



govwatch

ANNUAL RULE OF LAW REPORT
FOR GREECE

2023



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

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.

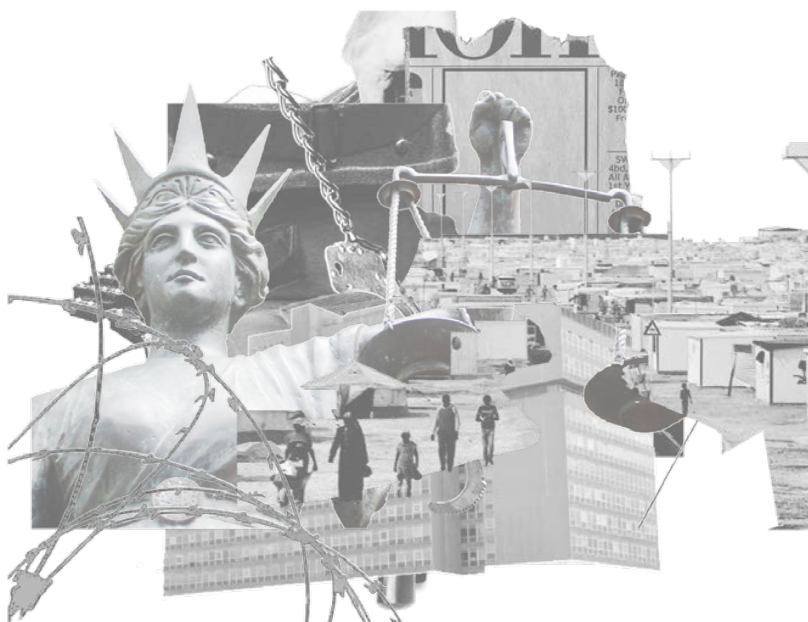
The picture that Govwatch paints of the state of the rule of law in Greece is made up of reports not just from the Govwatch team, but also from civil society organisations, journalists, academics, and citizens.

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.



Wiretapping
Scandal

Freedom
of the Press

Police violence
& arbitrariness

Legislative
procedure

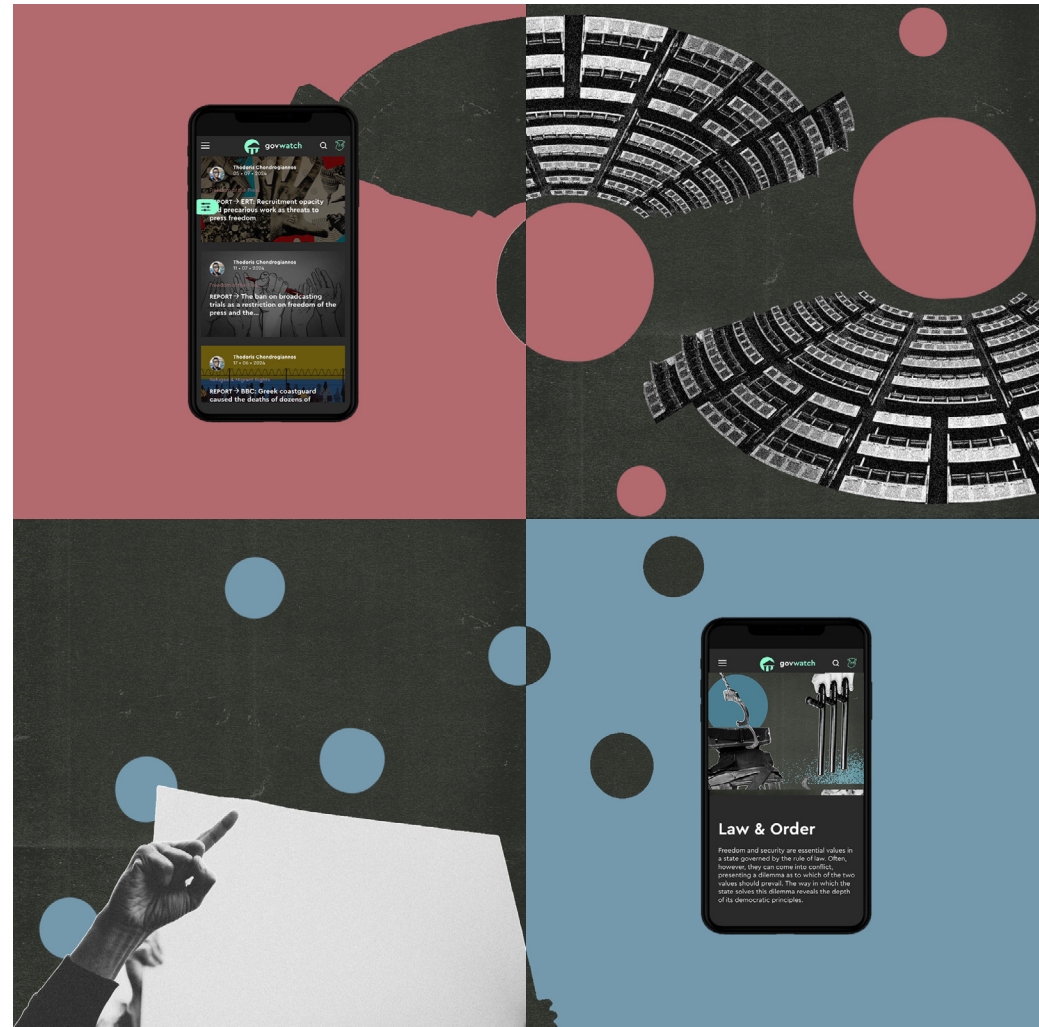
Rights of refugees
& migrants

EU
& international
obligations



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.





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.

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).

The World Justice Project 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 Security, 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.

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.



Govwatch is an independent initiative run by Vouliwatch which aims to systematically collect reports of violations or serious suspicions of violations of the principles of the rule of law and to hold the relevant state authorities accountable. 2024 marks Govwatch's third year of operation, and this is the annual report for the year 2023.

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Govwatch records incidents across a broad spectrum of institutional functioning and human rights practice: from constitutional principles on good lawmaking and parliamentary transparency to the fight against corruption, and from public procurement and elected representatives' financial interests to police arbitrariness and fundamental freedoms. As a watchdog organization, Govwatch publishes reports and articles documenting instances where the principles of the rule of law were violated, having direct relevance to citizens' daily lives.

Thanks to our systematic recording of violations of the rule of law over a number of years, we are now in a position to safely draw the qualitative conclusion that in certain areas the Greek authorities systematically fail to observe the principles of legality, equality and transparency, on the one hand, and fail to hold accountable those authorities that violate these principles – highly necessary under the rule of law – on the other.

