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## TEXTS ADOPTED

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### **P9\_TA(2024)0069**

#### **Rule of Law and media freedom in Greece**

##### **European Parliament resolution of 7 February 2024 on the rule of law and media freedom in Greece (2024/2502(RSP))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Articles 2, 4(3) and 7(1) thereof,
- having regard to the Charter of Fundamental Rights of the European Union (‘the Charter’),
- having regard to the European Convention on Human Rights and the protocols thereto,
- having regard to the Universal Declaration of Human Rights,
- having regard to the international human rights treaties of the United Nations and the Council of Europe,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (the Rule of Law Conditionality Regulation)<sup>1</sup>,
- having regard to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (Common Provisions Regulation)<sup>2</sup>,
- having regard to its report following the mission of the Committee on Civil Liberties, Justice and Home Affairs to Athens, Greece, from 6 to 8 March 2023 at the initiative of its Monitoring Group on Democracy, Rule of Law and Fundamental Rights (DRFMG),

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<sup>1</sup> OJ L 433 I, 22.12.2020, p. 1.

<sup>2</sup> OJ L 231, 30.6.2021, p. 159.

- having regard to the country chapters on Greece in the Commission’s annual rule of law reports, in particular those of 2021, 2022 and 2023,
  - having regard to the judgments of the European Court of Human Rights concerning Greece,
  - having regard to the report of the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware and its recommendation of 15 June 2023 to the Council and the Commission following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware<sup>1</sup>,
  - having regard to the Commission proposal of 16 September 2022 for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM(2022)0457),
  - having regard to the proposal of 27 April 2022 for a directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (‘Strategic lawsuits against public participation’) (COM/2022/0177),
  - having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services (AVMS) Directive)<sup>2</sup>,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as set out in Article 2 TEU, and as reflected in the Charter and embedded in international human rights treaties;
- B. whereas a Member State’s compliance with the values enshrined in Article 2 TEU is a condition for the enjoyment of all the rights derived from the application of the Treaties to that Member State, including the right to EU funding; whereas according to Article 7 TEU, the Union can assess the existence of a clear risk of a serious breach of the values referred to in Article 2;
- C. whereas, in recent years, the rule of law and media freedom have been deteriorating in Greece; whereas this situation has not been sufficiently addressed, many concerns remain and many issues continue to arise;
- D. whereas, in 2022, Greece adopted legislation aiming to enhance the transparency of media ownership, and set up a registry for print media, as well as a registry for electronic press, making registered companies exclusively eligible for state advertising<sup>3</sup>;

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<sup>1</sup> OJ C, C/2024/494, 23.01.2024, ELI: <http://data.europa.eu/eli/C/2024/494/oj>.

<sup>2</sup> OJ L 95, 15.4.2010, p. 1.

<sup>3</sup> Law No 5005/2022 of 21 December 2022 on ‘Strengthening of the publicity and transparency of print and electronic media – Establishment of electronic registries of

- E. whereas the AVMS Directive establishes that Member States must ensure that national regulatory authorities or bodies exercise their powers impartially and transparently and in accordance with the objectives of the directive, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition; whereas it further states that Member States must ensure that national regulatory authorities or bodies have adequate financial and human resources and enforcement powers to carry out their functions effectively;
- F. whereas the agreement between co-legislators in the European Media Freedom Act is expected to enhance transparency requirements regarding direct and indirect media ownership, the allocation of state funding to media outlets in the form of state advertising, as well as the appointment and dismissal of the management boards of public service media; whereas the Media Freedom Act is expected to establish strong safeguards against undue surveillance of journalists and the editorial teams of media outlets;
- G. whereas the Council of Europe's Safety of Journalists Platform had identified two cases of impunity for murder, nine active alerts and two other alerts without reply by the end of 2023;
- H. whereas Greece has the lowest ranking of any EU country – 107th place – in the 2023 World Press Freedom Index by Reporters Without Borders;
- I. whereas media freedom, pluralism and the independence and safety of journalists are crucial components of the right to freedom of expression and information, and are essential to the democratic functioning of the EU and its Member States and to safeguarding the rule of law, including the fight against corruption;
- J. whereas the Commission has concluded that Greece meets the milestones for EU funding, since an anti-corruption strategy has been adopted by its National Transparency Authority (NTA); whereas the NTA does not have a track record for exercising effective and independent oversight; whereas the Commission's conclusion seems to be based merely on the adoption of a strategy on paper, not on effective measures in practice;
- K. whereas according to the 2023 Corruption Perceptions Index by Transparency International, Greece has shown a worrying decline in issues concerning the rule of law among the 27 EU Member States; whereas this is a negative development also reflected in the country's increased corruption perception index score;
- L. whereas in the so-called Petsas List scandal, EUR 20 million of state funds was distributed among media outlets for public health communication campaigns, including non-existent websites and personal blogs; whereas certain media outlets were excluded altogether without any justification and with non-transparent criteria;
- M. whereas a preliminary investigation by the Greek General Directorate of Financial and Economic Crime Unit has found that at least 270 funded media outlets were not

