



FUNDAMENTAL RIGHTS AND THE RULE OF LAW

Authorities' observations on the report on the visit to Greece

5-6 May 2022



European Economic
and Social Committee

2. Freedom of association and assembly

(par. 4, p.g. 2)

The Registry of Greek and foreign volunteer organisations and of civil society organisations (CSOs) which fulfill the minimum necessary conditions to participate in the implementation of actions in the area of international protection, migration and social integration in Greece, was established in the Ministry of Migration & Asylum by article 58 of Law 4686/2020.

The purpose of the Registry is to ensure transparency and coordination of the NGOs activities operating within the Greek territory, as well as safety for the beneficiaries of NGOs services, that often belong to vulnerable groups.

The Registry is in full compliance with relevant national and European legislation, including the right of association. Its objective is not to set barriers to the NGOs and in no case the registration procedure is intended to be excessive or cumbersome. On the contrary, the objective is to set the same rules for all NGOs operating in Greece, as well as to verify that they offer high quality services to the beneficiaries. Additionally, the Register facilitates coordination of initiatives and efforts undertaken by CSOs, thus optimize the impact of their assistance, in the light also of their regular funding by EU or national budget.

The Registry of NGOs allows the Greek State to be able to ensure that the NGOs operating within the Greek territory actually provide the services they claim to provide, thus ensuring the safety and human rights of refugees and migrants and, also, to be fully informed on the number and the lawfulness of the actions implemented by these NGOs, as is the case with any other legal or natural person operating within the Greek territory.

It should be emphasized that there is absolutely no «fee» for registration and that the issuance and submission of all the requested documents and supporting documents under the current legislation, as can be observed by reading the relevant JMD, is done at no cost. It is also worth noted that the application of an NGO for registration and certification may be rejected in case the relevant requirements set by law are not met, but a subsequent application can be submitted at any time, even on the same day, while applicants have the right to appeal, and all procedural guarantees are respected.

As for the registry of NGOs members, registering is necessary for all members of NGOs who, in order to perform their work, come in contact with refugees and migrants, especially women, children and unaccompanied minors, particularly for those who have free access and are active in accommodation facilities. The purpose is to be able to bar the access and direct contact with refugees and migrants for persons of criminal conduct, convicted of heinous criminal offenses, such as, for example, sexual abuse, pedophilia, pandering, drug trafficking, actual bodily harm etc. , but also to prevent and protect people from incidents of exploitation, smuggling and/or human trafficking, so that the human rights of refugees and migrants, and above all their very life, safety, physical integrity and mental health, can be guaranteed, as required by national law and international conventions.

(par. 5, p.g. 2)

In Hellenic Republic, all persons, regardless of ethnicity, religion or language, fully enjoy all civil, cultural, economic, political and social rights, which are recognized under national and international law. Furthermore, any individual who claims to belong to a distinct ethnic, or cultural group is absolutely free to do so.

However, subjective claims or perceptions of a small number of persons, which are not based on objective facts and criteria, do not establish by themselves a corresponding obligation of the State to officially recognize a group as a «minority» and to guarantee to its members specific minority rights, additional to those guaranteed by the national legislation and the international treaties on human rights.

As far as freedom of association of “persons who self-identify as ethnic Macedonian” is concerned, only one case has been brought in recent years before the European Court of Human Rights, namely the case of the so-called “Home of Macedonian Civilization”, which was decided by the ECtHR in 2015. It is to be noted that the inclusion of the qualifier “Macedonian” in the statute of the said association creates confusion as to the aims to be pursued by this association, since the same qualifier is used by hundreds of other associations established by Greek Macedonians, which, however, use the adjective “Macedonian” to denote the regional and/or cultural provenance of their members and not a distinct national identity. Such confusion, which also creates problems of public order and infringes upon the human rights of others, could have been avoided if the founders of the said association had used a name for the latter which corresponds to their Slav-oriented identity. It is noteworthy that the aforementioned complainants have not availed themselves of the possibility afforded by the Greek legislator to request the re-opening of their case before the competent domestic court.

Furthermore, the law places no specific restrictions or limitations on the names of associations. Requests for the registration of associations are decided by the competent courts, and not by the Administration.

