

# govwatch

ANNUAL RULE OF LAW REPORT  
FOR GREECE

2021



## Govwatch monitors the state of the rule of law in Greece.

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**Govwatch is an independent, not-for-profit initiative by Vouliwatch. It collects, records and reports violations or suspected violations of the rule of law in Greece, by theme.**

Govwatch aims to provide a source of information for citizens and institutions, to enable civil society to highlight wrongdoing, and to increase accountability in the political system. Govwatch is also available in English so that its findings can have an impact abroad, especially in relevant international organisations such as GRECO and the European Commission.

The picture that Govwatch paints of the state of the rule of law in Greece is made up of reports not just from the Govwatch team, but also from civil society organisations, journalists, academics, and citizens.

The collection and recording of Govwatch reports has been carried out in chronological order starting from 2021, retrospectively to 2015, by subject and by the date of the pertinent decisions and opinions of international, European or domestic organisations.



## Rule of Law areas

The choice of topics was based on the dominant rule of law issues in Greece and on the two most basic principles of the rule of law – the supremacy of the law, and its observance not only by citizens, but above all by state power and the public administration.

### Legislative Affairs & Government Oversight

Freedom of the Press

Legislative Procedure

Transparency in Decision-Making

Independent Authorities

Parliamentary Transparency and Openness

Concentration and abuse of power

### Corruption

Asset declarations and political money

Public procurement

### Law & Order

Penal system

Police violence and arbitrariness

Excessive surveillance

### Fundamental Rights

Rights of Ethnic Minorities and Vulnerable Groups

Refugee and Migrant Rights

Freedom of speech and expression

Freedom of Thought, Conscience and Religion

Freedom of Assembly



## Reports of non-compliance with the rule of law

Govwatch reports of violations or suspected violations of the rule of law in Greece are submitted by our team of experts, civil society, citizens, journalists and academics. The cases are presented in a simple and direct way, with the fullest possible referencing and evidence provided, as well as the legal background. We want our reports to be fully evidenced but also accessible and direct in order to inspire citizens to submit their own reports.

## Our Partners

Govwatch aims to highlight, expose and publicise incidents and practices of non-compliance with the rule of law. To achieve this, we work with civil society organisations and members of the journalistic and academic community, as well as citizens. We thank all contributors warmly for their valuable input, without which Govwatch would be poorer in content and impact.





## What is the rule of law?

The rule of law, which is the basis of every modern constitutional democracy, is a legally binding principle that ensures that public authorities act within the limits of the law, in accordance with the values of democracy and fundamental rights, under independent and impartial courts. The principle of the rule of law is a broader concept that consists of and includes many more specific principles, such as the principles of proportionality, equality, legality, the prohibition of the arbitrary exercise of executive power, the certainty of the law, the independence of the judiciary and effective judicial protection, and transparency and respect for human rights. In general then, respect for the principle of the rule of law is inextricably linked to respect for democracy and human rights. The aim of the principle of the rule of law is to place legal limitations on public authority and to protect the individual from arbitrary or unlawful actions by those in public authority (for more, see 1, 2, 3, 4, 5, 6, 7).

**Article 2 of the Treaty on European Union states:** *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."*

**Article 25 of the Greek Constitution states:** *"The rights of man as an individual and as a member of society and the principle of the social rule of law are guaranteed by the State. All state bodies are required to ensure their unhindered and effective exercise. Any restrictions imposed on these rights must be provided for directly in the Constitution or by the law...and must respect the principle of proportionality"*





**In short, the rule of law is a system where law prevails.**

*"The modern democratic state limits itself in the exercise of its power by establishing legal rules, which determine the responsibilities and the modus operandi of state bodies; that is why it is called a state of law. The rule of law is contrasted with the police state, in which state power is legally unbound and can take any measure, even at the cost of the individual liberties of citizens, as long as it deems it necessary to achieve the goals of the state".* (Georgiadis A., What is fair? Legal science for everyone, University Publications of Crete, Heraklion 2018, p. 176) / Γεωργιάδης Α., Τι είναι δίκαιο; Η νομική επιστήμη για όλους, Πανεπιστημιακές εκδόσεις Κρήτης, Ηράκλειο 2018, σελ. 176)

The World Justice Program defines the rule of law as a system governed by 4 universal principles: a) Accountability, b) Just Law, c) Open Government and d) Accessible and Impartial Justice. These principles are then further examined in 8 primary factors: 1. Constraints on Government Powers, 2. Absence of Corruption, 3. Open Government, 4. Fundamental Rights, 5. Order and Secu-

urity, 6. Regulatory Enforcement, 7. Civil Justice and 8. Criminal Justice. These areas form the basis for the formation of the score and ranking of countries in the WJP Rule of Law Index (see more about how each factor is defined in 1, 2, 3, 4, 5, 6, 7, 8 respectively).

We developed the choice of categories for our platform taking these categories into account, as well as the dominant rule of law issues in Greece.

We aim to highlight incidents and phenomena that violate (or seem to violate) basic principles of the rule of law in Greece.

**We don't believe in criticism for its own sake, but the first and most important step in solving a problem is recognizing it. Adherence to and respect for the principles of the rule of law is a matter that concerns and affects us all.**



## Why does the rule of law matter?

**In July 2022 the European Commission published its report on the state of the rule of law in Greece. In it, the Commission identified a multitude of issues that the government must address, with the aim of strengthening democracy and transparency on the one hand, and protecting rights and the proper functioning of institutions on the other.**

The potentially powerful influence of the executive branch on the appointment of top judicial officers; the widespread perception of corruption in government agencies; attacks and threats against journalists; legislative malpractice, and Strategic Lawsuits Against Public Participation (SLAPPs) are just some of the problems that, according to the EU, undermine the rule of law and require immediate action by the Greek Authorities.

### What is Govwatch?

The Commission's report highlights- at the highest institutional level – the issues with the rule of law that Govwatch collates and records. Govwatch is an independent initiative from Vouliwatch which aims on the one hand to systematically record violations or suspected violations of the principles of the rule of law, and on the other hand to hold state authorities accountable.