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print and electronic media and other provisions under the competence of the Secretariat General for Communication and Media'.

properly and lawfully registered and that the loss to public funds exceeds EUR 3 million;

- N. whereas the nephew and former Secretary-General of the Prime Minister's Office initiated several lawsuits in 2022 against the newspaper *EFSYN*, the online investigative platform *Reporters United* and individual journalists, seeking the removal of an article implicating him in a national spyware scandal involving the company Intellexa, as well as compensation of EUR 550 000; whereas the article, among other things, caused a public outcry, which ultimately led to his resignation from the role of Secretary-General of the Prime Minister's Office; whereas further details concerning his role in the spyware scandal have since emerged; whereas numerous international freedom of expression and media freedom organisations have condemned the lawsuit as a strategic lawsuit against public participation (SLAPP) aimed at suppressing critical reporting;
- O. whereas the recently published 2022 Hellenic Authority for Communication Security and Privacy (ADAE) annual report revealed that thousands of cases of prosecution orders to gain access to communications on national security grounds had not been reported to the ADAE in time by the Greek National Intelligence Service (EYP) and the Special Violent Crime (Counter Terrorism) Division of the Police;
- P. whereas an exorbitant fine of EUR 435 000 was imposed on the weekly newspaper *Documento News* by the tax authorities in December 2023; whereas the European Centre for Press and Media Freedom condemned this measure and expressed its dismay on 7 December 2023;
- Q. whereas Panayote Dimitras, a human rights activist and founder and head of the Greek Helsinki Monitor (GHM), is being prosecuted for illegal trafficking even though it appears that he was acting lawfully to provide humanitarian assistance to asylum seekers; whereas in December 2022, he was handed down a fine and prohibited from being involved with the GHM; whereas the Council of Europe Commissioner for Human Rights and the UN High Commissioner for Human Rights voiced concerns about the case; whereas the Anti-Money Laundering Authority ordered the freezing of all of Dimitras's assets in May 2023; whereas Dimitras stated on 31 May 2023 that he had only received EU funding designated for combating hate speech and that the funds were only used for that purpose; whereas the recent acquittal of 16 aid workers and volunteers demonstrates that criminal charges against those providing humanitarian assistance to asylum seekers have no legal basis;
- R. whereas the Rule of Law Conditionality Regulation is of the utmost importance for protecting the EU budget;
- S. whereas the European Public Prosecutor's Office (EPPO) launched an investigation on 28 November 2022 into the abuse of EUR 700 million in subsidies for a rail safety system; whereas 23 people have since been arrested in connection with the scandal, except for (former) government ministers who are shielded from prosecution through a decision of the Greek Parliament, for which the Greek Constitution was invoked;
- T. whereas the Greek Government, in addition to Greek police representatives, refused to meet with Parliament's DRFMG delegation during its official mission; whereas the Greek Prime Minister met with a European People's Party local German delegation the following day; whereas this refusal to meet with any minister or other high-level

government representatives is unprecedented during fact-finding missions since the establishment of the DRFMG in 2018;