The 1923 Peace Treaty of Lausanne (Art 45) established the status of the Muslim Minority in Thrace, identifying it on the basis of religion, without reference to ethnic origin. Therefore, there is no "Turkish Minority" in Greece but only one minority, namely the Muslim Minority in Thrace. Accordingly the word "Turkish" should be replaced by the phrase "the Muslim Minority in Thrace".

Freedom of association is unequivocally, firmly and duly protected by the Greek Constitution and, as such, is enjoyed by all citizens, irrespective of ethnic origin, culture or religion.

Over the last 10 years, more than 50 associations established by and comprised of members of the Muslim minority have been registered with local courts in the region of Thrace, all of which freely pursue their various activities.

3. Freedom of expression and freedom of the media

The Reporters Without Borders Index should be taken with a grain of salt since for example for 2022 Greece scores 55.52 points and ranks in the 108th position while for example Chad scores 56.18 and ranks in the 104th position.

Regarding the example for the **alleged pressure**, it is noted that the Novartis case investigation is still ongoing.

SAFETY OF JOURNALISTS – MoU – TASK FORCE

The Greek Government defends, in every possible way, the right to freedom of expression and information, as enshrined in Article 10 of the European Convention of Human Rights.

Greece is currently planning a series of initiatives aligned with the Commission *Recommendation (EU) 2021/1534 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*, with the signing of a Memorandum of Understanding, initiated by the Secretariat General for Communication and Media of the Presidency of the Government and the participation of another five competent Ministries, taking place on Monday, May 23, 2022.

This Memorandum of Understanding contains a common framework of cooperation which includes, inter alia, the preparation and submission of proposals for legislative and non-legislative initiatives to ensure the protection, safety and empowerment of journalists and other media professionals, the documentation and specialization of policies and initiatives in regards to online safety, digital literacy and empowerment of journalists, the planning of training programs for the development of skills and competencies in all professions related to the protection of journalists and other media professionals as well as raising public awareness of the dangers posed by attacks on journalists for the smooth function of Democracy. Additionally, the MoU provides for the creation of a Task Force in further pursuit of the goals set in its text.

KARAIVAZ – STATE REPLY ON CoE PLATFORM

On the matter of the assassination of investigative journalist Giorgos Karaivaz, the following State reply to the respective alert has been published on the Council of Europe's Platform, which can be accessed via this link: shorturl.at/eIU39

“The brutal assassination of journalist George Karaivaz has shocked the Greek government, as expressed by the Greek Prime Minister himself, as well as the public opinion. The Prime Minister requested, from the competent Minister for Citizen Protection, that relevant procedures for solving this case proceed quickly.

The competent Greek Authorities have rigorously looked into the matter and have spared no effort in their search to identify the perpetrators and motives of this cowardly attack.

The search for the perpetrators of the assassination of George Karaivaz has been and still remains an absolute priority for the Hellenic Police and its various Agencies. The competent investigative Authority is conducting a systematic and in-depth investigation of this crime, in order to clearly identify the perpetrators and bring them before the relevant Greek judicial

Authorities. In this framework, police investigators are also making full use of the available state-of-the-art technological and forensic tools and services.

Investigations by law enforcement Authorities in charge of this case are well underway and in full swing. New data and information gathered so far by the competent investigators cannot, however, be disclosed as, under Greek relevant legal framework (the Greek Code of Criminal Procedure), preliminary investigation is confidential.

Greece addresses the issue of media freedom and the safety of journalists with particular care, making every possible effort to defend everyone's right to be fully informed, which forms part of a well-functioning and active democratic society.”