Govwatch records rule of law violations across a broad spectrum including the functioning of institutions and the exercise of human rights, and monitoring issues such as the constitutional principles for good law-making and parliamentary transparency, to the fight against corruption, public procurement, matters related to the arbitrary exercise of force by the police, and fundamental freedoms. Govwatch records reports of non-compliance with the rule of law that have a direct impact on the daily lives of citizens.

Govwatch's quantitative and qualitative findings for 2021 highlight significant problems with the state of the rule of law in Greece.

### Bad lawmaking undermines the trust of citizens

Govwatch found that in the year of this report the government tabled 102 late amendments (47.2%) to the bills it brought to Parliament, in breach of the rules of good lawmaking set by the Constitution and the Rules of Procedure of the Parliament. In addition, ministries violated the rules for public consultation on at least 27 bills, often limiting the consultation time to less than even the exceptional minimum of one week enshrined in law.

When the state does not give citizens the right to express their opinions through public consultation, as provided for by legislation, or when we find that hundreds of regulations are literally submitted at the last minute, in a regime of opacity and a lack of accountability, it goes without saying that citizens' trust in state institutions is shaken.



### Case study: surveillance as a threat to the rule of law

**The problems are not limited to the legislative process. An indicative case for 2021 is the government's handling of the issue of ensuring the constitutionally guaranteed inviolability of communications privacy.**

Having already placed the National Intelligence Service (NIS) under the supervision of the prime minister in July 2019 (Government Gazette: Issue A'/119/8.7.2019), in March 2021, with an amendment that was both submitted late, and was unrelated in content to the main object of the bill, the government changed the law governing the lifting of the privacy of communications, prohibiting the relevant independent authority (ADAE) from informing citizens that they were being monitored by the NIS for reasons of national security,

even in the event that the surveillance has now ceased and the disclosure does not prejudice the purpose for which it was ordered.

The legislative change provoked serious concern about the rule of law. Three members of ADAE – among them the President of the Authority and renowned judge Christos Rammos – published an article, in which they argued that the new regulation may violate the constitutionally guaranteed protection of the confidentiality of communications, the right to respect for private and family life of the European Convention on Human Rights (ECHR), as well as the respect for private and family life of the EU Charter of Fundamental Rights. The article highlighted that the European Court of Human Rights (ECtHR) has

condemned countries that have made similar legislative changes (Russia, Hungary, Bulgaria).

Following revelations that journalist **Thanasis Koukakis** was under surveillance by the Greek National Intelligence Service, which the law was then changed to conceal, seven international journalistic organizations sent a letter to the Greek government and the National Intelligence Service, underlining that the surveillance of journalists raises serious questions for the rule of law in Greece.

The Commission's report also made special mention of the surveillance of journalists as a rule of law issue.





## Rule of law issues affecting a wide range of rights

The following list is a collection of the most concerning rule of law issues recorded by Govwatch:

**The extension of the application of Article 191 of the Criminal Code.**

**The lack of transparency in media funding.**

Reports of  **censorship at public broadcaster, ERT.**

Police  **bans on public gatherings restricting the right to assembly.**

**Breach of the General Data Protection Regulation (GDPR)** by the Ministry of Education in contract with Cisco for distance learning.

Evidence that  **an incendiary device was used by a police officer** in Nea Smyrni.

Reports of  **abusive use of force by the police** (1, 2, 3, 4).

EU Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (LIBE) concerns about the illegal refoulement of asylum seekers to Turkey from Greek territory (1, 2, 3).

UN Human Rights Committee decision shows that  **Greece continues to violate the rights of conscientious objectors.**

Refugee  **unlawfully banned from leaving accommodation.**

These reports pose the need for immediate measures, qualitatively upgrading the modus operandi of state institutions and the exercise of human rights to ensure the quality of democracy and of citizens' lives

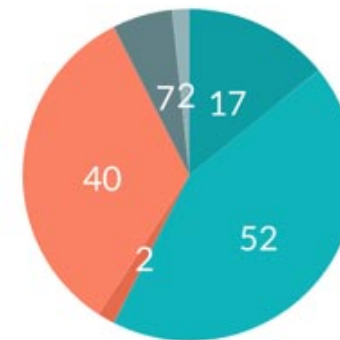
# Legislative Affairs & Government Oversight





Adherence to the law and to the principles of equality, legal certainty, transparency, open governance and accountability, as well as the avoidance of arbitrariness, are key components of establishing and applying the rule of law.

For 2021, in the "Legislative Affairs & Government Oversight" category, Govwatch recorded a total of **120 violations**. [You can see the total list of violations here.](#)



- Freedom of the Press (14.17%)
- Legislative Procedure (43.33%)
- Transparency in Decision-Making (1.67%)
- Independent Authorities (33.33%)
- Parliamentary Transparency and Openness (5.83%)
- Concentration and abuse of power (1.67%)



## Freedom of the Press (17 violations recorded)

### Report 1: Changes to Article 191 of the penal code risk endangering the right to freedom of expression

Law 4855/2021 amends Article 191 of the penal code for the offense of spreading false news. This change considerably expands the scope of the application of this criminal provision, as a result of which a variety of behaviors can now be considered as criminal. The ability of fake news to cause concern or fear or undermine public confidence is now sufficient to constitute a crime, without any specific harm having to occur, making it

unclear what behavior is ultimately criminally reprehensible. There are, therefore, serious concerns regarding the impact this provision will have on fundamental rights, such as those of freedom of expression and freedom of the press, the protection of which is one of the most basic aspects of the rule of law.

### Report 2: Public broadcaster ERT censors coverage of Prime Minister's violation of coronavirus quarantine measures

In February 2021 it was revealed that public broadcaster ERT had censored news reports of the Prime Minister's trip to Greek island Ikaria, during which he violated the government's measures to deal with the pandemic. A memo from ERT management (the Greek public broadcaster) was leaked, which explicitly told the producers and journalists of ERT not to broadcast photos and videos of Prime Minister Kyriakos Mitsotakis that had been taken whilst visiting the house of fellow New Democracy MP, Christodoulos Stefanadis in Ikaria on February 6–7. Mr. Mitsotakis had been photographed in a gathering of 40 other people, in violation of government mandated restrictions aimed at containing the spread of the pandemic.

