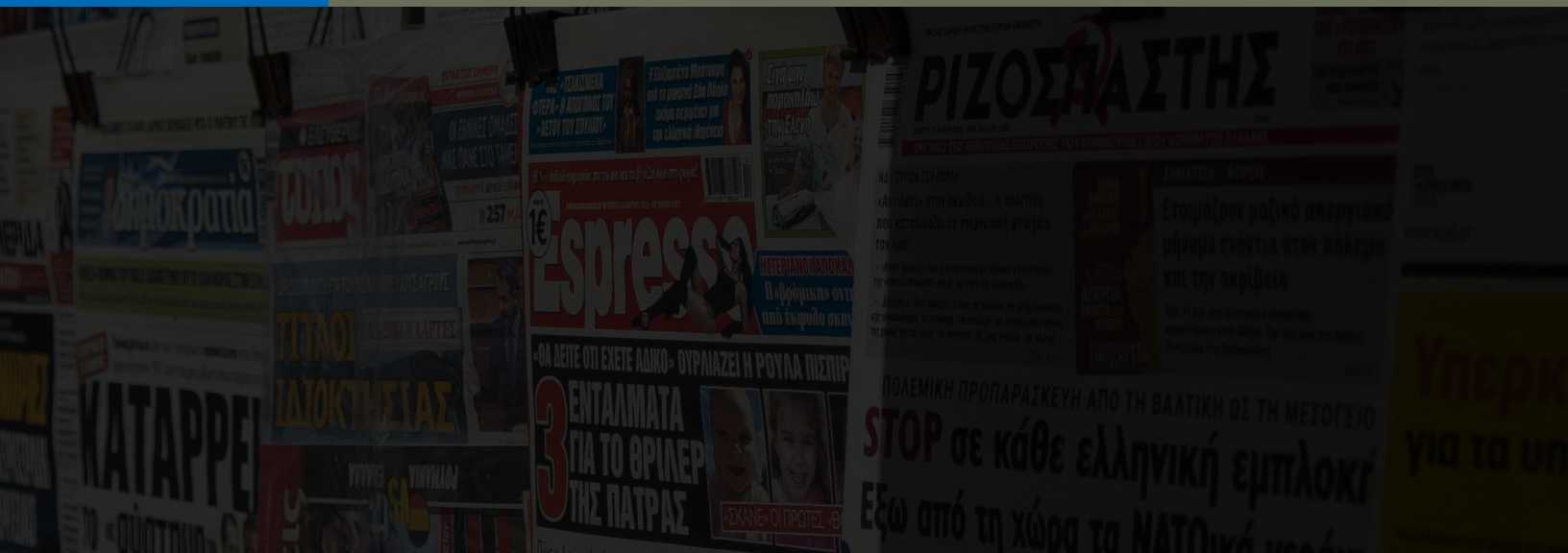




HUMAN  
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## From Bad to Worse

The Deterioration of Media Freedom in Greece





# **From Bad to Worse**

**The Deterioration of Media Freedom in Greece**

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# From Bad to Worse

## The Deterioration of Media Freedom in Greece

<b>Summary.....</b>	<b>1</b>
<b>Recommendations .....</b>	<b>6</b>
<b>Methodology.....</b>	<b>12</b>
<b>I. Background.....</b>	<b>15</b>
Laws Designed to Foster Media Pluralism.....	20
<b>II. Harassment and Intimidation .....</b>	<b>25</b>
<b>III. The Use of Surveillance.....</b>	<b>34</b>
The “Predatorgate” Scandal .....	34
Journalists under Surveillance .....	38
Accountability Obstructed .....	40
The Chilling Effect of Surveillance .....	49
<b>IV. Political Control and Interference with Public Media.....</b>	<b>51</b>
Athens-Macedonian News Agency .....	54
ERT (Elliniki Radiofonia Tileorasi – Hellenic Broadcasting Corporation).....	57
<b>V. Use of State Advertising to Influence Media.....</b>	<b>64</b>
The Petsas List Scandal.....	67
<b>VI. Legal Threats .....</b>	<b>77</b>
Lawsuits Against Journalists .....	79
Problematic Legal Framework .....	85
<b>VII. Self Censorship.....</b>	<b>89</b>
<b>VIII. Greece’s Legal Obligations .....</b>	<b>95</b>
Freedom of Expression .....	95
Right to Privacy and Surveillance .....	99
<b>Acknowledgments.....</b>	<b>101</b>

## Summary

Emerging from a protracted period of economic, political, and social crises, coupled with the refugee crisis, Prime Minister Kyriakos Mitsotakis' government, elected in July 2019, has sought to project an image internationally of a forward-thinking and modern administration capable of steering Greece towards a brighter future. However, huge question marks loom over this progressive image given the well-founded human rights concerns about domestic policies that do not respect human rights, stringent anti-immigration measures, repressive policing tactics, scandals, and attempts to stifle critical voices.

These critical voices include journalists—particularly those working for independent media and foreign media outlets—activists, and civil society organizations. Journalists have become targets through various means, including through the use of spyware (such as in the Predator surveillance case) and ostensibly legal methods used to effectively harass, intimidate, and even silence dissent and investigative reporting. Online harassment campaigns, often orchestrated or encouraged by government-aligned actors, further contribute to a hostile environment for journalists. These actions, coupled with the failure of government to ensure media pluralism, government control over state media, and self-censorship by journalists and editors, have dire consequences for democracy and the public's right to information in Greece.

Despite Greece's obligations as a member state of the European Union, the current domestic practices, as documented in this report, demonstrate a pattern of conduct that undermines democracy and the rule of law, particularly with regards to freedom of expression and a free press. These actions contravene the EU's fundamental values enshrined in Article 2 of the Treaty on European Union, specifically respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights.

Media pluralism, meaning the existence of a diverse range of media outlets with varying ownership structures and viewpoints, is essential for healthy democracy and provides a level of independent scrutiny that helps uphold the rule of law. Human Rights Watch has found that in Greece, a largely concentrated media landscape dominated by outlets aligned with successive ruling parties, undermines such pluralism. This has developed at least in part due to inadequate legal safeguards to prevent such media concentration and

undue political influence, as well as by poor implementation of the legal framework that does exist related to media regulation, ownership transparency, and competition. The effect is that media owners' interests are able to take priority over the principles of independent journalism, which when susceptible to concerted efforts by government officials to silence independent voices, means a landscape skewed towards favorable coverage of the government. This also leads to suppression of critical reporting and the erosion of public trust in the media.

This report focuses specifically on instances where state actions undermine media freedom in ways that undermine the rule of law. It examines cases where the state has sought to control the media to reduce scrutiny and criticism of its own actions, including through incentivizing self-censorship, weakening the media's role in holding the executive to account and undermining rights to freedom of expression and information for all in Greece, including those working in the media.

Some journalists critical of the government report facing intimidation and harassment from government officials. Evidence of state surveillance of journalists—whether through more “traditional” means such as wiretapping by state agents or by being targeted with commercial spyware—raises serious privacy and free expression concerns and risks having a chilling effect on reporting as sources fear identification, and as journalists fear for their own safety.

Another concern is that it is too easy under Greek law for powerful individuals to weaponize the legal system against critical journalists through abusive lawsuits, which are referred to as SLAPPs (Strategic Lawsuits Against Public Participation), designed to financially exhaust and intimidate independent outlets. A central vehicle for such lawsuits is Greece's decades-old civil defamation statute, referred to by many as the “press killer law.” Greece does not have robust anti-SLAPP safeguards to curb the misuse of its legal system to silence journalists and rights defenders. The Greek Criminal Code was recently amended to remove “simple defamation”, that is dissemination of a fact (even if true) that can be offensive to somebody's honor or reputation, as a criminal offence. But despite a growing consensus in international law and calls by international legal experts to eliminate all criminal defamation, Greece's laws still create criminal responsibility for the acts of insult and slanderous defamation – dissemination of a claim injurious to a person's honor or reputation, knowing it is false – which further cast a shadow over reporting.

In 2022, a major surveillance scandal widely known as “Predatorgate,” named after the spyware Predator, became a stark symbol of the threats to press freedom in Greece. Journalists, particularly investigative reporters, were primary targets of surveillance, both through the actions of the Greek National Intelligence Service (EYP) and the use of spyware to monitor journalists’ communications. Journalists investigating the scandal were themselves placed under surveillance.

Finally, the Greek authorities’ control over public media has led to undue influence over content and editorial direction, and the government’s use of public advertising funds to support private media has been used to sway media narratives in its favor.

To address this issue, it is imperative to reverse the decree bringing the General Secretariat of Information and Communication, the supervising body of the public broadcaster (ERT) and the Athens-Macedonian News Agency, under the purview of the Prime Minister’s Office.

The journalists interviewed for this report all spoke about the stifling atmosphere in which they work, and the pervasive climate of censorship and self-censorship under which they operate.

There is growing international concern about the state of media freedom in Greece. The difficulties journalists face are reflected in Reporters Without Borders’ (RSF) World Press Freedom Index, where Greece consistently ranks at the bottom among EU member states. In February 2024, the European Parliament adopted a resolution raising serious concerns about media freedom and the rule of law in Greece. The European Commission’s Rule of Law reports have also highlighted threats to media freedom in the country, while acknowledging certain positive advances. Yet Greek authorities refuse to acknowledge there is a problem. Prime Minister Kyriakos Mitsotakis has dismissed the European Parliament’s resolution, for example, saying the country’s rule of law is “stronger than ever” and that “Greece in the past few years has often been at the center of slander” in connection with criticisms of his government’s human rights record.

The surveillance scandal in 2022, highlights a further concern: the government appears to proactively undermine accountability efforts that may implicate politicians and other state officials. For example, the government has invoked national security concerns to block

disclosure of relevant and probative information, and the General Prosecutor has launched investigations to identify whistleblowers who have provided such information, in what seem to be calculated efforts to conceal wrongdoing. Similarly, the Petsas List scandal, involving the Greek government's process of distributing public funds to media outlets, highlights a troubling pattern of reluctance to disclose relevant information designed to ensure transparency and accountability. The initial refusal to disclose the list of who received funding, evidence of bias in the funding, and hindering investigations, are all examples of deliberate efforts to shield decision-making from scrutiny, ultimately undermining transparency and eroding democratic principles.

A free and independent media is a cornerstone of a healthy democracy, including by ensuring that the public has the information needed to make informed decisions and to hold authorities to account. As documented in this report, the current state of media freedom in Greece falls far short of Greece's obligations under international human rights and EU law with respect to freedom of expression and information.

While the challenges to media freedom in Greece are substantial, it is important to acknowledge that the government has demonstrated some responsiveness to criticism and pressure. In instances where there has been concerted pushback, authorities have occasionally made concessions, though the extent and impact of these actions remain contested. Appropriately some are cautious about praising government responses, often involving the establishment of registers and task forces, seemingly designed to tick the boxes to show progress without evidence of actual impact. However, they also signal a degree of awareness and, at times, a willingness to address the issues at hand.

When provided the opportunity to respond to the concerns outlined in this report, the Greek government defended the status quo and its actions in particular. The government claims that allegations of harassment against journalists are exaggerated and lack evidence, and that surveillance is always conducted legally and with respect for human rights. They assert existing laws offer sufficient protection against abusive lawsuits and dismiss such lawsuits as exceptional instances. They assert their commitment to the principles of media freedom and rule of law, pointing to decriminalization of some types of defamation as evidence, downplaying the chilling effect of still having criminal penalties for other kinds of defamation. On the issue of public media and state advertising, they maintain that everything is fair, transparent, and free from undue influence.

While we welcome the government’s stated commitment to media freedom, its explanation is at odds with the findings of this report, based on the powerful accounts from journalists based on their lived experience of intimidation, surveillance, and judicial harassment. Moreover, the lack of transparency regarding state advertising, the revelations of the “Petsas List” scandal, and the reluctance of the government to permit scrutiny of and ensure accountability for its actions undermine the credibility of the government’s response.

The government should accept it needs to take decisive action to address the concerns from many sources about the multifaceted undermining of press freedom in Greece. Persistent denial of the problem and failure to take action will jeopardize Greece's standing within the European Union as core rule of law principles are at stake. Protecting journalists from harassment and intimidation, upholding the right to information, promoting media pluralism, and fostering a climate conducive to independent journalism are essential steps for Greece to uphold its democratic commitments and secure a free and open society.

# Recommendations

## To the Government of Greece

- Ensure the immediate cessation of any current surveillance of journalists or any other measures that violate the privacy of journalists' communications, and do not pursue any further measures to surveil or otherwise compromise the privacy of journalists' communications until an appropriate process of judicial scrutiny is in place to assess and oversee such measures.
- Develop and implement a time-bound national action plan, in consultation with media stakeholders and rights groups, to advance the freedom, independence, and pluralism of the media in Greece. The plan should include concrete measures to ensure public media independence; shield journalists from surveillance and protect them from harassment and intimidation; reform state advertisement practices; address misuse of defamation and other civil actions (SLAPPs); and to counter censorship and self-censorship.
- Abolish the criminal offense of slanderous defamation, and allow persons who have been intentionally harmed by malicious known falsehoods to secure civil damages. As long as any form of criminal defamation exists, restore the discretion to judges to waive penalties in cases of public interest, as per former Article 367 of the Greek Criminal Code.
- Repeal the "press killer" law No. 1178/81 and reform civil defamation provisions to introduce adequate safeguards to prevent unwarranted limitations on freedom of expression including use of SLAPPs. These safeguards should include a limitation on non-material damages claimed in civil defamation suits against journalists and media outlets.
- Implement and enforce the EU Anti-SLAPP Directive to protect journalists and media workers against vexatious lawsuits, and maximize its effectiveness by expanding protections to cover domestic SLAPP cases and claims under criminal and administrative law, ensuring strong safeguards for journalists and media workers against vexatious lawsuits.
- Refrain from, and issue an unequivocal public statement that public officials and government-friendly outlets should refrain from smear campaigns, harassment and

- intimidation of critical news outlets, journalists and media workers; take concrete steps to hold those who do engage in such behavior to account.
- Ensure law enforcement agencies conduct prompt, effective, and independent investigations into crimes against journalists. Dedicate necessary resources and staff to these cases, recognizing their special nature and impact on the public sphere.
  - Initiate legislative reforms related to state surveillance:
    - Require judicial approval for all surveillance orders, empowering independent judges to assess their necessity and proportionality;
    - Establish specific safeguards for surveillance requests of journalists that include strict necessity requirements, prioritization of source protection, and post-surveillance notification obligations;
    - Ensure that the written request the prosecutors are required to submit when seeking surveillance in the interest of national security includes well-founded allegations that establish the legality, necessity, and proportionality of the surveillance measure in each case, and that submissions based solely on generic information or generic grounds for the request are rejected;
    - Legislate a clear and comprehensive right to access information about surveillance by government entities, enabling individuals to request and obtain details about any surveillance measures taken against them, including the legal basis, purpose, duration, and data collected;
    - Remove the existing three-year period preventing targeted individuals from accessing information about their surveillance initiated for reasons of national security. Reassign sole responsibility for surveillance disclosures to Hellenic Authority for Communication Security and Privacy (ADAE).
  - Reverse the decree bringing the General Secretariat of Information and Communication, the supervising body of the public broadcaster (ERT) and the Athens-Macedonian News Agency (AMNA) , under the purview of the Prime Minister's Office, or adopt a new decree detaching ERT and AMNA from the General Secretariat of Information and Communication to guarantee their independence.
  - Establish clear legal and institutional safeguards to protect the editorial independence of state news organizations. This includes transparent appointment processes for leadership positions, and clearly defined editorial guidelines.
  - Ensure full transparency of media ownership, including through a regularly updated ownership registry for all forms of media.

- In consultation with media stakeholders, develop reforms aimed at safeguarding independent journalism in line with provisions outlined in the European Media Freedom Act (EMFA).
- Strengthen the Greek Ombudsman and the National Commission for Human Rights as active defenders of media freedom, empowered to monitor, investigate, report, advocate, and collaborate to safeguard a free press in Greece.
- Invite, and facilitate a country visit by the UN special rapporteur on freedom of opinion and expression.

## To the Greek Parliament

- Set up a cross-party parliamentary task force that will investigate allegations of surveillance, harassment, intimidation, and other efforts to curtail media freedoms in Greece, with the aim of identifying systemic issues and proposing concrete measures to strengthen safeguards for journalists and news outlets.
- Enact legislation mandating a fair, non-discriminatory, and transparent system for allocating state advertising. This should include establishing an independent regulatory body, clear public criteria, and a cross-party parliamentary review mechanism.
- Enact legislation to combat the use of SLAPPs against journalists, at a minimum, in line with the new EU anti-SLAPP Directive and the European Commission's April 2022 Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings. This legislation should include measures such as early dismissal mechanisms for unfounded lawsuits, penalties for abusive lawsuits, and provisions for protecting journalistic sources.
- Prioritize legislation to ensure full transparency of media ownership, including detailed public disclosure of beneficial owners, shareholders, and any entities exerting influence over editorial decisions. This legislation should establish an independent body responsible for overseeing and enforcing these transparency requirements.

## To the European Union

- The European Commission's Directorate General for Justice should assess Greece's compliance with its obligations under regional human rights and European Union law, including the Charter for Fundamental Rights, with respect to freedom of the media, and report its findings in the European Rule of Law Mechanism annual report on Greece.
- The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) should, in the context of its periodic reports on fundamental rights in the European Union as well as through other actions, assess Greece's compliance with EU law and principles in the field of media freedom and the rule of law.
- The European Commission should prioritize media freedom and rule of law in Greece, and consider concrete steps to effectively uphold the EU's fundamental values within Greece. The Commission should consider the following actions:
  - In the Annual Rule of Law report on Greece, provide a clear, detailed, and comprehensive picture of the rule of law deterioration with measurable, concrete, and timebound recommendations to the authorities.
  - Make an accurate and impartial assessment of whether, in view of the persistent and systemic curbs on media freedom, Greece continues to fulfill its obligations under the Charter of Fundamental Rights as a precondition for access to EU funds under the Common Provisions Regulation. If Greece is found in breach of its fundamental rights obligations, proceed to suspend access to relevant funds, according to the provisions of relevant EU legislation.
  - Assess Greece's compliance with the new European Media Freedom Act (EMFA), in the run up to and especially after its full application from August 2025, particularly with regard to media ownership, the allocation of state advertising to media outlets, public service media governance, and protection of journalists from surveillance and undue pressure. Publish detailed findings and recommendations, including specific actions for Greece to bring its practices in line with EMFA standards, and establish monitoring mechanisms to ensure compliance and accountability, if any deviations are detected.

- Directly support independent media by providing financial and capacity-building support to independent Greek media organizations and civil society groups working to uphold press freedom and democratic principles.
- The EU Fundamental Rights Agency should thoroughly investigate violations of media freedom and the rule of law in Greece with a view to providing decision-making institutions such as the European Commission and the Council of the EU with information and analysis relevant to assessing Greece's compliance with its international and EU obligations.
- The European Commission should encourage Greek authorities to implement reforms of criminal law needed to bring Greece into compliance with its international human rights obligations.
- The EU Council, the European Commission, and the European Parliament should urge the relevant authorities in Greece to immediately take any necessary steps to ensure the end of all intimidation of journalists and media outlets and to improve investigations into the surveillance of journalists and to bring perpetrators to justice.

## To the Council of Europe

- The Commissioner for Human Rights should consider conducting a country visit to Greece to assess and highlight the situation with respect to media freedom and the rule of law, and recommend appropriate action to address concerns identified.

## To the United Nations

- The UN special Rapporteur on Freedom of Opinion and Expression should request a country visit to Greece to assess the situation on media freedom, and issue recommendations on specific steps to address the concerns identified.
- The UN Special Rapporteur on the Situation of Human Rights Defenders should follow up on the implementation of recommendations made following her previous visit to Greece, addressing insufficient progress or backsliding on efforts to protect journalists as human rights defenders.
- The Human Rights Committee should request detailed information from the government of Greece about steps taken to address media freedom and rule of law violations in their next review of Greece's compliance with the International

Covenant on Civil and Political Rights (ICCPR), and recommend concrete action to address concerns identified.

- Countries that made recommendations on media freedom and the protection of journalists during Greece's 3<sup>rd</sup> Universal Periodic Review should follow up and press for implementation ahead of its next review, scheduled for 2026.

### **To the Organization for Security and Cooperation in Europe (OSCE)**

- The OSCE Representative on Freedom of the Media should assess and highlight violations of media freedoms and the plight of journalists in Greece, and make concrete recommendations for steps needed to address the problems identified.

## Methodology

This report is primarily based on face-to-face interviews carried out in Greece by a Human Rights Watch researcher between June 2022 and March 2025. Human Rights Watch conducted 34 in-depth interviews with journalists, academics, a lawyer, a union representative, and members of civil society organizations active in the field of media freedom and the rule of law. The researcher carried out some of the interviews online and via phone.

Human Rights Watch interviewed 26 journalists from print media, electronic media, television, and radio. These include journalists from public, private, and independent outlets, as well as foreign correspondents and freelance journalists covering Greece. For this report, the term “mainstream media” will be used to refer to conventional newspapers, television, radio, and other news sources that most people know about and that uniformly support the official government line.

Interviews were conducted either in Greek or English by the Human Rights Watch researcher. None of the people interviewed received compensation for answering questions and providing information, and all were informed of the purpose of the interview and the goal and public nature of our reports.

While some interviewees’ real names are used, most of the interviewees voiced concern for their safety or fear of possible loss of employment if authorities or their employer learned that they had spoken to Human Rights Watch. As a result, we have not disclosed their names and other identifying details, including the outlet in which they are working or used to work. These interviewees have been assigned a pseudonym consisting of a randomly chosen first name and a last initial that is the same as the first letter of the first name, e.g., Alice A.

As part of the research for this report, Human Rights Watch sent letters to the Greek authorities and other stakeholders in the Greek media landscape. These included the General Secretariat of Communication and Information (as a government representative body), the Athens-Macedonian News Agency, ERT (Hellenic Broadcasting Corporation), and the National Transparency Authority. We also contacted private entities including Intellexa,

Antenna TV media group, SKAI media group, Nea Tileorasi media group, DPG media group, Dimera publishing media group, and Alter Ego media group. Human Rights Watch made repeated attempts to share its findings and seek comment from the former Supreme Court Prosecutor, Isidoros Dogiakos, with no success.

The General Secretariat of Communication and Information provided a 31-page response outlining their perspective and addressing the findings we presented in the letter. The response raises several general concerns, including arguments that Human Rights Watch’s research is outdated, dating back to 2022, and does not reflect recent developments and reforms; that the report cites Greece’s ranking in the Reporter Without Borders’ World Press Freedom Index, which authorities argue is not objective or transparent; that the report relies on anonymous sources and subjective narratives; and that the report’s claims are based on “statements” and “internal memos” that are not properly identified. We have reflected the response from the government as well as Human Rights Watch’s reaction to it in the body of the report below. The full response is available on our website.

Human Rights Watch welcomes the engagement of the Greek government with our research, but we do not accept its argument that our methodology is flawed or based on out of date or inaccurate information. The issues documented in this report are systemic and deeply ingrained in the media landscape. Moreover, the concerns raised by journalists and media professionals interviewed for this report, which includes updates to April 2025, remain largely unchanged, indicating that the issues persist despite any recent reforms or initiatives. The World Press Freedom Index, despite the government’s claims, is a widely recognized and respected tool for assessing media freedom, with a publicly available methodology.

It is important to clarify that the sources cited in this report are not anonymous to Human Rights Watch. We know the identities of all our interviewees. However, we are not publishing their names in the report to protect individuals from potential retaliation. This practice is standard in human rights research when necessary to ensure the safety and well-being of those who provide sensitive information. Finally, while the government questions the validity of “statements” and “internal memos,” the use of such sources is standard practice in reporting and in human rights research. The report has been subject to rigorous internal and external review and we have taken pains to ensure we provide sufficient context and information to support our claims.

Out of the six media groups contacted, only one responded to our letter. The response from the media group highlighted the challenges posed by Artificial Intelligence, emphasized the importance of accuracy and impartiality in reporting, and mentioned the company's commitment to protecting its journalists. The response also indicated that the company had not observed any concerning incidents of entanglement in Greece and had not experienced any instances where their journalists felt threatened. While the response mentioned some online comments and lawsuits, it described these as nothing remarkable or beyond the ordinary.

# I. Background

Greece has seen a significant decline in media freedom in recent years, particularly since the New Democracy government took power in 2019.<sup>1</sup> This decline adds to other historical challenges within Greece's media landscape, including political polarization and concentrated ownership of major media outlets in a handful of private actors.<sup>2</sup>

In 2024, for the third year in a row, Greece came last among European Union countries in Reporters Without Borders' (RSF, from its French name Reporters Sans Frontières) World Press Freedom Index, ranking 88th out of 180 countries.<sup>3</sup> Two years before, Greece ranked 108th after falling 38 positions, reflecting the gravity of concerns about the state of media freedom in the country.<sup>4</sup> These rankings are contested by the Greek government in its letter to Human Rights Watch, which argues that the World Press Freedom Index “presents significant problems and weaknesses in objectivity and methodology, which lacks clear transparency and scientific accuracy”, and does not fully reflect the positive reforms implemented in recent years.<sup>5</sup> In fact, the World Press Freedom Index is a widely recognized and respected tool for assessing media freedom, with a publicly available methodology.<sup>6</sup>

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<sup>1</sup> Nektaria Stamouli, “How Greece became Europe’s worst place for press freedom,” *Politico*, August 8, 2022, <https://www.politico.eu/article/greece-became-europe-worst-place-press-freedom/> (accessed November 30, 2023); Marina Rafenberg, “The worrying decline of press freedom in Greece,” *Le Monde*, May 15, 2022, [https://www.lemonde.fr/en/international/article/2022/05/15/the-worrying-decline-of-press-freedom-in-greece\\_5983579\\_4.html](https://www.lemonde.fr/en/international/article/2022/05/15/the-worrying-decline-of-press-freedom-in-greece_5983579_4.html) (accessed November 30, 2023).

<sup>2</sup> Euromedia Ownership Monitor, News media outlets and owners, Greece country report 2022, <https://media-ownership.eu/findings/countries/greece/> (accessed July 23, 2024).

<sup>3</sup> Reporters Without Borders, World Press Freedom Index, <https://rsf.org/en/index> (accessed November 30, 2023).

<sup>4</sup> Reporters Without Borders, World Press Freedom Index, <https://rsf.org/en/index> (accessed November 30, 2023); Christiana Stilianidou, “World Press Freedom Index 2022: Greece drops to 108th place,” *Govwatch*, May 4, 2022, <https://govwatch.gr/en/pagkosmios-deiktis-eleytherias-toy-typoy-2022-i-katiforiki-poreia-tis-elladas-synechizetai/> (accessed November 30, 2023).

<sup>5</sup> General Secretariat for Communication and Information, letter to Human Rights Watch, Athens, February 6, 2025.

<sup>6</sup> For more information on RSF’s methodology, please visit: <https://rsf.org/en/index-methodologie-2022> (accessed April 25, 2025). In addition, RSF’s World Press Freedom Index is cited in the European Commission’s Rule of Law reports; 2021 Rule of Law Report Country Chapter on the rule of law situation in Greece, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0709> (accessed April 25, 2025); 2022 Rule of Law Report Country Chapter on the rule of law situation in Greece, [https://commission.europa.eu/document/download/d8b54bd4-dbb3-413c-b80f-5cdo2bd2734\\_en?filename=21\\_1\\_194014\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/document/download/d8b54bd4-dbb3-413c-b80f-5cdo2bd2734_en?filename=21_1_194014_coun_chap_greece_en.pdf) (accessed April 25, 2025); 2023 Rule of Law Report Country Chapter on the rule of law situation in Greece, [https://commission.europa.eu/system/files/2023-07/21\\_1\\_52575\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/system/files/2023-07/21_1_52575_coun_chap_greece_en.pdf) (accessed April 25, 2025); 2024 Rule of Law Report Country Chapter on the rule of law situation in Greece, [https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827\\_en?filename=21\\_1\\_58062\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827_en?filename=21_1_58062_coun_chap_greece_en.pdf) (accessed April 25, 2025);

In its 2023 report on the Rule of Law in the European Union, the European Commission noted a shrinking space for civil society, and that threats and attacks against journalists persist.<sup>7</sup> In its 2024 Rule of Law report, the European Commission acknowledged some positive developments and legislative changes addressing media freedom concerns, yet maintained that “concerns regarding the space for civil society remain” and “[t]he safety of journalists remains an issue.”<sup>8</sup>

The Greek government’s letter to Human Rights Watch cites the European Commission’s acknowledgment of progress made by Greece in strengthening the protection of journalists and media workers, but fails to mention the Commission’s persistent concerns regarding media freedom in Greece.<sup>9</sup> Moreover, as 14 human rights and media freedom organizations, including Human Rights Watch, argued in an August 2024 news release, the Commission’s 2024 Rule of Law report presents an overly positive account at a time when media freedom and civic space face dire threats and attacks.<sup>10</sup> The Commission’s report, the groups argue, ignores discrepancies between the Greek government’s self-reported data and alarming accounts submitted by civil society organizations and journalists, disproportionately focusing on positive developments without addressing broader systemic issues and ongoing violations.<sup>11</sup>

Greece's media landscape is reflective of wider concerns about shrinking civic space. CIVICUS, a nongovernmental group assessing civic freedoms globally, in March 2023 downgraded its assessment of civic space in Greece from “narrowed” to “obstructed” due to “the repeated targeting of civil society and activists working with refugees and, asylum seekers, disproportionate responses to protests and continuous legal harassment and

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<sup>7</sup> European Commission, Country Chapter on the rule of law situation in Greece, 2023 Rule of Law Report, July 5, 2023, [https://commission.europa.eu/system/files/2023-07/21\\_1\\_52575\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/system/files/2023-07/21_1_52575_coun_chap_greece_en.pdf) (accessed, November 30, 2023).