ALLEGED SURVEILLANCE OF JOURNALISTS

On the matter of the alleged surveillance with the use of spyware software, the Deputy Minister to the Prime Minister and Government Spokesperson has provided extensive answers during the briefings of political editors and foreign press correspondents that took place on the 11th, 15th, 18th, and 26th of April. Additionally, a state reply on the matter has been published on the Council of Europe platform, which can be accessed via the following link: shorturl.at/kCMPV

ESIEA – COLLECTIVE EMPLOYMENT AGREEMENT

On the matter of the socioeconomic conditions of journalists, negotiations are currently under way with regard to a Collective Employment Agreement on the working conditions of journalists that are employed in the public domain, legal entities under public law, local authorities and legal entities under private law. In the working draft, provision is made for the first time with regard to journalistic missions at war zones or areas affected by natural disasters and humanitarian crises or in areas where pandemics are present and on-going. Under these circumstances, the suggested legal provision foresees that the public media employing the appointed journalists is obliged to provide them with the necessary equipment for the safe realization of the mission, undertaking at the same time all the necessary preparatory measures for their security and insurance.

FREEDOM OF EXPRESSION AND PUBLIC GREEK RADIO AND TELEVISION COMPANY (E.R.T. S.A.)

The Greek Constitution provides for freedom of speech and press, under Article 14. Independent media are active and express a wide variety of views. The law permits any prosecutor to order the seizure of publications that insult the President, offend any religion, contain obscenity, advocate for the violent overthrow of the political system, or disclose military secrets.

E.R.T. S.A. is an undertaking owned by the public sector in the form of a public limited company. It has administrative and financial autonomy (paragraph 3 of article 1 of Law 4173/2013), it is organized and managed in accordance with the provisions of Law 4173/2013 "Hellenic Radio and Television Limited Company (E.R.T. S.A.)", as in force, the provisions of Chapter A of Law 3429/2005 "Public Enterprises and Organizations (D.E.K.O.)", as well as the provisions of Law No. 4548/2018 "Reform of the law of joint stock companies (Société Anonyme)" and it operates like all public enterprises.

E.R.T. S.A.'s financial resources are also ensured by Law 4173/2013, article 6: A reciprocal fee of three euros (3.00 €) per month is imposed on consumers and collected in favor of E.R.T. S.A., as a compensation for the fulfillment of its purposes.

The members of the Board of Directors enjoy personal and functional independence in the performance of their duties.

STATE AID (EDOEAP)

In regards to the media campaign “Menoume Spiti – Menoume Asfaleis” (staying home – staying safe):

- The campaign which took place during the first wave of the pandemic, aimed to inform the public on personal protective measures against the virus and battle fake news and disinformation on the subject.
- The campaign was assigned based on objective standards such as quantitative criteria on audience viewing, circulation, affinity indexes on target groups etc, as well as qualitative criteria such as brand safety. The payment to the Media was a compensation for this campaign and not a subsidy, financing or financial support of any sort.
- The relevant body of the Greek Parliament, established on the 12th November 2021 according to Greek Constitution's provisions, has already published the abovementioned findings. The link to the findings' report:

<https://www.hellenicparliament.gr/UserFiles/510129c4-d278-40e7-8009-e77fc230adef/%CE%A0%CE%9F%CE%A1%CE%99%CE%A3%CE%9C%CE%91%CE%95%CE%9E%CE%95%CE%A4%CE%91%CE%A3%CE%A4%CE%99%CE%9A%CE%97%2022.pdf?fbclid=IwAR1KTSSJ14R6p7MMs-AIPfxGtaKUbsCrFZPwbzTgHMfvLI6ILCkdP8H-A8>

During the year 2021, an important and ambitious program of support for the companies affected by the effects of the coronavirus pandemic regarding newspapers of national circulation as well as regional and local newspapers and magazines, the content providers of regional TV stations, radio stations and electronic media, was completed. This program was horizontal and based on objective and equitable criteria for supporting media companies. The program had a budget of 18.5 million euros and supported 697 large, medium and small-sized companies, local, regional and national, helping them to repay their contributions to their insurance fund (EDOEAP), under objective criteria according to the size of each business. This resulted in benefiting both businesses and the insurance fund. (Joint Ministerial Decision 165/29.7.2021).