In a statement the journalists of ERT confirmed the incident, claiming that this was not an isolated incident and that they have been put under similar pressures on other occasions. Such directives are an attempt to control the independence of ERT, which, according to its official mission, should contribute to ensuring pluralism and the independent transmission of information and news, without influence from the government or political power.

### Report 3: ERT journalist complains of censorship in the public broadcasting service

In April 2021, the journalist and special secretary of the Journalists' Union of Athens Daily Newspapers (J.U.A.D.N), Machi Nikola, reported an incident of censorship by the management of ERT. She accused them of "cutting" her TV report related to so-called content moderation (of social media in Greece), i.e. the management of content on social media, which she claims amounts to silencing and censoring the views of journalists.

In her post on Facebook, she also added that similar incidents have occurred in the past. The president of ERT is also the former head of the New Democracy Press Office



and was appointed by the Prime Minister, raising suspicions about government intervention and control of the content of the public broadcaster, restricting the freedom of the press and violating the right of journalists to practice their profession freely and independently, without censorship or influence.

[See full list of reports here.](#)

## Legislative Procedure (52 violations recorded)



### Report 1: Members of the committees advising the government in relation to the pandemic are guaranteed immunity from prosecution

An amendment tabled literally at the last minute and voted for exclusively by MPs of the governing party, declares that specific groups of people with advisory responsibilities on the management of the pandemic, cannot be held responsible, and cannot be prosecuted or even asked for their opinion in relation to their participation in these committees. The fact that this amendment

was tabled after the parliamentary session examining the bill had already started, leaving no room for the regulation to be examined either by the public or by the MPs who were asked to vote on it, violates transparency principles. In addition, the general exemption from prosecution of the members of Committees violates the principles of equality and proportionality, while it could also be considered as an intervention by executive power into the jurisdiction of the justice system. Multiple problems therefore arise for the rule of law, both due to the formal procedure that was followed for the adoption of the legislation, as well as the essence of this provision.

### Report 2: Unconstitutional amendment strengthens the gas industry through an extraordinary subsidy

In September 2021, the government passed an illegal, overdue and irrelevant amendment to subsidize natural gas, a fossil fuel that destroys the environment and exacerbates the climate crisis, but is a key source of profit for Greece's largest energy groups. With this amendment, the consumption of gas is subsidized, despite the need to abandon it in the context of the green transition to clean forms of energy, and despite criticism that has long been exerted by the sci-



entific community and environmental organizations. The largest Greek groups in the energy sector have made gas the main pillar of their investments, in opposition to the EU's goals to further reduce pollutants by 2030, since the production and consumption of gas hinders the response to the climate crisis.

**Report 3: Parliament's inconsistency on the issue of overdue amendments**

Vouliwatch research shows that between July 2019 – September 2021, the Parliament was systematically failing to place the overdue stamp on dozens of ministerial amendments that were submitted at the last minute. According to the Constitution and the Rules of Procedure of the Parliament, amendments can be submitted up to three days before a bill is to be voted on. Any submissions within 3 days of the vote are in violation of these rules and should be stamped as overdue by Parliament to reflect this, for transparency's sake. During the aforementioned period, 64% of the amendments submitted by the government were late, and in addition, the majority of them did not bear the corresponding stamp. Overdue amendments can still become law since the violation of the provisions of the Constitution and the Rules of Procedure on amendments is not subject to judicial review. This lack of

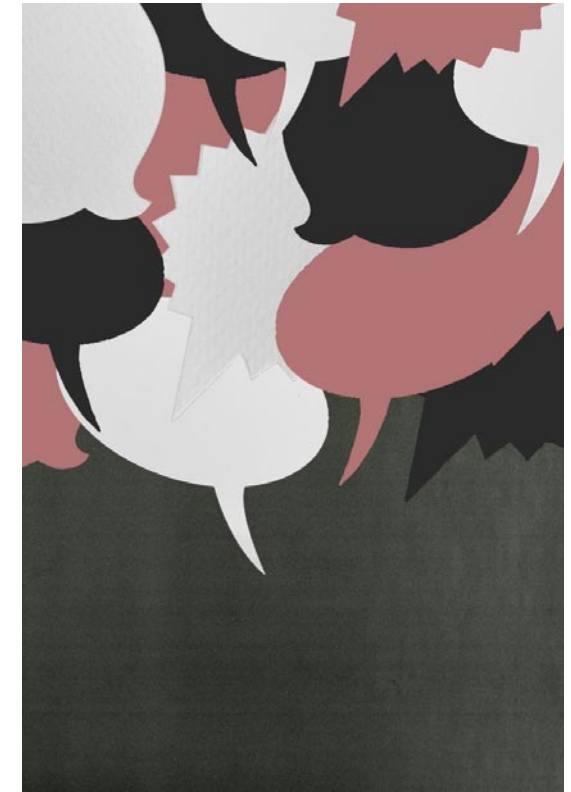
legal consequence enables the systematic violation of the rules, reducing transparency in parliamentary practices.

[See full list of reports here.](#)

**Transparency in Decision-Making**  
(2 violations recorded)

**Report 1: Civil Servants prohibited from testifying freely in trials involving the public sector**

A document sent from the Office of the Legal Adviser of the Legal Council of State to the Ministry of Immigration and Asylum established criminal and disciplinary sanctions against civil servants who testify in trials in which the Greek state is a party, in the event that they do not support the state's case. They may only contribute upon written request and only to confirm the state's case. The threat of subsequent sanctions and the imposition of restrictions on the potential content of a deposition is illegal and unconstitutional, and contradicts a number of provisions and principles. The content of this document is considered to



violate the rule of law, as it undermines the freedom of expression of public servants, the duty of impartiality they must observe, but also general principles of administrative law that require transparency, good administration and protected trust.

