integrity, defence, international relations or economic interests of the Greek state and international peace. Additionally, the Judicial Council held that the location of a ship in the open sea cannot *per se* be considered classified information. Besides, the objective of publication of the photos in question was to urge the Greek authorities into action. Similarly, maps of the Reception and Identification Centre in Lesvos and of the island itself could not be considered classified material. Furthermore, the VHF channel used was the official channel for maritime distress, which is not restricted and thus cannot be considered state secret.

228. Finally, the Judicial Council concluded that the charge of forming / managing a criminal organisation was not substantiated either, *inter alia* since there was no sufficient evidence that the members of the NGOs had criminal intent to commit felonies.

229. **Closure of 2021 case against 10 persons on Lesvos:** In April 2024, the Judicial Council of the Misdemeanour Court of Mytilene decided that no charges should be pressed against the 10 persons, mostly members of NGOs, who had been charged with facilitating the illegal entry of third-country nationals from Türkiye to Lesvos and for obstructing Hellenic Police investigations for location, arrest and deportation of third-country nationals.<sup>338</sup> The Judicial Council found that there was no sufficient evidence that the alleged perpetrators committed any acts aiming at evading the control of the migrants by the competent authorities. On the contrary, after collecting the third-country nationals' exact coordinates, they would notify the authorities so that the latter could collect them and proceed to the applicable procedures for their control and registration. Similarly, the publication of photos and videos was aimed at exercising pressure on the Greek authorities to collect the migrants so that they would not be pushed back. The Judicial Council found the fact that the NGO would widely publicise its work so that the migrants could come in contact with it if in danger or that it provided to them assistance and information about their rights after their registration to be legally immaterial.

230. Regarding the charge of obstructing police investigations, the Judicial Council found that the intention of the alleged perpetrators was not to hide the migrants, but instead to guide them towards places where the Greek authorities were present or where they could find them. On the few occasions where they instructed them to hide and stay somewhere warm, this was in order to protect them from dying of cold so that they could subsequently guide them towards the Greek authorities.

231. **Proceedings in 2022 case against NGO members on Kos:** As reported in previous submissions, the founder of the Greek Helsinki Monitor is currently accused of having

---

<sup>338</sup> Εθνος, 'ΕΛΑΣ: «Πολυεθνική» ΜΚΟ σε κύκλωμα διακίνησης μεταναστών από την Τουρκία στη Λέσβο', 19 July 2021, [URL](#).

“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”. He was called for interrogation before the Investigating Judge of Kos on 20 December 2022 in response to the above charges, which are classified as felonies. The charges are brought 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”. As noted in a Joint Statement of twelve civil society organisations, the incident on which the criminal prosecution is based refers to the entry into Greece of an asylum seeker, where the founder of the Greek Helsinki Monitor had acted in line with the mandate of the organisation – namely the support of human rights – by sending the Greek authorities information about the presence of asylum seekers on Greek territory, as well as the intention of those asylum seekers to be subject to asylum procedures, i.e. by asking for their protection claims to be registered and for applicable procedures to be applied.

232. On 14 May 2024, an arrest warrant was issued against the founder of the NGO Aegean Boat Report, a Norwegian human rights defender, for collaborating with the founder of the Greek Helsinki Monitor in the commission of the alleged offences.<sup>339</sup> As a result, Aegean Boat Report has been facing serious funding difficulties and has had to scale down its operations.<sup>340</sup> According to the United Nations Special Rapporteur for Human Rights Defenders, the founder of the organisation “is being targeted in what appears to be an arbitrary investigation criminalising his work in defence of the rights of migrants”.<sup>341</sup> According to Human Rights Watch, the prosecution of the two human rights defenders is “meant to send a chilling message to all who dare to seek accountability and defend the rights of migrants”.<sup>342</sup>

## Dialogue & participation in decision-making

233. The previous Rule of Law Report cites the existence of a “structured dialogue” between the Ministry of Migration and Asylum and civil society organisations and has recommended that the authorities move forward therewith.<sup>343</sup> The relevant references to such a dialogue in last year’s report, however, seem to significantly overstate the workings of civil society engagement on that part of that Ministry. In fact, said Ministry has not followed up on its commitment “to submit a concrete proposal” on such a dialogue to date and its services repeatedly refrain from engaging with civil society and even to respond to letters pertaining to areas of work and to decision-making on EU law implementation within its competence, with DG HOME copied in correspondence. For example:

---

<sup>339</sup> EU Observer, ‘Greece issues arrest warrant for Norwegian helping refugees’, 7 June 2024, [URL](#).

<sup>340</sup> Aegean Boat Report, X post, 29 July 2024, [URL](#).

<sup>341</sup> Mary Lawlor, X post, 30 May 2024, [URL](#).

<sup>342</sup> Human Rights Watch, ‘Greece: Migrant Rights Defenders Face Charges: End Judicial Harassment of Migrant Rights Activists; Respect Asylum Obligations’, 26 January 2023, [URL](#).

<sup>343</sup> European Commission, *2024 Rule of Law Report Country Chapter Greece*, SWD(2024) 808, 24 July 2024, 2, 31-32.



- ❖ Letter no. β/119/20.03.2024 sent on 20 March 2024 by 12 NGOs regarding the reform and implementation of **Registration Requirements** for NGOs working with refugees and migrants went unanswered.
- ❖ Letter sent on 25 June 2024 by 16 NGOs concerning access of asylum seekers to a legal representative went unanswered. Even though Ministry services issued related instructions further to the initiative, they did not respond to the civil society organisations concerned.
- ❖ Letter no. 385 sent on 15 July 2024 by 22 NGOs relating to access of recognised refugees to social security and health care went unanswered.
- ❖ Letter no. β/135/20.09.2024 sent on 20 September 2024 by 21 NGOs to request a consultation on the national implementation of the New Pact on Migration and Asylum went unanswered.
- ❖ Letter no. β/139/24.10.2024 sent on 24 October 2024 by 20 NGOs in relation to various obstacles faced by recognised refugees went unanswered.
- ❖ Letter no. β/147/13.11.2024 sent on 13 November 2024 by 20 NGOs concerning the suspension of legal aid in asylum appeals and requesting a meeting thereon went unanswered.

234. On 29 October 2024, RSA requested specific information on the number of meetings organised by the Ministry of Migration and Asylum in the context of the “structured dialogue”. No response has been received to date.

#### Proposed recommendations: Checks & Balances

Apply the rules set by the Constitution, the Standing Orders of the Hellenic Parliament (Section of Parliamentary Business), L 4622/2019 and the Manual of Legislative Methodology for the preparation, submission and enactment of legislation, in accordance with the principles of the rule of law and of good law-making.

Ensure the independent and unimpeded operation of independent authorities and their members in the exercise of their functions.

Urgently revise rules on registration of civil society organisations to ensure alignment with EU standards, including the fundamental rights to freedom of association, privacy and data protection, and compliance with UN and Council of Europe recommendations

Adopt guidelines clarifying that advice and assistance to persons irregularly arriving in Greece with the intention to apply for international protection and communication to that end are not construed as criminal conduct.

**CIVIL SOCIETY REPORT  
RULE OF LAW**

JAN 2025