The effectiveness of the intervention as well as the prolonged unstable climate created by the pandemic during 2021, led to the initiative of immediate implementation of a new aid program for all affected companies, with a budget of 8.5 million euros. On 30.07.2022, Decision No. 238 of the Deputy Minister to the Prime Minister was issued, which decided a) the inclusion of 499 beneficiaries, publishing companies of newspapers with nationwide circulation and regional and local newspapers, content providers of regional terrestrial digital television, radio stations, of the periodical press and electronic media companies in the financing program for the financial support of companies, for the period from 01-01-2021 to 31-12-2021 and b) the inclusion of 100 corresponding beneficiaries/businesses in the same program for the period from 01-12-2017 to 31-12-2020, pursuant to Joint Ministerial Decision 81/2022 (B' 2568), as amended and in force, for a total amount of six million, seven hundred eighty one thousand, two hundred seventy eight euros and sixty four cents (€6,781,278.64).

It is worth noting that both the first as well as the second program provide for the establishment and operation of an Ethics Committee, which is responsible for deciding whether or not to adhere to the principles of journalistic ethics and deontology taking into account the applicable Codes of Professional Ethics and Conduct of journalists, and in particular the Code of Professional Ethics and Conduct of the Journalists' Union of Athens Daily Newspapers (ESIEA) "Principles of ethics of the journalistic profession" which has been posted on the website of ESIEA (<https://www.esiea.gr/arxes-deontologias/arxosi? = pdf>) and the Code of Ethics of the Pan-Hellenic Federation of Journalists' Associations (POESY) which has been posted on the website of POESY (c)

Access to information: Greece has independent institutions outside Police and Coastguard such as the Ombudsman, the National Transparency Authority and the Judiciary where journalists can submit a complaint to be investigated thoroughly.

Fake News: Article 36 of Law 4855/2021 replaces Article 191 of the Penal Code (Dissemination of fake news), which is in force as follows: "Anyone who publicly or via the internet spreads or disseminates in any way fake news that is capable of causing concern or fear to the public or shattering public confidence in the national economy, the country's defense capacity or public health shall be punished by imprisonment of at least three (3) months and a fine. If the act was repeatedly committed through the press or via the internet, the perpetrator is punished with imprisonment of at least six (6) months and a fine. With the same punishment shall be punished, as well, the owner or the publisher of the media through which the acts of the preceding paragraphs were performed. "

Article 191 aims at protecting the institutional functioning of the state and the peaceful coexistence and living of citizens who are often the recipients of false news that cause them fear, anxiety, panic or shake their confidence in the institutions of the constituted state. Furthermore, article 191 explicitly includes public health, a necessary addition, as, given the pandemic of the COVID-19 coronavirus, there have been widespread phenomena of false news disseminated to citizens, particularly on public health issues, which confuse public opinion and can affect one of the most critical areas of human personality, namely the health of citizens.

4. The right to non-discrimination

(par. 2,p.g. 4)

Being a frontline member State at the external borders of the EU, Greece is well aware of the complicated challenges posed by the instrumentalisation of migration for political purposes. Already back in March 2020, Greece reacted immediately and effectively to such an attempt.

As emphasized by the Minister of Migration and Asylum, in his speech addressing the members of the LIBE Committee of the European Parliament, on June 27th, Greece, fully adhering to the fundamental rights, has in place independent mechanisms that investigate all complaints regarding alleged "pushbacks".

In particular, the National Transparency Authority has been designated as the competent institution to investigate allegation of breaches of fundamental rights at the borders. This Authority enjoys institutional autonomy to investigate such cases and has, so far, not substantiated any of the alleged violations.

The National Transparency Authority operates in parallel to the Ombudsman and the Judiciary which have also, within their respective mandates, reviewed cases related to border protection and fundamental rights. Moreover, the internal disciplinary control mechanism is well in place within the Security Forces to ensure that complaints for violations of fundamental rights allegedly committed by its personnel are adequately investigated.

In addition to the aforementioned mechanisms already in place, Greece plans to further strengthen monitoring regarding fundamental rights, by establishing a Fundamental Rights Officer (FRO) within the Ministry of Migration and Asylum, as well as a Task Force for Fundamental Rights Compliance.

The surveillance activities which are conducted in the land borders have as objective the early detection of illegal border crossing activity, and the application of prevention and deterrence measures, according to the Schengen Borders Code. The competent border surveillance teams implementing patrolling activities inside the Hellenic territory conduct national and EU Joint Border Operations, in cooperation with the EU Border and Coast guard Agency (Frontex).