<sup>8</sup> European Commission, Country Chapter on the rule of law situation in Greece, 2024 Rule of Law Report, July 24, 2024, [https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827\\_en?filename=21\\_1\\_58062\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827_en?filename=21_1_58062_coun_chap_greece_en.pdf) (accessed, July 24, 2024).

<sup>9</sup> General Secretariat for Communication and Information, letter to Human Rights Watch, Athens, February 6, 2025.

<sup>10</sup> “Greece: EU Ignores Deteriorating Rule of Law,” joint NGO Press release, August 1, 2024, <https://www.hrw.org/news/2024/08/01/greece-eu-ignores-deteriorating-rule-law> (accessed February 21, 2025).

<sup>11</sup> Ibid.

surveillance of journalists.”<sup>12</sup> At time of writing, CIVICUS finds that civic space in Greece remains “obstructed”.<sup>13</sup>

In February 2024, the European Parliament adopted a resolution raising grave concerns about the deteriorating rule of law and state of media freedom in Greece.<sup>14</sup> It highlights systemic issues such as the use of spyware against journalists, harassment of journalists and human rights defenders, the use of Strategic Lawsuits Against Public Participation (SLAPPs), and the weakening of independent authorities responsible for oversight.

Press freedom advocates and international organizations have repeatedly highlighted Greece’s deteriorating media landscape.<sup>15</sup> The unsolved murders of journalists Socratis Giolias in 2010 and Giorgos Karaivaz in 2021 highlight the problem of impunity for violence against journalists in Greece.<sup>16</sup> Physical assaults on reporters covering protests, perpetrated by both demonstrators and police, further exacerbate the unsafe working environment for journalists in the country.<sup>17</sup>

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<sup>12</sup> CIVICUS, “Greece Downgraded in Global Ratings Report on Civic Freedoms,” March 16, 2023, <https://monitor.civicus.org/country-rating-changes/greece/> (accessed November 30, 2023).

<sup>13</sup> For more information, visit CIVICUS website: <https://monitor.civicus.org/country/greece/> (accessed February 12, 2025).

<sup>14</sup> European Parliament, Resolution of 7 February 2024 on the rule of law and media freedom in Greece (2024/2502(RSP)), [https://www.europarl.europa.eu/doceo/document/TA-9-2024-0069\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2024-0069_EN.html) (accessed July 23, 2024).

<sup>15</sup> Media Freedom Rapid Response, “Greece: Systemic challenges to journalists’ safety and media independence,” March 29, 2022, <https://ifex.org/greece-systemic-challenges-to-journalists-safety-and-media-independence/> (accessed November 30, 2023); Nikos Leandros, “Media Concentration and Systemic Failures in Greece,” *International Journal of Communication* 4 (2010), 886–905, April 1, 2010 <https://ijoc.org/index.php/ijoc/article/viewFile/795/464> (accessed, November 30, 2023); Papathanassopoulos, S., Karadimitriou, A., Kostopoulos, C., & Archontaki, I. (2021), “Greece: Media concentration and independent journalism between austerity and digital disruption,” <https://papathanassopoulos.gr/en/publications/all/68/> (accessed November 30, 2023); Media Freedom Rapid Response, “Murdered, surveilled and sued: decisive action needed to protect journalists and salvage press freedom in Greece,” September 27, 2023, <https://www.mfrr.eu/greece-decisive-action-needed-to-protect-journalists-and-salvage-press-freedom/> (accessed November 30, 2023); Petros Iosifidis, Dimitris Boukas, “MEDIA POLICY AND INDEPENDENT JOURNALISM IN GREECE,” *Open Society Foundations*, May 1, 2015, <https://www.opensocietyfoundations.org/uploads/7a33e1e-6d0a-4739-94da-42eef04c316f/media-policy-independent-journalism-greece-20150511.pdf> (accessed November 30, 2023).

<sup>16</sup> Free Press Unlimited, the Committee to Protect Journalists, Reporters Without Borders, “Impunity in Europe in the uninvestigated murder of Socratis Giolias,” September 29, 2023, <https://rsf.org/en/greek-authorities-failed-investigate-journalist-murders-find-press-freedom-organizations> (accessed November 30, 2023); Media Freedom Rapid Response, “Greece: Impunity continues two years after murder of journalist Giorgos Karaivaz,” April 9, 2023, <https://www.mfrr.eu/greece-impunity-continues-two-years-after-murder-of-journalist-giorgos-karaivaz/> (accessed November 30, 2023). Following increased pressure for accountability by media freedom organizations, and repeated calls for the murder to be solved, two men were arrested in Athens in April 2023 in relation to Karaivaz’s murder, but were later acquitted by a court. Media freedom organizations have called for all those involved in the killing, including the masterminds, to be prosecuted and put behind bars.

<sup>17</sup> The Mapping Media Freedom platform has recorded 49 alerts related to physical attacks against journalists over the last 10 years, including attacks by demonstrators and police violence targeting reporters covering protests—an issue that has been

In addition, journalists face a range of legal and financial pressures that stifle their ability to report freely. Abusive litigation, such as Strategic Lawsuits Against Public Participation (SLAPPs), initiated by businesses and politicians, harass and try to silence critical voices.<sup>18</sup> To date, Greece does not have any anti-SLAPP legal measures to deter and curb the vexatious misuse of legal avenues to thwart freedom of expression and participation.

A 2022 survey conducted between December 2021 and June 2022 by the nongovernmental group iMedD (Incubator for Media Education and Development), sampled 1,300 journalists in Greece.<sup>19</sup> The survey suggests that nearly half (47 percent) fear losing their jobs due to their reporting, more than half (55 percent) experience payment delays, and the vast majority (80 percent) feel time-pressured to publish under-researched stories.<sup>20</sup> These conditions compromise reporting standards and contribute to self-censorship.

The prolonged 2008-2019 economic crisis and subsequent austerity measures have also had a severe impact on the Greek media landscape.<sup>21</sup> The shrinking of newsrooms and reduced resources for journalism have made it more difficult to produce in-depth and investigative reporting, while the precarious economic situation of journalists as a result of low wages and weak job safeguards, have made journalists more susceptible to self-censorship and accepting of editorial interference for fear of losing their jobs.<sup>22</sup>

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extensively covered throughout the years by media freedom organizations and nongovernmental groups such as Amnesty International. For more information, please visit [https://www.mapmf.org/explorer?f.from=2013-01-01&f.country=Greece&f.type\\_of\\_incident=Physical+assault](https://www.mapmf.org/explorer?f.from=2013-01-01&f.country=Greece&f.type_of_incident=Physical+assault) (accessed November 30, 2023).

<sup>18</sup> International Press Institute, “Greece: Journalists targeted in several SLAPP lawsuits,” March 2, 2022, <https://ipi.media/greece-journalists-targeted-in-several-slapp-lawsuits/> (accessed November 30, 2023); Thodoris Chondrogianos, “Journalist faces SLAPP lawsuit for investigative report on packaging recycling,” *Govwatch*, November 27, 2020, <https://govwatch.gr/en/finds/agogi-slapp-kata-dimosiografoy-kai-mesoy-enimerosis-gia-reportaz-schetiko-me-tin-anakyklosi-syskeyasion/> (accessed January 20, 2025).

<sup>19</sup> iMedD (Incubator for Media Education and Development), “Research on Trust in Journalism – Targeted Survey of the Journalistic Community,” August-September 2022, [https://imeddforumreport.blob.core.windows.net/main/documents/iMedD\\_Survey\\_Journalists\\_Trust\\_in\\_Journalism\\_EN.pdf](https://imeddforumreport.blob.core.windows.net/main/documents/iMedD_Survey_Journalists_Trust_in_Journalism_EN.pdf) (accessed July 24, 2024).

<sup>20</sup> *Ibid.*

<sup>21</sup> Media Freedom Rapid Response, Mission Report: Stemming the Tide of Greek Media Freedom Decline, p. 24, January 2024, <https://www.mfrr.eu/wp-content/uploads/2024/01/Mission-Report-Greece-2024-1.pdf> (accessed July 24, 2024); Stefanos Loukopoulos, “State and corporate capture of the media threaten the quality of democracy in Greece,” Heinrich Böll Stiftung, June 7, 2021, <https://eu.boell.org/en/2021/06/07/state-and-corporate-capture-media-threaten-quality-democracy-greece> (accessed, November 30, 2023).

<sup>22</sup> Dimitris Boucas, Petros Iosifidis, “Media Policy and Independent Journalism in Greece,” report, May 2015, [https://www.researchgate.net/publication/276274182\\_Media\\_Policy\\_and\\_Independent\\_Journalism\\_in\\_Greece](https://www.researchgate.net/publication/276274182_Media_Policy_and_Independent_Journalism_in_Greece) (accessed July 29, 2024); iMedD (Incubator for Media Education and Development), “Research on Trust in Journalism – Targeted Survey of the Journalistic Community,” August-September 2022,

As Greece's media freedom declined during the economic crisis, RSF warned in 2011:

The economic and financial crisis has contributed to this decline and has above all highlighted the weaknesses of Greece's media and its almost mafia-like practices. Owned by a few big businessmen and shipping-line owners, most of the media companies are nowadays threatened with collapse, which would set off a wave of dismissals in a profession already suffering from poor pay and conditions.

Television, particularly private television, dominates the country's media landscape, serving as a major source of information for the Greek public. Greece's broadcasting system was a state monopoly until the 1980s, with the state-owned Hellenic Broadcasting Corporation (ERT) as the sole authorized broadcaster. However, the emergence of private TV stations in the 1980s led to increased competition and declining audience ratings for ERT. This culminated in the controversial closure of ERT on June 11, 2013, by the New Democracy-PASOK-DIMAR coalition government, a decision met with widespread protests and international criticism.<sup>23</sup> While ERT was later reinstated, this event highlighted the tensions and challenges surrounding public broadcasting in Greece.<sup>24</sup>

Deregulation of the broadcasting industry in the late 1980s and 1990s led to a proliferation of commercial channels.<sup>25</sup> However, these private television and radio stations have operated under temporary licenses due to delays in implementing permanent licensing regulations.<sup>26</sup> This initial regulatory framework favored media ownership concentration

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[https://imedforumreport.blob.core.windows.net/main/documents/iMEdD\\_Survey\\_Journalists\\_Trust\\_in\\_Journalism\\_EN.pdf](https://imedforumreport.blob.core.windows.net/main/documents/iMEdD_Survey_Journalists_Trust_in_Journalism_EN.pdf) (accessed July 24, 2024); European Foundation for the Improvement of Living and Working Conditions, "Survey examines employment and industrial relations in journalism," Article, March 15, 2015, <https://www.eurofound.europa.eu/en/resources/article/2005/survey-examines-employment-and-industrial-relations-journalism> (accessed July 28, 2024);

<sup>23</sup> Liz Alderman, "Greece Shuts Broadcaster in Bid to Show Resolve," *New York Times*, June 11, 2013, <https://www.nytimes.com/2013/06/12/world/europe/greece.html> (accessed May 24, 2024).

<sup>24</sup> OSCE Representative on Freedom of the Media, Decision to reopen public service broadcaster ERT important step for media pluralism in Greece, OSCE Representative says, April 29, 2015, <https://www.osce.org/fom/154301> (accessed July 23, 2024)

<sup>25</sup> Stylianos Papathanasopoulos, The Politics and the Effects of the Deregulation of Greek Television, *European Journal of Communication*, September 1997, [https://www.researchgate.net/publication/249720656\\_The\\_Politics\\_and\\_the\\_Effects\\_of\\_the\\_Deregulation\\_of\\_Greek\\_Television](https://www.researchgate.net/publication/249720656_The_Politics_and_the_Effects_of_the_Deregulation_of_Greek_Television) (accessed July 23, 2024).

<sup>26</sup> Ibid.

among powerful figures, raising concerns about political interference and the lack of diversity within the broadcasting sector.<sup>27</sup>

In 2016, Greece's government held a controversial auction to reduce the number of national television licenses from eight to four, with the four national television licenses going to the highest bidders.<sup>28</sup> The then government framed the auction as a measure to bring order to the media sector, but it was later ruled unconstitutional by the Council of State, Greece's highest administrative court, for giving too much power to the government and potentially favoring certain bidders.<sup>29</sup>

The rise of online media has introduced a new dimension to the Greek media landscape. While this has expanded the range of voices and perspectives available to the public, it has also raised concerns about the quality and trustworthiness of information disseminated online.

## Laws Designed to Foster Media Pluralism

Media pluralism, meaning the existence of a diverse range of media outlets with varying viewpoints and ownership structures, is essential for a healthy democracy. In Greece, a lack of media pluralism poses a significant threat to press freedom.

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<sup>27</sup> Anna Kandyla and Evangelia Psychogiopoulou, Media Pluralism Monitor 2016 - Monitoring Risks for Media Pluralism in the EU and Beyond - Country report: Greece, *Center for Media Pluralism and Media Freedom*, May 2017, [https://cadmus.eui.eu/bitstream/handle/1814/46798/Greece\\_EN.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/46798/Greece_EN.pdf?sequence=1&isAllowed=y) (accessed July 23, 2024).

<sup>28</sup> Mark Sweney, Greece cuts TV channels from eight to four in controversial licence auction, *The Guardian*, September 2, 2016, <https://www.theguardian.com/media/2016/sep/02/greece-tv-channels-licence-auction#:~:text=Greece%20cuts%20TV%20channels%20from%20eight%20to%20four%20in%20controversial%20licence%20auction,-This%20article%20is&text=The%20Greek%20government%20has%20netted,cut%20from%20eight%20to%20four> (accessed July 23, 2024).

<sup>29</sup> Ekathimerini, Council of State publishes decision on TV licenses, January 13, 2017, <https://www.ekathimerini.com/news/215252/council-of-state-publishes-decision-on-tv-licenses/> (accessed July 23, 2024); The Council of State ruled that the Ministerial Decision by which partial responsibilities for the conduct of the contested tender procedure were transferred to the General Secretariat for Information and Communication, that was issued according to provisions of article 2A par. 2 of law 4339/2015, is unlawful and must be annulled, “to the extent that the disputed authorizing provision of Law 4339/2015 [article 2A par. 2] circumvents the exclusive competence of the E.S.R. and the competences for granting licenses as well as conducting the relevant tender procedure are assigned to the Minister (and to the General Secretariat for Information and Communication), this legislative provision directly violates article 15 par. 2 of the Constitution”..

Greece does have legislation intended to ensure media pluralism called for by human rights norms,<sup>30</sup> including requirements for ownership disclosure (Law 4779/2021 and Law 5005/2022) and regulations to prevent undue concentration, introduced in 2007 and updated in 2018.<sup>31</sup> However experts note that these rules have faced significant implementation problems and their practical impact has been limited.<sup>32</sup>

In an exchange with Human Rights Watch, Stefanos Loukopoulos, co-founder and director of Vouliwatch, a parliamentary monitoring and transparency promoting nongovernmental organization, characterized the overall legal framework governing media in Greece as a “labyrinth,” highlighting its complexity and susceptibility to manipulation.<sup>33</sup> He said frequent amendments, often tucked away in unrelated bills, and the ongoing revisions of articles create a regulatory environment that is both opaque and prone to inconsistent enforcement.

For example, Law 3592/2007 aims to limit ownership concentration, but enforcement has been lax, according to Loukopoulos, allowing influential figures to maintain control over multiple outlets. Likewise, the recent Law 5005/2022 introduced electronic registries for increased transparency, but this is undermined by gaps in data collection and the absence of requirements for beneficial ownership disclosure.<sup>34</sup>

The European University Institute’s *Center for Media Pluralism and Media Freedom 2024* Media Pluralism Monitor (MPM) report underscores these concerns, revealing a mixed picture.<sup>35</sup> The MPM highlights that the full potential of these reforms has yet to be realized, citing the inactivity of the Electronic Press Register’s at time of writing, as an example. The report indicates that challenges such as implementation delays, data gaps, and the

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<sup>30</sup> See for example, Joint Declaration on Media Independence and Diversity in the Digital Age, 2018, [https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration2May2018\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration2May2018_EN.pdf), para 6d. (accessed July 23, 2024).

<sup>31</sup> Law 4779/2021, *Government Gazette A’* 27 (20 February, 2021); Law 5005/2022, *Government Gazette A’* 236 (21 December, 2022); Law 3592/2007, *Government Gazette A’* 161 (July 19, 2007).

<sup>32</sup> Human Rights Watch interview with Professor George Pleios, Athens, June 23, 2023; Human Rights Watch email exchange with Stefanos Loukopoulos, July 25, 2024; Solomon’s project “Who Owns the Media,” <https://whoownsthemedia.gr/en> (accessed October 24, 2024).

<sup>33</sup> Human Rights Watch email exchange with Stefanos Loukopoulos, July 25, 2024.

<sup>34</sup> *Ibid.*

<sup>35</sup> 2024 Media Pluralism Monitor, Greece, [https://cadmus.eui.eu/bitstream/handle/1814/77003/Greece\\_EN\\_mpm\\_2024\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/77003/Greece_EN_mpm_2024_cmpf.pdf?sequence=1&isAllowed=y) (accessed July 24, 2024).

complex interplay of commercial and political interests continue to hinder progress towards a truly transparent and pluralistic media landscape.<sup>36</sup>

Despite constitutional guarantees of a free press and legal provisions for transparency, the fragmented and evolving regulatory framework in Greece presents significant challenges to achieving true media independence, according to Loukopoulos.<sup>37</sup> He emphasized that the primary concern is not the obscurity of media ownership, as the identities of major players are widely known. Rather, the alarm is raised by the extensive and diverse business interests these owners often hold in sectors highly susceptible to government influence. This intertwining of media ownership with economic power creates a potential conflict of interest, raising questions about the media's ability to maintain impartiality and scrutinize the government's actions without fear of reprisal, and contributing to public distrust.<sup>38</sup>

The Euromedia Research Group's Media for Democracy Monitor, a research project that examines media structure and policy in Europe, notes:

Despite the fact that Greece has more media outlets than the market can sustain, the level of ownership concentration is dangerously high. The main reason for this is the vulnerable media legislation, whose limitation on horizontal concentration in broadcast media and newspapers permits a specific *modus operandi* of the market.<sup>39</sup>

Loukopoulos wrote in June 2021:

A large number of media businesses collapsed [during the economic crisis], having no recourse to the questionable bank loans they had had access to in previous years. Some changed ownership, as older players were pushed

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<sup>36</sup> Ibid.

<sup>37</sup> Human Rights Watch email exchange with Stefanos Loukopoulos, July 25, 2024.

<sup>38</sup> Stefanos Loukopoulos, "State and corporate capture of the media threaten the quality of democracy in Greece," Heinrich Böll Stiftung, June 7, 2021, <https://eu.boell.org/en/2021/06/07/state-and-corporate-capture-media-threaten-quality-democracy-greece> (accessed, November 30, 2023).

<sup>39</sup> The Media for Democracy Monitor, Greece – (E1) Media Ownership Concentration National Level, <https://euromediagroup.org/mdm/reports/ed2020/greece-e1-media-ownership-concentration-national-level/> (accessed July 23, 2023).

out and new players appeared. With very few exceptions, most of the media outlets that gradually emerged became staunch supporters of the prevailing political narrative. Most, if not all, mainstream Greek media outlets are currently directly or indirectly owned by a handful of shipping industry magnates and influential businessmen. What is more, the majority of them maintain proven close ties to the ruling New Democracy party and members of its leadership.<sup>40</sup>

According to Loukopoulos, the “revolving door” phenomenon in Greece, where individuals transition between journalism and politics, has intensified in recent years.<sup>41</sup>

RSF describes a situation in Greece where “a few entrepreneurs run an overwhelming majority of media outlets, while being involved in other highly regulated business sectors. Some of them have close ties to the country’s political elite.”<sup>42</sup> Political polarization further undermines media pluralism. RSF also labels the Greek media landscape as “very polarized” with the population’s trust in the media being “one of the lowest in Europe for many years.”<sup>43</sup>

A survey of more than 2,000 people in Greece included in a June 2022 study by the Reuters Institute for the Study of Journalism found that only 27 percent of respondents felt they could trust the news generally, one of the lowest percentages among European countries.<sup>44</sup> Just 7 percent said the country’s media were free from undue government influence, and 8 percent from commercial interests — the lowest rates in the 46 countries the study included.<sup>45</sup> This lack of trust stems in part from the public’s perception of alignment between influential media outlets and the ruling party, contributing to a decline in the overall credibility of news reporting. Similarly, an EU-wide 2016 European Commission

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<sup>40</sup> Stefanos Loukopoulos, “State and corporate capture of the media threaten the quality of democracy in Greece,” Heinrich Böll Stiftung, June 7, 2021, <https://eu.boell.org/en/2021/06/07/state-and-corporate-capture-media-threaten-quality-democracy-greece> (accessed, November 30, 2023);

<sup>41</sup> Ibid.

<sup>42</sup> Reporters Without Borders, Greece page, <https://rsf.org/en/country/greece> (accessed November 30, 2023).

<sup>43</sup> Ibid.

<sup>44</sup> Dr. Antonis Kalogeropoulos, “The media market in Greece is characterized by digital fragmentation, lack of trust in news, high perceptions of undue influence, and high use of social media for news,” *Reuters Institute for the Study of Journalism and University of Oxford*, June 15, 2022, <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022/greece> (accessed November 30, 2023). Research was conducted by YouGov using an online questionnaire at the end of January/beginning of February 2022; 2,004 people were surveyed in Greece.

<sup>45</sup> Ibid.

survey that included about 1,000 responses from Greece found that only 12 percent believe Greek media provide information free from political or commercial pressure.<sup>46</sup>

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<sup>46</sup> European Commission, “Media pluralism and democracy,” *Special Eurobarometer 452*, November 2016, [https://ec.europa.eu/information\\_society/newsroom/image/document/2016-47/sp452-summary\\_en\\_19666.pdf](https://ec.europa.eu/information_society/newsroom/image/document/2016-47/sp452-summary_en_19666.pdf) (accessed November 30, 2023).

## II. Harassment and Intimidation

Now I am considering leaving the country. In a real way. I just don't see the point of putting myself through this level of anxiety. The stories do matter but the level of violence seems to have gotten worse.

—Freelance foreign correspondent, Athens, July 11, 2023

Since New Democracy's electoral victory in July 2019, independent journalists, those working for government-critical media outlets, and those who report on sensitive topics, have experienced harassment and intimidation by actors aligned with the government and mainstream media favorable to the government, or online threats and verbal abuse by anonymous accounts.

UN Special Rapporteur on Human Rights Defenders, Mary Lawlor, visited Greece in June 2022 to assess the situation for rights defenders in the country, including journalists.<sup>47</sup> She presented her findings to the UN Human Rights Council in March 2023, stating that “[h]uman rights lawyers, humanitarian workers, volunteers, and journalists working on migration issues have been subjected to smear campaigns, a changing regulatory environment for journalists, threats, and attacks, as well as the misuse of criminal law against them.”<sup>48</sup>

Twenty-two journalists interviewed by Human Rights Watch said they feel they are operating in an increasingly hostile or restrictive environment.<sup>49</sup>

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<sup>47</sup> The UN Declaration on Human Rights Defenders defines a human right defender as someone who works to promote or protect human rights peacefully. Journalists, especially investigative journalists, can clearly fall under this definition by uncovering rights abuses, promoting public awareness, and holding powerful actors accountable through their work. Not all journalists are considered human rights defenders, but those actively working to promote and protect human rights through their reporting are included in the special rapporteur's mandate. For more information, visit: <https://srdefenders.org/who-is-an-hrd/who-is-a-human-rights-defender/> (accessed April 8, 2024).

<sup>48</sup> Report of the special rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece (A/HRC/52/29/Add.1), March 2, 2023, <https://reliefweb.int/report/greece/report-special-rapporteur-situation-human-rights-defenders-mary-lawlor-visit-greece-ahrc5229add1-advance-edited-version> (accessed November 30, 2023).

<sup>49</sup> Human Rights Watch interview with Stavros Malichudis, Athens, November 2, 2022; Human Rights Watch interview with Tasos Telloglou, Athens, November 22, 2023; Human Rights Watch interview with Eliza Triantafyllou, online, November 22, 2023; Human Rights Watch interview with Fotis F., Athens, November 25, 2022; Human Rights Watch interview with Ioanna I., Athens, June 15, 2023; Human Rights Watch interview with Dina D., Athens, June 15, 2023; Human Rights Watch interview with Thanasis Koukakis, Athens, June 21, 2023; Human Rights Watch interview with Ilia I., Athens, June 26, 2023; Human Rights Watch interview with Konstantinos Poulis, Athens, June 26, 2023; Human Rights Watch interview with Thodoris

We interviewed six journalists who reported specific instances of harassment by high-ranking government officials, including two from the prime minister’s office, in relation to pieces they published or planned to publish that were critical of the government, government policies, or the prime minister.<sup>50</sup> Journalists said that harassment by government officials was followed by smear campaigns on social media and in the mainstream media favourable to the government. We interviewed seven journalists who said they have been harassed online, or in mainstream media, following government-critical pieces they published.<sup>51</sup> None of them had filed civil or criminal complaints about their treatment.

It is worth noting that the journalists we interviewed who reported experiencing harassment were all independent, affiliated with foreign outlets, or employed by smaller, non-mainstream media organizations. This may indicate that journalists working for Greek mainstream media are less likely to face direct intimidation or harassment. This could be attributed to a heightened degree of self-censorship within these outlets, whereby journalists preemptively avoid sensitive topics or critical angles to avoid potential backlash. However, it is also possible that some journalists in mainstream media face pressures but are reluctant to speak out about their experiences or for other reasons were not among those with whom we spoke. The experiences shared by our interviewees do indicate a pattern of harassment and intimidation directed primarily against those who express themselves freely and critically outside of the established media landscape.

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Chondrogiannos, Athens, June 29, 2023; Human Rights Watch interview with Kostas K., Athens, June 29, 2023; Human Rights Watch interview with Elina E., Athens, June 30, 2023; Human Rights Watch interview with Christina C., Athens, June 30, 2023; Human Rights Watch interview with Petros P., Athens, July 1, 2023 and August 1, 2023 (follow-up phone interview); Human Rights Watch interview with Apostolos Fotiadis, Athens, July 4, 2023; Human Rights Watch interview with Anna A., Athens, July 4, 2023; Human Rights Watch interview with Nadia N., online, July 11, 2023; Human Rights Watch interview with Iasonas I., Athens, July 13, 2023; Human Rights Watch interview with Ingeborg Beugel., online, October 5, 2023; Human Rights Watch interviews with Kostas Vaxevanis, Athens, October 3, 2023; Human Rights Watch interview with Margarita M., Athens, October 3, 2023.

<sup>50</sup> Human Rights Watch interview with Anna A., Athens, July 4, 2023; Human Rights Watch interview with Nadia N., online, July 11, 2023; Human Rights Watch interview with Ioanna I., Athens, June 15, 2023; Human Rights Watch interview with Ingeborg Beugel, online, October 5, 2023; Human Rights Watch interview with Kostas Vaxevanis, Athens, October 3, 2023; Human Rights Watch interview with Fotis F., Athens, November 25, 2022.

<sup>51</sup> Human Rights Watch interview with Anna A., Athens, July 4, 2023; Human Rights Watch interview with Apostolos Fotiadis, July 4, 2023; Human Rights Watch interview with Nadia N., online, July 11, 2023; Human Rights Watch interview with Ioanna I., Athens, June 15, 2023; Human Rights Watch interview with Ingeborg Beugel, online, October 5, 2023; Human Rights Watch interview with Kostas Vaxevanis, Athens, October 3, 2023; Human Rights Watch interview with Christina C., Athens, June 30, 2023.