[See full list of reports here.](#)



## Independent Authorities (7 violations recorded)

### Report 1: Critique surrounds elections of the new leadership of ASEP (Supreme Council for Civil Personnel Selection)

The 2021 election of the President and the members of ASEP, the Supreme Council for Civil Personnel Selection, by the Conference of the Presidents of Parliament provoked intense reactions and critique due to doubts about the legality of the government's actions prior to the elections, as well as concerns about the independence of the council not being respected. There was a lack of broad political consensus for the se-

lected individuals, and the new President was previously Vice President of ASEP for 5 years, which was deemed to have violated the finite term of office which applies in independent authorities in order to safeguard their independence. It was also alleged that the legislative amendment that made the new president's election possible was passed into law with the sole purpose of enabling this appointment.

### Report 2: Changes made to the candidate profile and appointment method of the President of the Anti-Money Laundering Authority

An illegal amendment submitted at the last minute to an unrelated piece of legislation by the Ministry of Justice makes changes to the candidate profile and appointment method of the President of the Anti Money Laundering Authority, raising doubts about the independence of a crucial anti-corruption authority, as the candidate will now be appointed (directly) by the government rather than the independent Supreme Judicial Council.

### Report 3: Article 70 of law 4795/2021 and the amendment of the provisions for the term of office of members of independent authorities

The limited term of office of the members of independent authorities is one of the basic guarantees for the personal and functional independence of these authorities and their members. Article 70 of Law 4795/2021 introduces an exception to the limitations placed on the term of office in Independent Authorities as the time spent in another position is not counted in the calculation of the limited term of office in a higher position. The circumvention of the concept of the limited term of office and thus the violation of Article 101A of the Constitution raises concerns about whether this provision is in line with the guarantees and requirements that must be in place to ensure the effective independence of independent authorities.

[See full list of reports here.](#)



## Parliamentary Transparency and Openness (2 violations recorded)

### Report 1: The Cisco case: The government violates transparency legislation

Following the outbreak of the coronavirus pandemic, the Ministry of Education and Religion reached an agreement with a private

company called Cisco for distance learning and the Webex platform, which would be used by the educational community to conduct distance learning courses in the context of restricted movement measures to combat Covid-19. However, in violation of the rules of transparency and openness, the ministry did not post on its transparency website (Diavgeia) the two contracts it signed with Cisco. The Minister of Education, Niki Kerameos, claimed that she had no legal obligation to publicise the contract because it was classed as a donation, but this claim is not borne out by the relevant legislation, and in fact failing to post these contracts in a timely manner constitutes a disciplinary offence. This case presents as particularly problematic in the context of a proper and lawful functioning of government within the rule of law, as the Ministry of Education didn't only violate transparency legislation, but also the GDPR and the legislation on personal data protection, as well as the Rules of Procedure of the Parliament in the context of parliamentary scrutiny.

### Report 2: Exemption from the obligation to submit the National Development Program to public consultation

Greek legislation contains a network of legislative provisions which stipulate that public consultation on legislative bills is to be conducted through the website opengov.gr and should last for two weeks, which only exceptionally can be shortened to one week for sufficiently substantiated reasons, which should be mentioned in the public consultation report which is posted on the website where the consultation took place. However, Law 4872/2021, contrary to the principles of transparency and openness, introduced an exception from the obligation to submit the National Development Program to public consultation, limiting the opportunity for civil society and the public to have their say in the extremely important issue of the development of the national economy. The participation of public bodies and citizens in the process of creating laws is a vital feature of a democratic society, which listens to experts and society before legislating. However, the government in this case moved in the opposite direction, reducing transparency and openness.

[See full list of reports here.](#)





## Concentration and abuse of power (40 violations recorded)

**Report 1: The submission of a report by the Deputy Minister of Sports to the Administrative Court of First Instance, and the suspicions of an attempt to interfere in the work of the justice system**

In May 2021, a few days before the date set for the elections of the Hellenic Basketball Federation (EOK), the Deputy Minister of Sports submitted a report to the Three-member Board of Directors of the Court of First Instance. The fact that the petition was submitted to this specific body in combina-

tion with the fact that other relevant court applications regarding the content of the petition were pending, provoked the reaction of the Union of Judges and Prosecutors. This is because it can be considered that the submission of this petition is aimed at directing the judgment of the judges on the pending applications and not at highlighting the problem that had been observed.

**Report 2: Incorrect transposition of the Framework Decision on combating racism and xenophobia by Greece: INFR(2021)2063**

Each Member State of the European Union shall apply EU law and take appropriate action to that end. The European Commission is the body responsible for detecting possible breaches of EU law. In the event that a

Member State does not apply Union law and fails to fulfill any of the obligations laid down in the EU Treaties, the European Commission may initiate formal infringement proceedings under Articles 258 and 260 TFEU. The European Commission sent a letter of formal notice to Greece in the context of infringement proceedings, calling on the country to fully transpose EU legislation criminalizing hate speech and hate crimes. In particular, according to the European Commission, the Greek provisions concerning the criminalization of hate speech have shortcomings and therefore it was considered that the country has not fully or accurately transposed the framework decision 2008/913/JHA into its national law.



**Report 3: Greece referred to the EU Court of Justice over air pollution**

On October 14, 2021, the European Commission filed a lawsuit against Greece in the EU Court of Justice (Case C-633/21), maintaining that Greece has consistently failed to reduce nitrogen dioxide emissions in the Athens area. According to the Commission, the levels of nitrogen dioxide in the capital have for the last decade exceeded the limits set by EU legislation. With regard to this complaint, the Commission claims that the second subparagraph of Article 23 (1) of the Directive imposes a clear and urgent obliga-

tion on Member States in the event that limit values are exceeded to adopt air quality plans setting out appropriate measures to ensure that the duration of any exceedance is as short as possible. According to the Commission, Greece failed to draw up an appropriate air quality plan with regard to nitrogen dioxide covering the agglomeration of Athens, in breach of its obligation under Article 23(1) of Directive 2008/50/EC.