Regarding discriminations, based on nationality, race, religion, sex, disabilities etc, and our legal system does not permit them, in any case.

In the Media, there were a few problematic cases, based on this topic. NCRTV, the greek national regulatory authority, published decisions that imposed severe sanctions to radio and television channels, for having transmitted discriminative phrases or behaviours.

(par. 3, p.g. 4)

(detention)

As provided in article 39 par. 1 of the law 4636/2019 (A'169/2019), "All third-country nationals and stateless persons who enter without complying with the legal formalities in the country or reside in Greece without complying with the legal formalities, and whose nationality or identity cannot be certified by a public authority document, shall be submitted to reception and identification procedures".

The Ministry of Migration and Asylum, having as a priority the provision of the best protection and safety conditions of third-country nationals/stateless people entering Greece without the legal formalities, as well as for the benefit of the local communities, commenced the construction and operation of the new Multi-Purpose Reception and Identification Centers (MPRICs) established by law 4825/2021 (G.G. A' 157/2021). The General Regulation on the Operation of the MPRICs established on the islands (Decision of the Secretary General for the Reception of Asylum Seeker, no. 25.0/118832/2021 (G.G. B'3191/2021) regulates the internal structure and operation of the MPRICs, as regional services of the Reception and Identification Service.

The MPRICs in the islands of Leros, Kos and Samos became operational in the period between September – December 2021 and the asylum-seekers were transferred safely from the Reception and Identification Centres (RICs) to the new sites, while the MPRICs in Lesbos and Chios are expected to become operational in 2023.

It should be clarified that the Reception and Identification Centres (RICs) operating on the five islands (Lesbos, Chios, Samos, Leros and Kos) and on the mainland (Evros) do not constitute detention centres. As for the new MPRICs in Samos, Kos and Leros, they are guarded by private security company and by the Hellenic Police, with the competencies of the

latter being limited to matters of safeguarding the security of the establishments and assisting in some administrative procedures when necessary. Additionally, the entry or exit of asylum applicants in the new MPRICs is without limitations. All asylum seekers hold cards which allow them to access a digitalized "entry- exit" system and there is also a prohibition of entry for unregistered or unauthorized persons within the reception facilities, to ensure the safety of residents and employees. Following the above, Reception and Identification Centers (RICs) and Multi-Purpose Reception and Identification Centers (MPRICCs) should be dissociated from detention and pre-removal centers, the latter falling under the competency of the Hellenic Police.

(Freedom of movement)

According to article 7 of the General Regulation on the Operation of the Multi-Purpose Reception and Identification Centers of the Islands (GG A'3191/2021): 'The third-country nationals or stateless persons that enter the RIC that operates within the MPRIC are subject to the reception and identification procedures as described in article 39 of the law 4636/2019. Upon conclusion of these procedures, and as long as they live in these centers, they enjoy freedom of movement, according to articles 45 and 46 of the law 4636/2019 and always in accordance with the principles of proportionality and necessity. They have the right to enter and exit the MPRIC during the hours that are decided by a decision issued by the Director of the Reception and Identification Service and which is common for all the MPRICs [...]'.

Regarding the restriction of movement that is imposed for five (5) days in a designated area within the RIC, it needs to be clarified that it is implemented solely for the purpose of completing the reception and identification procedures. Apart from this restriction of movement, there is in general freedom of movement for those who are hosted in the RICs (art.45 of the law 4636/2019: 'The asylum-seekers can freely move in the Greek territory or in the region that is specified by a regulatory act. The restriction of movement in a designated geographical area does not interfere to the inalienable sphere of privacy and does not impede the full exercise of the rights as provided in the law').