A freelance journalist working for international media outlets described to Human Rights Watch how, after a piece they published in a foreign outlet that was critical of some of the government's policies, an aggressive response from the ministry that had been the subject, escalated into online abuse. The journalist first received a direct response from the ministry complaining and claiming, falsely, that they had not had a chance to respond.<sup>52</sup> Then the government officials sent a letter of complaint to the editor:

That was not very fun. The letter said I hadn't given them an opportunity to meet, I hadn't given them enough time for them to comment, and they rejected some of the things I wrote.... My editor...just told me to ignore it.

The journalist reported that this was followed by harassment made in Greek pro-government media and on social media by individuals aligned with the government's stance:

I was really strongly attacked, particularly on Twitter. I received really nasty comments.... The Greek media were also really brutal against me.

Ioanna I. another journalist working for a foreign outlet had a similar experience.

Ioanna told Human Rights Watch:

I had written a story about government officials breaking coronavirus rules. It was a small story, my media outlet tweeted it and immediately it was re-tweeted hundreds of times. After that, a big battle started. Government officials were telling my colleagues 'you should get rid of her, she is partisan.' They were also leaking stories directly to my colleagues abroad to bypass me. I experienced all of this with acute stress, fearing that at some point they might succeed in having me fired.

She also said that during a meeting with a high-level official, he told her 'We are very powerful, and it's us against you.'<sup>53</sup>

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<sup>52</sup> Human Rights Watch interview with Nadia N., online, July 11, 2023.

<sup>53</sup> Human Rights Watch interview with Ioanna I., Athens, June 15, 2023.

Ioanna reported that harassment and intimidation culminated in the summer of 2022, when a high-level government official attempted to discredit her publicly, during a news conference, over her reporting on the fallout from the surveillance scandal (details of which are set forth in the next section of this report).

She had been covering the surveillance scandal for her news outlet and published stories on it, as well as broader concerns about deteriorating press freedom in Greece.

I started working on a piece about media freedom. But I purposely delayed it and self-censored a bit because I was afraid of the reactions. The [surveillance] scandal breaks out, it's chaos, and my piece is published. And then it's chaos again. I received a huge attack about the piece from the trolls, online.

Ioanna described the high level of harassment online and by mainstream media due to the government criticism of her work:

I can't even describe what happened on Twitter [following the incident with the government official]. I was receiving 5,000-6,000 tweets every day and out of them 4,000 were insults against me.... I stopped reading them because I was falling sick. They were writing my old home address, and I cannot even describe the sexist insults I received. The other thing that happened is that well-known OpEd writers [in mainstream media that are pro-government] wrote entire character-assassination pieces about me.

She continued:

I am freaked out. It's not that I self-censor but things that I would normally do more easily, I think about them twice or three times. Sometimes, I'm not enjoying doing my job. Before publishing an article, sometimes I'm hoping for not too many people to see it. I'm saying to myself 'let's hope they don't see it'.... There's this feeling of uselessness. There's no point in doing this job. Why do I stay in this job that is making me sick and not doing something simpler?

An experienced correspondent for a western European newspaper reported a similar experience in 2019 and 2020.<sup>54</sup> They came under pressure from the government over a story about alleged collusion between New Democracy and the neo-Nazi party, Golden Dawn.<sup>55</sup> Shortly after the story was published online, they received an angry call from a senior government official:

The official told me to make changes to the piece immediately, or the prime minister would sue the newspaper and me personally. I refused. Then my editor called and said ‘Some Greek guy just called and complained about your Golden Dawn story. Are you sure about the facts?’ I said I was quite sure. After further discussion, the desk editor decided to change one word to make the story legally watertight. A senior adviser in the prime minister's office later apologised to me, saying his colleague had ‘lost it.’ The threats to sue never materialised.

The correspondent told Human Rights Watch that the government official who objected to the story about Golden Dawn also complained in letters to the newspaper’s editor about another piece by the same correspondent. It concerned a recent change to the tax code that allowed about 1,000 Greeks accused of money-laundering to regain access to their frozen bank accounts and other assets, even though the prosecutor’s investigation was still underway. Following the official’s claim that the correspondent had “misunderstood” the issue, the newspaper sought an independent legal opinion on the change. The opinion backed the correspondent’s reporting.

Describing another interaction with the government to Human Rights Watch, the correspondent said they had been harassed for several months by a personal adviser to the prime minister who would send a stream of 20-30 insulting text messages referring to articles he disliked. These rants stopped only when the correspondent lost patience and told the adviser “You're a bully.”

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<sup>54</sup> Human Rights Watch interview with an experienced correspondent., Athens, July 4, 2023.

<sup>55</sup> Golden Dawn is a Greek political party with far-right foundations formally established in 1995, and which gained political prominence by winning seats in the 2012 general elections. Commonly recognized as promoting neo-nazi, fascist ideology the leadership of the party was prosecuted for running a criminal organization, with many party members or associates having been convicted of murder, attempted murder and multiple acts of violence. In 2020 the leadership was found guilty, jailed and the party has since been inactive.

The correspondent told Human Rights Watch they compared notes with other Athens-based journalists working for foreign media who said they had been harassed by officials at the prime minister's office for foreign media relations over their coverage of Greek affairs: “It appeared to be an organised campaign of bullying and intimidation,” the correspondent said.

Another incident raising serious concerns about the state of media freedom in Greece is the physical attack on and harassment of Dutch journalist Ingeborg Beugel. She was forced to temporarily leave Greece after being subjected to a barrage of threats and a physical attack following her questioning of Greek Prime Minister Kyriakos Mitsotakis about allegations over the country's illegal pushbacks of asylum seekers and migrants.<sup>56</sup>

On November 9, 2021, Beugel attended a joint press conference by Mitsotakis and his Dutch counterpart, Mark Rutte. During the event, she posed a direct question to the Greek Prime Minister regarding his denials of pushbacks despite overwhelming evidence they were occurring, and during the press conference she had a fiery exchange with the Greek prime minister.<sup>57</sup>

Within hours, Beugel was targeted by a torrent of threats, on social media and by mainstream media, labelling her a “Turkish spy,” and was physically attacked on the street, prompting her to make the decision to leave Greece temporarily.<sup>58</sup> Beugel told Human Rights Watch that late at night, 24 hours after the smear campaign against her had started, she was physically attacked on the street by a Greek middle aged man who shouted ‘You whore of Erdogan!’ and threw a stone at her head. After that incident she was strongly advised by her Dutch journalist union, the Dutch Ministry of Foreign Affairs, and the Dutch embassy in Athens to leave Greece

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<sup>56</sup> International Press Institute, “Dutch journalist forced to leave Greece after threats and intimidation,” November 18, 2021, <https://ipi.media/dutch-journalist-forced-to-leave-greece-after-threats-and-intimidation-2/> (accessed November 30, 2023); Thodoris Chondrogiannos, “Dutch journalist subjected to intimidation and attacks after questioning the Prime Minister about pushbacks of refugees,” *Govwatch*, November 16, 2021, <https://govwatch.gr/en/finds/ekfovismos-kai-epithesi-se-varos-ollandis-dimosiografoy-meta-apo-erotima-pros-ton-prothypoyrgo-gia-epanaproothiseis-prosfygon/> (accessed November 30, 2023).

<sup>57</sup> Greek City Times YouTube Channel, “Greece’s Prime Minister Kyriakos Mitsotakis had a fiery exchange with a Dutch journalist,” November 10, 2021, <https://youtu.be/gni27cjFj20?feature=shared> (accessed November 30, 2023).

<sup>58</sup> Human Rights Watch interview with Ingerborg Beugel, online, October 5, 2023; International Press Institute, “Dutch journalist forced to leave Greece after threats and intimidation,” November 18, 2021, <https://ipi.media/dutch-journalist-forced-to-leave-greece-after-threats-and-intimidation-2/> (accessed November 30, 2023); Thodoris Chondrogiannos, “Dutch journalist subjected to intimidation and attacks after questioning the Prime Minister about pushbacks of refugees,” *Govwatch*, November 16, 2021, <https://govwatch.gr/en/finds/ekfovismos-kai-epithesi-se-varos-ollandis-dimosiografoy-meta-apo-erotima-pros-ton-prothypoyrgo-gia-epanaproothiseis-prosfygon/> (accessed November 30, 2023).

temporarily, because they could not guarantee her safety. She told Human Rights Watch she left Greece “involuntarily” for seven weeks.<sup>59</sup><sup>60</sup>

Beugel described her experience to Human Rights Watch:

Attacks on social media were like a cyclone. It is soul-killing. It's a rape of your journalism, being a woman, everything you stand for. I received death threats, my friends got anonymous calls in the middle of the night, I received threats that my dogs will be poisoned, that my house will be put on fire. This is a very traumatic experience. I could not function, I could not concentrate, I could not sleep, I had nightmares.<sup>61</sup>

In July 2022, a few months after Greece was ranked at the bottom of the EU at RSF's press freedom index, the Greek government established the Task Force on Ensuring the Protection, Safety, and Empowerment of Journalists and other Media Professionals.<sup>62</sup> This Task Force was formed through a May 2022 Memorandum of Understanding (MoU), adopted following a recommendation from the European Commission.<sup>63</sup> It unites six Greek ministries with key media stakeholders, focusing on monitoring journalists' safety, promoting protective policies, and fostering collaboration.

However, media freedom groups have criticized the Task Force's transparency and effectiveness. The Foreign Press Association (FPA), an active participant, voiced significant concerns about the lack of transparency in the Task Force's progress report submitted to the

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<sup>59</sup> Media Freedom Rapid Response, “Dutch journalist forced to leave Greece after threats and intimidation,” Press release, November 17, 2021, <https://www.mfrr.eu/dutch-journalist-forced-to-leave-greece-after-threats-and-intimidation/> (accessed November 30, 2023).

<sup>60</sup> Human Rights Watch interview with Ingerborg Beugel, online, October 5, 2023; Human Rights Watch written exchange with Ingerborg Beugel, online, April 29, 2024.

<sup>61</sup> Human Rights Watch interview with Ingerborg Beugel, online, October 5, 2023.

<sup>62</sup> General Secretariat for Communication and Media, “GGEE: Task Force for Ensuring the Protection, Safety, and Enhancement of the Position of Journalists and other Media Professionals” (ΓΓΕΕ: Task Force για τη Διασφάλιση της Προστασίας, της Ασφάλειας και της Ενίσχυσης της Θέσης των Δημοσιογράφων και άλλων Επαγγελματιών των Μέσων Ενημέρωσης), Press release, August 1, 2022, <https://media.gov.gr/ngee-task-force-gia-ti-diasfalisi-tis-prostasias-tis-asfaleias-kai-tis-enischysis-tis-thesis-ton-dimosiografon-kai-allon-epangelmaton-ton-meson-enimerosis/> (accessed July 25, 2024).

<sup>63</sup> Media Freedom Rapid Response, Mission Report: Stemming the Tide of Greek Media Freedom Decline, January 2024: <https://www.mfrr.eu/wp-content/uploads/2024/01/Mission-Report-Greece-2024-1.pdf> (accessed July 24, 2024).

European Commission.<sup>64</sup> Member organizations were not consulted on the report, and the FPA’s detailed proposals for bolstering the journalism profession were excluded.<sup>65</sup>

The Media Freedom Rapid Response (MFRR) report on media freedom curbs in Greece, published in January 2024, echoed these concerns.<sup>66</sup> It highlights several areas for improvement, including increased resources, concrete work plans and timelines, greater transparency, public communication, addressing SLAPPs, enhanced monitoring of attacks, response to threats against and harassment of journalists, and reporting to international mechanisms.<sup>67</sup>

In its response to Human Rights Watch, the Greek government argues that our research on harassment and intimidation of journalists relies primarily on anonymous testimonies and subjective narratives and lacks specific details and independent verification to support claims of systematic intervention.<sup>68</sup> The letter argues that the connection between social media attacks and the government is arbitrary, as no evidence supports a coordinated government campaign.<sup>69</sup> They also highlight the establishment of the Task Force on Ensuring the Protection, Safety, and Empowerment of Journalists and other Media Professionals in July 2022, emphasizing its role in promoting collaboration among various stakeholders to address journalists' safety concerns.<sup>70</sup>

Regarding the attack on Ingeborg Beugel, the letter asserts that Greek authorities condemned the violence and have taken steps to investigate, and that such incidents are often due to “marginal voices” and do not represent state tolerance or intervention.<sup>71</sup>

The Greek government letter also states that Beugel “publicly challenged government policies, which falls fully within the scope of freedom of the press. Any criticism she received

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<sup>64</sup> Foreign Press Association of Greece, “FPA statement regarding the Task Force for journalism,” Press release, July 10, 2023, <https://fpa.gr/fpa-statement-regarding-the-task-force-for-journalism/> (accessed July 25, 2024).

<sup>65</sup> Ibid.

<sup>66</sup> Media Freedom Rapid Response, Mission Report: Stemming the Tide of Greek Media Freedom Decline op. cit.

<sup>67</sup> Ibid.

<sup>68</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

did not come from institutional sources but from society. Freedom of speech works both ways.”<sup>72</sup>

Human Rights Watch maintains that the incidents of harassment and intimidation documented are credible and indicative of a broader pattern of hostility towards critical journalism. While some incidents may be attributed to individual actors, the lack of condemnation or follow-up by authorities creates an environment where such behavior is tolerated, if not encouraged. While Human Rights Watch welcomes the establishment of a Task Force, its effectiveness remains questionable, as described above, with concerns about transparency and concrete action to address the root causes of harassment and intimidation.

Human Rights Watch believes that a more comprehensive and transparent approach is needed to address the issue of harassment and intimidation of journalists in Greece. This includes stronger condemnation by government officials of such behavior including by private actors, thorough investigation of all incidents, and concrete measures to protect journalists and promote a safe environment for them to carry out their work without fear of reprisal.

The Greek government letter lists a number of legislative and other measures it has taken to enhance the safety of journalists, such as a new law to combat impunity for attacks against journalists covering sporting events; the creation of an International Center for the Education of Journalists and Media Professionals in January 2023; and the adoption of a new collective bargaining agreement in May 2024 to improve working conditions for journalists in the public sector.<sup>73</sup>

We welcome the Greek government's stated commitment to enhance journalists' safety and acknowledge the legislative and other measures it has taken. These measures could have a positive impact. But experience demonstrates that the issue in Greece lies as much, if not more, in the proper implementation of such measures as in their design. Too often, positive law and policy are not accompanied by tangible progress on the ground. Although we observe and welcome such initiatives, we also have to take note that the reality for journalists in Greece, as demonstrated in this report, remains far from ideal.<sup>74</sup>

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<sup>72</sup> Ibid.

<sup>73</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

<sup>74</sup> More details on these measures can be found on our website, where the full letter from Greek authorities is available.

### III. The Use of Surveillance

For many months I was in fear. In fear of meeting people, my sources, and exposing them. It took me a lot of time to disengage from what happened and start doing reporting again.

—Stavros Malichudis, independent reporter who discovered in November 2021 that Greece’s intelligence service, EYP, had spied on him, Athens, November 2, 2022

In 2022, a major surveillance scandal widely referred to as “Predatorgate,” named after the spyware Predator, became a stark symbol of the threats to press freedom in Greece. Journalists, particularly investigative reporters, were primary targets of surveillance, both through traditional wiretapping by the Greek National Intelligence Service (EYP), and the use of spyware to monitor journalists’ communications. Journalists investigating the scandal were themselves placed under surveillance.

State surveillance of journalists doing their jobs—physical and digital, including “traditional” forms such as wiretapping or newer forms using commercial spyware—raises serious privacy and free expression concerns. It interferes with media freedom and violates the confidentiality of journalistic sources, protected under the European Convention on Human Rights and EU Charter of Fundamental Rights. Such surveillance can also have a chilling effect on journalism and its role in a democratic society, subsequently undermining the rule of law.

#### The “Predatorgate” Scandal

In November 2021, the newspaper *Efimerida ton Sintakton* (EFSYN) published an article alleging that Greece’s intelligence service (EYP) had been closely monitoring the activities of people working with migrants and refugees.<sup>75</sup> Greek freelance reporter Stavros Malichudis was shocked to learn that he was one of the persons targeted by EYP, as he reported on a story about an unaccompanied migrant child from Syria who was being held in a detention center on the island of Kos.<sup>76</sup> To date, Malichudis has not been able to

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<sup>75</sup> Dimitris Terzis, “Citizens under surveillance by EYP,” (Πολίτες σε καθεστώς παρακολούθησης από την ΕΥΠ), *Efimerida ton Syntakton (Εφημερίδα των Συντακτών)*, November 14, 2021, [https://www.efsyn.gr/themata/thema-tis-efsyn/319063\\_polites-se-kathestos-parakolythisis-apo-tin-eyp](https://www.efsyn.gr/themata/thema-tis-efsyn/319063_polites-se-kathestos-parakolythisis-apo-tin-eyp) (accessed on November 30, 2023).

<sup>76</sup> Human Rights Watch interview with Stavros Malichudis, Athens, November 2, 2022; Human Rights Watch online communication with Stavros Malichudis, March 28, 2025.

obtain official confirmation that he was placed under surveillance by authorities due to legal framework constraints that prevent targets of all forms of surveillance from receiving information about their surveillance.<sup>77</sup>

In November 2022, Malichudis described to Human Rights Watch how he found out about his surveillance:

I was home, scrolling through Facebook. Someone uploaded a screenshot of the EFSYN article. I read it and realized that this article is about me... I spoke with Terzis, the author of the article, and he said ‘yes, this is about you’.... It was very scary.<sup>78</sup>

This revelation was the start of what has become a major surveillance scandal—described by some media as the Greek Watergate or Predatorgate.<sup>79</sup> The surveillance scandal and subsequent investigations revealed the use of surveillance techniques including physical surveillance, wiretapping, and use of commercial spyware.

Five months after Malichudis found out about his surveillance, in April 2022, it emerged in the news that the mobile phone of Thanasis Koukakis, a freelance journalist investigating banking and business stories, was infected by Predator spyware—software that allows users to monitor every aspect of a target’s phone, including calls, messages, location, contacts, stored passwords and logins, photos, and videos, as well as live access to a device’s microphone and camera.<sup>80</sup> Days later, it was also revealed that EYP had also wiretapped Koukakis’ phone through the official procedure, where authorities are given access to non-encrypted phone calls, SMS messages and other personal data from a

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Helena Smith, “Greek ‘Watergate’ phone-tapping scandal puts added pressure on PM,” *The Guardian*, August 28, 2022, <https://www.theguardian.com/world/2022/aug/28/greek-watergate-phone-tapping-scandal-threatens-to-topple-pm> (accessed November 30, 2023); Georgios Samaras, “Greece’s ‘Watergate’ explained: why the European Parliament is investigating over a wiretapping scandal,” *The Conversation*, November 8, 2022, <https://theconversation.com/greeces-watergate-explained-why-the-european-parliament-is-investigating-over-a-wiretapping-scandal-192537> (accessed November 30, 2023); Lauren Markham and Lydia Emmanouilidou, “How Free Is the Press in the Birthplace of Democracy?,” *New York Times*, November 26, 2022, <https://www.nytimes.com/2022/11/26/business/greece-journalists-surveillance-predator.html> (accessed November 30, 2023).

<sup>80</sup> International Press Institute, “Greece: Journalist Thanasis Koukakis surveilled for 10 weeks with powerful new spyware tool,” Press release, April 12, 2022, <https://ipi.media/greece-journalist-thanasis-koukakis-surveilled-for-10-weeks-with-powerful-new-spyware-tool/> (accessed November 30, 2023).

target’s telecom provider.<sup>81</sup> At the end of July and in early August 2022, it was reported and later confirmed by the prime minister that EYP had also conducted surveillance on Nikos Androulakis—the leader of the opposition party PASOK and a member of the European Parliament—and that there had been attempts to hack his mobile phone with Predator in the same time period.<sup>82</sup>

Since then, a much broader and growing list of targets, including journalists, politicians, business people, members of the government, and judicial officials have reportedly also been targeted with Predator spyware, according to the investigative media outlet Documento.<sup>83</sup>

Following the initial revelations, Greece’s Data Protection Authority (DPA) launched an investigation in July 2022 on the use of spyware technologies, including Predator, in Greece. Its investigation confirmed attempts to infect phones with commercial spyware, but did not explicitly confirm infections specifically with Predator spyware. According to the DPA’s July 2023 report:

During its investigations, the Authority identified more than 350 SMS messages related to the above attempts [to infect victims’ devices with spyware], of which more than 220 contained a misleading web link. Over 120 messages are believed to have been sent for testing purposes to

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<sup>81</sup> Thodoris Chondrogiannos, “The case of Thanasis Koukakis, a Greek journalist monitored by the Greek National Intelligence Service and later hacked by Predator spyware,” *Govwatch*, May 3, 2023, <https://govwatch.gr/en/sovares-apokalyptseis-kai-diethneis-antidraseis-gia-tin-parakolythisi-dimosiografou-apo-tin-eyf-kai-to-logismiko-ypoklopon-predator/> (accessed November 30, 2023).

<sup>82</sup> Spiros Sideris, “EU Commission alarmed by new spyware case against Greek socialist leader,” *EURACTIV.gr*, July 27, 2022, <https://www.euractiv.com/section/politics/news/eu-commission-alarmed-by-new-spyware-case-against-greek-socialist-leader/> (accessed November 30, 2023).

<sup>83</sup> Documento, “The new list of people being monitored by the EYP,” (Η νέα λίστα παρακολουθούμενων από την ΕΥΠ), December 12, 2022, <https://www.documentonews.gr/article/h-nea-lista-parakolythoymenon-apo-tin-eyf/> (accessed November 30, 2023); Kostas Vaxevanis, “He was monitoring the police chief, prosecutors and ministers,” (Παρακολουθούσε τον αρχηγό της αστυνομίας, εισαγγελείς και υπουργούς), *Documento*, November 28, 2022, <https://www.documentonews.gr/article/parakolythoyse-ton-arxigo-tis-astynomias-eisaggeleis-kai-ypourgoys/> (accessed November 30, 2023); Kostas Vaxevanis, “To whom did the Mitsotakis system listen and why,” (Ποιους και γιατί άκουγε το σύστημα Μητσοτάκη), *Documento*, November 7, 2022, <https://www.documentonews.gr/article/poiouys-kai-giati-akoyge-to-systima-mitsotaki/> (accessed November 30, 2023); Documento Newsroom, “The 14 people who were common targets of surveillance by EYP and Predator,” (Τα 14 πρόσωπα που έγιναν κοινός στόχος παρακολούθησης από ΕΥΠ και Predator), December 5, 2022, <https://www.documentonews.gr/article/ta-14-prosopa-poy-eginan-koinos-stoxos-parakolythisis-apo-eyf-kai-predator/> (accessed November 30, 2023); Dimitris Terzis, “The list of those being monitored has been confirmed,” (Επιβεβαιώθηκε η λίστα των παρακολουθούμενων), *Efimerida ton Sintakton*, July 28, 2023, [https://www.efsyn.gr/politiki/398984\\_epibebaiothike-i-lista-ton-parakolythoymenon](https://www.efsyn.gr/politiki/398984_epibebaiothike-i-lista-ton-parakolythoymenon) (accessed November 30, 2023);

unidentified burner phones. The Authority has already sent detailed information to the subscribers and users of 92 telephone numbers who received an SMS message with the above characteristics.<sup>84</sup>

In addition to being accused of formally wiretapping the phones of journalists and Androulakis, national authorities have also been accused of being complicit in the use of spyware for surveillance. Extensive investigative reporting by a handful of independent reporters and small media outlets, such as *Inside Story* and *Reporters United*, has uncovered alleged close connections between the then head of EYP, the then prime minister's general secretary, and Intellexa – the company behind the Predator spyware.<sup>85</sup>

The government denies the allegations and its links to the use of spyware.<sup>86</sup> It has admitted, though, that the state intelligence service was monitoring Androulakis for what it described as reasons of national security, through traditional wiretap surveillance, and not with commercial spyware.<sup>87</sup> The head of EYP, which falls under the direct supervision of the prime minister's office, resigned following the news of Androulakis' surveillance, as did Grigoris Dimitriadis, then-general secretary of the prime minister's office—a role politically responsible for EYP at the prime minister's office. Dimitriadis is also the prime minister's nephew.<sup>88</sup>

Intellexa, the company behind the Predator spyware, did not respond to our request for comment.

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<sup>84</sup> Data Protection Authority, “Actions of the Authority in relation to activities of installation and use of spyware in Greece,” (Ενέργειες της Αρχής σε σχέση με δραστηριότητες εγκατάστασης και χρήσης κατασκοπευτικού λογισμικού στην Ελλάδα), Press release, July 20, 2023, <https://www.dpa.gr/el/enimerwtiko/deltia/energeies-tis-arhis-se-shesi-me-drastiriotites-egkatastasis-kai-hrisis> (accessed December 5, 2023).

<sup>85</sup> To access a timeline of events related to the surveillance scandal, and numerous investigative articles on the topic, see <https://predatorgate.gr> (accessed December 5, 2023).

<sup>86</sup> Nikolas Leontopoulos, Thodoris Chondrogiannos, “Cover-up #2: How the Mitsotakis government is trying (again) to close the Koukakis case,” (Συγκάλυψη #2: Πώς η κυβέρνηση Μητσοτάκη προσπαθεί (ξανά) να κλείσει την υπόθεση Κουκάκη), *Reporters United*, April 21, 2022, <https://www.reportersunited.gr/8730/syggalypsi-2-pos-i-kyvernisi-mitsotaki-prospatheixana-na-kleisei-tin-ypothesi-koykaki/> (accessed December 8, 2023).

<sup>87</sup> Thodoris Chondrogiannos, “MEP and opposition party leader Nikos Androulakis under surveillance by the National Intelligence Service,” *Govwatch*, September 26, 2022, <https://govwatch.gr/en/finds/parakolythisi-toy-nikoy-androylaki-apo-tin-eyf/> (accessed December 5, 2023).

<sup>88</sup> Euronews with AFP, “Greek intelligence chief resigns over alleged spying scandal,” *Euronews*, August 5, 2022, <https://www.euronews.com/2022/08/05/greek-intelligence-chief-resigns-over-alleged-spying-scandal> (accessed December 4, 2023).

## Journalists under Surveillance

In the context of this research, Human Rights Watch interviewed seven journalists, including Thanasis Koukakis and Stavros Malichudis, who told us they either had evidence of being surveilled by the EYP or they suspected they have been surveilled but cannot formally prove it. This includes three journalists who believe they were targeted because of their investigative work on the surveillance scandal.<sup>8990</sup> Of the seven journalists, Thanasis Koukakis had evidence that his phone had been infected with Predator spyware.<sup>91</sup>

“Tasos [Telloglou], Eliza [Triantafyllou] and us [at *Reporters United*] were put under surveillance because of our research on the Predatorgate surveillance scandal,” Thodoris Chondrogiannos, one of the journalists working at investigative outlet *Reporters United* told Human Rights Watch in June 2023.<sup>92</sup> He said he and his colleagues had received evidence through their sources confirming they have been surveilled, and told us that in January 2023 he submitted a request to the Hellenic Authority for Communication Security and Privacy (ADAE), which oversees surveillance powers, to find out whether his phone has been subjected to a removal of confidentiality that would allow its wiretapping.<sup>93</sup> Chondrogiannos told Human Rights Watch that In September 2024 ADAE responded to his request stating that there was no violation of the legislation on the protection of communication privacy regarding his request.<sup>94</sup> However, Chondrogiannos noted that ADAE gave a standard response and did not provide a clear answer as to whether there was a removal of confidentiality of his communications against him, due to a change in

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<sup>89</sup> Human Rights Watch interview with Stavros Malichudis, Athens, November 2, 2022; Human Rights Watch interview with Tasos Telloglou, Athens, November 22, 2022; Human Rights Watch interview with Eliza Triantafyllou, online, November 22, 2022; Human Rights Watch interview with Thanasis Koukakis, Athens, June 21, 2023; Human Rights Watch interview with Thodoris Chondrogiannos, Athens, June 29, 2023; Human Rights Watch interview with Anna A., Athens, July 4, 2023; Human Rights Watch interview with Margarita M., Athens October 3, 2023.

<sup>90</sup> Thodoris Chondrogiannos, “Journalists investigating the wiretapping scandal allegedly under surveillance by state agencies,” *Vouliwatch*, November 7, 2022, <https://govwatch.gr/en/finds/apokalypseis-gia-parakolythiseis-dimosiografon-poy-ereynoyn-tis-ypoklopes/> (accessed December 7, 2023).