[See full list of reports here.](#)

# Corruption



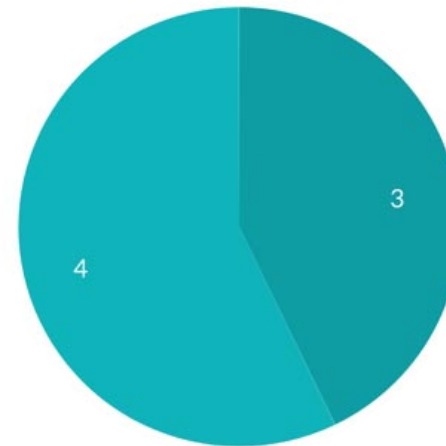


Corruption is one of the biggest threats to the rule of law, economic development, democratic institutions and human rights.

States must prioritise effectively fighting corruption, and public authorities must operate with transparency and accountability.

For 2021, in the category "Corruption", Govwatch recorded **7 cases**.

[You can see the total list of violations here.](#)



- Asset declarations and political money (42.86%)
- Public procurement (57.14%)



## Asset declarations and political money (3 violations recorded)

### Report 1: Extensions to the deadlines for the submission of asset declarations continue in 2021

The obligation to submit asset declarations aims to enhance transparency and strengthen democracy, and is a key tool in preventing corruption. Law 3213/2003 is the main law that regulates the issue and provides specific deadlines within which the

declarations must be submitted. However, in recent years these deadlines have been repeatedly extended by legislation, circumventing the letter and the spirit of law 3213/2003, and creating delays and obstacles in the submission and verification of asset declarations. These delays, in conjunction with frequent changes in the provisions of the declarations themselves, make auditing the statements particularly difficult and perhaps even ineffective, with all that this implies for the achievement of the objectives of transparency and the fight against corruption.

### Report 2: An unjustified exemption from the obligation to submit asset declarations

Article 69 of law 4871/2021 provides an exemption from the obligation to submit asset declarations to a specific category of persons: those participating in companies that undertake public contracts. The incomplete and insufficient justification provided for this exemption; the specific timing, as well as the consequences that such an exception may have for the detection and fight against corruption, raise serious concerns. Public procurement is seen as an area particularly prone to corruption. Obliging certain categories of persons to submit asset declara-

tions aims to provide more effective control of the management of public money, enhanced transparency and the strengthening of democracy.

### Report 3: Shortcomings in the publication of the work of the The Committee of Parliament for the Investigation of Declarations of Assets (CIDA)

The Committee of Parliament for the Investigation of Declarations of Assets (CIDA) of Article 3A of law 3213/2003 is a special body which performs a dual role. It is one of the control bodies that verify the declarations of assets of politicians and judicial officials, while at the same time it is the body that audits the finances of political parties and MPs, according to the provisions of law 3023/2002. However, as can be seen from the relevant section of the website, no 'investigative audit findings' have been posted. The absence of the publication of the audit findings for the finances of the parties; the simple posting of data without further explanation (both in the context of the asset declarations and the finances of political parties); the lack of reference to the existence or results of investigative audits (especially in the case of asset declarations); delays in auditing and sometimes reporting



(especially on party finances), as well as the extremely concise and 'minimal' nature of the reports are some of the factors that raise doubts as to whether or not the requirements of laws 3023/2002 and 3213/2003 are being met by the Committee, and whether or not political money is being effectively examined and audited. Politicians' asset declarations and transparency in party finances are important aspects of the fight against corruption. Ensuring full transparency in matters relating to political money through the publication of all relevant documents and audits and the existence of adequate scrutiny are an integral part of adherence to the rule of law. For this reason, suspicions of inadequate auditing processes and the shortcomings observed on the website of the Committee of Parliament for the Investigation of Declarations of Assets (CIDA) raise concerns.

[See full list of reports here.](#)



## Public procurement (4 violations recorded)

### Report 1: Concerns surround the establishment of the new governmental committee for major public works

An overdue (and irrelevant) amendment from the Ministry of Infrastructure and Transport created a new government committee to oversee large-scale public works. The new Committee for the Coordination of Strategic Contracts (formerly the Government Major Works Committee – hereafter referred to as the Committee), will manage

the allocation of the resources of the National Strategic Reference Framework (NSRF) and the European Recovery Mechanism, totaling over 50 billion euros. The fact that many of the terms of the amendment are vague and open to interpretation, as well as the wording around the Committee's ability to include as a beneficiary any body or agency of their choosing, raises reasonable concerns about the possibility of arbitrariness and the possible impact of the amendment on the rule of law. In the case of public procurement, transparency, integrity, clarity and decentralization are key principles that should be followed in order to avoid corruption and the distortion of competition. The more these guarantees are shrunk, the greater the risk of these phenomena occurring. The transfer of responsibilities for public procurement to a more "central level," as well as the lack of strict inclusion criteria raises concerns about possible over-centralization trends and potentially insufficient institutional counterbalances in managing state funds, casting doubt on the integrity of the rule of law.



**Report 2: Criminal complaint filed by SYRIZA against the Secretary General of Anti-Crime Policy, Sofia Nikolaou**

In May 2021, the official opposition party filed a criminal complaint against the Secretary General of Anti-Crime Policy, Sofia Nikolaou. It claimed that 28 supply and service contracts to combat the spread of coronavirus in penitentiaries were signed at prices that far exceeded not only the supply prices that other public bodies were paying, but even the respective retail prices on the open market, resulting in a loss to the public of more than 2.1 million euros. The authorities are now investigating. In a state governed by the rule of law, following principles of transparency and accountability, the government and public authorities in general must spend public money in strict adherence to national and EU law. These laws aim at preventing the squandering of public funds and embezzlement of public money so that it does not end up with natural and legal persons who enjoy privileged and clientelistic relationships with the authorities. However, according to the criminal complaint, the relevant legal framework was not applied in this case.