In accordance with the above article, that incorporates article 7 of the EU Reception Conditions Directive (2013/33), the Ministerial Decision 1140/2019 (G.G. B' 4736) was adopted, according to which applicants of international protection who enter the Greek territory through the islands of Rhodes, Lesbos, Samos, Kos, Leros and Chios, are subject to geographical restriction only within the island from which they entered the Greek territory. This geographical restriction of movement was imposed for the sole purpose of facilitating the application of accelerated border asylum procedures for the examination of the asylum claims filed at the border. The restriction is lifted subject to a decision of the Director of the RIC, in cases of:

(a) unaccompanied minors, (b) persons subject to the provisions of Articles 8 to 11 of Regulation (EU) No 604/2013, under the condition that after the take charge request submitted by the Greek Authorities has been accepted by another member State, (c) persons whose applications can reasonably be considered to be well founded and (d) persons belonging to vulnerable groups or who are in need of special reception conditions according to the provisions of the law 4636/2019, as long as it is not possible to provide them with appropriate support as per what is provided in article 67 of the same Law ("applicants in need of special procedural guarantees").

(Access to health services)

Regarding the provision of health care services and psychosocial support, the RICs and MPRICs are staffed with doctors, psychologists, social workers and other specialists. The Medical and Psychosocial Unit in the RICs is responsible to provide health care to third-country nationals and stateless persons that are hosted in the center. All asylum-seekers had free access to Covid-19 vaccination. Currently, the staff is recruited by the National Public Health Organisation (EODY). Moreover, all asylum seekers are provided with a temporary social security number called PAAYPA (ΠΑΑΥΠΑ), which allows them to access state services such as healthcare, pharmaceutical and hospital care, including necessary psychiatric care where appropriate. PAAYPA is to be issued to asylum-seekers together with their asylum seeker's card.

Also, the law 4368/2016, which provides free access to public health services and pharmaceutical treatment for persons without social insurance and vulnerable social groups is applicable for asylum-seekers and members of their families.

As for recognized beneficiaries of international protection and legally residing migrants they obviously have full access to the services of the national health care system, while access is also guaranteed to undocumented migrants in case of emergency.

(Access to basic services)

In order to face effectively the challenges posed by the pandemic COVID-19 and to handle applications in a swift and efficient manner, the Ministry of Migration and Asylum has adapted many of its services, thus allowing the procedure to take place digitally. Since early 2020, applicants who wish to receive services from early 2020 could book an appointment via the digital portal applications.migration.gov.gr prior to visiting the Asylum Service offices.

The services that are already provided only via appointment are: Scheduled interviews, Scheduled registrations, Submission of documents for family reunification (Dublin cases). Moreover, since June 2020, the following services are offered exclusively online without requiring the physical presence of the applicants: Application to Change/Update Contact Information, Application to Change Personal Data, Application to Postpone/Expedite the Personal Interview Date, Application to Request Certification of Application Status, Application to Separate Files, Application to Submit Additional Documents, Application for Copies of personal file, Application for Legal Aid and Search for social security and tax number. Furthermore, in order to avoid crowding in the Asylum Service offices due to COVID-19 pandemic, the validity of applicants' cards was extended from a period of six months to one year.

Finally, in the framework of further improving the cooperation between relevant services (Hellenic Police, Greek Asylum Service and R.I.S.), RIS also undertook the responsibility for the notification of residence card permits and travel documents for beneficiaries of international protection residing within the hosting facilities, as to further accelerate asylum procedures and decongest the Asylum Offices.

(par. 4, p.g.5)

The European Union has swiftly responded to the refugee implications of the war in Ukraine, by activating the relevant temporary protection legislation (Directive 2001/55). Following the relevant implementing Decision of the Council of the EU, in accordance with Directive 2001/55, the Greek Government activated, by a relevant Decision of the Minister of

Migration & Asylum, the temporary protection status for Ukrainian nationals on 4 March 2022. The Decision provides for a 12-month temporary protection residence permit (expiring on 4th March 2023) that can be renewed for a period of 6 months, followed by another 6 months period (ie one year in total). The permit also indicates the holder's Social Security Registration Number and Tax Registration Number and provides the right for persons to engage in employed or self-employed activities, subject to rules applicable, as well as in activities such as educational and opportunities for adults, vocational training and practical workplace experience. The residence permit also provides access to the National Healthcare System.

As described above, Greece reacted in a coordinated and swift manner, in conformity with its obligations as a Member State and its international commitments stemming from the 1951 Geneva Convention on the Status of Refugees. In doing so, Greece is complying with all relevant Human Rights provisions and obligations.

