

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

A) Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

D) Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Free Press Unlimited, together with the following orgs: Committee to Protect Journalists; Reporters Without Borders; International Press Institute; Osservatorio Balcani e Caucaso Transeuropa; Solomon; Vouliwatch; Foreign Press Association (Greece)

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://freepressunlimited.org/>; <https://cpj.org/>; <https://rsf.org/en>; <https://ipi.media/>; <https://www.balcanicaucaso.org/eng>; <https://wearesolomon.com/>; <https://vouliwatch.gr/>; <https://fpa.gr/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

FPU: 244060929225-74

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain

- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland

- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands

- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☒ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone

- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Jasmijn

Surname

de Zeeuw

Email Address of the organisation (this information will not be published)

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law

Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☒ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

5000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The Task Force on Ensuring Protection of Journalists was introduced by the Greek government in July 2022 through a Memorandum of Understanding between six Greek ministries, journalist unions, representatives from academia, public news media and other stakeholders. The 2023 Rule of Law-report recommended that the Task Force should take forward the process of adopting non-legislative safeguards and the legislative process for the protection of journalists.

While the collaboration between the actors in the Task Force is important and laudable, the work of the Task Force has to date been largely invisible to the Greek media community. Its activities since the previous Rule of Law-report have been mostly limited to the establishment of an International Training Centre for the Safety of Journalists (<https://www.icsj.net/>), events about the safety of (female) journalists and the development of a survey about the safety of journalists. A joint mission of press freedom organisations to Greece in September 2023 (<https://europeanjournalists.org/blog/2023/09/27/murdered-surveilled-and-sued-decisive-action-needed-to-protect-journalists-and-salvage-press-freedom-in-greece/>), in which undersigned organisations Free Press Unlimited (FPU), Committee to Protect Journalists (CPJ), International Press Institute (IPI), Osservatorio Balcani e Caucaso Transeuropa (OBCT), and Reporters Without Borders (RSF) took part, found that most Greek journalists and media outlets were unaware the Task Force existed. The mission inquired about the Task Force's achievements and plans, and concluded that the Task Force lacks concrete and actionable plans regarding several of the priorities included in its mandate (<https://lawnet.gr/law-news/ellada/systasi-omadas-ergasias-gia-tin-asfaleia-ton-dimosiografon/>), in particular the issue of SLAPPs and the safety of journalists. The mission will publish its full report in late January 2024.

Despite the alarming number of SLAPPs filed against journalists in Greece (covered in further detail under question 43 below), the Task Force could not share concrete plans with the mission to address SLAPPs, nor proposals for legislative measures towards this end. The unit lacks comprehensive data on attacks against journalists and impunity rates, and did not have action plans to address impunity for attacks against journalists and/or measures to expedite and improve investigations of attacks. The Task Force shared that it wants to develop a monitoring platform in collaboration with academia, but also confirmed that it does not have funds available to initiate and staff such a platform.

If it continues on the current path, the Task Force risks becoming merely a symbolic answer to the ongoing media freedom issues in Greece. The undersigned organisations therefore strongly recommend that the

2024 Rule of Law-report requests more concrete targets and plans from the Task Force, in particular regarding the 1) monitoring of the safety of journalists 2) investigation of attacks against journalists and 3) action plans to decrease (the impact of) SLAPPs filed against journalists.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures adopted to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

The NCRTV (ΕΣΡ), The National Council for Radio and Television, regulates the television and radio market in Greece. As has been reported in previous consultations for the Rule of Law-report [see e.g. RSF for the 2023-report], the NCRTV's procedures leave room for political interference and other acts that threaten its independence. In late 2022, the NCRTV initiated a draft Code of Conduct. Public consultations were completed on 28 February 2023 (<https://www.esr.gr/ολοκληρωση-διαβουλευσης-κωδ-δεοντ/>) The draft Code (<https://insidestory.gr/article/poso-vasimes-einai-oi-enstaseis-ston-neo-kodika-deontologias-toy-esr>) posed several risks to press freedom, as it proposed to prohibit the publication of information covered by national security and stated that journalistic investigations should not replace police investigations or investigations by other authorities. It also extended its scope to the internet (https://www.avgi.gr/koinonia/444318_proeklogikoi-kodikes-deontologias-apohorisi-pleioy-me-barytates-kataggelies). It raised particular concern in relation to the ongoing Predatorgate scandal, which was categorised as a matter of 'national security' by the Greek government and largely came to light due to investigative journalism in 2022 and 2023.