**Report 3: Exceptional public procurement procedure for contracts for flood protection studies and works to fire-affected regions**

An amendment submitted by the Ministry of the Interior to an unconnected bill concerning the Legal Council of the State introduces an exceptional procedure for public procurement for studies and works for the control and regulation of flood flows. Reactions and concerns as to the appropriateness of this arrangement were based on the fact that this amendment gives regional governors the opportunity to proceed directly with the award of flood protection work contracts up to the amount of 5 million euros, raising concerns around the minimization of the guarantees of transparency and integrity that the awarding of public procurement contracts should be based on.

[See full list of reports here.](#)

# Law & Order

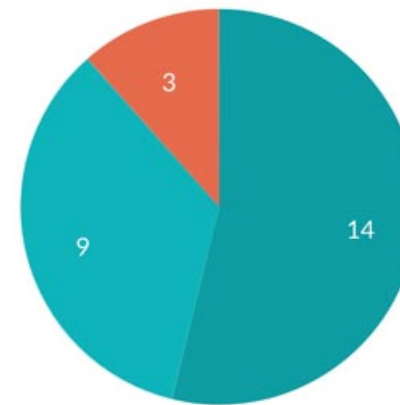






Freedom and security are essential values in a state governed by the rule of law. Often, however, they can come into conflict, presenting a dilemma as to which of the two values should prevail. The way in which the state solves this dilemma reveals the depth of its democratic principles.

For 2021, in the category "Law & Order", Govwatch recorded **26 violations**. [You can see the total list of violations here.](#)



- Penal system (53.85%)
- Police violence and arbitrariness (34.62%)
- Excessive surveillance (34.62%)



## Penal system

(14 violations recorded)

**Report 1: Incorrect transposition by Greece of the EU Directive on the right of access to a lawyer and to communicate upon arrest: INFR(2021)2136**

Directive 2013/48/EU lays down common minimum standards for fair trials ensuring that the rights of suspects and accused persons are sufficiently protected in criminal proceedings, as regards the right of access to a lawyer and the right of communication at arrest. The application of EU law is an obligation of the Member States of the European Union. If possible breaches of EU law are detected, the European Commission may take a series of actions against that Member State to ensure the correct and full

application of EU law by initiating infringement proceedings in accordance with Articles 258 and 260 of the TFEU. In this case, the European Commission considered that Greece had not fully and correctly transposed the provisions of Directive 2013/48/EU into national law, and therefore sent a letter of formal notice under Article 258 TFEU.

**Report 2: Member of Parliament summoned for questioning without the legally required prior permission of the Parliament**

In November 2021, a SYRIZA MP was summoned to the Prosecutor's Office to provide written explanations in the context of preliminary questioning in an investigation. However, the Constitution and national law require that the permission of Parliament be obtained before a Member of Parliament can be brought in for questioning. Whilst the Prosecutor's Office stated that the summons took place in error, and was subsequently withdrawn, questions and concerns around these actions remain.

**Report 3: European Court of Human Rights finds Greece to be in violation of Article 8 of the ECHR in the case of *Syrianos v. Greece***

In the case of *Syrianos v. Greece*, the European Court of Human Rights (ECtHR) condemned Greece for violating Article 8 of the European Convention on Human Rights (ECHR) concerning the right to respect for private and family life. The court ruled that in this case the interference with the applicant's right to a private life (by imposing a disciplinary penalty after he refused to undergo a strip search) was unnecessary in a democratic society, and therefore constituted a violation of Article 8 of the Convention.

[See full list of reports here.](#)



## Police violence and arbitrariness (9 violations recorded)

### Report 1: Investigation into an incendiary device thrown by a police officer or a person under police supervision

Evidence and data from the research group Disinfaux Collective show that in March 2021 a person who was either a police officer or under police supervision, threw an incendiary device at citizens during a demonstration in Nea Smyrni. The throwing of an incendiary device by a police officer or a person under police supervision violates the rule of law, which requires state authorities to use only legal means to protect citizens.

### Report 2: Unlawful detention of activists in Lesvos

In a state governed by the rule of law, the police have no right to arbitrarily deprive anyone, even temporarily, of their liberty. This is guaranteed in Presidential Decree

141/1991, which lays out the conditions for the lawful exercise of police powers, including the apprehension, arrest and examination of suspects. According to a complaint, on October 12, 2021, police officers arrested and unlawfully detained three activists in Lesvos, Greece, subjecting them to intimidation and an unlawful physical search.

### Report 3: Official complaint filed after a 20 year old man was beaten by police in Crete

In a state governed by the rule of law, law enforcement authorities must respect human dignity and use force only if the detainee resists arrest or attempts to escape, and only then to the extent necessary to secure arrest. According to the Code of Criminal Procedure(Article 256) and Presidential Decree 141/1991(Article 120), the use of force, including handcuffing, is illegal in any other case. According to an interview given by the father of the 20-year-old victim on



the radio station Radio Crete, on November 27, 2021, his son was with his friends in the village of Skalani in Heraklion watching motorbikes race. The police arrived and made arrests. They asked the 20-year-old to get on his knees, and he told them that he had had knee surgery and could not. They then threw him to the ground and started punching and kicking him in the ribs and abdomen, resulting in a fracture, and one of the police officers pressed his head down into the ground with his boot. Subsequently, although he had previously told them that he had a shoulder problem due to an injury, they pulled his hands behind his back to handcuff him and took him to the police station.