To conclude, in the case of Ukrainian nationals, Greece and all other EU Member States are following a common European policy and a specific legal framework, i.e. that of temporary protection (Directive 2001/55). Nonetheless, procedural safeguards applicable on reception and asylum procedures are equal for all third country nationals arriving in Greece.

(par.7. p.g. 5) People with disabilities:

- The legislation for the implementation of the pilot program (funded by the RRF) has been adopted. The program will be implemented in three phases, given it is a new service and each step should be implemented gradually in order to achieve the best results. The 1st stage of the pilot program is taking place in Attica Region, and since its beginning (April 2022) 1,890 persons with disabilities have been registered in the electronic platform to apply for a personal assistant. During the 2nd stage (January 2023) the application procedure through the platform will open for 1.000 more persons with disabilities in three more Regions – apart from Attica. In 2024 the national roll out of the program will take place (funded by the ESF+).
- The recent law 4779/2021 obligates all the channels to take all the appropriate measures to ensure the accessibility of these people to them.

5. The rule of law

- Law 4842/2021 (GG 190A/2021) “Fast civil trial, adaptation of the provisions of Civil Procedure and digitization of civil justice” and Law 4938/2022 (GG109A/2022) “The Code on the Organization of Courts and the Status of Judicial Officers and other provisions” that recently came into force are expected to improve the speed of the justice system.
- The provision of Pilot Cases in the Civil Procedure allows the full plenary of the Supreme Court to decide on a legal matter brought before it by the three Member Council or the Prosecutor of the Supreme Court after an application by a party to a pending case or by preliminary question of a judge hearing such a case. This provision is designed to deal with legal matters that affect a wide circle of parties with the main goal of providing legal certainty while at the same time when used will help with the speedy resolution of these cases concerning the specific legal matter.
- The creation of the Judicial Police is a reform aimed to accelerate the administration of justice, and contribute to the economic and institutional transformation of the country. The creation of a judicial police will support and enhance the functioning of Justice by contributing know-

how to the investigation of complex crime and by providing a wide array of services of judicial assistance.

- Regarding the reference “A stakeholder who had earlier attended a conference in Boston (USA) discussing FDI opportunities in Greece echoed the complaints of some American investors regarding the high level of corruption in this country”. The comment provided was about an investor’s calculation of the amount of officials he/she thought would have to bribe in order to invest in Greece. The investor’s perception was that he/she would have to pay a few Greek officials, hence he/she would be better off if he/she invested in another country where the number of officials he/she had to bribe would be lower. The phrase does not seem appropriate to be included in this report. Firstly, because it does not depict the actual comment made in the discussion with the Greek authorities; second because it is vague, “a conference”, “some investors” are phrases that do not meet the standards of a formal report that needs to rely on specific facts, data, or other information; third because it does not demonstrate Greece’s improvement in the CPI (<https://www.transparency.org/en/news/cpi-2021-western-europe-european-union-trouble-ahead-for-stagnating-region>); fourth, because after all corruption takes two, and the investor who searched for investment opportunities calculating at the same time the business expenses in the form of bribes, would be equally culpable. For these reasons, we request the omission of this phrase.
- NTA is responsible for the design, monitoring, evaluation and restructuring of the National Strategic Anticorruption Plan (NACAP). The NTA has successfully concluded the evaluation of the last NACAP 2018 – 2021 conducted by an external independent evaluator. Based on the findings of the evaluation, the recommendations of international organizations, good practices of peers and after broad consultation with the public agencies and stakeholders from the private sector and representatives of the civil society, NTA has designed the new NACAP 2022 – 2025, with the consultation of which has been officially endorsed at the highest executive level. During the design and consultation phase of the NACAP 2022-2025 there has been consultations with 24 relevant public and private stakeholders of which 5 Civil Society Organisations, namely Vouliwatch, Transparency International Hellas, Association of Certified Fraud Examiners (ACFE), Institute of Internal Auditors Hellas (IIA Hellas), Greek Association of Regulatory Compliance Officers.
- **Accounting crimes** are punished as a misdemeanour under **Law 4254/2014 IE 19**. The law punishes the behaviour of any person who with the purpose of facilitating, concealing or covering up acts related to bribery

- (a) keeps accounts outside the books of his business;
- (b) carries out transactions off the books or insufficiently specified in them,
- (c) records non-existent expenditure or liabilities, or
- (d) prepares or uses an invoice or other accounting document with untrue content,

by imprisonment for a term not exceeding three years, if his act is not punished more severely by another provision.