<sup>91</sup> Human Rights Watch interview with Stavros Malichudis, Athens, November 2, 2022; Human Rights Watch interview with Tasos Telloglou, Athens, November 22, 2022; Human Rights Watch interview with Eliza Triantafyllou, online, November 22, 2022; Human Rights Watch interview with Thanasis Koukakis, Athens, June 21, 2023; Human Rights Watch interview with Thodoris Chondrogiannos, Athens, June 29, 2023; Human Rights Watch interview with Anna A., Athens, July 4, 2023; Human Rights Watch interview with Margarita M., Athens, October 3, 2023.

<sup>92</sup> Human Rights Watch interview with Thodoris Chondrogiannos, Athens, June 29, 2023.

<sup>93</sup> *Ibid.*

<sup>94</sup> Human Rights Watch written exchange with Thodoris Chondrogiannis, March 31, 2025.

legislation (discussed below) that makes it practically impossible for citizens to be informed about their surveillance for national security reasons.<sup>95</sup>

Tasos Telloglou, a prominent journalist with investigative media outlet *Inside Story*, interviewed in November 2022, told Human Rights Watch that just days before our interview his bag containing three months' worth of notes from his investigation of the Greek Predatorgate surveillance scandal was stolen inside the Thessaloniki airport, with at least two people involved according to CCTV footage.<sup>96</sup> He was at the airport with his colleague, Eliza Triantafyllou, who was also interviewed by Human Rights Watch in November 2022.<sup>97</sup> The details of the incident were made public a month later.<sup>98</sup> Telloglou also told Human Rights Watch that he suspects he was physically surveilled in May and June 2022 after the revelations of Koukakis' surveillance and his investigative work on it.<sup>99</sup>

On December 16, 2022, European media outlet Euractiv published an article claiming that ADAE confirmed the wiretapping of Telloglou's phone, before the surveillance scandal broke, as well as the phone of MEP Giorgos Kyrtos.<sup>100</sup>

According to investigative media reports, journalists working on the surveillance scandal from *Inside Story* and *Reporters United* (Tasos Telloglou, Eliza Triantafyllou, Thodoris Chondrogianos and Nikolas Leontopoulos), were surveilled both physically and through their mobile devices, in order to track the position of the reporters and their sources.<sup>101102</sup>

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<sup>95</sup> Ibid.

<sup>96</sup> Human Rights Watch interview with Tasos Telloglou, Athens, November 22, 2022.

<sup>97</sup> Human Rights Watch interview with Eliza Triantafyllou, online, November 22, 2022.

<sup>98</sup> Efimerida ton Sintakton, "The stolen bag of Telloglou and what the airport camera saw," (Η κλεμμένη τσάντα του Τέλλογλου και αυτό που είδε η κάμερα του αεροδρομίου), December 17, 2022, [https://www.efsyn.gr/ellada/koinonia/371444\\_i-klemmeni-tsanta-toy-tellogloy-kai-ayto-poy-eide-i-kamera-toy-aerodromioy](https://www.efsyn.gr/ellada/koinonia/371444_i-klemmeni-tsanta-toy-tellogloy-kai-ayto-poy-eide-i-kamera-toy-aerodromioy) (accessed December 4, 2023).

<sup>99</sup> Human Rights Watch interview with Tasos Telloglou, Athens, November 22, 2022.

<sup>100</sup> Sarantis Michalopoulos, "EXCLUSIVE: Another MEP and journalist the latest victims of 'Greek Watergate,'" *EURACTIV*, December 16, 2022, <https://www.euractiv.com/section/politics/news/exclusive-another-mep-and-journalist-the-latest-victims-of-greek-watergate/> (accessed December 5, 2023); Thodoris Chondrogianos, "National Intelligence Service: Surveillance of MEP Kyrtos and journalist Telloglou," *Govwatch*, January 23, 2023, <https://govwatch.gr/en/finds/eypparakoloythisi-toy-evrovoyleyti-kyrtsoy-kai-toy-dimosiografoy-tellogloy/> (accessed January 20, 2025).

<sup>101</sup> Tasos Telloglou, "In conditions of absolute loneliness," (Σε συνθήκες απόλυτης μοναξιάς), *Heinrich Boll Stiftung*, October 24, 2022, <https://gr.boell.org/el/2022/10/24/se-synthikes-apolytis-monaxias> (accessed December 8, 2023)

<sup>102</sup> Giannis Souliotis, "Surveillance: The 'black holes' of the Greek police," (Παρακολουθήσεις: Οι «μαύρες τρύπες» της ΕΛ.ΑΣ.), *Kathimerini*, November 21, 2022, <https://www.kathimerini.gr/politics/562145197/parakoloythiseis-oi-mayres-trypes-tis-el-as/> (accessed December 8, 2023).

## Accountability Obstructed

A Greek parliamentary inquiry into the surveillance scandal opened in September 2022, but the ruling New Democracy party blocked dozens of witnesses proposed by opposition parties, including journalists whose phones had been wiretapped.<sup>103</sup> In addition, the ruling-party-controlled committee conducting the inquiry decided that all inquiry meetings would be held behind closed doors and remain confidential, along with the committee's concluding report, raising transparency concerns and potentially obstructing future accountability.<sup>104</sup>

A judicial investigation was also opened, and was concluded in July 2024.<sup>105</sup> In April 2022, the prosecutor's office ordered a preliminary criminal investigation into the surveillance.<sup>106</sup> In June 2022, Koukakis filed a complaint before the Athens Prosecutor's Office asking for the investigation of any offenses related to both the monitoring by the National Intelligence Service and the illegal installation of software on his mobile phone. Months later, he filed a second complaint seeking an investigation into the entities and individuals behind the development and sale of Predator spyware.<sup>107</sup>

In October 2023, more than a year after Koukakis' initial complaint, the criminal investigation, which was merged with investigations into other "Predatorgate" victims' cases, was redirected to a Supreme Court prosecutor. In the context of the judicial investigation, four individuals associated with companies that traded the spyware were

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<sup>103</sup> Helena Smith, "Greece to launch parliamentary inquiry into spy scandal," *The Guardian*, August 30, 2022, <https://www.theguardian.com/world/2022/aug/30/greece-to-launch-parliamentary-inquiry-into-spy-scandal> (accessed December 5, 2023); Nektaria Stamouli, "Greece's opposition parties rail at Mitsotakis over 'Greek Watergate' inquiry," *Politico*, September 8, 2022, <https://www.politico.eu/article/greece-opposition-parties-rail-at-mitsotakis-over-greek-watergate-inquiry/> (accessed December 5, 2023).

<sup>104</sup> Ekathimerini, "Records of wiretapping parliamentary inquiry to remain confidential," Article, September 7, 2022, <https://www.ekathimerini.com/news/1192737/records-of-wiretapping-parliamentary-inquiry-to-remain-confidential/> (accessed January 22, 2025); Laura Kabelka, "'National security' curtain falls down on Greek spyware scandal investigation," *EURACTIV*, September 9, 2022, <https://www.euractiv.com/section/digital/news/national-security-curtain-falls-down-on-greek-spyware-scandal-investigation/> (accessed December 5, 2023).

<sup>105</sup> Human Rights Watch exchange with lawyer Zacharias Kesses, lawyer of Thanasis Koukakis in the surveillance case, online, March 27, 2025.

<sup>106</sup> The first preliminary investigation was initiated by the Prosecutor's Office of First Instance Court, following publications regarding the monitoring of Thanasis Koukakis's phone. Subsequently the victim in the case also filed a complaint.

Another case was filed at the Athens Prosecutor's Office of First Instance concerning the monitoring of Koukakis's mobile phone after a report filed by journalists Nikos Leontopoulos and Theodoros Chondrogiannos. The third case filed concerned the monitoring of the president of PASOK-KINAL Nikos Androulakis following a complaint filed by him.

<sup>107</sup> Human Rights Watch written exchange with lawyer Zacharias Kesses, lawyer of Thanasis Koukakis in the surveillance case, online, April 22, 2024.

ultimately referred to trial for three misdemeanors.<sup>108</sup> The charges they face are: violation of the confidentiality of communications, interference with a personal data filing system, and unlawful access to an information system and data.<sup>109</sup> The trial began before the Single-Member Misdemeanor Court of Athens on March 5, 2025.<sup>110</sup>

The lack of swift action in these surveillance cases, compounded by the current Supreme Court prosecutor, Georgia Adilini's, decision on July 30, 2024, to agree with the judicial finding that exonerates all Greek state agencies and officials of any involvement in the Predator spyware scandal, despite documented evidence by independent news outlets and journalists of their involvement, raises concerns about the effectiveness of judicial processes in addressing allegations of illegal surveillance and potential government infringement on press freedom.<sup>111</sup>

In January 2025 Deputy Prosecutor Achilles Zisis also dismissed Androulakis's and Koukakis's complaints against an individual suspected of involvement in the Predator spyware case, citing a lack of connection between the accused and state agencies. This mounting trail of inconclusive investigations and decisions to dismiss complaints underscores the need for greater transparency and accountability.<sup>112</sup>

"The case will need to be re-examined and a proper investigation must take place, as crucial evidence has been blatantly ignored and important investigative actions that would have revealed the truth have been omitted," the lawyer of Koukakis wrote to Human Rights Watch.<sup>113</sup>

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<sup>108</sup> Ekathimerini, "Company executives face trial in Greece's predator spyware case," Article, January 27, 2025, <https://www.ekathimerini.com/politics/1259864/company-executives-face-trial-in-greeces-predator-spyware-case/> (accessed March 28, 2025).

<sup>109</sup> Human Rights Watch exchange with lawyer Zacharias Kesses, lawyer of Thanasis Koukakis in the surveillance case, online, March 27, 2025.

<sup>110</sup> Ekathimerini, "Trial of four suspects in Greece's spyware case rescheduled for April 10," Article, March 5, 2025, <https://www.ekathimerini.com/news/1263267/trial-of-four-suspects-in-greeces-spyware-case-rescheduled-for-april-10/> (accessed March 28, 2025).

<sup>111</sup> Derek Gatopoulos, "Probe Clears Greek Government Agencies in Spyware Scandal but Opposition Calls it a Cover-Up," *Associated Press*, July 30, 2024, <https://apnews.com/article/greece-sanctions-spyware-intellexa-wiretaps-57ba1bof8538d867ac1ffd7f13dce1e0> (accessed September 18, 2024).

<sup>112</sup> Ekathimerini, "Deputy prosecutor files away complaints in Predator spyware case involving Androulakis and Koukakis," article, January 29, 2025, <https://www.ekathimerini.com/news/1260048/deputy-prosecutor-files-away-complaints-in-predator-spyware-case-involving-androulakis-and-koukakis/> (accessed January 31, 2025).

<sup>113</sup> Human Rights Watch written exchange with lawyer Zacharias Kesses, lawyer of Thanasis Koukakis in the surveillance case, online, March 27, 2025.

In an attempt to respond to the scandal, the Greek legislature passed a new surveillance law, Law 5002/2022, in December 2022.<sup>114</sup> The law includes provisions that ban the sale and use of commercial spyware by private entities, however it permits the government to procure and use such technology under certain conditions to be established by a presidential decree, raising concerns about potential future misuse. The law allows traditional wiretap surveillance on overly broad “national security” grounds; the power to lift the privacy of communications is held by a prosecutor embedded within EYP, potentially compromising independence and making oversight of the process more difficult; there are similar concerns about the independence of the three-member body mandated to decide whether or not citizens should be notified about surveillance (its members are the EYP prosecutor, a deputy prosecutor of the Supreme Court or a prosecutor of the Court of Appeal, who is also responsible for the approval of the lifting of communications’ privacy by the EYP prosecutor, and the president of the ADAE); and it only allows for delayed and limited notification of targets.<sup>115</sup>

In its response to Human Rights Watch, the Greek government emphasizes that Law 5002/2022 modernized the process of lifting communication confidentiality and optimized EYP’s operations.<sup>116</sup> The letter highlights that the law, which prohibits the possession or trade of some types of surveillance technology, criminalizes the use of such software and hardware with a sentence of up to 10 years, and allows anyone to learn if they were placed under surveillance for national security reasons after three years. It notes that the public is informed about prohibited software, its operation, and protection measures through announcements by the EYP Governor posted on the service’s website.

However, this response does not address concerns regarding the law’s broad definition of national security, the potential lack of independence for the prosecutor authorizing surveillance, the delayed and limited notification of surveillance targets, and the

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<sup>114</sup> Law 5002/2022, Procedure for lifting the confidentiality of communications, cybersecurity and protection of citizens’ personal data. Government Gazette A 228/9.12.2022, <https://www.kodiko.gr/nomothesia/document/844300/nomos-5002-2022> (accessed July 23, 2024).

<sup>115</sup> Human Rights Watch, “Greece: Problematic Surveillance Bill,” December 8, 2022, <https://www.hrw.org/news/2022/12/08/greece-problematic-surveillance-bill> (accessed December 5, 2023); Thodoris Chondrogiannos, “Concerns around the compatibility of new legislation on the privacy of communications with the Constitution and the ECHR,” *Govwatch*, December 21, 2022, <https://govwatch.gr/en/finds/zitimata-symvatotitas-toy-nomoy-gia-to-aporritho-me-syntagma-kai-esda-2/> (accessed April 18, 2024).

<sup>116</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

permission for government to procure and use spyware under conditions determined by presidential decree, raising concerns about potential future misuse.

The Greek government letter also cites a European Commission, “Study on putting in practice by Member States of the recommendation on the protection, safety and empowerment of journalists,” which acknowledges limited steps Greece has taken to protect against surveillance.<sup>117</sup> They highlight the full implementation of the European and national legal framework for communication privacy and emphasize that Law 5002/2022 provides safeguards for all citizens, including journalists.<sup>118</sup>

However, this does not address the documented cases of surveillance against journalists and the concerns about the lack of accountability for state-ordered surveillance of journalists doing their jobs.

The government letter also points to the Greek Ministry of Justice’s contribution to the 2024 Rule of Law Report, which is posted on the European Commission’s website.<sup>119</sup> However, this report does not specifically address the concerns about surveillance of journalists and the potential chilling effect on media freedom.

Prior to the adoption of the December 2022 law, efforts to learn the specific details related to state surveillance had been impeded by a legislative amendment adopted by parliament in March 2021 which stripped the ADAE of authority to notify individuals that the confidentiality of their communications had been revoked for reasons of national security.<sup>120</sup> As a consequence, victims of reported improper state surveillance such as Malichudis and Koukakis have not been able to officially confirm their surveillance and find out why they were under surveillance by the country's intelligence service.

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<sup>117</sup> European Commission, “Study on putting in practice by Member States of the recommendation on the protection, safety and empowerment of journalists,” 2024, <https://op.europa.eu/en/publication-detail/-/publication/bca5a5bd-090a-11ef-a251-01aa75ed71a1/language-en> (accessed February 21, 2025).

<sup>118</sup> *Ibid.*

<sup>119</sup> European Rule of Law Mechanism: input from GREECE 2024 Rule of Law Report, [https://commission.europa.eu/document/download/ad34ea12-297a-487f-83c1-f79cde1b6acb\\_en?filename=77\\_1\\_58156\\_input\\_mem\\_greece\\_en.pdf](https://commission.europa.eu/document/download/ad34ea12-297a-487f-83c1-f79cde1b6acb_en?filename=77_1_58156_input_mem_greece_en.pdf) (accessed February 21, 2025).

<sup>120</sup> Hellenic Parliament, Amendment 826/145, <https://www.hellenicparliament.gr/UserFiles/bbb19498-1ec8-431f-82e6-023bb91713a9/11609081.pdf> (accessed December 7, 2023).

Investigative reports allege the Greek government revoked ADAE’s authority to notify individuals about their surveillance, specifically in order to keep the surveillance of Koukakis secret; however, this claim has been contested.<sup>121</sup>

*Reporters United* have documented how in the spring of 2020, Koukakis noticed irregularities in the functioning of his phone and began to suspect that he was being surveilled.<sup>122</sup> His sources confirmed his suspicions and provided him with transcripts of his own private phone conversations.

According to documents obtained by *Reporters United*, on June 1, 2020 the Greek Intelligence Service began monitoring Koukakis’ mobile phone on national security grounds. Initially authorized for two months, from June 1 to August 1, the surveillance was extended in July for another two months, from August 1 until October 1, 2020. However, according to *Reporters United*, on August 12, 2020, EYP abruptly ended the surveillance before the extension expired.

On August 12, 2020, the same day EYP ordered the termination of Koukakis’ surveillance, Koukakis filed a complaint with ADAE to inquire whether his communications on two mobile numbers and one landline phone were being monitored.

The coincidence of the dates raises questions. According to *Reporters United*, one hypothesis is that since the authorities were “listening” to Koukakis, they knew he was planning to go to ADAE. The journalist himself explained to *Reporters United* that, before filing the complaint, he had contacted the independent authority by phone to get information on the procedure he had to follow in order to submit it. EYP had the technical ability to listen to these conversations at the time the calls took place.

It took months for ADAE to contact the telecommunications providers and finally confirm that the confidentiality of one of Koukakis’ three numbers had, in fact, been breached by EYP.

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<sup>121</sup> Nikolas Leontopoulos, Thodoris Chondrogianos, “Enemy of the State: We Prove That the Mitsotakis Government Was Monitoring the Journalist Thanasis Koukakis,” (Εχθρός του Κράτους: Αποδεικνύουμε ότι η κυβέρνηση Μητσοτάκη παρακολουθούσε τον

δημοσιογράφο Θανάση Κουκάκη), *Reporters United*, April 15, 2022.

<sup>122</sup> The description of surveillance of Koukakis and chronology of events outlined in this paragraph and the following six paragraphs are taken from the *Reporters United* investigative report cited in the footnote above, and from Human Rights Watch interview with Thanasis Koukakis, Athens, June 21, 2023.

On March 10, 2021, with the wiretapping now confirmed, ADAE reached out to the EYP prosecutor, located at the EYP headquarters, to ask whether they could legally inform the journalist of the grounds on which his privacy had been compromised. Back then, existing legislation allowed those under government surveillance to request information from ADAE about any form of surveillance on them after the surveillance ended, provided disclosure did not jeopardize investigations.

On March 31, 2021, just 20 days after ADAE's query to EYP, the government introduced an amendment in parliament prohibiting ADAE from informing citizens about their surveillance. This amendment had a retroactive effect, silencing any possible further notification of wiretapping of Koukakis' phone.

Three years later, on April 5, 2024, Greece's highest administrative court, the Council of State, declared unconstitutional the March 2021 amendment that barred ADAE from informing citizens of state surveillance on "national security" grounds.<sup>123</sup> The April 5 ruling found the amendment violated the Greek Constitution, the European Union Charter of Fundamental Rights, and the European Convention on Human Rights. The court said that a blanket prohibition on informing individuals about their surveillance is an "excessive restriction" on the right to privacy and a threat to the rule of law.<sup>124</sup>

The landmark case before the Council of State was brought by Androulakis, after he discovered in 2022 that the EYP had wiretapped his phone, following checks by ADAE with his communications provider.<sup>125</sup> In September 2022, his request to access his file at ADAE was denied based on the March 2021 amendment. On April 8, following the Council of

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<sup>123</sup> 465/2024 Decision of the Plenary of the Council of State, April 5, 2024, [https://www.adjustice.gr/webcenter/portal/ste/pageste/epikairoti/apofaseis;jsessionid=V9XgEOgNo45ozd\\_mbS5K8HrQ3QsRqoMgVV-30a0kgSwyqxNKtiNr!2144480459!552697859?centerWidth=65%25&contentID=DECISION-TEMPLATE1712302864299&leftWidth=0%25&rightWidth=35%25&showFooter=false&showHeader=true&\\_adf.ctrl-state=lorokcp30\\_4&\\_afLoop=4569981281120836#!%40%40%3F\\_afLoop%3D4569981281120836%26centerWidth%3D65%25%26contentID%3DDECISION-TEMPLATE1712302864299%26leftWidth%3D0%25%26rightWidth%3D35%25%26showFooter%3Dfalse%26showHeader%3Dtrue%26\\_adf.ctrl-state%3Dwqi5amaja\\_4](https://www.adjustice.gr/webcenter/portal/ste/pageste/epikairoti/apofaseis;jsessionid=V9XgEOgNo45ozd_mbS5K8HrQ3QsRqoMgVV-30a0kgSwyqxNKtiNr!2144480459!552697859?centerWidth=65%25&contentID=DECISION-TEMPLATE1712302864299&leftWidth=0%25&rightWidth=35%25&showFooter=false&showHeader=true&_adf.ctrl-state=lorokcp30_4&_afLoop=4569981281120836#!%40%40%3F_afLoop%3D4569981281120836%26centerWidth%3D65%25%26contentID%3DDECISION-TEMPLATE1712302864299%26leftWidth%3D0%25%26rightWidth%3D35%25%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dwqi5amaja_4) (accessed July 23, 2023).

<sup>124</sup> Ibid; The Court ruled that art. 87 Law No 4790/2021 constitutes an "excessive restriction of the privacy of communication, which is not justified within the framework of the rule of law, and, therefore, is contrary to Articles 19 par. 1 of the Constitution, 5 par. 1 and 15 par. 1 of Directive 2002/58, 7, 8 and 11 of the Charter of Fundamental Rights of the European Union and 8 of the ECHR and is invalid."

<sup>125</sup> Thodoris Chondrogiannos, "MEP and opposition party leader Nikos Androulakis under surveillance by the National Intelligence Service," *Govwatch*, September 26, 2022, <https://govwatch.gr/en/finds/parakolythisi-toy-nikoy-androylaki-apo-tin-eyf/> (accessed July 23, 2024).

State's decision, Androulakis again requested information from ADAE about his surveillance. The ruling should enable Androulakis and other targets of state surveillance falling under the March 2021 amendment to access information on their cases. But according to media reports, EYP has defied the Council of State ruling by refusing to disclose the reasons for surveilling Androulakis, even after ADAE submitted a new request following the ruling.<sup>126</sup>

Following ADAE's request, the EYP's response reiterated that the surveillance was conducted for national security reasons and suggested that further disclosure would compromise national security and relationships with allied intelligence agencies.<sup>127</sup> Despite the ruling, EYP failed to provide ADAE with the full file on Androulakis's surveillance, offering only a limited response that referred to information already contained within the original wiretap order.<sup>128</sup> And ADAE, by a narrow majority vote, declined to hold a hearing with the EYP regarding Androulakis's surveillance, citing a legal opinion that the agency lacked the authority to compel the EYP to release the requested information, despite the Council of State's ruling.<sup>129</sup>

On August 5, 2022, after Androulakis' EYP surveillance was made public and confirmed by the prime minister, then-Supreme Court Prosecutor Isidoros Dogiakos—a government appointee—launched an investigation into the leaks that led to the revelations on surveillance, raising serious concerns that it might work as a deterrent to those thinking of contributing to revealing potential government overreach and thus frustrate independent reporting on the scandal.<sup>130</sup>

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<sup>126</sup> Efsyn.gr, "Pressure from ADAE on EYP regarding the surveillance of Androulakis," (Πιέσεις ΑΔΑΕ προς ΕΥΠ για την παρακολούθηση Ανδρουλάκη), May 23, 2024, [https://www.efsyn.gr/politiki/433872\\_pieseis-adae-pros-eyp-gia-tin-parakoloythisi-androylaki](https://www.efsyn.gr/politiki/433872_pieseis-adae-pros-eyp-gia-tin-parakoloythisi-androylaki) (accessed July 24, 2024).

<https://www.kathimerini.gr/society/563026948/ypothesi-androylaki-apantisi-eyp-stin-adae-choris-dieykriniseis/>

<sup>127</sup> Ibid.

<sup>128</sup> Giannis Souliotis, "Androulakis Case: EYP Response to ADAE Without Clarifications," (Υπόθεση Ανδρουλάκη: Απάντηση ΕΥΠ στην ΑΔΑΕ χωρίς διευκρινίσεις), *Kathimerini*, May 16, 2025, <https://www.kathimerini.gr/society/563026948/ypothesi-androylaki-apantisi-eyp-stin-adae-choris-dieykriniseis/> (accessed February 3, 2025).

<sup>129</sup> Capital.gr, "Wiretapping Scandal: ADAE, by a narrow 4-3 majority, does not summon EYP for a hearing - Androulakis takes legal action.," (Σκάνδαλο υποκλοπών: Με οριακή πλειοψηφία 4-3 η ΑΔΑΕ δεν καλεί σε ακρόαση την ΕΥΠ - Προσφεύγει νομικά ο Ανδρουλάκης), Article, June 6, 2024, [https://www.capital.gr/epikairoτητα/3815355/skandalo-upoklorton-me-oriaki-pleiopsifia-4-3-i-adae-den-kalei-se-akroasi-tin-eup-prosfeugei-nomika-o-androulakis/#google\\_vignette](https://www.capital.gr/epikairoτητα/3815355/skandalo-upoklorton-me-oriaki-pleiopsifia-4-3-i-adae-den-kalei-se-akroasi-tin-eup-prosfeugei-nomika-o-androulakis/#google_vignette) (accessed February 3, 2025).

<sup>130</sup> Elinda Labropoulou, Chris Liakos, "Greek prime minister says he was unaware of phone tapping of one of the main opposition leaders," *The Guardian*, August 8, 2022, <https://edition.cnn.com/2022/08/08/europe/greece-phone-tapping->

“We were worried about our sources and about the chilling effect. There was maybe someone...who was 50/50 to talk, and maybe they changed their mind,” Thodoris Chondrogiannos from *Reporters United* told Human Rights Watch.<sup>131</sup> “For us, journalists working on the case, it was clear that this investigation was targeting us and our sources. The message was clear ‘whoever works in the public administration, don’t talk,’ don’t be whistleblowers,” he added.<sup>132</sup>

In January 2023, Dogiakos also issued a legal opinion stating that ADAE did not have the authority to inform citizens enquiring whether their devices were being monitored by EYP for national security reasons, and further that it did not have the authority to conduct checks on telecommunications providers regarding the lifting of the confidentiality of communications.<sup>133</sup> This opinion also referred to the criminal penalties provided for should ADAE members violate the legislation, a reference interpreted by civil society as a warning or indirect threat to the members of the independent authority.<sup>134</sup>

Later in June 2023, two days before the end of his term as Supreme Court prosecutor, according to media reports, Dogiakos ordered that two members and two officials of ADAE be summoned for questioning as suspects in the investigation into the leak of sensitive state secrets to the journalist Thanasis Koukakis.<sup>135</sup> In October 2023, former and current

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mitsotakis-intl/index.html (accessed July 23, 2024); Ioanna Mandrou, “Isidoros Dogiakos is the new Prosecutor of the Supreme Court,” (Ο Ισίδωρος Ντογιάκος νέος Εισαγγελέας του Αρείου Πάγου), *Kathimerini*, July 4, 2022, <https://www.kathimerini.gr/society/561940003/o-isidoros-ntogiakos-neos-eisaggeleas-toy-areiou-pagoy/> (accessed July 23, 2024); Ioanna Mandrou, “Surveillance: Intervention by Dogiakos for the leaks – he ordered a criminal preliminary investigation,” (Παρακολουθήσεις: Παρέμβαση από Ντογιάκο για τις διαρροές – Διέταξε ποινική προκαταρκτική έρευνα), *Kathimerini*, August 5, 2022, <https://www.kathimerini.gr/society/561989242/areios-pagos-prokatarktiki-exetasi-gia-tis-diarroes-stin-ypothesi-androylaki/> (accessed December 5, 2023); Panagiotis Tsimploukis, “Ntogiakos will conduct a preliminary investigation into the leak of information from the EYP,” (Προκαταρκτική έρευνα για διαρροή στοιχείων από την ΕΥΠ θα διενεργήσει ο Ντογιάκος), *Proto Thema*, August 5, 2022, <https://www.protothema.gr/greece/article/1271770/prokatarktiki-ereuna-gia-diarroi-stoiheion-apo-tin-eup-tha-dienergisei-o-dogiakos/> (accessed January 22, 2025).

<sup>131</sup> Human Rights Watch interview with Thodoris Chondrogiannos, Athens, June 29, 2023.

<sup>132</sup> Ibid.

<sup>133</sup> The opinion was issued in response to a request from Cosmote telecommunication provider. Opinion of the Supreme Court Prosecutor Isidoros Dogiakos on ADAE, January 10, 2023, <https://www.documentcloud.org/documents/23569401-gnomodotese-eisaggelea-tou-areiou-pagou-isidorou-ntogiakou-gia-adae> (accessed October 24, 2024).

<sup>134</sup> Thodoris Chondrogiannos, “15 constitutional law professors denounce Supreme Court Prosecutor’s opinion that ADAE has no competence to check surveillance records,” Govwatch, January 15, 2023, <https://govwatch.gr/en/finds/antidraseis-15-syntagmatologon-kata-tis-gnomodotisis-ntogiakoy-gia-tin-adae/> (accessed October 24, 2024).