On 28 September 2023, the Conference of Presidents of the Greek parliament met to decide on the appointment of six new members of the NCRTV, as their terms lapsed - in some cases, several months prior. The appointment procedure of the six new members led to controversy, and illustrates that the appointment procedures for this independent authority continue to be politicised. The main concerns include the failure to comply with the constitutionally required majority, the failure to consult with all parties before this meeting and/or organise hearings with the proposed members, and the hasty manner with which the meeting was called (for a full analysis see the legal analysis prepared by Vouliwatch (https://www.avgi.gr/sites/default/files/2023-10/nomiki_analysi_vouliwatch.pdf) and their letter to Commissioner Reynders - <https://vouliwatch.gr/actions/article/paremvasi-adae-esr-commission>). At the same meeting, new members of the Hellenic Authority for Communication Security and Privacy (ADAE) - which has played an instrumental role in investigating the Predatorgate case - were appointed. The decision to expedite the selection of new members for only these two bodies, while other independent bodies also had vacancies, cause further concern over political interference with both NCRTV and ADAE.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

5000 character(s) maximum

In the past year, the National Transparency Authority of Greece has continued to refuse the release of documentation related to the allocation of state advertising during the Covid-19 crisis, in which media perceived as opposition-friendly media received disproportionately lower amounts of state advertising. As described in the 2022 Rule of Law-report, requests for access by non-profit organisation Vouliwatch were denied, leading to public concern by international press freedom organisations in light of the strong public interest in the matter (<https://govwatch.gr/en/paremvasi-kolafos-toy-international-press-institute-kata-tis-ethnikis-archis-diafaneias/>). The NTA did not comply with the court order by the Athens Court of Appeals to release the documentation, and the Court decided in the NTA's favour in a second case on 26 June 2023 (<https://vouliwatch.gr/resources/file/2023/10/18/142e03e5-23b5-407a-aa99-4cab46d144ae.pdf>). On 16 October 2023, Vouliwatch appealed this decision (<https://vouliwatch.gr/actions/article/lista-petsa-edda>) before the European Court of Human Rights. Due to the refusal to release these documents, the decision-making and proceedings concerning the allocation of state advertising for the "We Stay Home"-campaign remain unclear to date.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

The protection of journalistic sources and communications:

The protection of journalistic sources and communications in Greece continues to be marked by the handling of the Predatorgate scandal that started in 2021, when it became known that over a dozen journalists and media owners were surveilled illegally through Predator spyware and, in some cases, wiretapping by the National Intelligence Service EYP (covered in the Rule of Law-reports of 2022 and 2023). The fact that multiple individuals, including journalist Thanasis Koukakis (<https://www.mapmf.org/alert/24808>), were surveilled with 'traditional' wiretapping by EYP as well as the Predator-spyware, has strengthened concerns of government involvement. In the past year, the impact of this crisis has deepened due to the ongoing lack of accountability and the intimidation of official investigations into these surveillance practices.

In 2022, the Hellenic Authority for Communication Security and Privacy (ADAE) conducted several audits of telecommunications companies to verify surveillance by the EYP. In 2023, ADAE was subject to pressure on several occasions in response to its investigations. On 10 January 2023, Greece's chief prosecutor Isidoros Dogiakos issued a controversial legal opinion arguing that ADAE, cannot conduct audits of telecommunication companies to find out who is under surveillance by the country's intelligence agency, and warned the members of ADAE with criminal prosecution if they continued with their audits (<https://www.ekathimerini.com/news/1202149/fifteen-legal-experts-blast-chief-prosecutors-intervention-on-adae/>). On 25 October 2023, a magistrate summoned former and current members of ADAE as suspects for leaking classified information (<https://www.politico.eu/article/greek-government-spying-regulators-wiretapping-predatorgate-scandal/>). In response, ADAE president Christos Rammos stated: "It is remarkable that the Greek justice system, that has not up until now — after 18 months — done anything, or charged anyone with spyware use, the same justice system rushes to prosecute two members of the oversight body, who just did their duty". During a hearing in the EP's LIBE-committee, Rammos also noted he was threatened by members of the Greek parliament and government officials in response to this matter (https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-civil-liberties-justice-and-home-affairs_20231026-0900-COMMITTEE-LIBE).

On 23 October 2023, Reporters Without Borders reported that Supreme Court Prosecutor Georgia Adilini ordered the transfer of the investigation from the first-instance prosecutor's office to the Supreme Court (<https://rsf.org/en/predatorgate-scandal-greece-rsf-denounces-political-sabotage-investigation>). According to RSF, this decision came just as the prosecutors in charge of the investigation were about to compare the spyware's target list with the one of the EYP in order to verify potential matches between the 88 owners of the 92 telephone numbers. In November 2023, Greek media reported that some targets were infected with Predator via text messages sent "within a few hours" from the mobile phone belonging to a political figure "who held an important government office until the summer of 2022" (<https://www.kathimerini.gr/society/562704775/thymata-toy-predator-enteka-atoma-pagideytikan-apo-idio-noymero/>).