This is why, unlike our two previous annual reports on the rule of law in Greece ([2021](#) and [2022](#)), this year we will not present the entire range of Govwatch's work for 2023, but rather will focus on the areas that we have identified where the Greek authorities have a long-standing failure to protect the principles of the rule of law.

These areas include the case of the wiretapping scandal and the violation of the constitutionally guaranteed right to confidentiality of communications, the executive's obstruction of the exercise of powers of the Independent Authorities



and in particular the independent Hellenic Authority for Communication Security and Privacy (ADAPE), police arbitrariness, violations of the rights of refugees, threats to press freedom, and violations of the country's EU and international obligations.

The steady deterioration of the rule of law in Greece, especially in the above areas, is also evident in a series of reports by national and international organisations. Indicatively, the [European Commission's 2024 report](#) on the rule of law in Greece raises the issue of inadequate protection of journalists and members of civil society from abusive lawsuits, while the [U.S. State Department's report](#) on the human rights situation refers to complaints of refoulement, poor living conditions in prisons, reports of sexual harassment in the workplace, allegations of violations of the principle of equal treatment of men and women in the workplace, as well as incidents of violence and discrimination against the LGBTQIA+ community.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also urged Greece to improve the reception and living conditions of refugees and refugees in its [new report](#), not for the [first time](#).

For its part, the European Parliament's [PEGA committee report](#) highlighted the dangers both of the use of the illegal Predator spying software against senior officials in Greece and of its export – with the permission of the Greek government – to countries with problematic records of human rights protection.

On 1 December 2023, the Council of Europe's Group of States against Corruption (GRECO) [issued special reports addressed](#) to the Greek authorities following up on the progress of the implementation of previous recommendations concerning the legislative public consultation process, the strengthening of the integrity of

the Parliament on corruption issues, transparency in the functioning of the courts and the revision of the selection process of senior judges.

The violations of the rule of law in Greece (which ranks 47th out of 142 countries in the [World Justice Project's](#) Rule of Law Index), suggest the need to take measures aimed at qualitatively upgrading the modus operandi of state institutions and the effective protection of human rights, in an effort to improve the overall functioning of democratic institutions in our country.

At the national level, the Ombudsman, as the National Mechanism for the Investigation of Arbitrariness, noted in its annual report for [2023](#) that the number of citizens reporting arbitrary behaviour by police forces increased by 21% compared to 2019 and pre-pandemic levels, and the number of cases forwarded by the National Police Force to the Ombudsman decreased (possibly linked to an increase



in the so-called "dark number" of cases, which relates to vulnerable groups who do not report abuses). Furthermore, in more than half of the findings of 2023, the Ombudsman expressed reservations about the completeness of the investigation conducted. Finally, the shortcomings and deficiencies of administrative investigations were found to worsen when the case concerned racist motivations or the targeting of vulnerable groups, particularly in cases where the complaint concerns physical violence, torture and/or violations of personal or sexual freedom.

The Racist Violence Reporting Network's report for [2023](#) also recorded 158 incidents of racist violence for the reporting year, of which 89 incidents targeted migrants, refugees or asylum seekers, while 61 incidents targeted members of the LGBTQIA+ community. The same report found "ongoing racist violence at the country's borders" and

"racist behaviour by representatives of the state, in particular by representatives of the police forces".

The aforementioned publications collectively illustrate a persistent pattern of transgression against the tenets of the rule of law and the inadequacy of human rights protection within our nation. These are also the principal areas of systematic rule of law violations that Govwatch has been documenting for a period of three years.

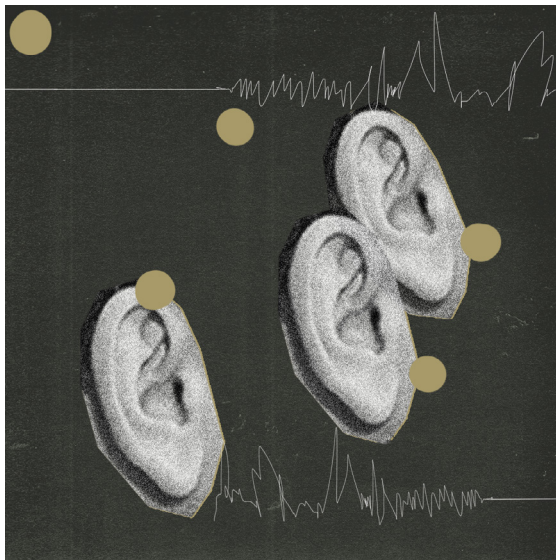
It should be noted that in each section that follows, reference is made to the reports compiled by the Govwatch team on incidents and complaints of violations of the rule of law in the selected topical areas. To access the full range of categories of violations of the rule of law, please refer to the [Govwatch website](#), where you will find reports and articles relating to 2023 and previous years, which are updated on a regular basis.

Wiretapping Scandal





A case study on threats to the privacy of communications and to the exercise of the powers of the Independent Authorities



A. Wiretapping of public officials

In 2023 yet more serious violations of the rule of law were recorded in relation to the wiretapping scandal and Article 19 paragraph 1 of the [Constitution](#), which guarantees the absolute inviolability of the confidentiality of communications. It should be emphasized these reports are of particular significance given that in 2023, members of the independent Authority for Communication Security and Privacy (ADAE), which has the competence to investigate the

wiretapping scandal by virtue of the Constitution (Article 19(2)) and the law (Law [3115/2003](#)), were reportedly subject to threats, verbal attacks and accusations by representatives of the executive and the judiciary.

In January 2023, the ADAE's audits [documented](#) that the National Intelligence Service (EYP), under the authority of the Prime Minister, had proceeded to lift the secrecy of communications of a number of senior officials of the government, the opposition, the Greek state and the Armed Forces. The privacy of communications were lifted from Labour Minister Kostis Hatzidakis, Chief of the Hellenic National Defence General Staff, General Konstantinos Floros, Chief of the Hellenic Army General Staff. Lt. Gen. Charalambos Lalousis, former National Security Advisor Alexandros Diakopoulos, the head of the General Directorate of Armaments Aristides Alexopoulos, as well as the latter's predecessor in the same position, Theodoros Lagios.



In the same month, PASOK MP Giorgos Kaminis [filed a complaint](#) with the prosecutor of the Court of First Instance to investigate the possibility that his conversations may have been illegally monitored by state intelligence agencies, following the discovery that a person with whom he was in constant communication had also been put under surveillance (Mr. Yannis Anastasakos, a close associate of the Minister of Citizen Protection Michalis Chrysochoidis).