According to article 20 of the UNCAC on **Illicit enrichment**: “*Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.*”

Greek legislation does not define illicit enrichment as a criminal offence. Nonetheless, Law 3213/2003, as amended, requires a fairly large category of persons (members of the national

parliament, members of the European parliament, the prime ministers, ministers, general and special secretaries, mayors, regional commissioners, judges and prosecutors, categories of public officials, law enforcement officials, doctors, and journalists among others) to deliver complete annual declarations of their assets and income under penalty for non-declaration, false declaration, omission or negligence on such declaration. The law provides for criminal penalties in case of non-submission or of submission or inaccurate data. According to the UNCAC evaluation *“At the same time, Article 20 of the Convention was considered, and it was decided that its goals are sufficiently served by the provisions of the aforementioned Law 3213/2003 that establish a system of asset declaration obligations for public officials and include an offence of “failing to submit or submitting a false asset declaration”(para. 71)”*.

(see Greece Country Review Report in the context of the **UNCAC Evaluation Review Cycle 2010-2015** paras 71-75 available at https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf)

- The **offence of bribery** has been upgraded from a misdemeanour to a felony which allows for more effective and dissuasive sanctions.
- The **lobbying Law** was enacted in September 2021 while all administrative decisions required for the implementation of the law have already been adopted. The Transparency Register platform is currently being developed and will be available in September 2022.
- The establishment of the NTA with Law 4622/2019 aimed at a complete restructuring of six pre-existing key state entities (namely: i. General Secretariat Against Corruption; ii. Inspectors-Controllers for Public Administration; iii. General Inspector of Public Administration; iv. Inspectors Body for Health and Welfare Services; v. Inspectors Body for Public Works; vi. Inspectors-Controllers Body for Transport) which were abolished, with the Authority **undertaking the entire range of responsibilities, obligations, and rights previously exercised by them (article 82 para. 4 of Law 4622/2019)**, ensuring the institutional continuity of administration and the interests of Greek citizens. In addition, all personnel serving in the pre-existing bodies was automatically transferred to NTA (article 118 para. 2 of Law 4622/2019).
- Law 4727/2020 has specific provisions under which public data can be accessed. Until today there has been no court decision which orders the Administration to provide the relevant data. In one case, the court did not rule the granting of evidence, but only ordered the Administration to provide a reasoned decision.

In the field of Human Rights, which is critical for the rule of law, the Government developed in cooperation with Civil Society bodies a series of horizontal inter-ministerial actions to ensure the rights of citizens who primarily belong to vulnerable categories. Coherent policies were designed and adopted, the implementation of which is evaluated on a systematic basis within the framework of Central Government mechanisms. Specifically, the following are implemented: the first National Action Plan for the Rights of the Child, the first National Action Plan for the Rights of Persons with Disabilities, the first National Action Plan against Racism and Intolerance, the National Action Plan for Gender Equality, the first National Strategy for the Equality of LGBTI+ people, and the first National Action Plan for the Prevention and Combating of Child Sexual Abuse. Also noteworthy is the country's progress in implementing decisions of the European Court of Human Rights, which is also reflected in the Court's official data. The overall progress of the country in the field of human rights has recently been reflected in other international evaluations such as the 3rd Universal Periodic Evaluation of the UN Human Rights Council, the evaluation by the UN Commission on the

Rights of the Child as well as the annual report of the Organization of Fundamental Rights of the European Union for the year 2022.

Finally, in the field of child-friendly justice, the country made significant progress recorded in the EU Justice Scoreboard 2022. In particular, it is in the first places in the EU in this sector, while in the corresponding report for 2019 it was in the last.



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