<sup>135</sup> Nikos Sverkos, “Wiretapping scandal / Unprecedented – Members of ADAE summoned as suspects in leak of state secrets.” (Σκάνδαλο υποκλοπών / Πρωτοφανές – Καλούν μέλη της ΑΔΑΕ ως ύποπτα σε διαρροή κρατικών μυστικών), *Avgi*, October 25, 2023, [https://www.avgi.gr/koinonia/465572\\_protofanes-kaloy-n-meli-tis-adae-os-yppota-se-diarroi-kratikon-](https://www.avgi.gr/koinonia/465572_protofanes-kaloy-n-meli-tis-adae-os-yppota-se-diarroi-kratikon-)

members of ADAE were called to appear before a judge as suspects on charges of leaking sensitive state secrets to Koukakis, because of information that was allegedly provided to him by ADAE in relation to his surveillance by Greek authorities.<sup>136</sup> However, in January 2024, the Athens Prosecutor's Office dismissed the case against the ADAE members, stating that there was no evidence of any criminal offense.<sup>137</sup>

In November 2022, *Reporters United* suspected they were the targets of a phishing attack.<sup>138</sup> A suspicious email containing 16 questions about *Reporters United's* finances was sent from an individual posing as a journalist at a website that imitated the German broadcaster *Deutsche Welle*. The suspicious email was sent to *Reporters United's* generic email for the attention of four members of the outlet, including Chondrogiannos. The questions included private financial data that should be known only to Greek financial and tax authorities. The journalists at *Reporters United* treated the email skeptically and on further investigation, established that the website of the alleged journalist who sent the email was fake. A search of the domain data of the fake website revealed that it was created on November 11, 2022, the same day the phishing email was received. To date, the source of the phishing attack remains unknown.<sup>139</sup>

A European Parliament committee that investigates spyware use by European Union governments (PEGA) strongly criticized the Greek government's response to the Greek Predatorgate scandal in October 2022.

“We've heard worrying reports of journalists feeling unsafe when they write about important topics, of the supposedly independent data protection authority being put under

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mystikon (accessed October 24, 2024); Giannis Souliotis, “Wiretapping case: “Defense statement” that raises questions.” (Υπόθεση υποκλοπών: «Απολογία» που γεννάει ερωτήματα), November 1, 2023, <https://www.kathimerini.gr/society/562702576/ypothesi-ypoklopon-apologia-poy-gennaiei-erotimata/> (accessed October 24, 2024).

<sup>136</sup> The Press Project, “Data protection scandal: HDP members targeted – Called to appear before the courts on charges of leaking state secrets,” (Σκάνδαλο υποκλοπών: Στοχοποιούν μέλη της ΑΔΑΕ – Καλούνται σε απολογία ως ύποπτα για διαρροή κρατικών μυστικών), October 26, 2023, <https://thepressproject.gr/skandalo-ypoklopon-stochoroioun-meli-tis-adae-kalountai-se-apologia-os-yporta-gia-diarroi-kratikon-mystikon/> (access December 8, 2023).

<sup>137</sup> Giannis Souliotis, “Surveillance: The “leak” from ADAE filed away” (Παρακολουθήσεις: Στο αρχείο η «διαρροή» από ΑΔΑΕ), February 20, 2024, <https://www.kathimerini.gr/society/562891921/parakolythiseis-sto-archeio-i-diarroi-apo-adae/> (accessed October 24, 2024).

<sup>138</sup> Ibid.

<sup>139</sup> Mapping Media Freedom, “Reporters United targeted by suspected spear phishing attack after receiving warning,” November 11, 2022, <https://www.mapmf.org/alert/25350> (accessed December 8, 2023).

pressure, and of national security used as blanket justification for spyware abuse and surveillance,” then committee rapporteur and European Parliament member, Sophie in ‘t Veld, said at the end of a visit to Athens in October 2022.<sup>140</sup>

On May 22, 2023, the PEGA Committee released a comprehensive report on its investigation into the use of spyware in the European Union, including the deployment of Predator spyware in Greece, noting that there “are patterns suggesting that the Greek government enables the use of spyware against journalists, politicians and businesspersons.”<sup>141</sup>

In January 2023, the PEGA Committee published a Draft Recommendation to the EU Council and European Commission concluding that contraventions or maladministration in the implementation of European Union law regarding the use of, and trade in spyware, have taken place in Greece.<sup>142</sup>

It is important to note that Greek government’s letter to Human Rights Watch does not respond to a question we raised about how Greek authorities react to the concerns raised by the PEGA Committee with respect to the use of spyware in Greece.<sup>143</sup>

## The Chilling Effect of Surveillance

Numerous journalists interviewed by Human Rights Watch described how they changed their working methods following the surveillance scandal because of the fear that they are or may be surveilled and emphasized the chilling effect the scandal has had on their sources.

Fotis F. a journalist working for an online mainstream outlet who has written stories about the scandal, told Human Rights Watch in November 2022:

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<sup>140</sup> European Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, “Spyware inquiry: MEPs wrap up visit to Cyprus and Greece,” Press release, October 31, 2022, <https://www.europarl.europa.eu/news/en/press-room/20221024IPR45720/spyware-inquiry-meps-wrap-up-visit-to-cyprus-and-greece> (accessed, December 5, 2023).

<sup>141</sup> Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, “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,” *European Parliament*, May 22, 2023, [https://www.europarl.europa.eu/doceo/document/A-9-2023-0189\\_EN.html#\\_section1](https://www.europarl.europa.eu/doceo/document/A-9-2023-0189_EN.html#_section1) (accessed July 23, 2024).

<sup>142</sup> Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, “European Parliament Draft Recommendation to the Council and the Commission,” European Parliament, January 4, 2023, [https://www.europarl.europa.eu/doceo/document/PEGA-RD-740554\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/PEGA-RD-740554_EN.pdf) (accessed December 7, 2023). The PEGA Committee draws similar conclusions for Poland, Hungary, Spain, and Cyprus.

<sup>143</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

Of course, I checked my mobile phone [for spyware] and thankfully it hasn't been infected. But I don't know whether I've ever been surveilled by EYP through official wiretapping.... I'm mindful of what I say over the phone, and I talk through a regular phone line only with my mother.... The most nightmarish scenario is for my sources, who talk to me anonymously and who trust me, to be compromised. The sources are the most sacred thing. And if this ever happens it means professional death.<sup>144</sup>

Ioanna I., told Human Rights Watch she considers it a fact that journalists are being surveilled. "We [independent journalists] are all in a situation where we consider it a fact that we are being surveilled. There's an overall craziness. I hide my phone during interviews. I never speak on regular lines. I've been to anti-surveillance seminars," she told Human Rights Watch in June 2023.<sup>145</sup> "The surveillance scandal has caused a mistrust in everyone, and particularly the sources. It's frightening to know that they [the government] may know all the aspects of your life."<sup>146</sup>

Christina C. a journalist working in a public media outlet made similar comments during an interview with Human Rights Watch in July 2023: "All journalists, we consider it a fact that we are being surveilled or that we are going to be surveilled. We joke about it, but it hides a truth."<sup>147</sup>

A freelance foreign correspondent working on Greece said during an interview with Human Rights Watch in July 2023: "It's made me a bit more paranoid. It's something I think about all the time, obviously. I take all precautions I can. I speak to people on Signal. But it does add to the level of stress. You are just always aware that your conversations are being listened."<sup>148</sup>

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<sup>144</sup> Human Rights Watch interview with Fotis F., Athens, November 25, 2022.

<sup>145</sup> Human Rights Watch interview with Ioanna I., Athens, June 15, 2023.

<sup>146</sup> Ibid.

<sup>147</sup> Human Rights Watch interview with Christina C., Athens, June 30, 2023.

<sup>148</sup> Human Rights Watch interview with Nadia N., online, July 11, 2023.

## IV. Political Control and Interference with Public Media

Having a clear position in favor of the government, and doing cover-ups for them, is not journalism but acting as a press office for the government.

—Ilia I., journalist working in a public media outlet. Athens, June 26, 2023

In July 2019, soon after New Democracy's electoral victory, the Greek government placed the country's public service broadcaster, ERT, and the Athens-Macedonian News Agency, AMNA, under prime ministerial control, through the General Secretariat of Communication and Information, raising concerns about the independence of public outlets. The General Secretariat of Communication and Information is a governmental body under the Prime Minister's Office tasked among others with supporting the Prime Minister and other government officials in matters of communication and public information. According to its website, its responsibilities include overseeing media outlets, ensuring accurate and diverse information reaches the public, shaping state policy on audiovisual media, and monitoring relevant legislation.<sup>149</sup> This means the Prime Minister has ultimate authority over the secretariat's operations and decisions. This decision effectively politicized oversight of public broadcasting and of the sole news agency in Greece under the Prime Minister's Office.<sup>150</sup>

Specifically, Article 5 paragraph 1 of the General Presidential Decree (Issue A '119 / 08.07.2019 of the government gazette) bringing the General Secretariat of Information and Communication, the supervising body of ERT and AMNA, under the purview of the Prime Minister's office states:

[T]he following are transferred to the Prime Minister, as a whole of responsibilities, posts, staff and supervised bodies: the General Secretariat of Information and Communication, as organized by the provisions of Chapter E' of Law Decree 82/2017 and the Special Secretariat for

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<sup>149</sup> For more information, visit the website of the General Secretariat of Communication and Information at: <https://media.gov.gr/schetika-me-tin-ggee/> (accessed February 4, 2025).

<sup>150</sup> Following his electoral victory in 2019, Prime Minister Kyriakos Mitsotakis issued a General Presidential Decree (Issue A '119 / 08.07.2019 of the government gazette), bringing the General Secretariat of Information and Communication, the supervising body of ERT and AMNA, under the purview of the Prime Minister's office.

Communication Crisis Management as organized by the provisions of Chapter ΣΤ' of the same decree.”<sup>151</sup>

Public service media, funded by and accountable to the public it serves, plays a vital role in fostering a vibrant media landscape. A 2023 Joint Declaration by independent experts on freedom of expression and the media at the UN and regional bodies, on media freedom and democracy, emphasizes that public bodies exercising regulatory powers “should be protected from undue interference, particularly of a political or commercial nature,” allowing a model of media to champion diverse viewpoints and cater to the informational needs that commercial outlets may overlook.<sup>152</sup> By doing so, it empowers citizens with the knowledge and understanding necessary to actively participate in and shape their democracies.

When the state controls public media, it can exercise undue influence over the content and editorial direction of these outlets. This can lead to a situation where the media is no longer able to provide impartial and objective reporting, and instead serve as a mouthpiece for the government. The state can use its control over public media to manipulate public discourse and control the narrative. This can be done by selectively choosing which stories to cover, framing issues in a particular way, and using propaganda and misinformation to influence public opinion. This directly restricts the rights to freedom of expression and information, both crucial for a healthy democracy and defense of human rights.

To safeguard the public media’s role in informing the public, the 2023 Joint Declaration on media freedom by freedom of expression experts, advocates for the establishment and adequate funding of public service media that are fully independent from political or commercial pressures.<sup>153</sup> It further calls for the swift transformation of all existing

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<sup>151</sup> Ibid.

<sup>152</sup> United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur on Freedom of Expression, African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa, “Joint Declaration on Media Freedom and Democracy,” May 2, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/expression/activities/2023-JD-Media-Freedom-and-Democracy.pdf> (accessed July 23, 2023).

<sup>153</sup> United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur on Freedom of Expression, African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa, “Joint Declaration on Media

government or state-controlled media into public service media, prioritizing accountability to the public.<sup>154</sup>

The Greek state has a long history of controlling public media. During the military dictatorship from 1967 to 1974 the state silenced critics and suppressed independent media outlets. After the restoration of democracy in 1974, public media outlets gained more editorial independence. However, concerns remained about subsequent governments' influence, particularly through appointments to leadership positions. Under the current government, the placement of both ERT and AMNA under the General Secretariat of Communication and Information which reports to the Prime Minister's Office, raises concerns about potential political interference in editorial decisions and control over the media narrative.

A 2023 Eurobarometer survey, conducted from October 18 to 24, 2023, showed that while 48 percent of European citizens trust most public TV and radio stations as a source of news, only 39 percent of Greeks do, one of the lowest percentages in the European Union along with Malta, Poland, and Hungary.<sup>155</sup>

Human Rights Watch wrote to AMNA and ERT in December 2024.<sup>156</sup> ERT and AMNA, in their responses to Human Rights Watch, asserted their independence. AMNA claimed its supervision by the Secretariat is purely administrative, limited to legal compliance, while ERT emphasized that the Secretariat's oversight is administrative, not content-related.<sup>157</sup> However, these claims of independence are unconvincing. The very structure of the General Secretariat, directly under the Prime Minister's Office, inherently creates a channel for potential political influence. While AMNA and ERT may argue that the Secretariat's role is limited, the ultimate authority residing with the Prime Minister's office provides a

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Freedom and Democracy," May 2, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/expression/activities/2023-JD-Media-Freedom-and-Democracy.pdf> (accessed July 23, 2023).

<sup>154</sup> Ibid.

<sup>155</sup> Flash Eurobarometer, "Media & News Survey 2023," European Parliament, Conducted by Ipsos European Public Affairs, November 2023, <https://europa.eu/eurobarometer/surveys/detail/3153> (accessed July 23, 2024). The sample size for the survey was 1,000 interviews per country (except in Cyprus, Luxembourg, and Malta with 500 interviews).

<sup>156</sup> Human Rights Watch letter to ERT, December 23, 2024 (on file with Human Rights Watch); Human Rights Watch letter to AMNA, December 23, 2024 (on file with Human Rights Watch).

<sup>157</sup> ERT response to Human Rights Watch, Aghia Paraskevi, January 20, 2025; AMNA response to Human Rights Watch, Athens, January 17, 2025.

powerful lever. Even if there's no direct day-to-day interference in content, the fact remains that the Prime Minister's office has the potential to exert pressure, even indirectly, which undermines the fundamental principle of a truly independent public broadcaster and news agency.

Similarly, in their response to Human Rights Watch, the Secretariat defended the current oversight structure of ERT and AMNA, asserting that Greek legislation provides safeguards against state or political interference.<sup>158</sup> They cited Article 14 of the Greek Constitution, which guarantees freedom of expression and prohibits censorship. They also pointed to Law 5062/2023, which established a new system for selecting the management of public sector bodies, including ERT and AMNA, based on merit and with a focus on qualifications.

However, the Secretariat's response does not address the concerns about the potential for political influence over ERT and AMNA due to their placement under the Prime Minister's Office. The fact that the Prime Minister has ultimate authority over the General Secretariat of Communication and Information, which oversees ERT and AMNA, creates a risk of political interference, even if it is not direct or daily.

## **Athens-Macedonian News Agency**

Government control of AMNA, Greece's only state-owned wire service, has an impact on private media and weakens media pluralism. Articles coming from AMNA are a major source of information for commercial media that very often pick up and reproduce the news coming from the only Greek wire agency as they are, with the same or a similar title and content.

Human Rights Watch interviewed two journalists working at the agency, as well as a former employee.

Ilia I. who started working at AMNA prior to the placement of AMNA under the prime minister's office, said there was always some level of political interference, but that "as of 2019, the situation got out of control:"

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<sup>158</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

What I observe in [my outlet] is not so much the censorship, but the extreme silencing. There are entire stories, that are important, and that we don't cover at all.... For example, we stopped covering protests, except in very obvious situations. Anything that contradicts or opposes the government has been curtailed. If an NGO puts out something that is critical of the government, I will either not write something about it or put something out that is very edited.... We stopped covering crises.<sup>159</sup>

Ilia I. said the stories they are working on are often dictated by government officials: “We are constantly being asked to [report on] things dictated by the ministries. During the pre-election period [in 2023], we were asked to [report on] all the positive things that the government did.”<sup>160</sup>

Human Rights Watch has observed that its own work on Greece is not covered by public media as often as it was prior to 2019. Christina C. who also works for AMNA, explained to Human Rights Watch that their editorial practice prioritizes reporting on government responses to critiques from nongovernmental groups. She told Human Rights Watch that when a piece critical of the government is published by a nongovernmental group, they typically do not report it, or if they do, they typically report only the government's response.

The [agency] even censors press releases and statements from important stakeholders, such as nongovernmental groups. Even press conferences. Even news that has run everywhere else... [T]hey are hesitant to run them in our own outlet.<sup>161</sup>

Christina C. has also observed increased censorship since 2019: “Practically, public media outlets are treated as government press offices. This always existed, at a smaller scale, but now it has taken gigantic proportions.”<sup>162</sup>

Michalis M., a journalist who works in one of the major private mainstream online media platforms, explained to Human Rights Watch that 50 percent of the news they publish

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<sup>159</sup> Human Rights Watch interview with Ilia I., Athens, June 26, 2023.

<sup>160</sup> Ibid.

<sup>161</sup> Human Rights Watch interview with Christina C., Athens, June 30, 2023.

<sup>162</sup> Ibid.

online come from AMNA.<sup>163</sup> He told Human Rights Watch that it is often a struggle to go beyond what is written by AMNA. “Every time I manage to publish a text that is poignant and not censored, I leave happy from work. Even if this is taking a text from [AMNA] and putting your own, poignant title.”<sup>164</sup>

Similar comments were made to Human Rights Watch by Iasonas I. another journalist working in one of the major online mainstream media platforms. He described AMNA as a “government outlet” that is being used as a “press office for the government’s propaganda.”<sup>165</sup>

On November 17, 2022, the Athens Daily Newspapers Journalists’ Union expressed concern about AMNA’s tendency to favor government perspectives in its coverage, without providing a balanced representation of opposing viewpoints or critical assessments of the government’s actions. This imbalance, the union argues, violates the fundamental journalistic principle of pluralism.<sup>166</sup>

Human Rights Watch wrote to AMNA in December 2024, seeking a response to the allegations against AMNA.<sup>167</sup> In its response to Human Rights Watch, AMNA denied any government interference in its editorial decisions, stating that its supervision by the Prime Minister’s office is through the General Secretariat of Communication and Information, is strictly administrative and limited to ensuring compliance with legal and regulatory provisions.<sup>168</sup>

AMNA emphasized the role of its journalists’ experience and daily reporting as the primary guarantee of independence and high-quality content. It also highlighted the recent legislative changes regarding the selection of management in public organizations (Law 5062/2023) and their administrative structure (Law 4972/2022) as contributing to the agency’s independence and transparency.<sup>169</sup>

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<sup>163</sup> Human Rights Watch interview with Michalis M., Athens, July 1, 2023.

<sup>164</sup> Ibid.

<sup>165</sup> Human Rights Watch interview with Iasonas I., Athens, July 13, 2023.

<sup>166</sup> Athens Daily Newspapers Journalists’ Union letter to AMNA’s management, Press release, November 17, 2022, <https://www.esiea.gr/epistoli-tis-esiea-pros-ti-dioikisi-to/> (accessed December 7, 2023).

<sup>167</sup> Human Rights Watch letter to AMNA, December 23, 2024 (on file with Human Rights Watch).

<sup>168</sup> AMNA response to Human Rights Watch, Athens, January 17, 2025.

<sup>169</sup> Ibid.

The reply from AMNA asserted that there have been no complaints about biased reporting, particularly during the 2023-2024 election periods. AMNA dismissed the concerns raised by the Athens Daily Newspapers Journalists' Union in November 2022, attributing them to an unintentional omission in a specific news report.

Finally, AMNA highlighted its commitment to international standards of journalism and its active participation in initiatives like the European Alliance of News Agencies (EANA) and the School for the Safety of Journalists in Thessaloniki.

The General Secretariat of Communication and Information offered a similar response. The full letter is available on our website.<sup>170</sup>

## **ERT (Elliniki Radiofonia Tileorasi – Hellenic Broadcasting Corporation)**

Elliniki Radiofonia Tileorasi (Hellenic Broadcasting Corporation or ERT), Greece's state-owned public radio and television broadcaster, operates under a legal framework that in theory guarantees its administrative and financial autonomy, and editorial independence.<sup>171</sup> However, there are concerns regarding its autonomy including because the broadcaster is subject to administrative oversight by the General Secretariat for Communication and Information, which as noted above is a body under the Prime Minister's Office.<sup>172</sup> The 2024 MPM report considers the independence of ERT to be an area of medium risk.<sup>173</sup>

In August 2019, the government appointed Konstantinos Zoulas, the former press secretary of the Prime Minister's Office and the New Democracy party, as head of ERT.<sup>174</sup> In November 2023, the government introduced a new law aimed at enhancing transparency

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<sup>170</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

<sup>171</sup> Law No. 4324/2015 and Law 4173/13 (A' 169).

<sup>172</sup> Following his electoral victory in 2019, Prime Minister Kyriakos Mitsotakis issued a General Presidential Decree (Issue A '119 / 08.07.2019 of the government gazette), bringing the General Secretariat of Information and Communication, the supervising body of ERT and AMNA, under the purview of the Prime Minister's office.

<sup>173</sup> 2024 Media Pluralism Monitor, Greece, p. 18, [https://cadmus.eui.eu/bitstream/handle/1814/77003/Greece\\_EN\\_mpm\\_2024\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/77003/Greece_EN_mpm_2024_cmpf.pdf?sequence=1&isAllowed=y) (accessed July 24, 2024).

<sup>174</sup> The Press Project, "From the Press Office of ND and Maximous Mansion, K. Zoulas at the helm of ERT," (Από το Γραφείο Τύπου της ΝΔ και του Μαξίμου στο τιμόνι της ΕΡΤ ο Κ. Ζούλας), August 12, 2019, <https://thepressproject.gr/apo-to-grafio-ty-pou-tis-nd-ke-tou-maximou-sto-timoni-tis-ert-o-k-zoulas/> (accessed December 8, 2023).

in the appointment process for public media leadership.<sup>175</sup> According to the European Commission’s 2024 Rule of Law report on Greece, in June 2024, the procedure for the search of a new head for ERT was initiated under this revised framework.<sup>176</sup>

Human Rights Watch was able to secure only one interview with a journalist working at ERT, despite efforts to identify and contact potential interviewees willing to speak. While a few individuals expressed initial interest, logistical challenges ultimately prevented these interviews from taking place. However, incidents of censorship within ERT, reported in the public sphere, are also indicative of potential government interference in the editorial independence of public broadcasters.<sup>177</sup>

The one ERT journalist we spoke with was Machi Nikolara, who also serves as special secretary of the Journalists’ Union of Athens Daily Newspapers. Nikolara had serious concerns as to why and how a broadcast she had prepared for ERT in April 2021 on alleged censorship by Facebook was initially suspended, she said by the head of the news department. It did air with some additions a month later, but not before Nikolara had written a detailed Facebook post setting out how her investigation and report on social media content moderation had been abruptly put on hold without being offered an explanation. Nikolara told Human Rights Watch that the social media post has resulted in “very serious professional repercussions,” including a two-year halt in new assignments. However, she remained optimistic that the situation could be resolved with the recent change in ERT management.<sup>178</sup>

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<sup>175</sup> Law No. 5062/2023.

<sup>176</sup> European Commission, Country Chapter on the rule of law situation in Greece, 2024 Rule of Law Report, July 24, 2024, [https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827\\_en?filename=21\\_1\\_58062\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827_en?filename=21_1_58062_coun_chap_greece_en.pdf) (accessed, July 24, 2024).

<sup>177</sup> Thodoris Chondrogiannos, “Public broadcaster ERT censors coverage of Prime Minister’s violation of coronavirus quarantine measures,” *Vouliwatch*, February 16, 2021, <https://govwatch.gr/en/finds/public-broadcaster-ert-censors-coverage-of-prime-minister-s-violation-of-coronavirus-quarantine-measures/> (accessed December 7, 2023); Thodoris Chondrogiannos, “Bias and misinformation on ERT, the public service broadcaster, in favor of a government bill,” *Vouliwatch*, February 20, 2021, <https://govwatch.gr/en/finds/peristatika-parapliroforisis-stin-ert-yper-kyvernitikoy-nomoschedioly/> (accessed December 7, 2021); Thodoris Chondrogiannos, “ERT journalist complains of censorship in the public broadcasting service,” *Vouliwatch*, April 27, 2021, <https://govwatch.gr/en/finds/ert-journalist-complains-of-censorship-in-the-public-broadcasting-service/> (accessed December 7, 2023).

<sup>178</sup> Human Rights Watch interview with Machi Nikolara, online, October 2, 2024.

Nikolara’s experience with her social media report is not an isolated incident. In her Facebook post, she points to a worrying pattern where reports touching on sensitive topics are either cut or indefinitely shelved:

In the previous episode, a report on police violence was cut at the last minute. That is why the scheduled episode on March 29 did not air... At least two reports that have been worked on for this program have not been aired for a year. It was requested that they be supplemented with the positions of the responsible ministers and since then they have remained in the drawer.... Two hour-long episodes of ERTreport, the award-winning investigative program that was cut without the slightest explanation, have also been relegated to the dustbin of history, with the change of administration after the elections. The reports concerned the refugee crisis and therapeutic approaches to drug addiction. However, the agenda has changed with the allegations of pushbacks and the dismantling of KETHEA [the largest rehabilitation and social reintegration network in Greece].<sup>179</sup>

Censorship within ERT had also been on blatant display at the height of the Covid pandemic. On February 6-7, 2021, while Greece was under strict Covid-19 restrictions, Prime Minister Kyriakos Mitsotakis was photographed and filmed socializing in a large gathering on the island of Ikaria, flouting the rules his government had imposed.<sup>180</sup> Subsequently, a leaked internal memo allegedly from ERT explicitly instructed journalists and producers not to broadcast images of this incident.<sup>181</sup> ERT journalists publicly confirmed in a statement the attempted censorship, stating that directives to manipulate or suppress news are common, though usually given verbally.<sup>182</sup> This alleged blatant

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<sup>179</sup> Facebook post of Machi Nikolara, April 19, 2021, [https://www.facebook.com/story.php?story\\_fbid=2887120208169899&id=100006158443132&rdid=VKOP9AflugtCa1PJ](https://www.facebook.com/story.php?story_fbid=2887120208169899&id=100006158443132&rdid=VKOP9AflugtCa1PJ) (accessed April 30, 2025).

<sup>180</sup> Louloudenia Kriki, “Concerns as the Prime Minister attends large dinner event despite pandemic restrictions,” *Govwatch*, February 7, 2021, <https://govwatch.gr/en/finds/concerns-as-the-prime-minister-attends-large-dinner-event-despite-pandemic-restrictions/> (accessed December 8, 2023).

<sup>181</sup> Post by @ChristosXanthak on “X”, <https://x.com/ChristosXanthak/status/1358782108244803586>, (accessed December 8, 2023).

<sup>182</sup> News247 Newsroom, “ERT Journalists: Written note about Ikaria is a real event,” (Δημοσιογράφοι ΕΡΤ: Πραγματικό γεγονός το γραπτό σημείωμα για την Ικάρια), *News247*, February 10, 2021, <https://www.news247.gr/media/dimosiografoi-ert-pragmatiko-gegonos-to-grapto-simeioma-gia-tin-ikaria/>, (accessed December 8, 2023).

attempt at censorship prompted the Journalists Union of Athens Daily Newspapers to denounce any efforts to manipulate information.<sup>183</sup>

In February 2020, Reporters Without Borders issued a statement in relation to a separate incident, condemning “Greek public TV and radio broadcaster ERT’s censorship of reporting from islands where a new influx of migrants and the creation of new migrant camps has triggered protests.”<sup>184</sup> According to RSF and an independent news outlet, *The Press Project*, ERT’s actions began after a regional correspondent published an article detailing violent clashes between police and residents of Lesbos who oppose the creation of a new camp.<sup>185</sup> The central administration of ERT demanded that the report be taken down, and when the journalist refused to comply, the article was removed and replaced with a news telegram from the Athens News Agency.<sup>186</sup> Following that, ERT instituted a new policy requiring pre-approval for all articles from regional ERT journalists.<sup>187</sup>

In addition, internal dissent within ERT surfaced in January 2025.<sup>188</sup> Employee representatives on the board of administration issued a statement criticizing the “extremely understated” coverage of the mass protests demanding justice for the Tempí national tragedy, that took place on January 26, calling it a “premeditated crime against journalism.” They pointed to the delayed and minimal coverage of the Athens protest, which ERT attributed to technical issues.<sup>189</sup>

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<sup>183</sup> Journalists’ Union of Athens Daily Newspapers, “We denounce any attempt to manipulate the news,” (Καταγγέλλουμε κάθε απόπειρα χειραγώγησης της ενημέρωσης), Press release, February 10, 2021, <https://www.esiea.gr/kataggelloyme-kathe-aporeira-xeirago/>, (accessed December 8, 2023).