[See full list of reports here.](#)



## Excessive surveillance (3 violations recorded)

### Report 1: Accusations and revelations regarding the surveillance of citizens by the National Intelligence Service

In November 2021, the Efimerida ton Syntakton revealed evidence that the National Intelligence Service had placed immigration officials, journalists, lawyers and people working on the refugee issue under surveillance. The revelations, which have never

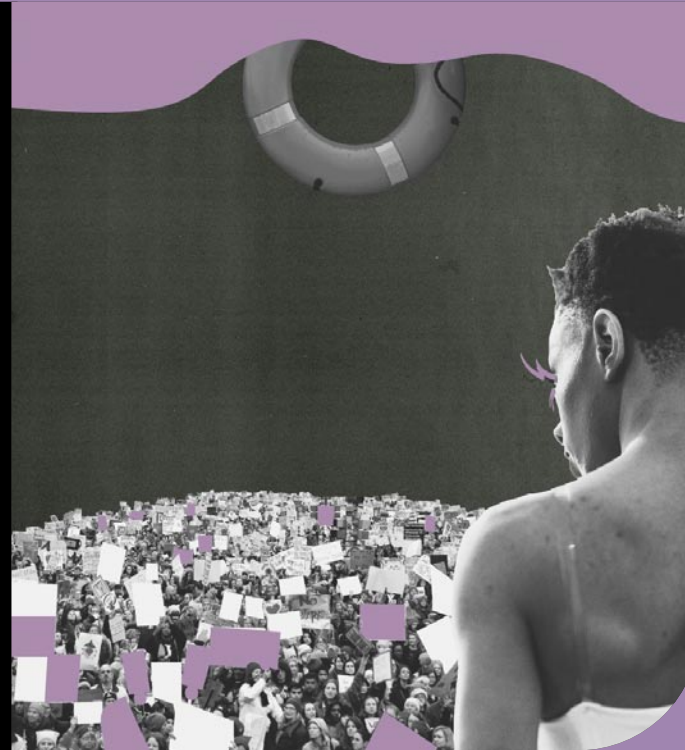
been directly refuted by the government, show that surveillance by the National Intelligence Service has diverged from the values of a democratic society and the rule of law.

### Report 2: Legislative amendment prohibits informing a citizen that the confidentiality of their communications has been removed

An illegal amendment to law 4790/2021 ensures that the Hellenic Authority for Communication Security and Privacy (ADAE) is prohibited from notifying a citizen that the confidentiality of their communications has been removed in the event that it has taken place on grounds of national security. This seems to contradict fundamental rights, such as the right to privacy and the right to effective judicial protection. The removal of even the possibility that the citizen may be informed that the confidentiality of their communications has been lifted, even retrospectively, deprives the citizen of the opportunity for effective legal protection and therefore undermines the essence of his right to the protection of his private and family life. Furthermore, this provision was voted into law without any prior consultation with the relevant independent authority (ADAE).

[See full list of reports here.](#)

# Fundamental Rights





Respect for human rights, as reflected in the ECHR and the EU Charter of Fundamental Rights, is one of the basic obligations of a state governed by the rule of law.

Freedom of assembly, freedom of expression and the right to non-discrimination are some of the categories covered in this section.

For 2021, in the category “**Fundamental Rights**”, Govwatch recorded **22 violations**.

[You can see the total list of violations here.](#)



- Rights of Ethnic Minorities and Vulnerable Groups (13.64%)
- Refugee and Migrant Rights (54.55%)
- Freedom of speech and expression (13.64%)
- Freedom of Thought, Conscience and Religion (9.09%)
- Freedom of Assembly (9.09%)



## Rights of Ethnic Minorities and Vulnerable Groups (3 violations recorded)

### Report 1: Police killing of Nikos Sampanis: Racial profiling and violation of the rules of police engagement

On the night of October 22, 2021, Nikos Sampanis, an 18-year-old Roma man from Perama in Athens was shot dead by police during a pursuit. The pursuit began on the grounds of racial profiling, and clearly violates the rules of engagement of the Hellenic Police Force, but the incident was 'covered for' all the same, both at a political and operational level. The United Nations, Council of Europe, and the European Union have issued multiple recommendations to end ethnic profiling. Particularly problematic for the

rule of law in this case was the political support provided from the first moment by the relevant Minister and other government officials, as well as the failure to suspend the accused, despite the seriousness of the incident.

### Report 2: Verbal and physical abuse by a police officer towards a citizen that was being taken for psychiatric evaluation

A hospital worker reported that during her psychiatric clinic duty, a female patient who was being escorted by 2 police officers was verbally and physically assaulted in front of her by one of these police officers. In a state governed by the rule of law, the actions of the police authorities must be governed by certain principles such as the principle of legality, the principle of proportionality, the prohibition of the abusive exercise of police power, and the respect and protection of

human rights. Although the police may use force in order to enforce the law, this does not mean that all use of force on their part is legal. On the contrary, the arbitrary use of violence is a dangerous phenomenon for a democracy. The responsibilities of the police authorities and the behavior they must display in the exercise of their duties are regulated by Presidential Decrees 141/1991 and 254/2004. Furthermore, the transfer of a patient to a public psychiatric clinic for evaluation, must be carried out under conditions that ensure respect for the dignity of the patient, as stipulated in article 96 paragraph 5 of Law 2071/1992.

[See full list of reports here.](#)



## Refugee and Migrant Rights

(12 violations recorded)

**Report 1: Moroccan citizen lodges complaint that he was unlawfully returned to Turkey on two occasions, along with dozens of others, by the Greek authorities**

A report by The Manifold team features allegations that a Moroccan citizen was unlawfully returned to Turkey on two occasions, along with dozens of others, by the Greek authorities. According to the report, in April 2021 Zakaria Belboudin was arrested by the Greek police in Thessaloniki. He complains that during his detention he was forced, under police pressure, to sign papers without translation or any explanation of their

content, and later transported with other immigrants to the Evros border. Belboudin, who had valid reasons to seek asylum in Greece, alleges that here, the refugees were loaded onto boats and sent back to Turkey with 2 armed escorts in each boat wearing camouflage without insignia. In June 2021, Belboudin tried with a group of other people to cross the border into Greece, but a few days later he was arrested and sent back to Turkey after being beaten. His legal representatives wrote to the Greek authorities, but the prosecution dropped his case six months later. These events raise the question of a violation of international law, as the refoulement of refugees is prohibited by Article 33 of the Geneva Convention, while border surveillance measures should be implemented in full compliance with human rights and refugee law.