In addition to the lack of successful investigation of the surveillance, structural weaknesses in the protection of journalistic sources and communication remain. The EYP remains under the direct command of the Prime Minister, following a legislative change in 2019. The Parliamentary supervision over its practices is limited as the Permanent Supervisory Committee only has the right to be informed. Oversight is further hampered as the procedure to authorise surveillance of an individual by EYP only requires the signatures of two prosecutors, who do not need to register their justification for approving the surveillance. Individuals who suspect they have been subjected to surveillance can only receive information three years after the surveillance was ended. The decision to do so is made by a panel of three, including the two prosecutors

who authorised the surveillance. Special protections for journalists are lacking in the legal framework, while the use of spyware by EYP remains unregulated. Meanwhile, accountability over the prosecution of the Predatorgate case also remains limited as the highest prosecutorial authority, the Prosecutor of the Supreme Court, remains a political appointment (https://commission.europa.eu/system/files/2023-07/21_1_52575_coun_chap_greece_en.pdf).

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Journalists who spoke with the aforementioned mission of international press freedom organisations in September 2023, described the situation of safety for journalists as worsening. The impact of the murder of Giorgios Karaivaz in 2021 continues to be felt, while attacks on journalists persisted in 2023. Key examples in 2023 were the attack on a family member of journalist Kostas Vaxevanis in response to his journalistic work (<https://www.mapmf.org/alert/30608>), the physical attack on Ta Nea-journalist Giorgos Papachristos (<https://www.mapmf.org/alert/30611?q=greece&f.from=2023-01-01&f.country=Greece>) and the vandalism of the house of journalist Stavros Theodorakis (<https://www.mapmf.org/alert/30132>). In addition to these attacks, many journalists expressed their concerns about online violence and intimidation, and especially the targeting of female journalists.

As noted with regards to the Task Force, the Greek government does not collect comprehensive data on these attacks. The consistent collection of such data is essential to the establishment of protection and prevention-measures, in line with the EC Recommendation on the Safety for Journalists. Several Greek journalists also indicated that they frequently do not file criminal complaints after attacks, in particular in cases of online threats, as the procedure to do so is time-consuming and they observe that these attacks are rarely prosecuted. There are few concrete government plans to improve the protection of journalists. While the training of journalists as part of the Task Force's work is important, representatives of the Minister of Civil Protection confirmed that, apart from the topic of demonstrations, there are no initiatives to develop training and/or guidelines for law enforcement authorities to improve the protection of journalists. This is problematic, as several practices and incidents in which police and border authorities failed to protect journalists persisted in 2023 (see e.g. <https://www.mapmf.org/alert/30716?f.from=2022-01-01&f.to=2023-10-18&f.country=Greece>). In 2023, the CoE's Platform for the safety of journalists documented nine new cases (<https://fom.coe.int/en/pays/detail/11709522>).

With regards to the investigation of attacks on journalists, three main observations were made with regards to the past year. Firstly, Greece continues to be the only Member State of the European Union with two open cases of impunity for the murder of a journalist (<https://fom.coe.int/en/alerte/detail/107640100>). The 2021 murder of Giorgios Karaivaz saw two arrests of suspected assassins in April 2023 (<https://www.ecpmf.eu/greece-mfrr-partners-welcome-arrests-over-assassination-of-giorgos-karaivaz/>). The arrests were not announced in a formal press conference, but in a message on the personal Facebook-page of the Minister of Justice (<https://www.facebook.com/takistheodorikakos/posts/pfbid02sLsBznXNZjbtBegpgAXeAbRYYNTn7GiUeAiqqS7WmJnEuYMWdi2Up29UkmZowPcUI>). Both suspects have not been brought to court yet and, since April, no tangible progress has been announced regarding the pursuit of the masterminds of the crime. The 2010 murder of Sokratis Giolias also remains unresolved, as an investigative report released in 2023 illustrates (<https://www.saferworldfortheruth.com/investigations/sokratis-giolias.html>). During the mission of international press freedom organisations in September 2023, it became clear that the Greek authorities have not analysed the cause of the substantial delays in pursuing the perpetrators in both cases, and have not planned any steps to expedite these investigations.

This is not only problematic in light of Greece's international obligations to investigate crimes against journalists and the journalists' relatives, but also further contributes to the chilling effect of these crimes on journalists and press freedom in Greece. The worsening climate for press freedom following these, and other attacks on press freedom, has already been documented in September 2022 by the Committee to Protect Journalists (<https://cpj.org/2022/10/in-greece-reporters-killings-unsolved-critical-journalists-complain-of-growing-threats/>). The ongoing impact of (the impunity for) these murders was confirmed in the aforementioned investigation about the murder of Sokratis Giolias and the September 2023-mission. During the latter mission, the Ministry of Justice and the Ministry of Civil Protection confirmed that there is no special protocol for the investigation and prosecution of attacks against journalists. By law, the Prosecutor of the Supreme Court is the highest oversight body over the public prosecution, and thereby uniquely mandated to oversee the quality of prosecutorial investigations and to intervene in inadequate prosecutions. As long as the prosecutor does not take up this role with regards to the prosecution of attacks against journalists, or an independently appointed authority is established, this accountability gap remains.