<sup>184</sup> Reporters Without Borders, “Greek public broadcaster censors reports from islands about new migrant camps,” February 28, 2020, Press release, February 28, 2020, <https://rsf.org/en/greek-public-broadcaster-censors-reports-islands-about-new-migrant-camps> (accessed December 6, 2023).

<sup>185</sup> The Press Project, “Censorship in ERT’s regional media due to the events on the islands,” (Λογοκρισία στα περιφερειακά μέσα της ΕΡΤ λόγω των γεγονότων στα νησιά), February 26, 2020, <https://thepressproject.gr/logokrisia-sta-periferiaka-mesa-tis-ert-logo-ton-gegonoton-sta-nisia/?fbclid=IwARogI08Y2PoxZVqgQew1Z1UlfHBgXHvGecegQOAA857nvagDexok9xaHUAY#.XlZakJZ2uR.facebook> (accessed December 8, 2023).

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*

<sup>188</sup> MEGA, “‘Internal conflict’ at ERT over Tempí - Employees against management,” («Εμφύλιος» στην ΕΡΤ για τα Τέμπη – Εργαζόμενοι εναντίον διοίκησης), Article, January 28, 2025, <https://www.megatv.com/2025/01/28/emfylios-stin-ert-gia-ta-tempi-ergazomenoi-enantion-dioikisis/> (accessed March 29, 2025).

<sup>189</sup> To Pontiki, “ERT: Indignation and anger of its employees over the coverage of the mobilizations for Tempí,” (ΕΡΤ: Αγανάκτηση και οργή εργαζομένων της για την κάλυψη των κινητοποιήσεων για τα Τέμπη), Article, January 29, 2025, <https://www.topontiki.gr/2025/01/29/ert-aganaktisi-ke-orgi-ergazomenon-tis-gia-tin-kalipsi-ton-kinitopiiseon-gia-ta-tempi/> (accessed March 29, 2025).

Adding to the accusations, POSPERT (Panhellenic Federation of Associations of Radio and Television Personnel) issued also a damning statement denouncing ERT's coverage of the Tempi protests as a “black page” in the broadcaster's history.<sup>190</sup> POSPERT criticized specifically the choice to cover “the biggest protest in recent years” with a single camera operator and one reporter at Syntagma Square (in Athens). They also complained that throughout the course of the demonstration, ERT was busy reporting news of unrelated events, and questioned the broadcaster's commitment to reporting such an important event with adequate resources. POSPERT, and opposition parties, called for the current leadership of ERT to resign due to their handling of the coverage of the Tempi protests.<sup>191</sup>

However, ERT firmly defended its reporting, claiming adherence to journalistic standards and stating that it “covers all events with complete validity and reliability.” The broadcaster dismissed the employees' criticism as an “unacceptable distortion of reality” and “cheap propaganda.”<sup>192</sup>

Human Rights Watch wrote to ERT in December 2024, seeking comment.<sup>193</sup> ERT provided a detailed response underscoring the legal and operational framework that guarantees its independence and freedom of expression.<sup>194</sup> ERT cited Article 14 of the Greek Constitution, which explicitly protects freedom of the press and prohibits censorship. They also highlighted Law 5062/2023, which established a new system for selecting the leadership

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<sup>190</sup> News 247, “POSPERT: ERT's management should resign over the coverage of the Tempi rally,” (ΠΟΣΠΕΡΤ: Να παραιτηθεί η διοίκηση της ΕΡΤ για την κάλυψη της συγκέντρωσης για τα Τέμπη), Article, January 28, 2025, <https://www.news247.gr/media/pospert-na-paraitithe-i-dioikisi-tis-ert-gia-tin-kalipsi-tis-sigkentrosis-gia-ta-tempi/> (accessed March 29, 2025).

<sup>191</sup> To Pontiki, “‘I can't breathe': Nikos Androulakis demands the resignation of ERT's management for the... meager coverage of the demonstrations,” («Δεν έχω οξυγόνο»: Την παραίτηση της διοίκησης της ΕΡΤ για την... ισχνή κάλυψη των διαδηλώσεων ζητά ο Νίκος Ανδρουλάκης), Article, January 27, 2025, <https://www.topontiki.gr/2025/01/27/den-echo-oxigono-tin-paretisi-tis-diikisi-tis-ert-gia-tin-ischni-kalipsi-ton-diadiloseon-zita-o-nikos-androulakis/> (accessed March 29, 2025); News 247, “POSPERT: ERT's management should resign over the coverage of the Tempi rally,” (ΠΟΣΠΕΡΤ: Να παραιτηθεί η διοίκηση της ΕΡΤ για την κάλυψη της συγκέντρωσης για τα Τέμπη), Article, January 28, 2025, <https://www.news247.gr/media/pospert-na-paraitithe-i-dioikisi-tis-ert-gia-tin-kalipsi-tis-sigkentrosis-gia-ta-tempi/> (accessed March 29, 2025).

<sup>192</sup> Parapolitika, “ERT: Response to complaint about downplaying the Tempi demonstrations – ‘We cover all events with validity and reliability’,” (ΕΡΤ: Απάντηση σε καταγγελία για υποβάθμιση των διαδηλώσεων για τα Τέμπη – ‘Καλύπτουμε όλα τα γεγονότα με εγκυρότητα και αξιοπιστία’), Article, January 26, 2025, <https://www.parapolitika.gr/ellada/article/1509568/ert-apidisi-se-kataggelia-gia-upovathmisi-ton-diadiloseon-gia-ta-tebi-kaluptoume-ola-ta-gegonota-me-egurotita-kai-axiopistia/> (accessed March 29, 2025).

<sup>193</sup> Human Rights Watch letter to ERT, December 23, 2024 (on file with Human Rights Watch).

<sup>194</sup> ERT response to Human Rights Watch, Aghia Paraskevi, January 20, 2025.

of public sector bodies, as described also above, emphasizing transparency, meritocracy, and essential qualifications in the appointment process.<sup>195</sup>

ERT emphasized its administrative and financial autonomy.<sup>196</sup> They explained that the selection process for its leadership includes a rigorous evaluation by an independent committee, ensuring the appointment of qualified individuals with a proven track record. The agency clarified that its supervision falls under the purview of the General Secretariat for Communication and Information, a department with purely administrative oversight responsibilities, and not the Prime Minister's Office. This administrative supervision, they emphasized, does not include any involvement in content creation or daily operations.<sup>197</sup>

Furthermore, ERT highlighted its commitment to the principles of objectivity, pluralism, and the equal presentation of all views, as enshrined in its founding law (4173/2013). They pointed out that this law has remained unchanged for over a decade, despite changes in political leadership, demonstrating a consistent commitment to these principles.<sup>198</sup>

ERT also emphasized the role of journalistic associations and unions in safeguarding editorial independence. They noted that journalists at ERT are subject to the Code of Journalistic Ethics adopted by these associations, which have primary and secondary disciplinary boards to monitor its implementation.<sup>199</sup>

Finally, in response to the specific incidents of alleged censorship from previous years mentioned in this section, ERT stated that they were not aware of any official investigation or audit report that substantiated these claims or attributed any wrongdoing to the management at the time.<sup>200</sup>

However, ERT's response does not address the underlying concern that its placement under the General Secretariat for Communication and Information, which reports to the

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<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

Prime Minister's Office, poses a risk of political interference. Even if the Secretariat's oversight is purely administrative, the Prime Minister's ultimate authority over the Secretariat creates a potential channel for influence.

Moreover, ERT's denial of any knowledge of official investigations or audit reports into the alleged incidents of censorship is unconvincing. The incidents mentioned were widely reported in the media and raised concerns among journalists' unions and press freedom organizations.

## V. Use of State Advertising to Influence Media

In Greece there was always a close relationship between the media and the government, but we never had such high level of interference and such a universal alignment of the media with the government.

—Thanasis Koukakis, journalist covering financial news for international and local media, Athens, June 21, 2023

The 2023 Joint Declaration on Media Freedom and Democracy outlines a number of measures that states should take to support the economic viability and sustainability of independent media.<sup>201</sup> In particular, “states should avoid discrimination on the basis of political or government viewpoints in their decisions over the allocation of public advertising,” and “public authorities should be fully transparent with regard to the amount, scope, requirements and criteria for the allocation of their advertising.”<sup>202</sup> A 2018 Joint Declaration by freedom of expression and media experts on “Media Independence and Diversity in the Digital Age”, notes that states “should put in place effective systems to ensure transparency, fairness and nondiscrimination in access by the media to State resources, including public advertising.”<sup>203</sup>

The distribution of state advertising to media outlets in Greece has raised concerns about its potential use as a way for the government to influence the media.<sup>204</sup> Without robust

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<sup>201</sup> United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur on Freedom of Expression, African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa, “Joint Declaration on Media Freedom and Democracy,” May 2, 2023, see section titled, “Support economic viability and sustainability of independent media,” <https://www.ohchr.org/sites/default/files/documents/issues/expression/activities/2023-JD-Media-Freedom-and-Democracy.pdf> (accessed July 23, 2024).

<sup>202</sup> Ibid.

<sup>203</sup> UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, “Joint Declaration on Media Independence and Diversity in The Digital Age,” May 2018, para 6, “Economic Threats,” [https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration2May2018\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration2May2018_EN.pdf), (accessed July 23, 2024).

<sup>204</sup> Some examples: KeepTalkingGreece, “Audit shows €230million missing in Greece’s KEELPNO Disease Center,” March 21, 2018, <https://www.keeptalkinggreece.com/2018/03/21/keelpno-polakis-scandal-health/> (accessed December 5, 2023); News247, “Greek Ministry of Health: €18.5 million to the media for the vaccination campaign,” (Υπουργείο Υγείας: 18,5 εκατ. ευρώ σε ΜΜΕ για την καμπάνια εμβολιασμού), December 27, 2020, <https://www.news247.gr/ellada/ipourgeio-igeias-185->

transparency and objectivity criteria, procedures in place, and effective implementation of existing rules, anecdotal information suggests that potential use of state advertising funds to support media outlets that report favorably on the government compromises unbiased media narratives.<sup>205</sup>

According to a January 2024 report on the state of media freedom in Greece by eight European and international media freedom groups, “[s]tate advertising to media in Greece, though not the dominant source for media industry like in some other EU countries, has long suffered from politicisation and meddling.”<sup>206</sup>

A 2023 study prepared for the European Commission on the public financing of news media in the EU, found that in several EU countries, including Greece, “news media, especially, printed news media are, due to their vulnerable media situation, prone to be dependent on state advertising—especially (but not exclusively) at local levels.”<sup>207</sup>

The practice of directing state advertisement to outlets that favour the government poses a serious threat to media freedom and the public’s right to information. When the government selectively rewards media outlets for favorable coverage, it creates a climate of self-censorship and undermines the role of independent media in holding power to account. Furthermore, it distorts the media landscape, giving an unfair advantage to pro-government voices and limiting the diversity of perspectives available to the public. This ultimately weakens media pluralism, and inhibits informed decision-making by citizens.

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ekat-evro-se-mme-gia-tin-kampania-emvoliasμου/ (accessed December 5, 2023); The Press Project, “The “Skretas List” is coming too – They are distributing €7.5 million to the media for an energy saving campaign,” (Έρχεται και Λίστα Σκρέκα – Μοιράζουν 7,5 εκατ. στα ΜΜΕ για καμπάνια εξοικονόμησης ενέργειας), October 5, 2023, <https://thepressproject.gr/erchetai-kai-lista-skreka-moirazoun-75-ekat-sta-mme-gia-kabania-exoikonomisis-energeias/> (accessed December 5, 2023); Data Journalists, “Revelation: The “Petsa Lists” of EYDAP,” (Αποκάλυψη: Οι «λίστες Πέτσα» της ΕΥΔΑΠ), March 22, 2023, <https://www.datajournalists.co.uk/2023/03/22/apokalypsi-oi-listes-petsa-tis-eydap/> (accessed December 5, 2023).

<sup>205</sup> Ibid.

<sup>206</sup> Media Freedom Rapid Response, Mission Report: Stemming the Tide of Greek Media Freedom Decline, p. 24, January 2024, <https://www.mfrr.eu/wp-content/uploads/2024/01/Mission-Report-Greece-2024-1.pdf> (accessed July 24, 2024).

<sup>207</sup> European Commission, Public Financing of News Media in the EU, p.10, October 2023, <https://apimprensa.pt/wp-content/uploads/2024/02/public-financing-of-news-media-in-the-eu-KKo523383ENN.pdf> (accessed July 24, 2024).

Kostas Vaxevanis, journalist and publisher of Documento news, told Human Rights Watch that after New Democracy came to power in 2019, all types of state advertising in the newspaper were cut. “The purpose is economic strangulation,” he said.<sup>208</sup>

The “Petsas List” scandal, described immediately below, is one example of concerns about the allocation of public funds to media outlets in Greece. Investigative reports have also documented irregularities in allocation of public funding to media outlets for energy-saving initiatives and campaigns by the Athens Water Supply and Sewerage Company (EYDAP), the largest water utility company in Greece, raising questions about transparency, accountability, and the potential influence of such spending on media coverage.<sup>209</sup>

In its response to Human Rights Watch, the Greek government defended the system of allocating state advertising, asserting that the process is fair, transparent, and in line with European standards.<sup>210</sup> The letter claims that Greece has “perhaps the most sophisticated and transparent framework in the field of state advertising among the EU member states.”

The government’s assertion that its system is “sophisticated” and “transparent” appears to be based on rhetoric rather than reality. The extensive gaps in information, the dominance of parallel and conflicting systems for recording state advertisement, and the overall lack of availability of comprehensive expenditure information paint a very different picture. Until and unless these issues are addressed, and the government publishes genuinely comprehensive and easily accessible information on state advertising spending, its declarations of transparency and conformity to EU standards cannot be validated. These issues will be discussed more thoroughly in the following sub-sections.

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<sup>208</sup> Human Rights Watch interview with Kostas Vaxevanis, Athens, October 3, 2023.

<sup>209</sup> Some examples: KeepTalkingGreece, “Audit shows €230million missing in Greece’s KEELPNO Disease Center,” March 21, 2018, <https://www.keeptalkinggreece.com/2018/03/21/keelpno-polakis-scandal-health/> (accessed December 5, 2023); News247, “Greek Ministry of Health: €18.5 million to the media for the vaccination campaign,” (Υπουργείο Υγείας: 18,5 εκατ. ευρώ σε ΜΜΕ για την καμπάνια εμβολιασμού), December 27, 2020, <https://www.news247.gr/ellada/ipourgeio-igeias-185-ekat-evro-se-mme-gia-tin-kampania-emvoliasμου/> (accessed December 5, 2023); The Press Project, “The “Skretas List” is coming too – They are distributing €7.5 million to the media for an energy saving campaign,” (Έρχεται και Λίστα Σκρέκα – Μοιράζουν 7,5 εκατ. στα ΜΜΕ για καμπάνια εξοικονόμησης ενέργειας), October 5, 2023, <https://thepressproject.gr/erchetai-kai-lista-skreka-moirazoun-75-ekat-sta-mme-gia-kabania-exoikonomisis-energeias/> (accessed December 5, 2023); Data Journalists, “Revelation: The “Petsa Lists” of EYDAP,” (Αποκάλυψη: Οι «λίστες Πέτσα» της ΕΥΔΑΠ), March 22, 2023, <https://www.datajournalists.co.uk/2023/03/22/apokalypsi-oi-listes-petsa-tis-eydap/> (accessed December 5, 2023).

<sup>210</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

## The Petsas List Scandal

In 2020, the Greek government launched a €20 million stay-at-home campaign in the context of the Covid-19 pandemic that included provision of public funds for advertising to state-owned and private media outlets across various platforms, including print publications, television channels, radio stations, websites, and social media.<sup>211</sup>

Following pressure by the nongovernmental group Vouliwatch and independent media outlets to publish the list of entities that had received funding, it was revealed the funds were used to favor pro-government media outlets.<sup>212</sup> Initially the government refused to publish the list, named after former government spokesman Stelios Petsas, then published a list containing only the names of outlets that received the funds, and finally published a complete list including allocation of funds per media outlet.<sup>213</sup>

The “Petsas list” included over 1,200 media outlets, ranging from large national newspapers to small local websites.<sup>214</sup> However, there were notable omissions, including Documento, a prominent media outlet that had been critical of the government, and the list included websites void of content or non-existent, ghost radio stations, and personal blogs.<sup>215</sup> In addition, a disproportionate amount of funding was allocated to pro-government outlets, with some receiving hundreds of thousands of euros, while critical or opposition outlets received only a few thousand.<sup>216</sup> According to independent media outlet *The Press Project*, critical/opposition outlets received 1 percent of the total funding.<sup>217</sup>

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<sup>211</sup> Ibid.

<sup>212</sup> Efimerida ton Sintakton, “The Petsas list revealed what it was hiding,” (Αποκαλύφθηκε τι έκρυβε η λίστα Πέτσα), July 6, 2020, [https://www.efsyn.gr/politiki/kybernisi/250925\\_apokalyfthike-ti-ekrybe-i-lista-petsa](https://www.efsyn.gr/politiki/kybernisi/250925_apokalyfthike-ti-ekrybe-i-lista-petsa) (accessed December 6, 2023).

<sup>213</sup> Human Rights Watch interview with Stefanos Loukopoulos, Athens, June 15, 2023; and online communication on November 15, 2023.

<sup>214</sup> Euronews, “Stay Home: The Full List of Money to the Media,” (Μένουμε Σπίτι: Όλη η λίστα με τα λεφτά στα ΜΜΕ), July 6, 2020, <https://gr.euronews.com/2020/07/06/menoume-spiti-oli-lista-lefta-mme-covid-19-koronoios-ellada> (accessed December 6, 2020).

<sup>215</sup> Stavros Malichudis, “The grey areas on the list of the greek media outlets’ payments for COVID-19 awareness campaign,” *Solomon*, July 7, 2020, <https://wearesolomon.com/mag/focus-area/accountability/the-grey-areas-on-the-list-of-the-greek-media-outlets-payments-for-covid-19-awareness-campaign/> (accessed, December 7, 2023); International Press Institute and Media Freedom Rapid Response, “Greece urged to ensure fair and transparent media support scheme,” Press release, July 15, 2023, <https://ipi.media/greece-urged-to-ensure-fair-and-transparent-media-support-scheme-2/> (accessed December 7, 2023); Mappin Media Freedom, “Investigative newspaper excluded from state funding and accused of spreading ‘fake news,’” July 6, 2020, <https://www.mapmf.org/alert/23405> (accessed December 7, 2023).

<sup>216</sup> Ibid.

<sup>217</sup> The Press Project, “The opposition press received less than 1% of the government funding for the ‘Stay at Home’ campaign,” (Λιγότερο από το 1% στον αντιπολιτευόμενο Τύπο για το «Μένουμε Σπίτι»), July 6, 2020,

According to an analysis of the “Petsas List” from *The Press Project*, the allocation of state advertising funds further exemplifies potential biases within the Greek media landscape. The left-wing newspaper, *Efimerida ton Syntakton*, received a mere €10,000 (plus VAT) for its website, and €30,000 for its print edition.<sup>218</sup> On the other hand, pro-government media outlets with significantly lower readership received larger amounts.<sup>219</sup> For example, *Fileleftheros* (a conservative newspaper) received €60,000 for its print edition and €120,000 for its website, liberal.gr.<sup>220</sup> This is a newspaper that now circulates only weekly, with much lower sales than *Efimerida ton Syntakton*, which is a daily newspaper.<sup>221</sup> At the same time, the website of *Athens Voice*, which has a similar estimated traffic to *Efimerida ton Syntakton*, received €180,000 euros.<sup>222</sup>

In a letter to Greece Prime Minister Mitsotakis and Stelios Petsas, the Media Freedom Rapid Response noted that “[f]ar from being based on principles of objectivity or fairness, it appears the criteria used to select which Greek media outlets received state funding during the COVID-19 pandemic was at best arbitrary and at worst meant to punish media that report unfavorably on the government.”<sup>223</sup>

A parliamentary investigation launched into the Petsas list, as well as other forms of state media funding, including a second Petsas list, brought no results.<sup>224</sup> As with the inquiry on

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[https://thepressproject.gr/ligotero-apo-to-1-ston-antipolitevomeno-typo-gia-to-menoume-spiti/?fbclid=IwARoiX7ANNNy5iqarfBIhhyNWLgj9q1Qiz\\_xYNGquk123P7PhSfBtYVg2PIA](https://thepressproject.gr/ligotero-apo-to-1-ston-antipolitevomeno-typo-gia-to-menoume-spiti/?fbclid=IwARoiX7ANNNy5iqarfBIhhyNWLgj9q1Qiz_xYNGquk123P7PhSfBtYVg2PIA) (accessed December 7, 2023).

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> International Press Institute and Media Freedom Rapid Response, “Greece urged to ensure fair and transparent media support scheme,” Press release, July 15, 2023, <https://ipi.media/greece-urged-to-ensure-fair-and-transparent-media-support-scheme-2/> (accessed December 7, 2023).

<sup>224</sup> Gerasimos Livitsanos, “Investigative Committee on the Petsas List: The Parties’ Findings Were Submitted,” (Εξεταστική για Λίστα Πέτσα: Κατατέθηκαν τα πορίσματα των κομμάτων), *Vouliwatch*, January 14, 2022, <https://vouliwatch.gr/news/article/exetastiki-gia-lista-petsa-katatethikan-ta-porismata-ton-kommaton> (accessed December 7, 2023).

the surveillance scandal, the government has used its majority in parliament to prevent key witnesses, including Petsas himself, from testifying before the commission.<sup>225</sup><sup>226</sup>

In its response to Human Rights Watch, the Greek government maintains that the campaign on Covid-19 was conducted legally and transparently.<sup>227</sup> In its letter, it states that the allocation of funds was based on objective criteria and that the campaign played a very crucial role in informing citizens and protecting public health. It also argues that “transparency was ensured through parliamentary scrutiny and extensive information provided by the competent bodies.”

However, this claim is difficult to reconcile with the original refusal to publish the list of beneficiaries to the public, the partial disclosure only under great pressure, and the multitude of irregularities and discrepancies built into the list itself such as the payment to non-existent outlets and disproportionate allocation to pro-government media. The fact that the initial released list contained merely the names of the funded outlets, and not the figures, and that this came out only later after further pressure from civil society to do so, points towards reluctance to reveal to the fullest extent the details on the allocation of these funds.

Additionally, the persistent blocking by the government of the parliamentary investigation, denying important witnesses such as Mr. Petsas from appearing before it to testify, and the final failure of the inquiry to provide significant findings, raises serious doubts over the government’s assertion of transparency. The fact that the final parliamentary report had no support from any opposition parties, further highlights the concerns over the process’s fairness and transparency.

Lastly, the Independent Authority for Public Contracts also openly and firmly contested the government’s narrative of legality regarding the Petsas list, issuing a critical opinion

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<sup>225</sup> Marina Mani, “‘Petsa List’: The Investigative Committee was held and... passed without a comprehensive investigation («Λίστα Πέτσα»: Εξεταστική Επιτροπή ήταν και... πέρασε χωρίς ολόπλευρη διερεύνηση), *Euro2day*, January 15, 2022, <https://www.euro2day.gr/news/politics/article/2115035/lista-petsa-exetastikh-epitroph-htan-kai-perase-ho.html> (accessed, December 7, 2023).

<sup>226</sup> The parliamentary commission’s representation mirrors that of the plenary, and decisions are made by a simple majority. This effectively gives the governing party, New Democracy, complete control over the proceedings.

<sup>227</sup> General Secretariat for Communication and Information letter to Human Rights Watch, Athens, February 6, 2025.

highlighting procedural irregularities and potential violation of EU and domestic law, particularly concerning deviations from public procurement regulations.<sup>228</sup>

Vouliwatch sent an access to information request to the General Secretariat of Communication and Information, asking for the criteria used for the allocation of funding to be disclosed.<sup>229</sup> The government did not answer the request, leading to Vouliwatch appealing to the National Transparency Authority (NTA) to compel the government to release the criteria.<sup>230</sup> The NTA tacitly sided with the government by ignoring Vouliwatch's appeal (administrative silence), providing no explanation whatsoever.<sup>231</sup> Vouliwatch then appealed to the Administrative Court of Athens against the tacit rejection by the NTA, and in January 2022, the Athens Administrative Court of Appeal ruled partially in its favor, saying that that the NTA must provide a justification for its refusal to disclose the information.<sup>232</sup> It did not, however, oblige the NTA to disclose the criteria, but to justify its decision for not disclosing them.

Human Rights Watch wrote to the NTA in December 2024, seeking comment on the Petsas List scandal.<sup>233</sup> The NTA confirmed that Vouliwatch's initial request for information on the Covid-19 campaign funding was submitted to the General Secretariat for Information and Communication.<sup>234</sup> And that when no response was received, Vouliwatch appealed to the NTA. The NTA acknowledged the delay in addressing Vouliwatch's appeal, attributing it to the request's complexity and the number of stakeholders involved. They stated that the

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<sup>228</sup> See Opinion by the Independent Authority for Public Contracts: <https://vouliwatch.gr/resources/file/2020/12/8/13f697f6-00ee-4c57-9ebc-baabf495f60a.pdf> (accessed February 6, 2025).

<sup>229</sup> Human Rights Watch online communication with Stefanos Loukopoulos, November 15, 2023; Request for the Granting of Documents - Notification of Public Data, 19 October 2020, Athens, Greece. Addressed to the General Secretariat for Communication and Information and Mr. Stelios Petsas, Deputy Minister to the Prime Minister and Government Spokesperson. Subject: Granting of documents including public data regarding the execution of the contract for the information campaign "We Stay Home", <https://vouliwatch.gr/resources/file/2020/10/21/44ab6780-c399-4646-9a0e-19ad4df8e659.pdf> (accessed February 21, 2025).

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Vouliwatch, "We Don't Stay Home: The Scathing Decision of the Athens Administrative Court of Appeal," (Δεν μένουμε σπίτι: Η απόφαση-κόλαφος του Διοικητικού Εφετείου Αθηνών), 28 February 2022, <https://vouliwatch.gr/actions/article/apofasi-lista-petsa> (accessed February 21, 2025).

<sup>233</sup> Human Rights Watch letter to the National Transparency Authority, December 23, 2024, (on file with Human Rights Watch).

<sup>234</sup> National Transparency Authority response to Human Rights Watch's letter dated December 23, 2024, January 28, 2025 (on file with Human Rights Watch).

subsequent court decision of January 2022 mandated a reasoned decision by the NTA on Vouliwatch’s appeal, which they provided.

However, in June 2023, following the January 2022 Athens Administrative Court of Appeal ruling, the NTA still withheld the details, and declined to order the government to release the documents, but issued this time a reasoned decision, as mandated by the court.<sup>235</sup>

The NTA cited professional and trade secrecy, to not compel the government to disclose the criteria.<sup>236</sup> The NTA also claimed that Vouliwatch had no “reasonable interest” in receiving the information, despite the Court of Appeal ruling.<sup>237</sup> In October 2022, Vouliwatch filed an application for annulment of the aforementioned decision of the NTA, before the Administrative Court of Appeal of Athens. This time the court rejected (by majority) Vouliwatch’s application for annulment of the NTA’s decision.<sup>238</sup> Stefanos Loukopoulos, co-founder and director of Vouliwatch, told Human Rights Watch that the court had accepted “...the ‘professional and trade secrecy’ argument without however examining the actual documents criteria for themselves. In fact, these were never presented in court.”<sup>239</sup>

It is noted, however, that according to the dissenting opinion of the President of the Court, the reasoning by which Vouliwatch’s request was rejected by the NTA “...is flawed and insufficient.”:

In particular, the defendant [the NTA] neither adequately justifies the reasons why the publication of this information will harm the contractor company 'commercially' nor does it mention, as it should, that the provision of this information is 'absolutely necessary', in the words of the

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<sup>235</sup> Vouliwatch, "Petsas List Case: An Unexpected Decision by the NTA After Our Legal Victory," (Υπόθεση Λίστας Πέτσα: Μια απρόσμενη απόφαση της ΕΑΔ μετά τη δικαστική μας δικαίωση), June 14, 2022, <https://vouliwatch.gr/actions/article/apofasi-ead-petsa> (accessed February 21, 2025).

<sup>236</sup> International Press Institute, "Greece: Transparency authority must comply with court ruling on media advertising campaign," Press release, June 21, 2022, <https://ipi.media/greece-transparency-authority-must-comply-with-court-ruling-on-media-advertising-campaign/?fbclid=IwAR1tCipi3rW5BbfYPgd7JYK4lGlrGvjyLohYoEZKCKExxEvxiD9UbUbrOFk> (accessed December 7, 2023).

<sup>237</sup> Human Rights Watch online communication with Stefanos Loukopoulos, November 15, 2023.

<sup>238</sup> Ruling by the Administrative Court of Appeals of Athens, <https://vouliwatch.gr/resources/file/2023/10/18/142e03e5-23b5-407a-aa99-4cab46d144ae.pdf> (accessed February 21, 2025).

<sup>239</sup> Ibid.

constitutional legislator, for the protection of the aforementioned company, especially considering that in this case it is a matter of spending public money and absolute transparency is required.

The NTA's response to Human Rights Watch states that it examined Vouliwatch's appeal objectively and impartially, applying relevant legislation and case law.<sup>240</sup> The letter said that the NTA concluded that the legal requirements for access to the requested information were not met, a finding ultimately supported by the court. The letter emphasized that the NTA's purview regarding access to documents is limited to the specific conditions outlined in Article 62 of Law 4727/2020.

Finally, the NTA stated that their operations are governed by law and are not subject to external influences. While acknowledging the value of social criticism, they underscored that their actions are dictated by legal frameworks.<sup>241</sup>

Concerns have been raised periodically on the independence of the NTA, particularly with respect to its handling of investigations related to migrant pushbacks at Greece's borders.<sup>242</sup> These concerns often focus on the potential for political influence over the NTA's leadership, as the president and members of the board are appointed by the Council of Ministers.<sup>243</sup> While there appears to be a transparent selection process involving an independent selection committee, the ultimate appointment rests with the Prime Minister and his cabinet. The candidates are also subject to approval by a parliamentary committee that has, however, a majority ruling party membership. This appointment process may

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<sup>240</sup> National Transparency Authority response to Human Rights Watch's letter dated December 23, 2024, January 28, 2025 (on file with Human Rights Watch).

<sup>241</sup> *Ibid.*

<sup>242</sup> "National Transparency Authority should publish the full investigation regarding pushbacks in accordance with the principle of transparency," Joint NGO Statement, April 7, 2022, [https://rsaegean.org/wp-content/uploads/2022/04/PR\\_Publish-PB-report\\_final\\_ENG.pdf](https://rsaegean.org/wp-content/uploads/2022/04/PR_Publish-PB-report_final_ENG.pdf) (accessed March 29, 2025); Nektaria Stamouli, "Greek transparency agency removes migration report over data breach," *Politico*, May 13, 2022, <https://www.politico.eu/article/greek-transparency-agency-report-data-breach-migration-european-commission/> (accessed March 29, 2025); Greek Council for Refugees, "No monitoring of fundamental rights violations in Greece without independent and effective mechanisms," Press release, June 21, 2023, <https://gcr.gr/en/news/item/2160-xoris-aneksartitous-kai-apotelesmatikoys-mixanismoys-den-dierevnontai-oi-paraviaseis-dikaiomaton-stin-ellada/> (accessed March 29, 2025).

<sup>243</sup> Article 88 of Law 4622/2019, [https://www.kodiko.gr/nomothesia/document/545222/nomos-4622-2019#google\\_vignette](https://www.kodiko.gr/nomothesia/document/545222/nomos-4622-2019#google_vignette) (accessed February 12, 2025).

undermine the NTA’s ability to act independently and impartially, especially when investigating sensitive issues that could potentially implicate the government.<sup>244</sup>

The International Press Institute condemned the NTA’s handling of Vouliwatch’s case, calling it a “serious setback for transparency and accountability in Greece.” The IPI has also urged the Greek government to provide Vouliwatch with the information it requested.<sup>245</sup>

In the context of its fight for accountability regarding the Petsas list scandal, and for a transparent system of allocating public funds to the media, on October 16, 2023, Vouliwatch filed a case against Greece before the European Court of Human Rights. In the application, reviewed by Human Rights Watch, Vouliwatch argues that the Greek government’s refusal to disclose information about the distribution of state advertising constitutes a breach of the right of access to public information, as protected by Article 10 of the European Convention on Human Rights.<sup>246</sup> The European Court communicated the case to the Greek government on August 28, 2024 asking the government to justify its decision by reference to the criteria of legality – was it provided for and carried out in accordance with the law, did it pursue a legitimate purpose, and was it a necessity?<sup>247</sup>

In the wake of the Petsas List scandal, the Greek government has undertaken reforms to make state media funding more transparent.

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<sup>244</sup> Specifically, according to Article 88 of Law 4622/2019 establishing the NTA, a five-member Administrative Board, consisting of the President and four other members, governs the NTA. The President is the only full-time member, and the board meetings are also attended by the NTA’s Director, who has no voting rights. The selection process for board members involves an open competition overseen by an independent selection committee. This committee comprises high-ranking officials and experts, including the President of the Supreme Council for Civil Personnel Selection (ASEP). The selection committee prepares a list of the most suitable candidates based on predefined and objective criteria, which is then submitted to the Ministerial Council. The Ministerial Council selects the final candidates from this list and submits them for approval to the Institutions and Transparency Committee of the Parliament. If the Committee does not approve one or more candidates, the Ministerial Council proposes new candidates from the list of the most suitable candidates. The President and members of the NTA’s Administrative Board are then appointed by a decision of the Ministerial Council.

<sup>245</sup> International Press Institute, “Greece: Transparency authority must comply with court ruling on media advertising campaign,” Press release, June 21, 2022, <https://ipi.media/greece-transparency-authority-must-comply-with-court-ruling-on-media-advertising-campaign/?fbclid=IwAR1tCipi3rW5BbfYPgd7JYK4IGlrGvjyLohYoEZKCKExxEvxd9UbUbrOFk> (accessed December 7, 2023).

<sup>246</sup> Efimerida ton Sintakton, “Vouliwatch appeals to the ECHR for the Petsas List,” (Στο ΕΔΔΑ προσφεύγει το Vouliwatch για τη λίστα Πέτσα), October 18, 2023, [https://www.efsyn.gr/ellada/dikaiosyni/408399\\_sto-edda-prosfeygei-vouliwatch-gia-ti-lista-petsa](https://www.efsyn.gr/ellada/dikaiosyni/408399_sto-edda-prosfeygei-vouliwatch-gia-ti-lista-petsa) (accessed December 7, 2023); Vouliwatch’s European Court of Human Rights complaint has been reviewed by Human Rights Watch.

<sup>247</sup> See communication by the European Court of Human Rights in Application no. 38564/23 published on September 16, 2024 available at <https://hudoc.echr.coe.int/eng?i=001-235995> (accessed April 25, 2025).

In December 2022, the Greek parliament adopted a new media law aimed at enhancing journalistic ethics by establishing an ethics committee to oversee print and online media compliance and potentially withhold state advertising funds from outlets deemed unethical.<sup>248</sup> Chaired by a member of the Botsis Foundation, a journalistic institute, the committee comprises nine members, which includes three representatives of media owners alongside three representatives of journalistic unions, and two university professors, specializing in journalism and communication. According to an alert by the Mapping Media Freedom Platform, the presence of media owners at the committee has raised concerns about potential conflicts of interest and undue influence.<sup>249</sup> While the law is intended to enhance media standards, the committee’s authority to withhold state advertising funds from outlets deemed in “breach” of these ethics for up to two years, without any opportunity to appeal against these decisions, has raised concerns about potential misuse and the exclusion of critical outlets from government funding.<sup>250</sup>

The law also mandates the creation of media registries for printed and electronic press.<sup>251</sup> Registered outlets become eligible for state advertising and funding; unregistered ones are excluded. It also defines “electronic press,” setting requirements for websites and blogs to qualify for registration, including mandatory employment of journalists and a ban on reproducing content without permission.

In its November 2024 Concluding Observations on the 3rd periodic report of Greece, the UN Human Rights Committee expressed concern that Law 5005/2022 could be misused to unfairly withhold state advertising funds from media outlets critical of the government.<sup>252</sup>

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<sup>248</sup> Law 5005/2022, <https://www.lawspot.gr/nomikes-plitrofories/nomothesia/n-5005-2022/arthro-25-nomos-5005-2022-epitropi-gia-tin-tirisi-ton> (accessed July 25, 2024).

<sup>249</sup> Mapping Media Freedom, “Greek parliament passes new media law establishing controversial Ethics Committee,” European Centre for Press and Media Freedom, December 22, 2022, <https://www.mapmf.org/alert/25509> (accessed July 25, 2024).

<sup>250</sup> Ibid.

<sup>251</sup> Law 5005/2022, <https://www.lawspot.gr/nomikes-plitrofories/nomothesia/n-5005-2022/arthro-25-nomos-5005-2022-epitropi-gia-tin-tirisi-ton> (accessed July 25, 2024).

<sup>252</sup> Human Rights Committee, Concluding observations on the third periodic report of Greece, November 28, 2024

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGRC%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGRC%2FCO%2F3&Lang=en) (accessed April 25, 2025)

In its letter to Human Rights Watch, the Greek government argues that Law 5005/2022, which established the media registries and the ethics committee, represents a pioneering legislative reform that strengthens transparency and accountability in media ownership and state advertising.<sup>253</sup> The letter asserts that the law empowers journalists, enhances the security of the profession, and strengthens transparency in media ownership. Authorities also highlight that the law aligns with the European Media Freedom Act (EMFA) and has been widely accepted by media outlets, as evidenced by the number of registered publications and websites.

When asked about the reform, Stefanos Loukopoulos from Vouliwatch told Human Rights Watch:

With regards to the media registries, there is no doubt that their establishment constitutes, at least on paper, a positive step towards tightening the rules around the distribution of state advertising. The extent, however, of the efficacy and due implementation of this initiative remains to be seen. After all, the problem in Greece has never been the lack of adequate legislation but rather the poor implementation of existing legal provisions. It is also worth mentioning that similar media registries and state advertising rules were in place since 2015 (Law 4339/2015), this however did not stop the government from distributing state advertising money during the pandemic (Petsas list) to online media that were not part of that register.... Additionally, following a random search in the register, it has become clear that some of the information that should have been published (according to Article 24 of 5005/2022) has for some reason been omitted.

In its letter to Human Rights Watch, the government points to the “e-Pasitheia” platform, an online system of state advertising management, as a vehicle for enhancing transparency and accountability.<sup>254</sup> According to the letter, the platform grants the public access to sanctioned communication programs, budgets, and expenditure by various government departments.

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<sup>253</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

<sup>254</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

A closer examination of the e-pasithea platform, however, undermines the government's argument. While the platform does reveal some information, the extent of such information is narrow and is missing crucial details. For example, while the government claims that the platform provides public access to information on approved communication programs, budget, and government agency expenditures, this information is not in fact available. The platform displays aggregate spending amounts without specific breakdowns of where money is spent between agencies. It is thus difficult to ascertain whether money is being spent evenly and efficiently, and if where there might be spending bias.

In addition, the site also falls short in providing essential information, such as allocation of state advertisement in central government, such as ministries, that further hinders transparency. Also, it appears there are not one but two "e-Pasithea" sites operational. The older site contains more information than the new version. Additionally, in contradiction of claims of public openness, portions of the site are restricted with login credentials limiting public access.

While we welcome the Greek government's initiative in introducing legislative reform and on-line tools in an effort to improve transparency and accountability in media ownership and state advertising, how those tools are put into practice is key to their success. Such initiatives need to make an actual difference on the ground. To achieve this, the Greek government needs to move beyond the introduction of platforms and laws, to ensure their effective implementation.

## VI. Legal Threats

In Greece, journalists are essentially not protected. [E]verything can be considered a personal attack.... The key is to avoid being dragged into court. Because it takes resources, time, and it is mentally draining. When I was sued, I wasn't happy.

—Aris A., journalist, November 25, 2022

Journalists in Greece and around the world are often targeted with ostensible legal actions, including lawsuits, that have a chilling effect on independent and critical reporting.

As the UN special rapporteur on freedom of assembly and association noted some such legal actions, known as SLAPPs (Strategic Lawsuits Against Public Participation), attempt to recast matters of public interest as a private dispute between two parties.<sup>255</sup> Powerful individuals and businesses use a range of legal tools to try and distract from public interest issues. These legal tools across different jurisdictions include motions, injunctions, or other procedures, which are expensive and time-consuming to defend against, even when they lack legal merit. In effect, they deplete journalists and media outlets financially and give them less time for reporting, deterring critical investigations into sensitive matters. SLAPPs directly undermine press freedom and hinder public scrutiny of those in power. Journalists say that the law most frequently used for SLAPP lawsuits is Greece's civil defamation law, referred to by many as the "press killer" law.<sup>256</sup>

Freedom of expression, a fundamental right protected by European and international human rights law, guarantees the ability to share information and ideas freely. This includes the ability of journalists to scrutinize and criticize powerful actors, a cornerstone of democratic accountability. SLAPPs directly threaten this right. When journalists are bombarded with baseless lawsuits, it diverts their resources and energy from investigative

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<sup>255</sup> Info note on SLAPPS and FoAA rights, by the United Nations special rapporteur on the rights to freedom of peaceful assembly and of association, Ms. Annalisa Ciampi at <https://www.ohchr.org/Documents/Issues/FAssociation/InfoNoteSLAPPSFoAA.docx> (accessed April 25, 2025). See also the OHCHR publication, *The Impact of SLAPPs on Human Rights and How to Respond* at <https://www.ohchr.org/sites/default/files/documents/publications/briefer-the-impact-slapps-hr-how-resond.pdf> (accessed April 25, 2025).

<sup>256</sup> See sub-section "Problematic Legal Framework" below, for more details about civil defamation laws in Greece.

reporting. For smaller media outlets and freelance journalists, SLAPPs can be a serious existential threat. SLAPPs also have a chilling effect, discouraging other journalists from pursuing important stories because of fear of reprisals, ultimately limiting the information available to the public and hindering a strong and independent press.

There has been extensive reporting by media freedom and other nongovernmental groups on the legal challenges faced by journalists in Greece including through SLAPPs and other legal challenges from politicians, because of their work. These lawsuits are often based on claims of defamation or violations of personal data and are used to stop journalists from reporting on important issues such as political scandals, human rights violations, environmental crimes, and corruption.

Human Rights Watch interviewed a number of journalists who have been targets of SLAPPs using defamation law, the 1981 “press killer law”, and other tools which are discussed in detail below. However Human Rights Watch also heard how claims of violations of personal data are being used increasingly to initiate SLAPPs, such as in the case brought against journalist Stavroula Poulimeni and media outlet Alterthess.<sup>257</sup> Poulimeni had reported on the convictions – ultimately overturned – of two Hellas Gold executives for water pollution, and one of the executive’s was awarded damages because the judge of the first instance court of Athens held that publishing his name breached his privacy protected under European data protection rules and caused moral damages, even though the conviction was public information.<sup>258</sup> The journalist has filed an appeal against the decision of the first instance court which, according to media reposts, was heard before the court of appeal on September 2024. A decision is pending at this writing.

Greece does not have any anti-SLAPPs legislation and should prioritise adopting such legislation, in minimum in line with the European Commission Recommendation 2022/758 of April 27, 2022 on “protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings,” and the EU

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<sup>257</sup> Media Freedom Rapid Response, “Press freedom on trial in Greece: support Alterthess' appeal,” Press release, September 19, 2024, <https://www.ecpmf.eu/press-freedom-on-trial-in-greece-support-alterthess-appeal/> (accessed October 24, 2024).

<sup>258</sup> Osservatorio Balcani e Caucaso Transeuropa, “Weaponizing GDPR: How EU data protection threatens press freedom in Greece,” April 17, 2023, <https://www.balcanicaucaso.org/eng/Areas/Greece/Weaponizing-GDPR-How-EU-data-protection-threatens-press-freedom-in-Greece-224735> (accessed October 24, 2024).

Anti-SLAPPs directive 2024/1069,<sup>259</sup> incorporating international best practices in consultation with independent journalists' organizations and rights groups.

The UN special rapporteur on freedom of assembly and association recommends that states enact anti-SLAPP legislation, which includes early dismissal of legal actions and an award of costs, as well as the measures to penalize abuse.<sup>260</sup>

## Lawsuits Against Journalists

Journalists in Greece who investigate and report on businesses and powerful people in politics are at risk of being sued in an attempt to silence them.

Human Rights Watch interviewed 15 journalists who said that at some point in their career they faced a lawsuit or legal threat for their reporting or that they were threatened with legal action by politicians or businesses, some of them multiple times.

The Mapping Media Freedom platform, a Europe-wide mechanism, which tracks, monitors, and reacts to potential threats to press and media freedom in EU Member States and candidate countries, run by the Media Freedom Rapid Response (MFRR), recorded 47 alerts in Greece from January 1, 2019, to January 1, 2025, related to civil lawsuits against journalists (18); defamation (8); criminal charges against journalists (10); convictions (1); pre-litigation legal warnings (6); and interrogation (8).<sup>261</sup>

Thodoris Chondrogiannos, an investigative independent reporter, interviewed by Human Rights Watch in June 2023, said he has faced or is facing one criminal defamation lawsuit, three civil defamation lawsuits, and has received eight pre-litigation legal warnings.

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<sup>259</sup> Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'), [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L\\_202401069](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401069) (accessed October 24, 2024); Commission Recommendation (EU) 2022/758, 2022 O.J. (L 138) 30 (EC) on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H0758> (accessed October 24, 2024).

<sup>260</sup> Info note on SLAPPs and FoAA rights, *op. cit.*, p. 6, recommendation 4 (a)

<sup>261</sup> For more information, please visit the Mapping Media Freedom Platform: [https://www.mapmf.org/explorer?f.country=Greece&f.type\\_of\\_incident=Conviction,Criminal+charges,Interrogation,Civil+legal+actions+%2F+lawsuits,Legal+warning,Investigation,Defamation](https://www.mapmf.org/explorer?f.country=Greece&f.type_of_incident=Conviction,Criminal+charges,Interrogation,Civil+legal+actions+%2F+lawsuits,Legal+warning,Investigation,Defamation) (accessed January 22, 2025).

Chondrogiannos' reporting has been instrumental in uncovering Greece's surveillance scandal. But because of his and his colleagues' work, he faces two major civil defamation lawsuits initiated by Grigoris Dimitriadis, nephew of the Greek prime minister, who was the general secretary of the Prime Minister's Office, throughout the duration of the surveillance scandal and until his resignation in August 2022.

In August 2022, Dimitriadis initiated a lawsuit against the *EFSYN* newspaper, the online investigative platform *Reporters United* and its journalists including Chondrogiannos and Nikolas Leontopoulos, and freelance journalist Thanasis Koukakis.<sup>262</sup> Dimitriadis was seeking €550,000 and the removal of an article implicating him in the spyware scandal. The role of the Prime Minister's Office in the spyware surveillance scandal, who was involved and how, are all matters of immense public interest, and are subject of investigations led by judicial authorities, which are still ongoing.<sup>263</sup>

In the fallout from the scandal and after the news stories were published, Dimitriadis resigned from his position as general secretary in the Prime Minister's Office and his role overseeing the National Intelligence Service (EYP).<sup>264</sup>

The media freedom groups in MFRR said in an October 2022 letter to Dimitriadis they “have closely assessed these five legal claims and believe they classify as Strategic Lawsuits Against Public Participation (SLAPPs)—abusive litigation filed by powerful individuals aimed at silencing and intimidating legitimate watchdog journalism.”<sup>265</sup>

Dimitriadis filed a second lawsuit in November 2023, again targeting *EFSYN*, three executives from the newspaper, and journalists Nikolas Leontopoulos, Thodoris Chondrogiannos, and

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<sup>262</sup> Thodoris Chondrogiannos, “Wiretapping Scandal: Grigoris Dimitriadis files SLAPP lawsuit following his resignation,” *Govwatch*, October 24, 2022, <https://govwatch.gr/en/finds/antidraseis-kai-katadiki-tis-agogis-toy-grigori-dimitriadi-os-slapp/> (accessed July 25, 2023).

<sup>263</sup> More information in section “III. The Use of Surveillance”.

<sup>264</sup> Euronews with AFP, “Greek intelligence chief resigns over alleged spying scandal,” *Euronews*, August 5, 2022, <https://www.euronews.com/2022/08/05/greek-intelligence-chief-resigns-over-alleged-spying-scandal> (accessed December 4, 2023).

<sup>265</sup> Media Freedom Rapid Response, “Greece: SLAPP award winner Grigoris Dimitriadis urged to drop defamation lawsuits,” Press release, October 21, 2022, <https://www.mfrr.eu/greece-slapp-award-winner-grigoris-dimitriadis-urged-to-drop-defamation-lawsuits/> (accessed July 25, 2024).

Christoforos Kasdaglis from *Reporters United*.<sup>266</sup> This second lawsuit sought exorbitant damages of €3.3 million and demanded the removal of further articles that reported on his alleged involvement in the surveillance scandal while he was in office. These articles all raised important issues of public interest regarding a public role that Dimitriadis was discharging. Dimitriadis has also filed a separate lawsuit against Alter Ego Media group over similar reporting related to his time in public office and the surveillance scandal.

Media freedom groups have repeatedly called on Dimitriadis to drop the lawsuits.<sup>267</sup>

In October 2024, an Athens court published its decision on Dimitriadis' first defamation lawsuit, ruling in favor of *Reporters United*, journalist Thanasis Koukakis, and the newspaper *Efimerida ton Syntakton*, recognizing the public interest value of their reporting and finding no false or libelous content.<sup>268</sup> The trial in Dimitriadis' second lawsuit took place in December 2024 and a ruling is expected in 2025 and on April 3, 2025, the Multi-Member Court of First Instance of Athens published its decision to dismiss Dimitriadis' claims against *Efimerida ton Syntakton* and *Reporters United* and ordered him to pay 4,750 Euros in legal expenses.<sup>269</sup> The court found that one title in one of the several articles in question constituted "simple defamation", meaning they were negligent as to the accuracy of the title which caused reputational damage, for which *Efimerida ton Syntakton* was ordered to pay 3,000 Euro fine and 450 Euros in legal expenses, The newspaper intends to appeal that finding.<sup>270</sup>

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<sup>266</sup> International Press Institute, "Greece: Media and journalists targeted in second lawsuit by PM's nephew over spyware revelations" Press release, December 21, 2023,

<https://ipi.media/greece-media-and-journalists-targeted-in-second-lawsuit-by-pms-nephew-over-spyware-revelations/> (accessed April 22, 2025).

<sup>267</sup> International Press Institute, "Greece: Ahead of court hearing, SLAPP lawsuit against media and journalists must be dropped", Press release, January 18, 2024, <https://ipi.media/greece-ahead-of-court-hearing-slapp-lawsuit-against-media-and-journalists-must-be-dropped/> (accessed April 22, 2025).

<sup>268</sup> Eva Cossé, "Victory for Greek Journalists in Surveillance Case," Human Rights Watch, October 16, 2024, <https://www.hrw.org/news/2024/10/16/victory-greek-journalists-surveillance-case> (accessed October 24, 2024).

<sup>269</sup> International Press Institute, "Greece: Investigative media win latest victory in spyware SLAPP ruling," Press release, April 22, 2025, <https://ipi.media/greece-investigative-media-win-latest-victory-in-spyware-slapp-ruling/> (accessed April 25, 2025); *Efimerida ton Syntakton*, "And a second damning decision for Mr. Dimitriadis," (Και δεύτερη απόφαση κόλαφος για τον κ. Δημητριάδη), Article, April 9, 2025, [https://www.efsyn.gr/media/468714\\_kai-deyteri-apofasi-kolafos-gia-ton-k-dimitriadi](https://www.efsyn.gr/media/468714_kai-deyteri-apofasi-kolafos-gia-ton-k-dimitriadi) (accessed April 17, 2025).

<sup>270</sup> Multi-Member Court of First Instance of Athens, decision 868/2025 of February 25, 2025 (published on April 3, 2025), [https://www.documentcloud.org/documents/25892529-868-2025-tp-apoph-signed/?mode=document&fbclid=IwY2xjawJt-WFleHRuA2FibQlxMAABHrIX-E-ftXgybyzVZe-xCjhM3vx09HCbH7DIEH3jhSvqpr22e5eASXkD5tfE\\_aem\\_otqrl-guK19zrrWF5ZOjZg](https://www.documentcloud.org/documents/25892529-868-2025-tp-apoph-signed/?mode=document&fbclid=IwY2xjawJt-WFleHRuA2FibQlxMAABHrIX-E-ftXgybyzVZe-xCjhM3vx09HCbH7DIEH3jhSvqpr22e5eASXkD5tfE_aem_otqrl-guK19zrrWF5ZOjZg) (accessed April 17, 2025).

Chondrogiannos described the heavy toll that such lawsuits have on journalists:

For me, the SLAPP issue is one of the more important problems that journalists in Greece face. Lawsuits against journalists and outlets are costly both in terms of money and time.... Lawsuits, in contrast with other attacks, create an existential danger. They consume so much money and time that they become an existential threat.<sup>271</sup>

Professor Ioannis Tassopoulos, interviewed by Human Rights Watch in November 2022, explained:

The problem in Greece is that when you have a political figure receiving criticism for the way he/she exercises his/her duties, the criticism is met with a lawsuit for defamation. Jurisprudence doesn't react with a decisive way and there are many problems. Criticism for the way politics is exercised, is being made a private matter [in the courts]. Such complaints should be inadmissible according to the law. The same goes for public figures.... SLAPPs put journalists in a hostage situation and drains them financially.<sup>272</sup>

Indicative of the situation is former Supreme Court Prosecutor Dogiakos' response to media reports criticizing the Greek judiciary's inaction on the surveillance scandal, when he lashed out.<sup>273</sup> In his statement, he accused some media outlets of “slandering” and “undermining” the judiciary when it fails to meet their expectations.<sup>274</sup> He also referred to “extensive tax audit” of certain media publishers, suggesting it could uncover compromising information about their professional activities.<sup>275</sup> This statement can be interpreted as a legal threat aimed at silencing critical media outlets. The Greek

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<sup>271</sup> Ibid.

<sup>272</sup> Human Rights Watch interview with Ioannis Tassopoulos, online, November 11, 2022.

<sup>273</sup> News247, “The Prosecutor General of the Supreme Court criticized the press, emphasizing, among other things, that the Justice system will move on the path of upholding the law and the constitution,” (Κριτική στον Τύπο άσκησε ο εισαγγελέας του Αρείου Πάγου, τονίζοντας, μεταξύ άλλων, ότι η Δικαιοσύνη θα κινηθεί στο δρόμο της τήρησης του νόμου και του συντάγματος), December 17, 2022, <https://www.news247.gr/ellada/nevra-ntogiakou-kai-apeiles-kata-tou-tipou/> (accessed December 7, 2023).

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

journalists' associations responded with a statement emphasizing the media's role as the watchdog of democracy.<sup>276</sup>

Fotis F., a journalist working in a mainstream outlet, told Human Rights Watch that when he was working on an investigative story and shared his findings for reaction with relevant stakeholders in 2021, he received an off the record call from a government official who said “be careful what you’ll write because you’ll be sued.” He said that he has received several pre-litigation legal warnings for his work but no actual lawsuit.<sup>277</sup>

In May 2021, the Journalists’ Union of Athens Daily Newspapers (ESIEA) issued a statement condemning a surge of SLAPPs against journalists by politicians. In its statement, ESIEA said that the lawsuits are an attempt to silence journalists and to stifle public scrutiny of politicians. The association also called for the repeal of the 1981 “press killer law,” the legal basis on which a lot of SLAPPs are brought.<sup>278</sup>

Documento, an investigative outlet that has repeatedly reported on incidents of alleged corruption and wrongdoing by the government and powerful interests in Greece, has been repeatedly targeted by public figures over its critical reporting. This included being banned from carrying state advertising (as mentioned in section V above), lawsuits, and attempts to jail the publisher.<sup>279</sup> Prominent investigative journalist and publisher of Documento, Kostas Vaxevanis, has faced numerous criminal and civil lawsuits throughout his career because of his and his outlet’s work on corruption, many of them from politicians:

To date, we have at around 100 lawsuits from public figures against us. The goal is to take the media hostage and financially exhaust it.... There are lawsuits from the prime minister, the prime minister’s wife, the former

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<sup>276</sup> Ethnos, “Journalists’ associations respond to Dogiaktos: ‘No one is above the law or criticism,’” (Απάντηση των δημοσιογραφικών ενώσεων σε Ντογιακό: «Κανείς δεν είναι υπεράνω νόμου και κριτικής»), December 18, 2022, <https://www.ethnos.gr/Politics/article/238073/apanthshntondhmosiografikonenseontogiakokaneisdeneinaiyperanono moykaikritikhhs> (accessed December 7, 2023).

<sup>277</sup> Human Rights Watch interview with Fotis F., Athens November 25, 2022.