**Report 2: Refoulement (illegal return) of a political refugee with recognized refugee status**

In February 2021, the recognized refugee R.K., a permanent resident of Rethymno, while visiting Thessaloniki was interrogated by the police, arbitrarily and illegally arrested and transported in a small, closed van with his compatriots and people of other nationalities to Evros, the Northern border of Greece, where he was forcibly expelled, un-

officially and illegally, to Turkey. During his stay in Turkey he contacted the Greek organisation HumanRights360 via email, where he asked for their legal assistance for his legal return to Greece as well as to file a complaint regarding his arbitrary arrest and his violent and illegal expulsion to Turkey. A report was submitted to the Greek Ombudsman, and after the intervention of the Greek Consulate in Istanbul, and the receipt of his travel documents from Crete, he was able to enter the country legally again. At the moment, a preliminary administrative investigation is being carried out into the actions of the police officers and into the possibility of disciplinary penalties against any police officer involved.

**Report 3: New naturalisation process creates legal uncertainty and excludes many from the acquisition of Greek citizenship**

By decision of the Ministry of the Interior, the government has introduced new rules for the naturalisation process that effectively prohibit the acquisition of Greek citizenship by foreigners who have lived for years in Greece and have integrated into the social and economic life of the country. The new, much stricter rules, create legal uncertainty and exclude many applicants who under the previous legal regime would have become





Greek citizens. In a state governed by the rule of law, there should be consistent rules for the process of naturalisation and the acquisition of citizenship. However, the new legal framework for the acquisition of Greek citizenship provides such strict rules that it is made practically impossible for foreigners to meet them, even though they have integrated into the economic and social life of the country and otherwise meet the criteria for acquiring citizenship. In fact, the government has changed the rules for those who had already applied for Greek citizenship, causing legal uncertainty by overturning the naturalisation rules under which their application was lodged.

[See full list of reports here.](#)



## Freedom of speech and expression (3 violations recorded)

**Report 1: European Court of Human Rights finds Greece to be in violation of Article 10 of the ECHR in the case of Dimitriou v. Greece**

Respect for fundamental rights is one of the key components of a state that is governed by the rule of law. The fundamental rights that every citizen should enjoy are enshrined in the European Convention on Human

Rights. It is a primary and indisputable obligation of the state to respect these rights. In this case, however, the European Court of Human Rights found that the applicant's right to the freedom of expression had been violated. In particular, it was considered that the applicant's conviction by the civil courts constituted an interference with his right to freedom of expression, which, not being included in the restrictions provided for in paragraph 2, constituted a violation of Article 10 of the ECHR

**Report 2: European Court of Human Rights finds Greece to be in violation of Article 10 of the ECHR in the case of Matalas v. Greece**

In the case of Matalas v. Greece, the European Court of Human Rights (ECtHR) found Greece to be in violation of Article 10 of the ECHR, the right to freedom of expression. The ECtHR concluded that the grounds relied on by the national courts to justify the interference with the applicant's right to freedom of expression and his conviction by the criminal courts were not appropriate or sufficient, and the specific intervention by the national authorities was therefore unnecessary in a democratic society, violating Article 10 of the ECHR.

[See full list of reports here.](#)



## Freedom of Thought, Conscience and Religion (2 violations recorded)

### Report 1: UN decision demonstrates that Greece continues to violate rights to conscientious objection

On December 6, 2021, the UN Human Rights Committee published its decision on the individual appeal of the conscientious objector Lazaros Petromelidis, finding multiple violations of the International Covenant on Civil and Political Rights by Greece. In all, from 1992 to 2014 the conscientious objector was charged five times with insubordination, detained in at least four cases and sentenced to two fines in lieu of imprisonment. Greece is obligated to ensure the effective exercise of the right to conscientious

objection, providing for the possibility to undertake alternative civilian service that is not punitive and discriminatory in nature. However, in this case, the UN Committee on Human Rights ruled that there had been multiple violations by Greece of the International Covenant on Civil and Political Rights in the punitive manner in which the Greek state dealt with this conscientious objector.

### Report 2: Ministry of Education's procedure to exempt students from religious education in schools fails to comply with legislation

According to the ECtHR, state authorities do not have the right to intervene in the sphere of individual conscience and to ascertain individuals' religious beliefs or oblige them to reveal their beliefs concerning spiritual matters, while according to the Data Protec-

tion Authority, the exemption from religious studies should be done in a way that protects citizens' personal data. However, according to the Hellenic League for Human Rights, the decision of the Ministry of Education on how to exempt students from religious studies does not comply with the above requirements, despite the recent condemnation of Greece by the European Court of Human Rights on this matter.

[See full list of reports here.](#)



## Freedom of Assembly (2 violations recorded)

**Report 1: "Freedom of Assembly at Risk": Amnesty International report denounces unlawful use of force in the era of COVID-19**

In July 2021, Amnesty International published an extensive report revealing that in the era of COVID-19, the Greek authorities have used arbitrary arrests, blanket bans, unjustified fines and the unlawful use of force to curb

peaceful protests. These protests had been called to demonstrate against a number of issues, including the unlawful use of force by police, gender-based violence and problems in the National Health System. In a state that adheres to the rule of law, the government and the authorities must take measures for the protection and effective exercise by citizens of the right of assembly, which is guaranteed in Greece by Article 11 of the Constitution.

### **Report 2: Third ban in three months is placed on public gatherings**

For the third time in three months, the Chief of Police issued a decision restricting public outdoor gatherings, banning those with more than 100 participants from 26-1-2021 until 1-2-2021. Despite the fact that the prohibition now allows small gatherings, whilst the last two did not, concerns about the constitutionality and general legitimacy of both the specific decision and generally the placing of such restrictions on the exercise of the right of assembly remain undiminished. Respect for human rights is one of the key components of a state governed by the rule of law. Any restriction of fundamental individual rights is lawful only if it takes place in a constitutionally permissible manner, subject to certain basic legal guarantees,

such as the principle of proportionality and the prohibition of the infringement of the essence of the right. The decision of the Chief of Police to prohibit without discrimination all public outdoor gatherings and the corresponding restriction of the right to assemble raises serious concerns as it does not seem to correspond with constitutional requirements. The need to protect public health and to take measures to address the spread of the pandemic must not take place in a way that undermines respect for human rights and the rule of law.

[See full list of reports here.](#)



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