- U. whereas Greece has adopted several laws in the framework of equality, some of which contain major loopholes; whereas the Greek law that bans so-called ‘conversion practices’ on minors and other vulnerable persons does not cover cases where ‘conversion practices’ are performed by priests or other religious and/or spiritual leaders, or specialists without official qualifications, and those performed on adults who have given their consent; whereas those who carry out such practices can only be held liable if they have accepted money to perform them; whereas there was major upheaval in the LGBTIQ+ community in the summer of 2023 following the death of a queer artist from Cuba, Anna Hernández, found stabbed to death in her home and initial police reports misgendering her;
- V. whereas in the European Institute for Gender Equality’s 2023 gender equality index, Greece scored 58 points out of 100 and ranked only 24th in the EU; whereas according to the 2023 evaluation by the Group of Experts on Action against Violence against Women and Domestic Violence monitoring the implementation of the Istanbul Convention, Greece does not currently have any rape crisis centres and/or sexual violence referral centres;
  1. Expresses severe concerns about very serious threats to democracy, the rule of law and fundamental rights in Greece; stresses that checks and balances are essential for a robust democracy and notes with concern that these have come under heavy pressure;
  2. Is deeply concerned by the failure of law enforcement and the judicial authorities in Greece to make progress in the investigation into the murder of the Greek journalist George Karaivaz on 9 April 2021; notes that two suspects were arrested in April 2023, but otherwise there has not been any discernible activity in the police investigation; strongly urges the authorities to take all the necessary steps towards conducting a thorough and effective investigation, and to bring those involved in the murder, at any level, to justice; urges the authorities to request assistance from Europol;
  3. Is greatly alarmed that, aside from this murder, many journalists face physical threats, verbal attacks, including from high-ranking politicians and ministers, the violation of their privacy with spyware, and SLAPPs; underlines that this creates a chilling effect for them; calls for these SLAPPs, in particular, to be dropped immediately; insists that the government has the obligation to take all necessary steps to bring the perpetrators of crimes against individuals, journalists and other media actors to justice, as well as to create a safe environment for all journalists;
  4. Expresses deep concern about the many cases of excessive use of force by police services against minority groups and peaceful protesters in general; calls on the authorities to fully and independently investigate all such instances; is deeply concerned by the fact that three young Roma have been killed in recent years in Greece through alleged police violence, and by the lack of a thorough investigation thereof; notes with concern that in some cases the police cleaned up the crime scene before a forensic examination took place; recalls that the competent court acquitted four police officers of involvement in the death of LGBTIQ+ activist Zak Kostopoulos in 2022, despite footage showing police using unnecessary force;

5. Calls on the government to ensure the full independence of its national regulatory authority for the audiovisual sector as required under the AVMS Directive;
6. 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 concerns over the rail safety system prior to the Tempi train crash; notes with concern the lack of transparency in the distribution of state subsidies to media outlets; notes the Commission's conclusion that media regulators lack resources; questions the objectivity and independence of the Greek National Council for Radio and Television and is concerned about the sudden replacement of the oversight board in September 2023; calls on the Commission to monitor the implementation of new media law No 5005/2022 of 21 December 2022, in particular as regards media ownership transparency;
7. Calls, with regard to the illicit use of surveillance technology such as Predator spyware, for:
  - (a) institutional and legal safeguards, including effective *ex ante* and *ex post* scrutiny, as well as independent oversight mechanisms, to be urgently restored and strengthened;
  - (b) all export licences that are not fully in line with the Dual-Use Regulation<sup>1</sup> to be urgently repealed and for the allegations of illegal exports, among others to Sudan, to be investigated;
  - (c) guarantees that the authorities can investigate all allegations of the use of spyware freely and in an unhindered manner;
  - (d) the reversal of the 2019 legislative amendment that placed the EYP under the direct control of the Prime Minister;
  - (e) guarantees of the independence of the NTA leadership;
  - (f) the urgent launch of a police investigation following the alleged abuse of spyware and for the seizure of physical evidence of proxies, broker companies and spyware vendors linked to spyware infections;
  - (g) Europol to be immediately invited to join the investigations; condemns the illegitimate instrumentalisation of the term 'national security threat' as a justification for the unacceptable wiretapping and surveillance of political opponents, including current Members of the European Parliament Georgios Kyrtos and former Member Nikos Androulakis; expresses serious concern about the influence of the Prime Minister over the EYP, which is under the direct competence and supervision of his office;
8. Notes with great concern that independent authorities such as the ADAE and the Greek Data Protection Authority (DPA) have come under increasing pressure owing to their work concerning the EYP's illegitimate wiretapping; notes, further, that the Greek Parliament suddenly replaced the ADAE's board members in 2023 on the eve of the