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

SLAPPs and other forms of legal pressures and threats continue to form one of the biggest threats to independent journalism in Greece. Similarly to the issue of safety, systematic data collection on SLAPPs in Greece is currently lacking, although the Panhellenic Federation of Journalists Association (POESY) has initiated an Observatory on SLAPPs (<https://www.poesy.gr/category/paratiritirio-slapps/anakoinoseis-slapps/>). Nevertheless, Greece saw more SLAPP lawsuits documented than most other EU member states, according to the Coalition Against SLAPPS (CASE) and the MFRR (Media Freedom Rapid Response).

Several prominent SLAPP-cases came before the court in 2023, including the case against independent media outlet Altheress from Thessaloniki (<https://alterthess.gr/>), in which journalists were used on the basis of the GDPR (<https://ipi.media/slapp-lawsuit-in-greece-underscores-need-for-swift-eu-directive-2/>). While Altheress followed all international standards in its publication, the judge found the journalist, Stavroula Poulimeni, guilty at the end of March 2023 (<https://www.rcmediafreedom.eu/Publications/Focus-on-SLAPP/Focus-on-SLAPP/Weaponizing-GDPR-How-EU-data-protection-threatens-press-freedom-in-Greece>). This verdict was appealed and a final decision is expected in April 2024.

Journalists from Reporters United, who were also subjected to another SLAPP that culminated in 2023 (<https://www.mapmf.org/alert/24587>), were targeted in a SLAPP initiated by Grigoris Dimitriadis. Dimitriadis, the nephew of the Greek Prime Minister, who stepped down from his position as Secretary during the Predatorgate scandal. Dimitriadis initiated lawsuits for defamation claiming between 400,000 euros of damages against the two journalists (<https://www.ecpmf.eu/greece-slapp-award-winner-grigoris-dimitriadis-urged-to-drop-defamation-lawsuits/>). Besides the journalists at Reporters United, journalist Thanasis Koukakis and the newspaper Efimerida ton Syntakton (EFSYN) were also targeted by such lawsuits. The case goes to court in January 2024. In December 2023, Dimitriadis filed another multi-million-euro lawsuit against journalists from Reporters United and EFSYN (<https://ipi.media/greece-media-and-journalists->

targeted-in-second-lawsuit-by-pms-nephew-over-spyware-revelations/).

Greek journalists have also faced potentially arbitrary criminal lawsuits. In October 2023, French journalist Romain Chauvet was given a six-month suspended sentence for spreading disinformation in a word-against-word trial (<https://www.mapmf.org/alert/30799>). In early November 2023, Vaxevanis and one of the newspaper's journalists, Vangelis Triantis, were summoned as suspects as part of a criminal investigation into "possible offence of the use of official secrecy" in connection with their investigative reporting (<https://www.mapmf.org/alert/30818>). No measures appear to have been announced in 2023 to counter the filing of SLAPPs and their impact on journalists. While Greek judges have shown restraint in applying penalties in these cases, the cases strongly impact journalists due to the long delays in the judicial system, the financial resources and time needed to prepare the court hearings and psychological impact and stress.

In November 2023, the Greek Ministry of Justice presented draft amendments to the penal code which media unions warned could leave journalists at risk of serving prison sentences for criminal defamation (<https://fom.coe.int/en/alerte/detail/107640369>). The proposed reforms would impose stricter penalties for a series of offences, while also reducing the suspension of sentences on appeal for misdemeanours. In Greece, defamation is treated as a misdemeanour within the penal code, as well as within the civil code. Currently, if a journalist is found guilty of criminal defamation and receives a sentence of more than three years, they could have the sentence suspended until the appeal. Under the changes, simple defamation would be removed from the penal code, however, the crime of aggravated defamation (libel) would remain. If the changes are adopted, any sentence over three years will see the offender spend time behind bars, even for first degree convictions, since the suspension will not be open to appeal. Journalist unions warned that this could mean that journalists convicted of aggravated defamation could face jail time, even if they appeal to a higher court and are ultimately found not guilty. In cases involving the convictions of journalists for defamation, appeals to higher courts have in the past overturned the first instance rulings. A public consultation was launched until 28 December 2023 and the Parliament is expected to vote on the bill in 2024. The stated aim of the reform bill is to modernise criminal legislation and speeding up and improving the quality of criminal trials. While observers have welcomed some aspects of the proposed changes, media groups in particular warned about its negative implications.

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms),

and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu