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DRAFT MISSION REPORT

following the LIBE mission to Athens, Greece, 6 to 8 March 2023

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

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Introduction

The Committee on Civil Liberties, Justice and Home Affairs (LIBE) decided on 5 October 2022, at the initiative of its Monitoring Group on Democracy, Rule of Law and Fundamental Rights (DRFMG), to organise a mission to Athens in Greece on 6 - 8 March 2023. The mission was subsequently approved in November 2022 by the Bureau of the European Parliament. This initiative follows previous monitoring work of DRFMG as regards the situation in Greece with respect to the protection of Article 2 TEU values (see [DRFMG webpage](#) for the sessions and follow up questions dedicated to the situation in Greece).

The objective of the mission was to take stock of the latest developments in the country as regards the situation of Article 2 TEU values and notably democracy, rule of law, fundamental rights, the fight against corruption and with a specific attention to media freedom and safety of journalists, against the background of the recommendations made by the EU Commission and the EP debates on the situation in the country.

During this mission participating Members had the opportunity to meet with representatives of the civil society, of journalists, with representatives of the family of the journalist Karaivaz, representatives of the judiciary and of the Bar Association of Athens. The delegation also met with representatives of various national authorities such as National Transparency Authority, the Data Protection Authority, the Authority for Communication Security and Privacy, with the Ombudsman and the Greek National Commission for Human Rights.

Formal invitations have been sent for meetings with the President, Prime Minister, Minister of Justice and Minister of Interior, Supreme Court Prosecutor, Chief of Police and President of Hellenic Parliament for a meeting with national parliamentarians from relevant committees and other national authorities but these meetings were not confirmed and therefore not included in the final version of the programme.

Summary account of meetings

Monday, 6 March 2023

Round table with non-governmental organizations active in the field of Rule of law, fight against corruption and media freedom

The delegation exchanged views with the representatives of civil society organisations mainly on the following topics:

- the need to strengthen the independence of judiciary from the executive, with examples given as regards prioritisation of files as a follow up the intervention of the executive e.g the letter addressed by the Prime Minister to the Prosecutor of the Supreme Court, concerning the examination of the case of the tragic accident in Tempe; the recent opinion by the Prosecutor of the Supreme Court as regards the competences of ADAE;
- the excessive length of judicial proceedings is considered as highly problematic, as well as the very slow execution of court decisions, including of European jurisdictions; in this context the failure to properly comply with ECtHR rulings, especially regarding

ethnic, religious and linguistic minorities was mentioned; it was noted that slow and ineffective justice leads to a culture of impunity.

- the fact that scrutiny mechanisms face growing difficulties;
- the need to respect and reinforce the independence of some of the national oversight authorities; although the independence of ADAE, the DPA and the Ombudsman are firmly anchored in the Constitution and the law, it is seriously jeopardised, a. o. by (proposed) legislative changes restricting their powers and scope, by insufficient means, and by attempts to capture the institutions by removing the leadership; as regards the National Transparency Authority, concerns were expressed as regards the appointment procedure of the head of the authority; the current head has led the NTA ad interim since summer 2022; the weak investigation of Intellexa and 200 complaints of pushbacks, as well as the refusal of NTA to mediate in the so-called "Petsas list" case, and the reluctance to share information, cast a shadow on its independence and effectiveness.
- concerns expressed as regards the transposition of the EU Whistleblower Directive as national legislation was considered as not ambitious enough;
- with regards to party financing, concerns were also expressed on the recent amendments to the legislation as regards the disclosure of assets and the reduction of the publication period of assets declarations from 7 years to 3 years, the fact that it does not provide any more for the compulsory declaration of cash over EUR 30 000 and valuables over EUR 40 000 and does not provide for an obligation to lift bank confidentiality for the completion of audits; the impression that the relevant recommendations included in the European Commission Rule of law country chapter have not been so far properly implemented;
- media freedom and the political pressure, the insufficient reporting on certain issues, as testified by a common statement of various journalist associations after the train crash; the fact that there is no progress in the investigation since the tragic murder of the journalist Karaivaz; the Predator scandal and the cases of surveillance of government-critical journalists; the SLAPPs and prosecutions against journalists; the funding of media during the Covid pandemic, where numerous beneficiaries were later on found to be non-existent or operating fake websites and media allegedly affiliated with the opposition only received around 1% of the money dispersed, as exposed in the so-called "Petsas list" case;
- the fact that any parliamentary inquiry will be ineffective if the leadership and work programme are not a cross-party responsibility; examples were given where the witnesses of the opposition were not heard in a specific inquiry (e.g. surveillance scandal);
- the practice of Omnibus legislation allowing for rapid changes to the legislation, without a proper public consultation, lately numerous omnibus bills being initiated, one of the major issues being the last minute amendments, which do not allow for consultation or public scrutiny;
- the arbitrary and disproportionate use of force by security forces, in particular police forces;

- the integration of vulnerable groups, and the recurrent problems linked to Roma discrimination; the cases of profiling of several Roma people were also mentioned; in general the absence of a human rights culture in Greece. Greece has yet to transpose EU Hate Speech legislation, and transpose CoE case law on minority protection. Certain associations of ethnic minorities are banned;
- the situation of migrants, the alleged push backs and non-respect of fundamental rights of migrants; the reported worrying practices as regards systematic ill treatments and abuses on the islands and on the mainland, including physical and sexual violence and the illegal confiscation of the third-country nationals' belongings; the criminalisation of NGOs providing support and specific examples raised by participants; deficiencies in the effectiveness of investigations and in the justice system such as the length of proceedings (including administrative justice), the lack of interpretation or the way evidence is collected; A prominent international NGO has filed 200 complaints with the NTA about the pushbacks, but neither the NGO nor the victims have been invited to testify. A positive step was the appointment of a Fundamental Rights Officer within the Ministry of Migration, however the mandate does not cover pushbacks.
- concerns on the far-reaching registration requirements for NGOs, including their entire staff, and the impact of non-registration, such as prohibition to enter refugees camps, having meetings with authorities refused, no possibility to open a bank account; the difficulties linked to the requirements of this process of registration which are cumbersome as well as the refusal to apply the freedom of association to NGOs.

Second round on LGBTQI rights

In this exchange with several representatives of the civil society the following main points were raised:

- marriage equality and the lack of legislation;
- the lack of clear pathways for services in charge of affirmative action in view of equal treatment in Greece;
- discrimination and access to health care system; it was noted that legislation was adopted by the current Government in some less controversial areas, but still lacking a lot in their content: psychiatric analyses are still required for gender legal recognition; partial prohibition of conversion therapies as it only applies to children and exclusion if performed by religious groups;
- specific problems linked to LGBTQI asylum seekers;
- hate speech and hate crime, the dramatic under-reporting of cases on hate crimes (approx. only 1 in 25 cases is reported), not only as regards LGBTQI people but also other vulnerable groups such as Roma; there is anti-hate speech legislation from 2014 in place but prosecution is inadequate; it is somehow tolerated to go publicly and speak against vulnerable groups such as LGBTQI, migrants, Roma people etc.; severe concerns were expressed on the way the trial for the murder of the activist Zacharias

Kostopoulos in 2018 was conducted and the clearing of all police officers involved in the presumed police violence;

- In ICD-11 Greece is not aligned regarding depathologising trans people;
- the fact that the anti-bullying law does not cover LGBTI people; discrimination in education system and the worrying phenomenon of bullying; the lack of adequate sexual education in schools; sexual orientation and gender identity are protected in every field with the exception of schools and in the work field;
- the impact of a conservative society on the rights of LGBTQI people and the need for support from authorities and EU bodies; funding is needed for social change campaigns;

Meeting with journalists

The group of journalists met by the delegation stressed the overall atmosphere in which they work with continuous attacks and pressure, the issues concerning media pluralism and the fact that people are therefore not properly informed by so called “traditional media” about subjects important for their lives, including in the current context of the train accident, as acknowledged in a joint statement by several journalist associations after the crash, who conceded that there had been severe underreporting of known concerns about the safety of the system. It was underlined that media credibility can be now assessed also in the way this recent tragic event and accountability issues are presented in the press.

Other issues mentioned in the debate were, among others:

- journalists are facing threats and personal attacks, including from high-ranking politicians and Members of the government, being accused of exposing the country and of propaganda against their own; digital and physical surveillance, characterized as a sort of “bullying”; investigative journalism does hardly exist in the country except for a few exceptions;
- an important part of the media is in the hands of oligarchs, with risks of interference in their activity and that in general there are issues with transparency of ownership and media pluralism; it was mentioned the funding, without transparency, of media campaigns in the framework of the pandemic, of some pro-Government media and the set-up of new media structures linked to some Ministers and/or their family members; against this background, a TV station was mentioned as being run without the necessary license; also it was alleged that there is political involvement in appointments procedure, being given as example the leadership of the Athens News Agency, where the appointment was made considering how favourable to the government the new leadership would be; nevertheless there is still some optimism for media, in particular small media, with a solid degree of independence;
- with regards to the Tempi train accident, it was noted that Union workers and small independant media outlets have been issuing warnings and reports with regards to the malfunctioning of safety systems for many years; despite EU fines and accidents of a smaller degree, the Tempi accident was not prevented; also, none of these serious deficits have been adequately featured in the mainstream media; a total lack of

accountability of the people who are responsible was described; a potential conflict of interest of the Minister of State for Transport-Infrastructure, Giorgos Gerapetritis, due to his close family ties to the Managing Director of Terna SA, one of the largest infrastructure construction and management companies in the country, was alluded;

- a general concern on how the police exercises its authority; it was mentioned that the intelligence services are protected and therefore prosecutors cannot exercise their duty properly (e.g. Predator case); in general it was pointed out that there is an issue with police brutality e.g. during public assemblies, also towards journalists; the way other institutions are functioning, such as NTA, and their degree of independence from executive were also raised as a concern;
- on the spyware scandal the feeling was that the institutions have failed with the result of people losing the trust; the fact that people subject to wiretapping found out only when the issue blew up in the press was also mentioned as a concern;
- following questions on SLAPPs, it was underlined that it would help to have financial support, and to have legislation in place to dismiss this type of cases before they arrive; it was noted that e.g. for cooperative newspaper, a SLAPP case, combined with the notoriously slow Greek justice, can drive them out of business, as it takes a lot of resources to be able to counteract it;
- for those who cover refugees issue: work is made almost impossible, they feel harassed by police, under threat, some regions are impossible to approach to assess the situation of the refugees; a question was raised on why measures against pushbacks are postponed at EU level.

Meeting with the representatives of the family of the journalist Karaivaz

The representatives of the family of the journalist underlined that they were hoping that the authorities would have investigated this horrendous case quickly and thoroughly. They expressed their disappointment that is not the case. It was pointed out that the police had confiscated the cell phone of Mr Karaivaz after the murder in April 2021, and kept it in their possession ever since. However, the police had not conducted a search of the office of Mr Karaivaz at the TV station where he was employed, nor had they cared to secure his laptop. They took action only after being alerted by the family. At some point the police appeared to suggest that the investigation had been closed, but that was later denied.

It was noted that Mr Karaivaz had received multiple threats, but he had continued to do his job and investigate corruption, involving business representatives with links to state officials, police and organised crime. Also it was deplored that the state unfortunately does not support the relatives of crime victims and that there is no financial or psychological support. A plea was made for the investigation to continue and that EU should support this plea and put pressure for this to happen.

Tuesday, 7 March 2023

Meeting with Mr Zoltan Nagy, Head of Field Operations Unit, accompanied by Mr Dimitrios Ntaloukas and Frontex' Fundamental Rights Office, Deputy Fundamental Rights Officer Grigoris Tsioukas

In this exchange with the representatives of Frontex several topics and questions were raised, mainly on fundamental rights protection at borders. It was noted in the discussion, among others, the following:

- Greece was in their focus for years, as an entry point to EU; currently Frontex is active in two different operations, Poseidon and Terra; as part of their operations, scrutiny procedures are in place; they prepare reports on assessing the operational activity and as a result effectiveness increased in the last years; it was noted that most of alleged incidents are coming from external sources and that lately serious incident report increased; last year out of 73 serious incident reports 23 were about Greece, not all these reports came to conclusion, some of them seen as problematic;
- they have now a standard operating procedure including the Fundamental Rights officer (FRO), they start gathering all information available from various sources, they assess if there is a case that qualifies for a serious incident report and if this is the case the FRO starts the investigation;
- the FRO receives complaints by victims or alleged victims and prepares reports on fundamental rights violations; it was noted that as fundamental rights officers they have independence;
- it was clarified that they are in Greece to support national authorities; cooperation with Greek authorities was considered at good level, there are regular exchanges, overall Frontex was not denied any request for a mission, but they still face some refusals for certain operational activities and expressed hope this will be solved as a matter of time; they see further opportunities to improve cooperation;
- concerning fundamental rights violations, they have concerns about the situation at the borders, but clarified that they are not responsible to monitor what national authorities are doing, that is why is important to have access and regular exchange with authorities; there is no information so far that Frontex staff has been involved in any incident, most of these incidents concern activities of national authorities;
- they receive allegations of push backs; many complaints refer to such allegations, but these are usually inadmissible as they refer to national authorities; a certain issue with thorough investigations by national authorities was described;
- at the same time, there have been improvements as regards some national procedures in the last six months, the role of the agency was constructive in that sense; the recent establishment of the national FRO sitting with the Minister of Migration and Asylum, the task force on fundamental rights and they would like to see this institutions effective in the future;

- following questions on fundamental rights related incidents it was mentioned that some of the incidents refer to people alleging they have been stripped out, closed, forced to walk without shoes, but it was underlined that these incidents are not concerning only Greece; some of the cases are brought to the attention of justice;
- changing culture takes time, they are relatively new in the field; there are trust issues from NGOs also, the objective being to have FRONTEX with adequate safeguards, procedures, with required scrutiny and able to use all tools at their disposal;
- with regards to statements made by the Frontex Fundamental Rights Officer in the NYTimes in 2022 regarding the possibility to suspend or terminate an operational activity of the Agency, it was noted that such discussions are ongoing, while it was clearly stated that Frontex objective is not to pull out of an operation but to increase its presence and improve the situation at the borders;

Meeting with Ms. Alexandra Rogkakou and representatives of the National Transparency

Ms. Alexandra Rogkakou presented the main aspects linked to the organisation of NTA, including budgetary allocations and staff positions. The NTA has 500 staff and is spread over several buildings over Athens and six services across the country. She also underlined the wide scope of the agency tasks from assets declarations and corruption cases to the spyware investigation and other type of complaints and misconducts. It was underlined that given this large scope of the authority mandate they need more resources. She mentioned that NTA makes efforts to develop a common culture to work in an effective manner, in order to leave up to society expectations.

Questions were raised by the Members on several aspects such as the ability of working independently as an authority, the appointment procedure of the head of the institution and the fact that she was interim for more than 9 months. Other questions were raised as regards the public perception that the corruption is widespread, on corruption cases including in health sector, on the use of investigative powers as regards Intellexa involvement in the spyware scandal, on the alleged pushbacks and the investigations NTA are doing on this issue also.

In the replies it was mentioned, among others:

- that NTA has investigated the wiretapping scandal as one of the first authorities, testified in the Greek Parliament and submitted all the evidence, nothing being hidden from the national parliament as information;
- that they are checking the audits of hospitals, starting more systematically after the pandemic, and looking into a huge number of contracts;
- as regards the incidents reported in the Lighthouse report on alleged push backs, it was mentioned that NTA asked for concrete evidence, including in local community, and there were very few depositions;
- the cooperation with the police was noted as being good, police providing reports and information;

- on access to information it was mentioned that based on request (e.g. from journalists) they can provide information and that they are open to reply to all requests;
- as regards the appointment procedure, it was noted that they cannot launch it themselves as it depends on political authority;
- NTA cooperates with the European Commission and authorities of other Member States on various issues;
- a general assessment that they work independently, not asking the views of any political authority on the investigations they conduct;

Meeting with Konstantinos Menoudakos, President of the Hellenic Data Protection Authority and with the President, Christos Rammos and representatives of the Hellenic Authority for Communication Security and Privacy

The Presidents of the two authorities provided an overview of the competences of their respective authorities, their activities, the limited resources, the large number of complaints they have to treat as authorities and raised several issues linked to the limits of their competences and necessary legislative amendments.

In the exchange, the following was noted, among others:

- the large number of complaints linked to Predator scandal and spyware; the opinion of the Prosecutor of Supreme Court issued in January according to which ADAE could not proceed to make controls anymore based on current legislation and the threat of criminal charges; ADAE has issued a public statement considering that the authority does have the competence to make these controls, as they are an independent authority safeguarded by constitution and that they will continue to perform their duties to the full extent; there is a certain pressure felt after this opinion which could be seen as an interference in the work of an independent authority;
- on the wiretapping, on the basis of current legislation, all the heads of the political parties and also the Presidents of Parliament were informed accordingly by the authority; as regards Predator scandal, the judicial authorities that worked on the criminal side were informed about all findings;
- as regards to the DPA: until 2019 national security was included in the scope of its work, but it has been removed through a legislative change; as regards data protection, based on current legislation, an independent authority should be able to look into personal data issues including as regards data processing by national intelligence service and to have the necessary means; the attempt to define national security and lift the previous total ban in amended legislation was perceived as a positive development;
- as a positive element it was also mentioned the change of legislation to reintroduce the two-prosecutor decision on the requests for lifting confidentiality of communication, as these decisions need to be reasoned decisions not to be taken by a single person; they

have also noted that the law does not make clear that third parties need also to provide information, and they have asked for this addition to the law;

- the inadequacy of resources, especially skilled employees and budgetary means, was repeatedly underlined, as a very serious obstacle to fully performing its duties, also given the broad spectrum that ADEA covers, from the national post to the intelligence service to telecommunications providers etc; they are worried about the ongoing procedures and capacity, as constant and numerous complaints are received; With regard to the DPA it was noted in the Q&A that an insufficient allocation of means to the DPA would constitute a breach of the GDPR; the DPA signalled that with insufficient capacity it is struggling to conduct ex officio investigations, as all capacity is dedicated to handling complaints;
- it was noted that independent authorities do not have as such a supervisory authority, they answer to the Parliament; ADAE has asked to appear before the competent national parliamentary committee, in camera, but unfortunately so far the Parliament had not included the point in its agenda;
- as regards the fines on data protection, for example in the COSMOTE case, it was underlined that the fines are not decided only by the respective authorities, the amounts being low;
- as regards cooperation with NTA, ADAE President mentioned that a memorandum will be signed in the following weeks;
- on questions linked to efficiency of having two separate authorities on the protection of personal data and privacy, it was assessed that for the moment having two authorities is fine, but there might be advantages to having one single authority for the future;

Meeting with Mr. Andreas I. Pottakis, the Ombudsman

Mr. Andreas I. Pottakis mentioned that the mandate is quite extensive, being also the national equality body with tasks in combatting discrimination and promoting the principle of equal treatment, but also in charge of inspections e.g. on prisons conditions, follow up to complaints on issues such as tax legislation application, social security, urban development, licensing, environmental protection, health service. He also pointed out to the need to clarify the Ombudsman competences and the fact that the mandate is limited to 6 years not renewable that does not ensure predictability and is not in line with Paris II Principles. It was also noted the need of resources and skilled staff to support the work and to have a separate budget, mentioning the huge delays (several years) in selection procedures given that the recruitment of staff is carried out by another, separate body. The budget of the Ombudsman's office is structurally insufficient for the current activity.

As regards the activity of the office of the Ombudsman, in the exchange the following were also mentioned:

- the fact that they are working on recommendations as regards independent authorities based on an ongoing assessment of the existing framework, being a difficult task as more than 30 independent authorities were established in Greece; there are issues such as overlaps of competences and they are looking into ways on how to ensure the independence of authorities and enhance their capacity; inquired about NTA, it was explained that NTA is the successor of preexisting inspection bodies, but it could be considered a “so- called” independent authority, as the manner of appointment of the leadership is not respecting this criteria for an independent authority;
- about recommendations of the Ombudsman that were not followed by action at executive level, he mentioned the report on alleged push- backs and the concerns on criminalizing civil society organization supporting migrants and refugees, the possible breaches of EU law in particular as regards the transposition of the Reception Conditions Directive; mentioned for example the possibility of extending the detention for third country nationals for the double amount of time as for persons put under accusation in criminal law; as regards the Fundamental Rights Officers and the Special Commission on Fundamental Rights Compliance created under the Ministry of Asylum and Migration, concerns were expressed that the standards of independence are not respected for a fundamental rights compliance mechanism as they are embedded in the ministry with no clear remit;
- the fact that they publicly criticized the reform under which the prisons are now under the Minister of Citizens Protection, as well as the police and that the Minister of Justice does not have the same powers as in other EU countries;
- following questions it was clarified that the Ombudsman does not have competences on criminal cases, while transparency issues are covered by the mandate and receive complaints;

In the discussion several other points were raised such as the situation of vulnerable groups, e.g. Roma people; the threats against journalists and the incidents linked to their safety and hate speech; the delays in the investigations and in the judiciary process.

Meeting with President Mr Dimitris Vervesos, Bar of Athens

In this exchange, several points linked to the functioning of judiciary, the role of the Bar and of lawyers and other related issues were mentioned:

- the excessively slow justice, which has not been remedied by digitalisation; the judiciary is hampered by a lack of staff and lack of infrastructure; Slow justice creates a culture of impunity;
- there is no meaningful consultation of lawyers in the legislative process, despite their evident expertise and interest;
- the issue of wiretapping after the case of the opposition leader, the wide spread surveillance cases, with the authorisation of a prosecutor, not of a judge, so many persons have been tapped without any explanation, this is a trauma in the sense of fundamental rights protection; the fact that there are no answers so far and the legislation is not up to the level to respond to such a serious issue; the difficulties NTA had in getting from communication providers the communication that were wiretapped;

- on the judiciary functioning, concerns were expressed as regards the opinion of the Prosecutor of the Supreme Court on the competences of ADAE and its impact; the excessive length of the judicial process; the problems of staffing as regards clerks of court, which lead to even more delays; the fact that decisions of the ECtHR are not always applied properly as a concern for the legal community;
- it was noted that the lawyers that work with asylum procedures, they are paid by the state, but while the government raised the number of people that can work in legal aid, there are more than 3 years payment arrears, therefore lawyers stopped to offer legal aid;
- the rights of minorities, the semi-legal status of certain asylum seekers; the cases of corruption in police were also mentioned in the exchange;

Meeting with Maria Gavouneli, Greek National Commission for Human Rights

Maria Gavouneli, Greek National Commission for Human Rights, presented the main activities of this commission, explained the process of electing the leadership by the peers and that the commission - previously a consultative body to the Prime Minister - became an independent authority 2 years ago, an improvement being the fact that they have their own budget now, and it has been increased five-fold. The Commission has 20 members, appointed by the Prime Minister following nominations by civil society, academia, the bar association, a.o.

In the exchange several issues were raised such as protection of women's rights in Greece, the fact that there is a systemic problem, as there are women in every aspect of professional life, but as you go up the scale they are very few in leadership positions, a glass ceiling. In this context more reforms on combatting discrimination would be needed, to support women effectively to balance family life with work life. An example was given as regards the lists for elections, that while there are quotas for elections list, it is important also how the list is made.

Other points raised in the discussion concerned: social rights, reproductive rights, the fact that were very few cases where a prosecutor opened an investigation as a follow up of cases reported by the commission, expressed concern that the recommendations they do are not taken into account e.g. for the legislation on security services or their expertise is not asked.

The Commission has launched a reporting mechanism for pushbacks.

Meeting with former prosecutor Eleni Touloupaki

In this meeting, Ms Touloupaki was accompanied by her lawyer. In the exchange it was underlined that she is meeting with the delegation not anymore as an accused person, since the Supreme Court acquitted her and all slander case against her has collapsed since then.

In her intervention she recalled that when the investigation started against herself and her colleagues they were performing their duties.

As main elements of concern the following were recalled:

- that the prosecution was based on a decision of the Parliament based on a majority with the participation of persons involved in the Novartis case;
- that during the investigation, public statements, including by Ministers in very derogative terms and personal attacks were made in the press against Ms Touloupaki and assistants prosecutors, including by considering them guilty; an entire war started against them in so called “friendly” media; a whole atmosphere of pressure with a chilling effect on the other prosecutors;
- that there was also an effort to abolish the case they were investigating, the case has been removed from herself and her team;
- as a follow up of Ms Touloupaki and assistants prosecutors being put under accusation, since 2018, they were denied any possibilities to apply to higher positions;
- the promotion during the trial of five of the judges that were members of the special court to the Supreme Court;
- there was a break into Ms Touloupaki’s home and her mother’s home, after which she benefited indeed of police protection. The only objects that were stolen were USB sticks.

The lawyer of Ms Touloupaki also recalled that two other cases are still pending before justice on charges identical to those for which she was already acquitted and expressed hope that now the principle of *non bis in idem* will be applied. For him during this entire investigation the legal procedure was not followed, the evidence has been tampered etc. He mentioned that the prosecutors involved are also facing a disciplinary procedure before the Prosecutor to Supreme Court.

It was noted that the independence of the judiciary cannot flourish in a toxic environment, and when the executive power is interfering there is an institutional issue.

Wednesday, 8 March 2023

Meeting with Ms Jette Christiansen, EUAA Greece office and Ms Alison Gatt, Head of the European Affairs Sector, EUAA

The representatives of the EUAA presented the operational plans, the experts deployed in particular as regards support for reception conditions and protection of children, as they still keep a small team in Greece to support national authorities. The cooperation with national authorities is considered as good and evolving. It was noted that EUAA support was phased out from interpretation, as the Ministry of Asylum and Migration has its own framework contract. They are now focusing on capacity building, training and coaching and support for asylum interviews, Dublin processing and relocation.

In the exchange that followed questions were raised on the situation of unaccompanied minors, on the age assessment of minors, the difficulties still faced as regards reception conditions, in particular as regards closed centres and access restricted to NGOs, the issue of the registration

of NGOs to be able to access centres, on alleged push-backs. Other points raised in the debate referred to aspects such as inclusion programmes and housing, schooling of children and capacity for this, on the fundamental rights of migrants and asylum seekers, including questions on the fee that is requested from subsequent applicants. Some of these issues are also of concern for the European Commission and are followed in their exchanges with the Greek authorities.

Press conference

Please see the press conference that took place at the end of the delegation's visit [here](#)

Conclusions

A majority of the MEPs participating in the Mission, varying according to the different points, agreed on the following general conclusions:

- Notes that Greece has a solid institutional and legal framework, a vibrant civil society and independent media;
- Expresses severe concerns about very serious threats to the rule of law and fundamental rights; stresses that checks and balances are essential for a robust democracy and notes with concern that they have come under heavy pressure in Greece;
- Stresses that scrutiny by dedicated bodies and by the free press is hollowed out, that civil society organisations are under enormous pressure and that the justice system is extremely slow and ineffective, which leads to a culture of impunity; notes with grave concern that corruption is eroding public services and goods;
- Is appalled that almost two years after the murder of Giorgos Karaivaz, there is still no visible progress in the police investigation; underlines that this creates a chilling effect for other journalists; insists that the case must be investigated without further delay and urges the authorities to request assistance from Europol;
- Is highly alarmed about the fact that many journalists face physical threats, verbal attacks, including from high-ranking politicians and ministers, violation of their privacy with spyware, or SLAPPs;
- Stresses that media pluralism is under threat as media ownership in the country is mainly distributed among a small number of oligarchs, resulting in dramatic under-reporting on certain topics, such as the Tempi train accident;
- Expresses concern about the underfunding, understaffing, curtailing of the powers, opaque appointment procedures, and harassment and intimidation of officials of independent public bodies such as the Ombudsman, the Data Protection Authority, and the Authority for Communication Security and Privacy; also notes that the National Transparency Agency, which should play a vital role in scrutinising public authorities, does not seem to be effective and concerns have been raised about its independence; also the ongoing harassment of anti-corruption prosecutor Eleni Touloupaki is cause for grave concern;

- Underlines that the length of judicial proceedings, compounded with doubts over the integrity of parts of the police force, and conflicts of interest at the highest level, lead to a culture of impunity where corruption can thrive; calls on the government and the authorities to remedy these issues as a matter of priority and to fully implement all judgments of the European Court of Human Rights;
- Expresses severe concerns about the treatment of migrants at the external borders and domestically, following reports about systematic pushbacks, violence, arbitrary detention and theft of their belongings,
- Urges the government to immediately lift the restrictions imposed on NGOs and journalists reporting on migration with immediate effect; calls to support and enhance all initiatives contributing to more transparency on these topics, such as the pushback reporting mechanism by the Human Rights Commission;
- Notes that Greece has a solid legal framework with regards to equal treatment and positive steps have been taken such as the creation of the new Human Rights Commission. Is concerned, however, about the equal treatment of LGBTI people, Roma and other ethnic minorities and women; calls on the government and all other political forces to show leadership and promote societal change in this regard, especially as regards domestic violence, police violence and marriage equality;
- Calls on the government to improve legislative process by introducing real and meaningful consultation and abolish the controversial practice of omnibus legislation;

On 04/03/23, the Greek Minister of Transport and Minister of State, Georgios Gerapetritis, addressed a letter to LIBE Chair López-Aguilar, accusing Members of the European Parliament for *“interfering in the internal political scene of a Member State, engaging in political games at a time when national elections have already been announced ... for this coming spring”* and stating that *“there should be no doubt about our sincere will to continue working as closely as possible with the European Parliament and all its Committees until the end of its legislature; but not at a time when the priority in the country and the government is about dealing with the worst train crash in its history and not in the face of a total lack of political decorum and common sense. Therefore, regrettably Government officials will not be available for meetings with the delegation.”*

The DRFMG delegation takes note of the following:

- At the time of the mission, the 2023 general elections in Greece had neither been officially scheduled nor announced;
- The official three-day national mourning was fully respected and had elapsed on 3/3/2023;
- The Bureau of the European Parliament had decided by urgent written procedure on 3/3/2023 not to postpone the mission of the DRFMG Committee to Athens;

- With regards to the availability of public officials, it is noted that on and around the dates of the delegation visit, they had not suspended other activities such as
 - a meeting of Prime Minister Mitsotakis with a delegation of German Members of Parliament of the ND sister party CSU in Athens on 9.3.2023 to discuss, amongst others, matter related to “illegal migration”;
 - the submission by the Government of a draft bill on ‘the abolition of the public monopoly of water and the concession of waste management to private actors’ on 6.3.2023;
 - the attendance of the Minister of Immigration, Mr. Mitarakis, of the 5th MED5 conference held in Malta and delivering an interview with the BBC on 6.3.2023;

Following the written statements by the Greek Permanent Representative and Minister Gerapetritis, further cancellations of meetings with the delegation were received, seemingly in concertation with the government:

- the Director of the National Intelligence Service (EYD), Themistoklis Demiris;
- the Chief of Police Lieutenant General Mr. Konstantinos Skoumas, other representatives of police and Border Police
- the Greek Asylum Service

The Minister of Interior and the Minister of Asylum and Migration confirmed equally the cancellation of the meetings that were initially scheduled.

Other formal invitations were addressed to the President, the Prime Minister, the Minister of Justice, the Supreme Court Prosecutor Ntogiakos in the preparation of this mission. No formal replies to these invitations were received in the period preceding the Greek Minister of Transport letter or after. Following the invitation addressed to the President of Hellenic Parliament for a meeting with national parliamentarians from relevant committees, a reply was given during the first day of the mission, without the commitment to organising such a meeting through the parliament’s administration, rather suggesting direct contact with the individual political parties.

Annex I

Committee on Civil Liberties, Justice and Home Affairs (LIBE)

Mission to Greece Draft programme

Monday, 6 March 2023 *(Recommended flight in the morning)*

14.30	<i>Pick up from the hotel (bus)</i>
15.00 - 17.00	<p>Round table with non-governmental organizations active in the field of Rule of law, fight against corruption and media freedom</p> <ul style="list-style-type: none">• Fotini Kokkinaki, Hellenic league for human rights,• Executive Director Dr. Angelos Kaskanis and the General Secretary Mr. George Chatziannakis, Transparency International Greece,• Panayote Dimtras, Greek Helsinki Monitor,• Minos Mouzourakis from RSA,• Stefanos Loukopoulos, Vouliwatch <p><i>Venue: EPLO (Amalias 8)</i></p> <p>From approx. 16.15</p> <p>Second round on LGBTQI rights</p> <ul style="list-style-type: none">• Mihalis Lolis, Policeman, Greek Police for Human Rights, LGBTQI activist• Nancy Papathanasiou from Orlando LGBT+• Thanos Vlachogiannis, former Pride Thessaloniki and LGBTQI Policy Advisor <p><i>Venue: EPLO (Amalias 8)</i></p>
17.15 - 17.45	<i>Coffee break</i>
17:45 - 19:00	<ul style="list-style-type: none">• Meeting with journalists <p>- democracy, rule of law, media freedom, fundamental rights (general), safety of journalists, protection from spyware</p> <ul style="list-style-type: none">• Nektaria Stamouli, Foreign press association Greece• Nikolas Leodopoulos from Reporters United• Dimitris Angelidis, journalist• Tasos Telloglou, investigative journalist (Inside Story), <p><i>Venue: EPLO (Amalias 8)</i></p>
19.00- 19.45	Meeting with the representatives of the family of the journalist Karaivaz

	<i>Venue: EPLO (Amalias 8)</i>
20.00	<i>Departure to the hotel</i>

Tuesday, 7 March 2023

9.15	<i>Departure from the hotel</i>
10:00 - 11:00	Meeting with Mr Zoltan Nagy, Head of Field Operations Unit, accompanied by Mr Dimitrios Ntaloukas and Frontex' Fundamental Rights Office, Deputy Fundamental Rights Officer Grigoris Tsioukas <i>Venue: EPLO (Amalias 8)</i>
11.00-11.30	<i>Coffee break</i>
11:30 - 12:15	Meeting with Ms. Alexandra Rogkakou and representatives of the National Transparency Authority (NTA) <i>Venue: EPLO (Amalias 8)</i>
12:15 - 14:00	Meeting with Konstantinos Menoudakos, President of the Hellenic Data Protection Authority and with the President, Christos Rammos and representatives of the Hellenic Authority for Communication Security and Privacy <i>Venue: EPLO (Amalias 8)</i>
14:00 - 16:00	<i>Lunch break</i>
16:15 - 17:15	Meeting with Mr. Andreas I. Pottakis, the Ombudsman <i>Venue : EPLO (Amalias 8)</i>
17.15 - 17.45	<i>Coffee break</i>
17.45 - 18.30	Meeting with President Mr Dimitris Vervesos, Bar of Athens <i>Venue : EPLO (Amalias 8)</i>
18.30 - 19.15	Meeting with Maria Gavouneli, Greek National Commission for Human Rights <i>Venue : EPLO (Amalias 8)</i>
19:15- 19:45	Meeting with former prosecutor Eleni Toulopaki
20.00	<i>Departure to the hotel</i>

Wednesday, 8 March 2023

8.30	<i>Departure from the hotel</i>
09:00 - 10:00	Meeting with Ms Jette Christiansen, EUAA Greece office and Ms Alison Gatt, Head of the European Affairs Sector, EUAA <i>Venue : EPLO (Amalias 8)</i>
10.00- 10.15	<i>coffee break</i>
10:15 - 11:00	Press conference <i>Venue: EPLO (Amalias 8)</i>

11:00

Transport to the airport