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<sup>1</sup> Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1).

ADAE's decision to impose a fine on the EYP, and just before the ADAE and the DPA called for a crucial step to be taken in the investigation into the spyware scandal;

9. Calls on the Greek Government to urgently withdraw amendment 826/145 to Law No 2472/1997, which abolished the ability of the ADAE to notify citizens of the confidentiality of communications being lifted, and to restore the full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the DPA, in order to ensure that all oversight bodies enjoy full cooperation and access to information and are able to provide complete information to all victims;
10. Expresses concern about the underfunding, understaffing, curtailing of powers, opaque appointment procedures, and harassment and intimidation of officials of independent public bodies such as the Ombudsman, whose mandate and the duration thereof must be in line with the Paris Principles and the European standards on equality bodies, the DPA and the ADAE; notes, further, that the National Transparency Agency, which should play a vital role in scrutinising the public authorities, does not seem to be effective and concerns have been raised about its independence; calls on the Greek Government to ensure the independence and operational autonomy of independent oversight bodies, in accordance with the Greek Constitution and the applicable national and EU legal requirements, and to improve its compliance with their recommendations; points out that the systematic difficulties and delays in appointing the management of independent oversight bodies undermine their effectiveness and authority; is very alarmed by the sudden replacement of the board members of the ADAE and the oversight body for the public broadcaster in September 2023, just as the ADAE and the DPA had called for a crucial step to be taken in the spyware investigation;
11. Is deeply concerned that the transfer of the spyware investigation to another prosecutor, following the previous prosecutors' request to the ADAE to check whether the 92 people targeted by Predator spyware (including national members of parliament and MEPs, journalists and government officials) had also been subject to surveillance by the EYP, will lead to the investigation de facto ending; reiterates its call for Europol to be involved in the investigation;
12. Strongly condemns the intimidation and harassment used against officials who are scrutinising the government, such as former anti-corruption prosecutor Eleni Touloupaki and Christos Rammos, head of the ADAE; expresses its dismay at the Supreme Court prosecutor's intervention and alleged attempt to stop an ADAE request for a telecommunications company to check surveillance orders in 2022;
13. Stresses with severe concern that corruption is eroding public services and goods; underlines that the length of judicial proceedings, compounded by doubts over the integrity of parts of the police force, and conflicts of interest at the highest level, including alleged police infiltration by organised crime groups, will lead to a culture of impunity where corruption can thrive; stresses that the authorities have yet to establish a solid track record in the investigation and prosecution of high-level corruption cases that lead to final convictions with a deterrent effect; calls on the government and the authorities to remedy these issues as a matter of priority;
14. Calls on the Greek Government to adopt immediate measures and the necessary reforms to improve the capacity and transparency of the police to investigate cases of organised crime, including to look into strong indications of links between organised crime and the police throughout its ranks;

15. Calls on the government to fully implement all judgments of the European Court of Human Rights, as well as to comply with interim measures imposed by the Court;
16. Notes that, to date, no measures have been taken with regard to the participation of the judiciary in the appointment procedure for the highest judicial offices, namely judges, to the posts of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit;
17. Expresses its deep regret and sorrow at the tragic loss of life in the shipwreck of 14 June 2023, when a fishing boat sank in the Ionian Sea off the coast of Pylos, Messenia, Greece, with over 600 persons on board presumed dead; is deeply concerned by the lack of progress made in the judicial investigation; welcomes the investigations by the European Ombudsman and the Greek Ombudsman into the catastrophe; expresses severe concern about the treatment of migrants at the external borders and domestically, following systematic pushbacks and violence against non-EU nationals, their arbitrary detention and the theft of their belongings; is further severely concerned about the conditions in reception centres, especially in terms of protecting individuals against crimes being committed and access to basic sanitation; considers that the Fundamental Rights Officer at the Ministry of Migration and Asylum needs a broader and independent mandate, so as to be able also to effectively investigate pushbacks; calls on the Commission to assess the compliance with EU law of border surveillance systems using behavioural analytics, and of the EU funding thereof; condemns the Commission's dramatic failure to enforce EU laws with regard to reception conditions, pushbacks and human rights, and believes that infringement proceedings are more appropriate than the Commissioner's praise;
18. Is concerned by the attacks against civil society and, in particular, smear campaigns and judicial harassment by Greek authorities targeting human rights activists; is alarmed by the recent trials against humanitarian workers and people who provide humanitarian assistance to migrants and refugees; calls on the Greek authorities to drop all charges immediately and ensure that humanitarian workers and volunteers can provide assistance safely and freely;
19. Believes it to be crucial that the judicial investigation into the Tempa train disaster be conducted swiftly and comprehensively, covering all actors involved, including responsible government officials; is not satisfied with the scrutiny carried out by the competent committee of the Greek Parliament, as it appears to lack political impartiality and to be reluctant to call on key expert witnesses to testify; is deeply concerned by the Greek Parliament's refusal to conduct an investigation as requested by the EPPO regarding two former ministers for transport<sup>1</sup>;
20. Is concerned about the restrictive regulatory framework for registering civil society organisations, in particular as regards organisations active in migration and social inclusion; urges the government to immediately lift the restrictions imposed on non-governmental organisations (NGOs) and journalists reporting on migration with immediate effect and to review the legislative framework as a matter of priority; calls for it to support and enhance all initiatives contributing to more transparency in these matters, such as the Human Rights Commission's pushback-reporting mechanism;

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<sup>1</sup> In office from 5 November 2016 until 9 July 2019 and from 9 July 2019 until 1 March 2023.



21. Notes that Greece has put in place a legal framework regarding equal treatment and positive steps have been taken in that direction, such as the creation of the new Human Rights Commission; is concerned, however, about the weak legal framework and discrimination against LGBTIQ+ people, Roma and other minorities; 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, which has been under discussion for several years;
22. Acknowledges the existence of helplines and specialised police domestic violence response services, but also urges the government to set up comprehensive rape crisis centres and to make sure that victims of sexual violence can have immediate access to medical care, trauma support, forensic examinations and psychological support; calls on the government to make femicide a stand-alone crime;
23. Welcomes the ban on non-consensual surgeries and calls for the proper training of medical professionals to properly welcome and provide care for intersex persons;
24. Welcomes the equal marriage bill tabled in the Greek Parliament and calls for its swift adoption;
25. Calls on the government to improve the legislative process by introducing real and meaningful consultation and to abolish the controversial practice of omnibus legislation;
26. Deplores the fact that the Greek Government and police authorities refused to meet with representatives of the European Parliament during its official mission in April 2022 and calls for the current Greek Government to establish a constructive dialogue with the European Parliament;
27. Calls on the Commission to make full use of the tools available to it to address the breaches of the values enshrined in Article 2 TEU in Greece; calls, in particular, for an assessment of compliance with the Charter in the implementation of the relevant EU funds as required by the Common Provisions Regulation; calls for a Commission assessment under the Rule of Law Conditionality Regulation of the consequences of the failure to implement relevant judgments by the European courts; recalls that, should financial measures be adopted, the Commission must ensure that the final recipients or beneficiaries of EU funds are not deprived of these funds, as set out in Article 5(4) and (5) of the Rule of Law Conditionality Regulation, and must find ways to ensure that EU funds reach citizens, businesses, regional and local authorities, NGOs and any other relevant stakeholders if the government does not cooperate concerning deficiencies in the rule of law, especially given the impacts of the economic crisis, the high cost of living and the increase in poverty in the country;
28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe and the United Nations.