B. Obstruction of the ADAE in the exercise of its powers

Following the checks by ADAE that led to the above revelations, the Prosecutor of the Supreme Court issued an opinion that the independent Hellenic Authority for Communication Security and Privacy (ADAE) no longer had the power to perform such checks with telecommunications providers to

investigate whether somebody has been placed under state surveillance, given that in any case it no longer has the authority by law to inform the citizen that they have been under surveillance by the National Intelligence Service (EYP) if this was ordered for reasons of national security. Mr. Doyakos also made reference to criminal sanctions – even temporary imprisonment – if members of ADAE went ahead with such checks. On 12 January 2023, 15 professors and lecturers of Constitutional Law [made a joint statement](#), in which they expressed their strong concern about this opinion

The statement by the constitutional experts highlights a flaw in Doyakos' reasoning, which is that the supervisory power of the independent authority is conferred on it directly by the Constitution (Article 19(2)) and its scope cannot be limited in any way by the legislature. Empowered by the Constitution to safeguard confidentiality, the ADAE has not only the ability but the



obligation to check that state agencies are not abusing their power. These checks, therefore, can be performed on the initiative of the agency or following a specific complaint, and are not done for the purpose of informing the target but rather for the purpose of objective legality. The professors concluded their letter by criticising Mr. Doyakos' reference to prosecution as an 'inappropriate way' to overcome disagreements between two direct organs of the state.

On January 24, 2023, government spokesman Yannis Economou attacked Mr. Rammou in a statement, alleging that the ADAE head's actions constitute 'a serious institutional and political faux pas' and accusing him of participating in a "plan to serve the party interests" of the opposition. Mr. Economou continued his allegations on 25 January 2023, suggesting that Mr. Rammos' behaviour and the actions of ADAE had been suspect for some time but the government had not wanted to openly

criticise the authority. At this point however, the government was prepared to suggest that information leaks appeared to have been coming from the authority, and that Mr. Rammos appeared to have a "privileged relationship with the opposition," disrespecting the independent authority he heads.

These statements, however, have not been substantiated, and the government has been accused of attempting to discredit and undermine the actions of the ADAE and its chairman by attributing them to political motives rather than to the constitutionally and legislatively mandated exercise of ADAE's responsibility to investigate the wiretapping scandal.

In fact, the disclosure of the ADAE's findings to Parliament was made following a meeting between the then leader of the opposition Alexis Tsipras and Mr. Rammos, after the Parliament's Institutions and Transparency Committee,

the parliamentary committee that was in charge of investigating the surveillance scandal, and majority controlled by the New Democracy Party, had rejected the ADAE chairman's request for a meeting in order to present the findings of the independent Authority's audits. In fact, the President of the Parliament, Costas Tasoulas, who had also received the request to convene the Committee, disparagingly described Rammos as a "self-invited guest", adding that only the Committee may call a meeting, according to institutional procedure. It is worth noting that constitutionalist and professor of Public Law and Social Administration at Panteion University Xenophon Kontiadis characterised this as an "institutional flaw".

Furthermore, the briefing of a political leader by the ADAE is institutionally permissible, provided for by article 8(6) of Law No. 5002/2022 (Government Gazette A' 228/9.12.2022), according to which the president of the ADAE shall



inform the Speaker of the Parliament, the leaders of the parties represented in the Parliament and the Minister of Justice on issues concerning the lifting of the secrecy of communications.

A few months later, on **1 November 2023**, Mr Mitsotakis in open Parliament [accused](#) Mr Rammos of having a 'personal agenda,' of being in an 'open channel of communication with SYRIZA', and describing the ADAE as a "sieve". As in the case of Mr. Economou's attacks, the Prime Minister alleged that the ADAE's investigations were not motivated by its institutional role, but by political motives linked to the opposition's agenda.

These accusations were made at a moment when the wiretapping scandal was making headlines following the revelation that the government had accelerated the process of replacing some members of the ADAE after [President Rammos](#) had announced an

¹ Translation by Govwatch

upcoming meeting of the Independent Authority to discuss the imposition of a fine of 100,000 euros on the Intelligence Agency for refusing to cooperate with the ADAE's investigation (1, 2).

On **2 November 2023**, during a conference on independent authorities, Mr Ramos [responded to these allegations](#), commenting that during his forty year career as a judge his motives had never been questioned, and that he feels that his honor and reputation have been compromised, which, he maintains, is not an atmosphere in which the head of an independent authority in a European country should have to perform his duties. He also spoke of 'difficulties' and 'attempts to prevent the Authority from carrying out checks' during the investigation of the wiretapping case, describing [Doyakos' opinion](#) as a "warning, bordering on a threat" against the members of the independent authority, commenting further that:

"When the state does not respect the independence of the authorities, the personal and functional independence of their members, everything else is a luxury and the authorities are not independent. With intimidated members and staff, authorities are not effective and can function only in a decorative way."

[Ramos' testimony](#) to the LIBE Committee of the European Parliament on **26 October 2023**, highlighted the circumstances surrounding the official circulated opinion of the Supreme Court prosecutor, Doyakos, claiming that the opinion was accompanied by threats that if the ADAE did not comply with the opinion, it would probably be subject to prosecution on charges such as spying on members of the administration and staff. Rammos maintains, however, that the investigation is covered within ADAE's remit, under Law 3115/2003, which was not amended at all by the 2022 law on which the opinion was based.

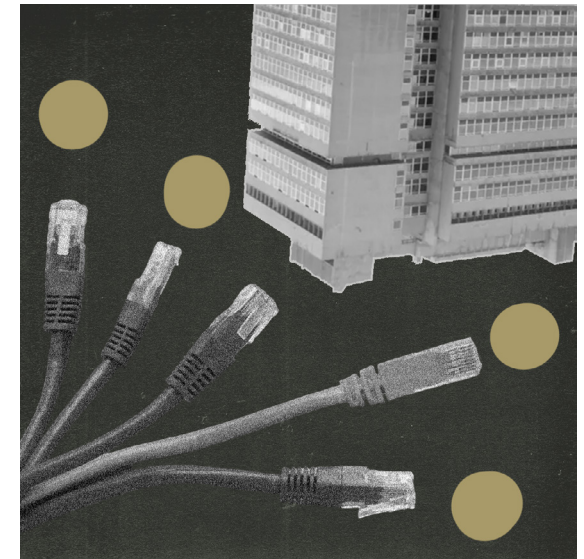


Therefore, Rammos confirmed, he had publicly stated that the opinion was contrary to the constitutionally guaranteed independence of ADAE.

Rule of law violations connected with the illegal use of Predator in Greece were also the subject of the [report of the PEGA Committee](#) of the European Parliament, which was adopted on 8 May 2023. In it, the PEGA Committee noted that the Predator was used illegally in Greece "for political and economic gain", at a time when "legislative amendments have weakened the safeguards" of the communications privacy framework. She added that "this has resulted in spy software (i.e. Predator) being used against journalists, politicians and businessmen and exported to countries with a negative human rights record".

C. The replacement of members of the ADAE

In September 2023, [disagreements were also documented](#) regarding the replacement of members of the ADAE Independent Authority by the Conference of Presidents of the Parliament at a time when Mr Rammos had set a date for a meeting of ADAE members to discuss the imposition of a fine of 100,000 euros on EYP for refusing to cooperate with ADAE's investigation into the wiretapping scandal. A key institutional issue raised in the context of these disputes concerned the fact that the decision of the Conference of Presidents was taken without the increased majority of three-fifths of its members required by the Constitution for the replacement of these members, as only 16 of the 27 members of the Conference of Presidents were in favour of the replacements.

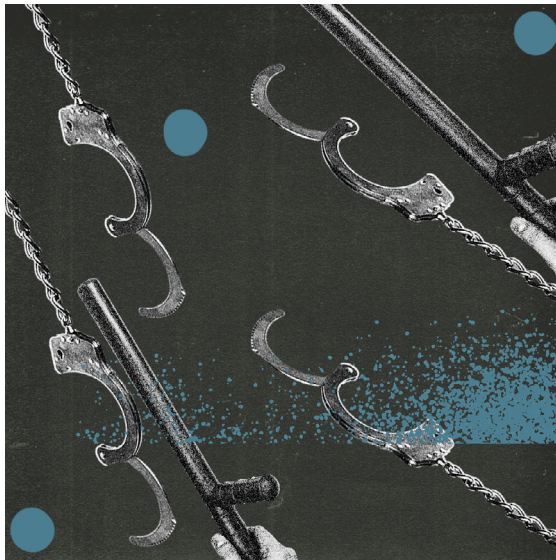


Police Violence & Arbitrariness





Under the rule of law, the action and functioning of police authorities must be governed by certain principles, including the principle of legality, the principle of proportionality, the prohibition of the abuse of police power and respect for human rights.



Although the police may use force and impose measures restricting freedom in order to enforce the law and protect human rights from attempts to violate them, this does not mean that all exercise of preventive or repressive force by the police is legal. On the contrary, the arbitrary use of the exercise of force, the misuse of criminal law instruments and, in general, police action in excess of legal limits, is a dangerous phenomenon for a democracy.

As I. Goussetis (Police, Violence and Rights – An overview of police arbitrariness in Greece, 2024; [Αστυνομία, Βία και Δικαιώματα- Μία επισκόπηση της αστυνομικής αυθαιρεσίας στην Ελλάδα, 2024](#)) says:

“The incidents of excessive use of physical violence by the police, of course, are not limited to the cases that happened to see the light of day... on the contrary, they constitute only the tip of the iceberg, as the Ombudsman has also mentioned. Therefore, the allegation of ‘isolated incidents’ conflicts with what emerges both from the data collected by the competent institutions and from common experience, which is reflected, moreover, in the rich audiovisual material freely accessible on the Internet.”²

² Translation by Govwatch



The complaints and reports that are published every year (always taking into account the fact that many incidents are never reported or published) as well as the reports collected by domestic or international bodies and organisations, appear to paint a picture of a systematic phenomenon.

According to numerous complaints recorded by Govwatch, 2023 again saw a number of incidents of police violence and the arbitrary use of police power. Indeed, in some cases the intensity of the reported violence reached very serious proportions, including torture and even death.

Let us take a look at some of these incidents of reported police misconduct:

- On 8 July 2023, a police officer shot a 20-year-old Syrian man during a pursuit near Larissa, [resulting in fatal injury](#).

The Hellenic Police (ELAS) subsequently [issued a statement](#), saying that the prosecutor had been informed and an investigation opened.

In this particular case, the policeman allegedly used his weapon in violation of the limits set by Greek law: Article 3 paragraph 7 of the law [3169/2003](#) (Government Gazette A' 189/24.7.2003), prohibits the use of weapons to immobilise or neutralise, and against a person fleeing when called upon to stop.

As the Hellenic League for Human Rights [pointed out in a statement](#), the disregard of these conditions on this occasion resulted in the death of a young man.

- A few months later, on 11 November 2023, 17-year-old Roma Christos Michalopoulos was [shot dead](#) by a policeman in Boeotia.

The next day, the Greek Police [issued an announcement](#), stating that the prosecutor had been informed and the police officer in question had been detained and a case opened against him. An administrative inquiry was also initiated as part of the internal disciplinary procedure. On November 15, [another statement was released](#), announcing that the policeman had been "suspended", while [according to press reports](#), he was to be prosecuted for manslaughter with intent and possible malice and the illegal execution of a neutralizing shot.



In a statement, the Hellenic League for Human Rights referred to the “normalization of illegal police violence” and the serious issue of police violence in excess of the limits set by article 3 of Law No. 3169/2003 on the use of service weapons by police authorities.

The statement went on to add that, “It should finally be understood, both by the political and physical leadership of the National Police, but also (perhaps most importantly) by the judiciary, that the role of the police is to protect the constitutionally enshrined fundamental rights of those residing in the country, such as their self-evident right to life, and not to threaten or violate them. And this, in the end, is a matter of democracy.”³

³ Translation by Govwatch

***Note:**

These incidents of serious police arbitrariness should be considered in combination with similar reports in the two previous Govwatch annual reports such as the events of 5 December 2022, when the minor (16-year-old Roma) Kostas Fragoulis was also shot to death by police officers during a pursuit.

- **In September 2023, Kostas Manioudakis died during a police check. His relatives maintained from the outset that his death was the result of police violence.** According to reports, about a year after the incident, criminal charges were brought against the police officers involved for intentional homicide.
- **According to a series of reports and complaints, police officers tortured and beat a 33-year-old prisoner, Simos Prela (Zefi Sajmir), in March 2023.** According to a statement by the Ministry of Citizen Protection, four police officers were arrested, accused of torture and other violations of human dignity in conspiracy.





Other key incidents and complaints of excessive force or police arbitrariness during 2023 included:

[A complaint](#) of police violence against a minor in Milos,

[The use of physical violence](#) by police officers against a demonstrator who was lying on the ground immobilised,

[Allegations of excessive police violence](#) during a police operation in Heraklion, Crete,

[Incidents of police arbitrariness](#) against demonstrators in Larissa,

[Police violence against a journalist](#) despite the fact that he had declared his professional status

[Allegations of unprovoked assault](#) and arrests at the National Technical University of Athens,

[The use of police violence](#) against a lawyer during the performance of her duties,

[Alleged assault](#) by a police officer of a young pregnant Roma woman,

[Head injury](#) following the illegal use of weapons by a police officer in Rhodope, [Complaint of police violence](#) against a 15-year-old boy in Thessaloniki,

[Excessive use of chemicals and police force](#) outside the Volos courts,

[Use of tear gas](#) in an enclosed public space (the metro station in Metaxourgeio),

[Alleged unprovoked attack](#) by police officers against Communist Party members in Thessaloniki,

[Police arbitrariness](#) against teachers and students during a protest,

[Allegations of incidents of police violence](#) following the injury of a police officer,

[Complaint of police violence](#) against a 16-year-old girl in New Heraklion,

[Verbal and physical assault](#) of journalists by police officers whilst working to report on a matter of public interest.

Refugee & Migrant Rights





Violations of the rule of law in 2023 regarding the rights of refugees and migrants, were both serious and numerous – and affected thousands of people.

Notably, [state responsibility in the Pylos shipwreck](#) and the growing evidence of pushbacks of asylum seekers by the



Greek authorities, despite the fact that pushbacks are prohibited by [Article 33 of the 1951 Convention relating to the Status of Refugees](#), also known as the Geneva Convention, as well as continued issues with the living conditions in reception centres.

A qualitative characteristic that highlights the importance of violations of the rule of law regarding the rights of refugees and migrants is the systematic recognition and condemnation of such violations by both the European Court of Human Rights (ECtHR) and the Greek judiciary.

More specifically, during 2023 the ECtHR:

- [Condemned Greece in the case of B.Y. v. Greece](#) for violation of the procedural part of Article 3 (prohibition of torture) of the ECHR due to the ineffectiveness of the investigation into the Turkish applicant's allegations to the court that he was ill-treated by the Greek authorities and eventually returned from Greece to Turkey
- [Condemned Greece in the case of Mirzai and Others v. Greece](#) of violating Articles 3 (prohibition of torture) and 5 (right to liberty and security of person) due to the applicants' detention in a police station for an excessive period of time with a view to their deportation.
- [Condemned Greece in the case of E.F. v. Greece](#) for violating Articles 3 (prohibition of torture) and 13 (right to an effective remedy) of the ECHR due to the authorities' failure to provide appropriate medical care to a patient seeking asylum.



- [Condemned Greece in the case of H.A. and Others v. Greece](#) for violating Articles 3 (prohibition of torture) and 13 (right to an effective remedy) of the ECHR due to the living conditions of migrants and asylum seekers in the Reception and Identification Center in Moria, Lesvos.
- [Condemned Greece in the case of A.D. v. Greece](#) for violating Article 3 (prohibition of torture) of the ECHR due to the living conditions at the Samos Migrant Reception and Identification Center.
- Condemned Greece in the cases of [M.L. v. Greece](#) and [M.B. v. Greece](#) for a violation of Article 3 (prohibition of torture) of the ECHR due to the living conditions of the applicants, two pregnant applicants for international protection, in the Samos Migrant Reception and Identification Center.

In addition, the **Greek judiciary** also issued decisions in 2023 condemning violations of the rights of individuals who applied for asylum in Greece.

- **Specifically, on February 7, 2023, a [decision](#)** of the Administrative Court of First Instance of Kavala found the arrest and detention of an Afghan asylum seeker, to be illegal, in violation of article 50 of Law [4939/2022](#), according to which a third-country national or a stateless person who applies for international protection shall not be detained for the sole reason that he has submitted an application for international protection.
 - **Furthermore, on March 17, 2023, [two decisions](#)** of the Administrative Court of First Instance of Athens found the arrest and detention of two Afghan asylum seekers to be illegal, again in violation of article 50 of Law [4939/2022](#).
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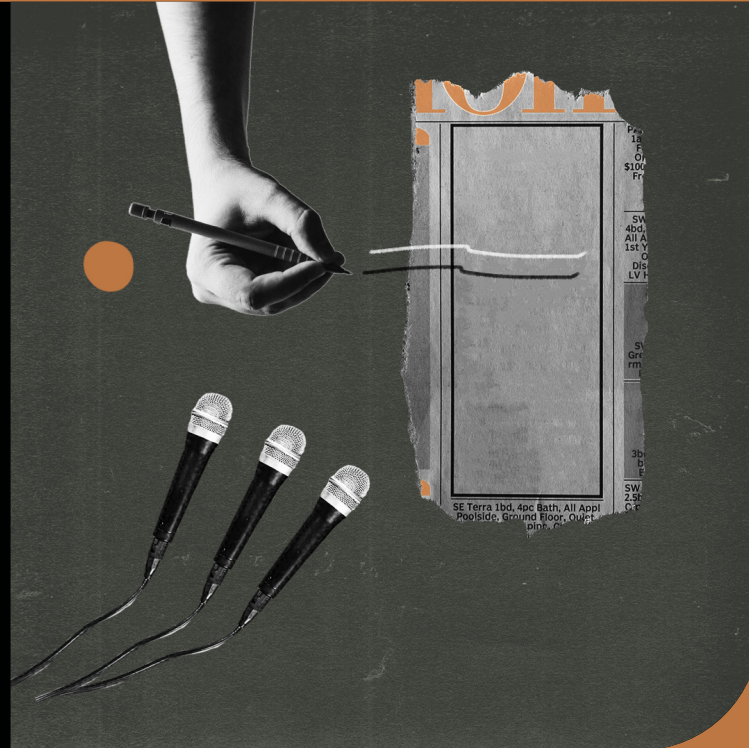
We note that incidents and complaints of violations of the rights of refugees and migrants were not limited to isolated cases in 2023, and actually involved literally thousands of people.

More specifically, during the year under review, evidence, reports and complaints were published relating to 50 incidents of refoulement and the informal forced returns of at least 2,157 people from Greece (according to [a report](#) from the National Human Rights Commission); relating to the refoulement to Turkey of [12 refugees from Lesbos](#) and [10 refugees from Samos](#); regarding [discrimination related to sexual orientation and migration](#) in a school textbook; regarding the [incorrect transposition](#) of Directive 2011/95/EU on the requirements for the recognition of beneficiaries of international protection; regarding the [incorrect transposition](#) of Directive 2013/33/EU on the reception conditions of applicants for international protection; [regarding the use of derogatory terms](#) by the Hellenic Police;

regarding – as reported by the European Commissioner for Home Affairs herself - [violations of EU legislation](#); regarding the rights of refugees; [the existence of secret cells](#) on ships on the Italy-Greece route where refugees and migrants were held under inhumane and degrading conditions; [the pushbacks of refugees](#) – reported by an official of the European Border Guard Agency Frontex, as well as [the arrest of a lawyer](#) while performing his duties in the context of a refugee issue.



Freedom of the Press





Freedom of the press, one of the essential conditions for the proper functioning of a democratic system, is enshrined in both the [Greek Constitution](#) (Article 14, paragraph 2: "The press is free. Censorship and all other preventive measures are prohibited."), as well as in the [European Convention on Human Rights \(ECHR, Article 10\)](#) and the [EU Charter of Fundamental Rights \(Article 11\)](#).



Despite these protections there were significant reports and complaints of violations or serious threats to press freedom in Greece in 2023. A qualitative feature that we must take into account is the fact that the unlawful surveillance of journalists and the lack of protection from abusive SLAPPs (Strategic Lawsuits Against Public Participation), which serve to silence reporters and the media via the threat of moral and financial destruction, continued to constitute serious categories of threats to press freedom for this reporting year.

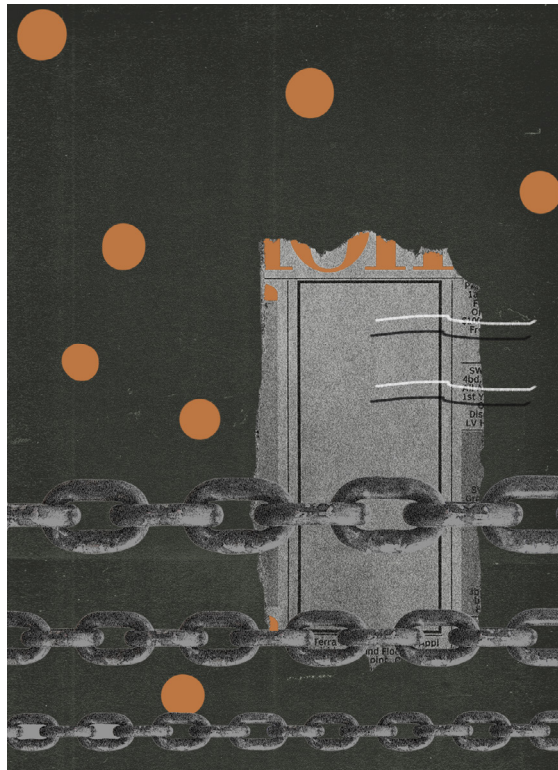
We note that the Greek government is due to incorporate [EU Directive 2024/1069](#) on protection against SLAPPs, with the deadline for incorporation into national legislation expiring for Member States on May 7, 2026.



Specific threats to press freedom during 2023 included:

- [Lawsuits filed by Mr. Grigoris Dimitriadis](#), who resigned over the wiretapping case, against media outlets and journalists who investigated the wiretapping scandal; lawsuits that have been condemned by international and domestic organizations defending press and media freedom ([Reporters Without Borders](#), [International Press Institute – IPI](#), [Journalists Union of Athens Daily Newspapers – ESIEA](#)) as bearing characteristics of SLAPPs.

- The [provision](#) – by Greek and European governments – of the possibility of monitoring journalists for reasons of national security, including with the use of spyware, a stance that was condemned by international and domestic organisations defending press and media freedom (including the [International Federation of Journalists](#), the [European Federation of Journalists](#) and the Journalists Union of Athens Daily Newspapers – ESIEA).



The issue of ineffective protection of press freedom in Greece during the reporting year was also raised by the following cases:

- [The violation of ERT's \(Greek National Television's\) principles](#) to support the government on the issue of establishing private universities in Greece. In this specific case, the Public Broadcasting Service presented citizens supporting the government's position on establishing private universities in Greece, failing to disclose that one of them was a member of the New Democracy affiliated youth wing, and that another participant in the report was a candidate with the same party in the 2023 national elections. ERT also aired five statements by interviewees, all of whom were in favor of establishing private universities, without presenting any contrasting views.



- [The complaint by the newspaper Documento](#) against the imposition of a fine of 240,000 euros by the Independent Authority of Public Revenues (AADE). Documento denounced the administrative measure against it as politically motivated, aimed at paralyzing its business and silencing its reporting, claiming that the team of auditors arrived at the conclusion arbitrarily, given that the auditors claimed that the real amounts the newspaper received for advertising services were larger than those they had declared, on the basis that the advertising costs declared were cheaper than market rates and they therefore opined that transactions of 474,164 EUR in total were allegedly made "under the table".

- [The application of Article 417 of the Code of Criminal Procedure](#) to press related offences. According to this provision, the perpetrator of any misdemeanour may be arrested within 48 hours of the act. It was used against journalist Petros Kousoulos during the exercise of his journalistic work, when during the coverage of a criminal trial, a defendant filed a lawsuit against him, which led to his arrest.

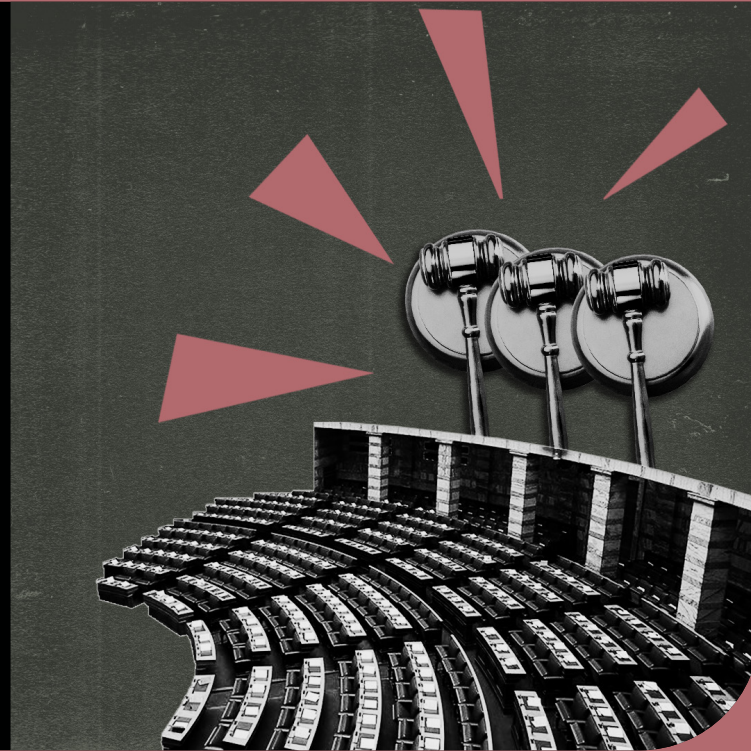
- [The judicial summons of journalists Vangelis Triantis and Kostas Vaxevanis](#) for possible violation of official secrecy after the publication by the newspaper Documento of a finding by the Special Secretariat for Financial and Economic Crime Unit (SDOE), which found a loss of two million euros to the Greek state resulting from the General Secretary for anti-crime policy, Sofia Nikolaou, directly awarding public contracts during the pandemic.

- [The denial of journalistic access to refugee facilities](#) by the Greek government. More specifically, on October 2, 2023, the Ministry of Migration and Asylum rejected a request by journalist Lydia Emmanouilidou to visit the Closed Controlled Facility (CCF) of Samos, in the context of producing a report. The ministry refused to provide access, claiming that journalistic visits to refugee reception centers have been suspended until further notice.

- [The verbal and physical attack on journalists](#) by police officers in Thessaloniki, an incident that was denounced by both the Journalists Union of Macedonia-Thrace and the mechanism for recording violations of press freedom Mapping Media Freedom.

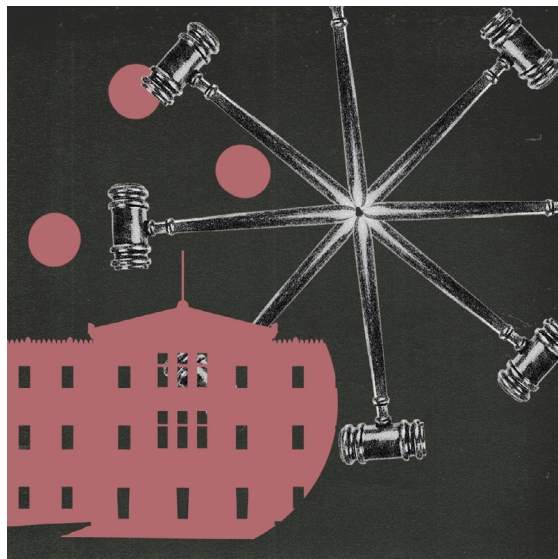
- [The arrest of three journalists and a cameraman](#) during their journalistic coverage of the events following the Tempi train accident in Larissa in order to inform the public about an issue of public interest.

Legislative Procedure

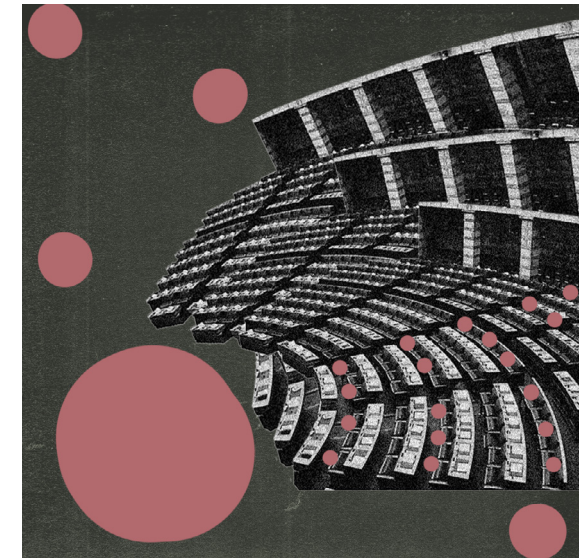




Both the constitutional and common legislators have developed a broad framework of good lawmaking rules with the aim of ensuring transparency and civil society participation in the law-making process, as well as deepening inclusive practices and democratic principles in decision-making by state bodies.



Despite the importance of good lawmaking rules for the rule of law, several of the above rules appear not to have been followed in practice by the Greek government during 2023. More specifically, during 2023, we recorded the problems identified during the process followed for the passage of a number of laws, as well as issues of non-compliance with the public consultation deadline in bills that were processed by important ministries, as well as issues related to the submission of late and/or irrelevant amendments to other laws. In fact, in some cases, a particular law may have been subject to both of these issues at the same time.



The 2023 data should be viewed in conjunction with the two previous Govwatch reports ([2021](#) and [2022](#)), which found a similarly widespread violation of the principles of good lawmaking.



Let's look at some statistics regarding violations of the rules of good lawmaking by the executive and legislative branches (i.e. the government and the Parliament) during 2023:

According to the data analysis of Vouliwatch and Govwatch, 72 pieces of legislation (52 laws and 20 international conventions – Laws 5008/2023 to 5079/2023) were passed by the Parliament. Studying 49 of these laws in more detail, the following issues were observed, among others:

- Public consultation deadlines were often shortened unjustifiably or impermissibly. In particular, in 2023, it appears that 47 draft laws were put up for public consultation, which were subsequently (either in their entirety or in certain provisions) submitted to Parliament for approval. The consultation deadline in 27 of them (i.e. in more than half – 57.4%) was less than 14 days, without justification or even a mention of the reason for which this was the case, as required by law. In fact, in 11 of them the consultation deadline was less than seven (full) days,

despite the provisions of article 62 of law 4622/2019. Notably: a) [a bill from the Ministry of Environment and Energy](#) was put into consultation for just four days and b) [a bill from the Ministry of Infrastructure and Transport](#), the provisions of which were included in Law 5035/2023, was put into consultation for just three days.

- Several provisions appear to have skipped the public consultation stage. It was observed, among other things, that: i) in 35 cases the bill introduced to parliament for voting had more articles than the corresponding bill put forward for consultation and ii) the draft laws introduced for voting appear to include a total of 3,091 articles with only 2,587 of these articles also being found in the corresponding drafts that had been introduced for consultation (regardless of whether or not they had the same form in both draft laws)⁴.



- **Late and irrelevant amendments are constantly being tabled and voted on.**

In particular, it was observed that during the passage of 42 laws, one or more ministerial amendments were tabled. The number of tabled amendments amounts to 75, with the articles contained in the said amendments amounting to 439. Of these 75 amendments: a) 51 (68%) were tabled either on the same or the previous day of the passage of the law (or of the start of the debate in the Plenary of the Parliament, in cases where more than one session took place for the passage of the law) and b) 70 (93.3%) also contained provisions that were not directly related to the subject matter (or at least one of the subjects) regulated by the draft law in its original form (i.e. the draft law that was introduced for consultation).

- It appears not to be exceptional for a law to regulate many different issues, in spite of good lawmaking principles.

We note that that the title of 36 laws contained phrases such as "and other provisions", "and other urgent provisions/regulations...", "other provisions/regulations of the Ministry", "other urgent provisions of competence...", "regulations of competence of the Ministry...", which in all likelihood also indicates the existence of irrelevant provisions in the body of the law (see more in the article: ["The titling of legislation in the year 2023 and the rules of good legislative practice"](#)).

- Finally, it is worth mentioning that the time period from the end of the public consultation period to the submission of the bill for voting in Parliament seems in several cases to be extremely limited [minimum: 0 days, maximum: 29 days, average: 4.96, median: 2]. It was observed that in 20 cases the submission of the draft law to Parliament took place on the same day or the day following the end of the consultation. This fact raises

serious concerns, as it is questionable whether the comments submitted to the consultation are actually taken into account (or can even realistically be taken into account).

In any case, it is noted that according to the results of Antonis Athanasiou's research ([Impact analysis of Greece's OpenGov public consultation contributions on final legislation, 2024](#)) the time that elapses between the consultation period of a bill and its passage affects its content (the more time that elapses between the consultation of a law and its passage, the greater the changes that occur to it).

⁴ It is noted that the above calculations do not include laws 5015, 5022, 5046, 5048 and 5059/2023 (or their corresponding articles) which ratify variously donations, and public contract awarding

International & EU Commitments





As an EU member state, Greece is obliged to apply EU legislation, as well as the rules of international law, with a view to ensuring and protecting human rights (see, inter alia, Articles 288 and 291 of the [Treaty on the Functioning of the European Union](#)). Similarly, as a member of the Council of Europe, it is obliged to protect the rights guaranteed by the European Convention on Human Rights.

However, these obligations do not always seem to be respected. This chapter presents, on the one hand, the actions taken by the European Commission against the country in the framework of infringement proceedings and, on the other hand, the judgments issued by the European Court of Human Rights (ECHR) in cases against Greece in the year 2023.

A. Infringement procedure (Articles 258 and 260 TFEU)

If a Member State fails to apply EU law and/or has failed to fulfil its obligations under the EU Treaties (for example, the State has failed to transpose directives into national law or has failed to notify the full transposition of the provisions of the directives), the European Commission may initiate formal infringement proceedings.

This procedure involves a series of steps, each of which culminates in a formal decision. First, the Commission sends a letter of formal notice and invites the government of the Member State to submit observations within a specific deadline. If the Member State does not reply or its reply is not satisfactory, the Commission may send a reasoned opinion. If the Member State continues to fail to comply, the Commission may decide to refer the matter to the Court of

Justice of the European Union. If the Court of Justice finds that the Member State has infringed EU law, national authorities must take measures to comply with the Court's ruling as soon as possible. If, despite the Court's ruling that EU law has been infringed, the Member State still fails to remedy the situation, the Commission may refer it to the Court of Justice again, after sending a new letter of formal notice.





In 2023, the European Commission took a series of actions in infringement cases against Greece. More specifically:

The Commission referred Greece to the Court of Justice of the European Union (CJEU) for:

- [failing to notify](#) its maritime spatial plans, as required by [Directive \(EU\) 2014/89](#),
- [failing to correctly implement](#) the rules of [Directive 2011/7/EU](#) on combating late payments in commercial transactions,
- [failing to provide updated flood risk and flood hazard maps](#), as required by [Directive 2007/60/EC](#) on the assessment and management of flood risks,
- [failing to close and rehabilitate a landfill site in Zakynthos](#),

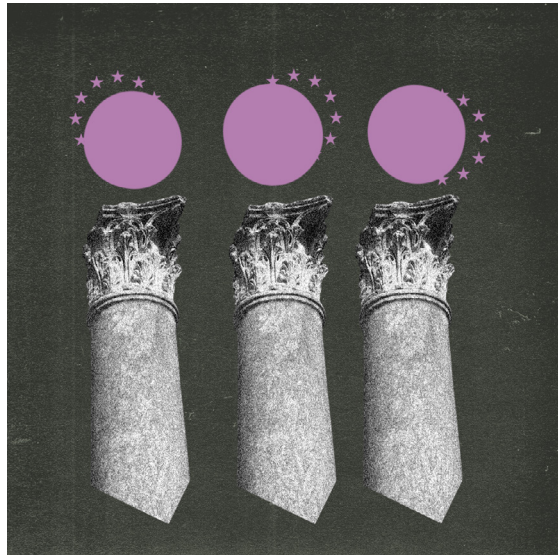
- [failing to fully transpose](#) into national law the EU rules on the internal market in electricity, as laid down in [Directive \(EU\) 2019/944](#).

Greece was also condemned by the CJEU for violating EU law for [the systematic violation of Directive 2008/50/EC](#) on maximum limits for air pollution by nitrogen dioxide in the Athens area.

Finally, the Commission sent reasoned opinions and/or additional letters of formal notice to Greece due to the non-incorporation or incorrect transposition

into national law of EU Directives, as well as due to non-compliance or incorrect application of EU rules, in cases such as, for example, [late payments to lawyers](#) of the legal aid program, [policy on the marine environment](#), [reception conditions for asylum seekers](#), the prevention of the [dissemination of terrorist content](#) on the internet, and [the fight against child sexual abuse](#).

You can see the cases in detail in the appendix of the report [HERE](#).



B. ECtHR Decisions and ECHR Violations

Respect for fundamental rights is one of the essential components of a state governed by the rule of law. The fundamental rights that every citizen should enjoy are enshrined, inter alia, in the European Convention on Human Rights (ECHR). The European Court of Human Rights (ECtHR) is an international judicial body that has the authority to condemn states that fail to meet these obligations

In 2023, 18 ECtHR judgments were issued against Greece. Of these, 16 found a violation of ECHR articles, the majority of which (eight judgments) concern the prohibition of torture and inhuman or degrading treatment (Article 3 ECHR), mainly of asylum seekers and the conditions in reception centers,

but also the right to respect for private and family life (Article 8 ECHR) and the right to a fair trial – access to a court, reasonable duration of trial (Article 6 ECHR).

All 16 convictions can be seen in a detailed table in the appendix [HERE](#).

Finally, it is worth mentioning that in 2023 the ECtHR reached agreement with the government not to proceed to trial in a number of cases, either: a) recognizing the violation and/or b) agreeing to pay sums of money to the applicants in the form of compensation, due to moral damage and for costs and expenses, which exceeded the amount of 3,000,000 euros.

You can see the cases in detail in the appendix of the report [HERE](#).



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