<sup>278</sup> Journalists’ Union of Athens Daily Newspapers, Η ΕΣΗΕΑ καταγγέλλει τη βιομηχανία των αγωγών κατά δημοσιογράφων από πολιτικά πρόσωπα, May 27, 2021, <https://www.esiea.gr/i-esiea-kataggellei-ti-viomixania-ton/> (accessed December 7, 2023).

<sup>279</sup> Committee to Protect Journalists, “Greek journalists summoned over criminal investigation into corruption reporting,” January 26, 2023, <https://cpj.org/2022/01/greek-journalists-summoned-over-criminal-investigation-into-corruption-reporting/> (accessed December 8, 2023).

minister of justice [under New Democracy]. What judge will acquit me when the lawsuit comes from them? In addition, all the [mainstream] media play stories against me, character assassination pieces.... But when the time comes to be acquitted no one remembers to report about it.<sup>280</sup>

The European Centre for Press and Media Freedom, a nongovernmental group, expressed “dismay” and “unequivocally” condemned the imposition of a €435,000 fine on Documento in December 2023 for allegedly making illegal transactions and discounts with its advertisers.<sup>281</sup> Documento vehemently denies these claims, branding the escalating audits and the original exorbitant fine of €435,000—later reduced to €240,000—as a politically charged attempt to silence its critical reporting.<sup>282</sup> The newspaper insists the discounts were legal business practices and plans to fight the fine in court. According to Documento, the ongoing dispute began three years ago with anonymous accusations sent to tax authorities.<sup>283</sup> According to Documento, an official audit in October 2023 found no evidence of wrongdoing.<sup>284</sup> The case against Documento is ongoing.<sup>285</sup>

None of the journalists being sued were able to avail of state-funded legal aid lawyers, and so they and the media outlets had to foot the bill for all legal expenses incurred by the cases.<sup>286</sup>

In its response to Human Rights Watch, the Greek government asserts that the issue of SLAPPs is not a significant concern in Greece, pointing to the low number of lawsuits filed against journalists and the small number of those that are successful.<sup>287</sup> The letter also

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<sup>280</sup> Human Rights Watch interview with Kostas Vaxevanis, Athens, October 3, 2023.

<sup>281</sup> Documento, “A criminal group at AADE is trying to destroy Documento on the orders of the Prime Minister’s office,” (Εγκληματική ομάδα στην ΑΑΔΕ, προσπαθεί να εξοντώσει το Documento με εντολή Μαξίμου), December 7, 2023, <https://www.documentonews.gr/article/egklimatiki-omada-stin-aade-prospathe-i-na-exontosei-to-documento-me-entoli-maximoy/> (accessed December 8, 2023).

<sup>282</sup> Email communication to Human Rights Watch from Documento, December 7, 2023.

<sup>283</sup> Ibid.

<sup>284</sup> Ibid.

<sup>285</sup> Human Rights Watch has not reviewed the details of the tax investigation.

<sup>286</sup> <https://www.ecpmf.eu/slapp-the-background-of-strategic-lawsuits-against-public-participation/>, see decision of the European Court of Human Rights in *Steel Morris v. United Kingdom* (2005); According to Greek legislation, only citizens with low income (the annual family income does not exceed two-thirds of the minimum annual individual earnings, as provided for by applicable legislation) and victims of specific criminal actions, are entitled to legal aid before the civil and commercial courts of the country. Furthermore, anyone accused for felony, before a criminal court, is also entitled to legal aid regardless of any other criterion.

<sup>287</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

argues that even in cases where lawsuits are successful, the damages awarded are typically much lower than those sought. The Greek government response also highlights statistics from 2022 and 2023 showing a small number of lawsuits against journalists and media, with even fewer being successful, and the awarded amounts being significantly lower than those claimed.

The letter also refers to a number of initiatives aimed at addressing the issue of SLAPPs and protecting journalists. It notes that a representative from the Ministry of Justice gave a presentation to the Task Force on Ensuring the Protection, Safety, and Empowerment of Journalists and other Media Professionals on the EU Anti-SLAPPs directive 2024/1069 and the accompanying Recommendation. The government also convened a special subcommittee, which includes representatives from the Ministry of Justice and journalists' unions, to discuss the transposition of the directive into Greek law. Additionally, the Task Force was transformed into a permanent group for structured dialogue on SLAPPs between government bodies and civil society. The Ministry of Justice also announced the creation of a legislative drafting committee to work on the transposition of the Directive. Finally, a SLAPPs Observatory was established to monitor SLAPP cases and provide assistance to journalists.<sup>288</sup>

However, despite these positive initiatives, the threat of SLAPPs continues to loom over Greek journalists, as described above, creating a chilling effect on investigative reporting and contributing to self-censorship. The high cost of litigation, the length of legal battles, and the potential for reputational damage can deter journalists from pursuing sensitive stories, even if they have strong evidence to support their reporting. The lack of a comprehensive anti-SLAPP law leaves journalists vulnerable to abusive litigation tactics, and the government's reliance on statistics to downplay the issue fails to address the broader impact of SLAPPs on media freedom.

## Problematic Legal Framework

Greek law criminalizes “slandorous” defamation (“συκοφαντική δυσφήμιση”). Article 363 of the Greek Criminal Code, defines slanderous defamation as when someone, in the presence of a third party, knowingly alleges or disseminates a false fact about

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<sup>288</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

another person that may harm their reputation or honor. It can be punished with imprisonment of at least 3 months and a fine.<sup>289</sup> If the act is committed publicly, in any manner, or through the internet, the offender shall be punished with imprisonment of at least 6 months and up to 5 years, and a fine.<sup>290</sup>

In addition, Article 361 of the criminal code provides that whoever insults the honor of another person with words, acts, or in any other manner, with such intent, shall be punished with imprisonment of up to 6 months or a fine.<sup>291</sup> If the aforementioned act is committed publicly in any manner or through the internet, imprisonment of up to 1 year or a fine shall be imposed.<sup>292</sup> Lastly, if the insult relates to private or family life, imprisonment of up to 2 years or a fine shall be imposed.<sup>293</sup>

In one important move for press freedom, in February 2024, “simple” defamation was decriminalized. Previously, this offense encompassed instances where published information, whether true or false but without the publisher’s knowledge, caused harm to an individual's reputation.<sup>294</sup> However, the changes introduced new complexities to the legal landscape. While “simple” defamation was decriminalized, the simultaneous removal of Article 367, which previously allowed judges to waive penalties in cases of public interest, has generated uncertainty. This raises concerns about how the judiciary will handle situations where truthful publications nonetheless cause reputational harm. Furthermore, the legal changes also heightened penalties for slanderous defamation and limited the ability to suspend sentences pending appeal.<sup>295</sup>

In its response to Human Rights Watch, the Greek government points to the decriminalization of “simple” defamation in February 2024 as evidence of their commitment to protecting free speech and media freedom.<sup>296</sup> The government argues that the distinction between “simple” defamation and “slanderous” defamation is essential, as the latter involves knowingly spreading false information. It also points out that

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<sup>289</sup> Penal Code, art. 363.

<sup>290</sup> Penal Code, art. 363.

<sup>291</sup> Penal Code, Art. 361.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Law 5090/2024.

<sup>295</sup> Ibid.

<sup>296</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

slandorous defamation remains a criminal offense in many other democratic countries, and that maintaining it as a criminal offense in Greece is not a deviation from international standards.

The Greek government argues that the law on slanderous defamation is not a threat to press freedom, arguing that it is rarely enforced against journalists and only in exceptional cases where the law is blatantly violated.<sup>297</sup> They also point out that most journalists in Greece can freely express their opinions, even on sensitive issues or against powerful figures, as evidenced by the continuous flow of journalistic investigations and revelations.

However, Human Rights Watch research indicates that the possibility of criminal sanctions for defamation, even if rarely applied, can have a chilling effect on freedom of expression and deter journalists from pursuing critical reporting. As noted below, slanderous defamation can be addressed through civil liability to punish malicious conduct and provide compensation for actual harm caused. The possibility of criminal sanctions risk of being used to silence dissent and discourage journalists from investigating sensitive issues. The fact that the law is rarely enforced does not negate its potential to be used as a tool of intimidation and censorship.

Civil defamation laws provide individuals with a legal avenue to seek compensation for reputational damage they have suffered due to false and defamatory statements.<sup>298</sup> In civil defamation cases the plaintiff typically bears the burden of proving that the defendant made a false statement that caused them harm. If the plaintiff succeeds in proving their case, they may be awarded damages to compensate for the reputational damage they have incurred.

Law 1178/81 from 1981 on “the civil liability of the press” - referred to by journalists and the Journalists' Union of the Athens Daily Newspapers as the “press killer” law - provides that upon conviction for defamation the owner of the media outlet is obliged to pay full

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<sup>297</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

<sup>298</sup> Libel and defamation can be dealt with in the Civil Code. Under Article 920 (“Defamatory rumors”), one who intentionally disseminates lies that can hurt someone else is liable to fines. In addition, Article 57 (“Right to personality”) provides that one whose personality is offended has the right to ask for the offense to be withdrawn, as well as for the promise that this would not be repeated in the future. Under Article 59 (“Satisfaction for moral abuse”), the court, upon request of the plaintiff, can also impose compensation or order the publication of the revocation of the offense. The obligation to compensate is also provided under Article 919 (“Offence to morals”) and Article 932 (“Satisfaction for moral abuse” for an unjustified act).

monetary compensation for material and non-material damages for a claim that affected the reputation and good name of a person provided that the claim was made with intent, fault or culpable ignorance by the author of the article or, if unknown, the publisher or the director of the media. According to paragraph 5, Article 1 of the same law, the wronged person must also, before filing a lawsuit, contact the author of the material in question, or if unknown, the publisher or editor, calling on them to print a retraction.

While Article 14 of the Greek Constitution guarantees press freedom, it also permits the seizure of publications after circulation in exceptional cases. These grounds include insults directed at the president, offenses against religion, the publication of information threatening national security, or the incitement of violent attempts to overthrow the political system. This ability to seize newspapers creates a potential for abuse by authorities seeking to silence critical voices.

Lastly, a provision in the penal code criminalizing “fake news,” added in 2021, provides that the spread of fake news “capable of causing concern or fear to the public or undermining public confidence in the national economy, the country’s defense capacity or public health,” is punishable with up to five years in prison. The provision had replaced a provision introduced in 2019—making it more vague and with harsher penalties establishing criminal penalties for “whoever, publicly or via the internet, spreads or disseminates false news in any way, causing fear to an indefinite number of people or to a certain circle or category of persons, who are thus forced to carry out unplanned acts or to cancel them, at the risk of cause of damage to the economy, tourism or defense capacity of the country or disrupt its international relations,” with offenses punishable by up to three years in prison or a fine.<sup>299</sup>

The 2021 provision was amended in 2022, following serious concerns raised by rights groups, including Human Rights Watch, that it could be used to punish media professionals, civil society, and anybody who criticizes or takes issue with government policies, creating a chilling effect on free speech and media freedom. Under the latest, 2022 provision, which resembles the 2019 one, the mere existence of a vague threat is no longer sufficient for initiating criminal proceedings.

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<sup>299</sup> Law 4619/2019 <https://www.e-nomothesia.gr/kat-kodikos-nomothesias/nomos-4619-2019-phek-95a-11-6-2019.html> (accessed December 7, 2023).

## VII. Self Censorship

The problem in Greece is that big media outlets who can influence the public don't say what they should, and small media outlets that say what they should, can't influence the public.

—Kostas K., journalist working in a mainstream media outlet, Athens, June 29, 2023

Yes, I self-censor. I'm always thinking how to say something so that I don't get into trouble.

—Dina D., reporter working in mainstream TV channel, Athens, June 15, 2023

As detailed in previous sections, Greece's media landscape is characterized by a pattern of state interference with media freedom that takes various forms.

Government control of public media outlets and reported facilitation of domination of private media aligned with governmental practices undermines the independence of news outlets, while harassment and intimidation by public figures, as well as state surveillance creates a chilling effect across the entire media landscape.

Additionally, the government's failure to enact comprehensive anti-SLAPP legislation has resulted in an environment where independent journalists and outlets are frequently targeted with retaliatory lawsuits, draining their resources and discouraging their critical reporting. The government's selective allocation of state advertising is used as a tool to reward compliant outlets and punish those that maintain an adversarial stance.

Some journalists working for outlets with strong political ties to the government have said to Human Rights Watch they engage in self-censorship, preemptively avoiding investigating or reporting on sensitive topics for the government or the business dealings of their outlet's ownership, for fear of repercussions. Similarly, editors who feel they need to follow the editorial line of the outlet's ownership have reinforced self-censorship by filtering out stories.

Taken together, all these factors perpetuate an atmosphere that fosters widespread self-censorship, often hindering the media's role as a watchdog of democracy, and impeding its ability to hold power to account and provide the public with unbiased and critical reporting.

Telling in this regard are the findings of a survey conducted between December 2021 and June 2022 by the nongovernmental group iMEDD (Incubator for Media Education and Development) with 1,300 journalists from across Greece and from a variety of different media outlets and formats. According to the survey, 57.5 percent of respondents said they are being censored by their superiors “sometimes” or “all the time” as a result of political interference while 91 percent said they believe there is too much dependence of journalists on governments and/or political parties. According to the survey, self-censorship is emerging as a major problem for the journalistic community, with 80 percent responding positively that they do self-censor (“sometimes”: 48 percent; “very often”/“always”: 32 percent), while 39 percent say they distort or withhold information because they know that their employers would object to reporting it.<sup>300</sup>

Twelve journalists interviewed by Human Rights Watch, including 10 working in mainstream media, said they self-censor or that they have faced censorship by their employer in the context of their work.<sup>301</sup> One journalist reported to Human Rights Watch having his contractual collaboration with two different outlets terminated or non-renewed in 2015 and 2023, and felt this was because his reporting diverged from the outlets’ established or preferred narratives.<sup>302</sup> Similarly, another journalist told Human Rights Watch he faced professional repercussions for not following the outlet’s line in the coverage of a major government scandal.<sup>303</sup>

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<sup>300</sup> iMedD (Incubator for Media Education and Development), “Research on Trust in Journalism – Targeted Survey of the Journalistic Community,” August-September 2022, [https://imedddforumreport.blob.core.windows.net/main/documents/iMEDD\\_Survey\\_Journalists\\_Trust\\_in\\_Journalism\\_EN.pdf](https://imedddforumreport.blob.core.windows.net/main/documents/iMEDD_Survey_Journalists_Trust_in_Journalism_EN.pdf) (accessed July 24, 2024).

<sup>301</sup> Human Rights Watch interview with Fotis F., Athens, November 25, 2022; Human Rights Watch interview with Aris A., Athens, November 25, 2022; Human Rights Watch interview with Ioanna I., Athens, June 15, 2023; Human Rights Watch interview with Dina D., Athens, June 15, 2023; Human Rights Watch interview with Ilia I., Athens, June 26, 2023; Human Rights Watch interview with Kostas K., Athens, June 29, 2023; Human Rights Watch interview with Elina E., Athens, June 30, 2023; Human Rights Watch interview with Christina C., Athens, June 30, 2023; Human Rights Watch interview with Michalis M., Athens, July 1, 2023; Human Rights Watch interview with Petros P., Athens, July 1, 2023; Human Rights Watch interview with Nadia N., online, July 11, 2023; Human Rights Watch interview with Iasonas I., Athens, July 13, 2023.

<sup>302</sup> Human Rights Watch interview with Petros P. Athens, July and August 2023.

<sup>303</sup> Human Rights Watch interview with Kostas K., Athens, June 29, 2023. More details of this case have been withheld to protect his identity.

Dina D., a reporter with over 25 years of experience at a major Greek private TV channel, described to Human Rights Watch during an interview in June 2023 the suffocating climate of censorship and self-censorship in her daily work<sup>304</sup>:

What you say on TV is so controlled that you have no freedom. The control is done by those high up... The hierarchy is the prime minister's office, media owners, management, editors in chief. Everything is controlled. What you will say, how you will say it. I have the ability to say live what I want by pretending I did it by mistake.... In our channel, they just ask us beforehand what we're planning to say. In [another TV channel] they are asking reporters to send the text before going live.<sup>305</sup>

Elina E., who has worked as a journalist for over 20 years, since 2018 at a mainstream outlet, gave a similar description to Human Rights Watch, in June 2023:

Everyone has an opinion about what you will write. The mentality is outdated and out of reality. And of course, this is not journalism but putting out government press releases. Many times, we take the government press release, change the title, and publish it. Interviews with government officials are not real interviews.... When something is critical, it can't go out. We would publish, for example, the response of the minister to a critical report by the *New York Times*, without mentioning what the *New York Times* said.<sup>306</sup>

With respect to the Predatorgate surveillance scandal, Elina E. described the obstacles she faced from her outlet in reporting about it:

First, the story about Koukakis' [surveillance] broke out. We wondered, why would they surveil him? And of course, from a journalist point of view, we wanted to write something about it. [My director] had given us a direct order to not touch the topic of surveillance. I was very angry. He wanted to bury the topic just to cover up for the government.<sup>307</sup>

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<sup>304</sup> Human Rights Watch interview with Dina D., Athens, June 15, 2023.

<sup>305</sup> Ibid.

<sup>306</sup> Human Rights Watch interview with Elina E., Athens, June 30, 2023.

<sup>307</sup> Ibid.

When asked about her views regarding the coverage of other topics, such as migrant pushbacks by the Greek authorities, Elina responded: “What is presented in Greek mainstream media, including the one I’m working in, is the government rhetoric. We have become the mouthpiece of the government.”<sup>308</sup>

When asked about their experiences of self-censorship, Aris A., a journalist working at a mainstream media outlet, said: “There are unwritten rules, and you know them. You know the limits and your limits. In practice you can call it self-censorship. You don’t bother trying to write something that is out of limits. You don’t take that route.... The issue of pushbacks, for example, is a topic that I superficially touch upon.”<sup>309</sup>

Ioanna I., a reporter working for a foreign outlet, told Human Rights Watch that the harsh reaction of the government to her pieces, coupled with online intimidation and harassment, has affected her ability to write freely: “I started working on a piece about media freedom. But I purposely delayed it and self-censored a bit because I was afraid of the reactions.”<sup>310</sup>

Iliia I., who works at a state-owned outlet, faced different problems over the last few years:

When I had written a migration-related piece, I had to negotiate with my editor who wanted to cut entire parts from my article, that were critical of the government. I said that if the article is published like that, I don’t want to sign it. There are 3 or 4 times where articles that I’ve written have been published without my name because I didn’t agree with the changes. I did this to protect myself and my reputation.

Ilias I., a radio producer in one of the main mainstream stations, said he has had a more positive experience. He reported only having 1 incident of intervention over the last 10 years and said that he does not self-censor. His description of the way he approaches his work, however, highly suggests he does so:

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<sup>308</sup> Ibid.

<sup>309</sup> Human Rights Watch interview with Aris A., Athens, November 25, 2022.

<sup>310</sup> Human Rights Watch interview with Ioanna I., Athens, June 15, 2023.

This is not self-censorship. You know your limits, but no one has ever called me to tell me ‘hey, what are you doing?’ You can talk about everything, the key is the way you do it, how you approach the topic so that there are no reactions.<sup>311</sup>

Fotis F., like most journalists we interviewed, believes “[s]elf-censorship is part of the game.<sup>312</sup> It starts from the fact that the media environment is problematic. I don’t think this can easily change.” Fotis F. gave an example of the challenges journalists face in maintaining editorial independence in Greece's media landscape:

In Greece... many media owners have other business interests in parallel and close ties with the political elite. As a result, I understand this environment and I try to put my own limits and red lines. There are unwritten and written rules. I have given lots of battles so that a story would pass through the editor. Obviously, this is a huge problem.<sup>313</sup>

Michalis M. said:

It’s an everyday battle to be able to highlight what is really happening in the country, the truth.... I try to present what I believe is the truth, but in a way that is careful. And there are topics you don’t even touch because you’ll lose the battle.<sup>314</sup>

He illustrated this with an example from his time at a radio station, where it was forbidden to report critically on a major basketball team due to a sponsorship they had received.

The experience of Petros P., a journalist with longstanding experience covering major national stories, offered insight into the risks associated with challenging power. Fired twice from prominent media outlets, his experiences highlight the pressure journalists face when their reporting diverges from established narratives. Petros P. told Human Rights Watch his first dismissal, in 2015, occurred at a radio station after he expressed

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<sup>311</sup> Human Rights Watch interview with Ilias I., Athens, July 5, 2023.

<sup>312</sup> Human Rights Watch interview with Fotis F., Athens, November 25, 2022.

<sup>313</sup> Ibid.

<sup>314</sup> Human Rights Watch interview with Michalis M., Athens, July 1, 2023.

critical views on economic policies. More recently, in 2023, his contract at a radio station owned by a major industry figure he believes was terminated following a discussion on air about potential taxation within that industry. Petros P. was interviewed for this report in July and August 2023.

Journalists play a vital role in safeguarding democratic principles by serving as watchdogs, holding those in power accountable. However, governments routinely use censorship and encourage self-censorship to suppress information critical of their actions. This severely undermines the role of the media in exposing corruption, human rights abuses, and other forms of wrongdoing. When censorship and self-censorship become pervasive, journalists are prevented from fulfilling their watchdog role. This weakens critical checks and balances, and paves the way for unchecked abuses. It also fosters a climate where those in power act with a sense of impunity, potentially leading to a decline in transparency, accountability, and ultimately of the rule of law.

The Greek government response to Human Rights Watch asserts that our findings on self-censorship are based solely on subjective assessments. The government claims that the fear of retaliation is not supported by factual incidents or data, and that investigative journalism in Greece remains active, as evidenced by numerous revelations and reports on political and social issues. Its response also highlights the legislative initiatives undertaken to support journalists, which the government asserts demonstrate an intention to foster an environment that encourages freedom of expression and a plurality of voices.<sup>315</sup>

However, the accounts of self-censorship and the chilling effect on investigative journalism provided by journalists interviewed by Human Rights Watch suggest a different reality. The documented instances of interference, harassment, surveillance, and SLAPPs, coupled with the control of state media, and the lack of transparency and accountability in the allocation of state advertising, create what journalists described as a hostile environment for critical journalism. This environment fosters self-censorship and undermines the media's ability to hold power to account and provide the public with unbiased information.

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<sup>315</sup> General Secretariat for Communication and Information letter to Human Rights Watch, February 6, 2025.

## VIII. Greece's Legal Obligations

### Freedom of Expression

Freedom of expression stands as a cornerstone of democracy, enabling the robust exchange of information and ideas. Central to this freedom are a free press, media pluralism, and the protection of journalists and of journalistic sources. These principles are enshrined in international and regional standards, such as the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the EU Charter of Fundamental Rights, all of which Greece is party to.<sup>316</sup> They impose on Greece legal obligations to safeguard freedom of expression, including media freedom.

Article 14 of the Greek Constitution offers a robust foundation for freedom of expression and the press. It guarantees the right to express and spread ideas orally, in writing, and through the press while upholding the laws of the State. It also guarantees that the “press is free.”<sup>317</sup> This provision explicitly protects press freedom, prohibiting censorship and providing for other preventive measures.<sup>318</sup> However, this fundamental right is subject to certain restrictions.<sup>319</sup>

Beyond Article 14, Articles 5 and 5A of the Greek Constitution further safeguard related fundamental rights. Article 5 protects freedom of expression more broadly, encompassing various forms of communication beyond just the press.<sup>320</sup> It also guarantees the right to develop one's personality freely, which can be interpreted to include the freedom to express oneself.<sup>321</sup> Article 5A specifically addresses the right to information, guaranteeing that everyone has the right to be informed on matters of public interest, as defined by law.<sup>322</sup> This includes the right to access information held by public authorities, though this

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<sup>316</sup> Article 10 of the European Convention on Human Rights, ratified by Greece in 1974; Article 19 of the International Covenant on Civil and Political Rights, ratified by Greece in 1970; Article 11 of the EU Charter of Fundamental Rights.

<sup>317</sup> Article 14, Greek Constitution, <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/FEK%20211-A-24-12-2019%20NEO%20SYNTAGMA.pdf> (accessed December 7, 2023).

<sup>318</sup> *Ibid.*

<sup>319</sup> Article 14, Greek Constitution, <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/FEK%20211-A-24-12-2019%20NEO%20SYNTAGMA.pdf> (accessed December 7, 2023).

<sup>320</sup> Article 5, Greek Constitution, <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/FEK%20211-A-24-12-2019%20NEO%20SYNTAGMA.pdf> (accessed January 30, 2025).

<sup>321</sup> *Ibid.*

<sup>322</sup> Article 5A, Greek Constitution, <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/FEK%20211-A-24-12-2019%20NEO%20SYNTAGMA.pdf> (accessed January 30, 2025).

right can be limited in specific circumstances, such as to protect national security, ongoing criminal investigations, or individual privacy. These articles, taken together, create a comprehensive framework for the protection of expression and access to information in Greece.

As explained also in the section on legal threats, the Greek Constitution authorizes prosecutors to order the confiscation of publications deemed offensive to the president, disrespectful of any religion, obscene, supportive of the violent overthrow of the political system, or divulging military secrets.<sup>323</sup>

While restrictions on the media may be necessary to defend vital state interests, like national security, it remains the media's fundamental role to inform the public about political matters. This includes the right to criticize authorities and voice dissenting viewpoints, even on divisive topics. The state has the responsibility to ensure the public's right to access to information.

The ability to practice journalism without undue interference, to engage in peaceful criticism of the government, and to express dissenting opinions are also crucial to the exercise of numerous other rights and freedoms. A robust and independent media plays a vital role in holding power to account, exposing wrongdoing, and fostering public discourse. It is essential to safeguard the freedom of the press and ensure that journalists can operate without fear of censorship or reprisals, and in an environment free from self-censorship.

Article 10 of the European Convention on Human Rights is also of key importance on the question of media diversity. European Court of Human Rights caselaw unequivocally states that the Council of Europe member states are under the duty to protect, and if need be, to take positive measures to safeguard and promote media pluralism.<sup>324</sup> In its case-law, the Court referred to the media's important role in a democratic society and the related need for pluralism, tolerance, and openness.<sup>325</sup>

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<sup>323</sup> Ibid.

<sup>324</sup> Informationsverein Lentia and others v. Austria, 1993, para 38; Manole and others v. Moldova, 2009, para 100.

<sup>325</sup> "A Guide to the Interpretation and Meaning of Article 10 of the European Convention on Human Rights," Council of Europe, <https://rm.coe.int/16806f5bb3> (accessed April 4, 2025).

Freedom of information means that citizens should have access to a variety of information, primarily different opinions, and ideas, but also a variety of cultural aspects and expressions.

The EU Rule of Law mechanism evaluates media pluralism and media freedom as one of its four core pillars, including independence of media regulatory bodies, transparency of media ownership and government interference, and frameworks for protection of journalists.<sup>326</sup>

In March 2024, the EU adopted a landmark piece of legislation, the European Media Freedom Act, aimed at strengthening editorial independence, enhancing the monitoring of media concentration, and establishing safeguards against the use of spyware against journalists and their families.<sup>327</sup>

Earlier the same month, the EU adopted another landmark law to safeguard journalists and human rights defenders from SLAPPs.<sup>328</sup> The EU anti-SLAPP Directive empowers individuals targeted by SLAPPs, especially in cross-border cases, to ask courts to quickly dismiss baseless lawsuits, recover legal costs, and hold those filing abusive lawsuits accountable. Additionally, it extends protection to those sued in third countries, safeguarding against unfair judgments that could stifle their work. Member states have two years to transpose the directive into national legislation.

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<sup>326</sup> European Commission, “The European Rule of Law Mechanism is a Preventive Tool, Aiming to Promote the Rule of Law and Prevent Challenges From Emerging Or Deteriorating,” [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en) (accessed April 4, 2025).

<sup>327</sup> “European Media Freedom Act: Commission Proposes Rules To Protect Media Pluralism And Independence in The EU,” EU Commission news release, September 16, 2022, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_5504](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504) (accessed April 4, 2025).

<sup>328</sup> Council of the European Union, “Anti-SLAPP: Final green light for EU law protecting journalists and human rights defenders,” Press release, March 19, 2024, <https://www.consilium.europa.eu/en/press/press-releases/2024/03/19/anti-slapp-final-green-light-for-eu-law-protecting-journalists-and-human-rights-defenders/#:~:text=2024%2011%3A45-,Anti%2DSLAPP%3A%20Final%20green%20light%20for%20EU%20law%20protecting%20journalists,lawsuits%20meant%20to%20silence%20them> (accessed April 26, 2024).

In addition, the Commission has also issued a Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (SLAPPs).<sup>329</sup>

While the directive provides crucial support for journalists and human rights defenders, its scope is limited to cross-border cases. Therefore, it is imperative that member states, including Greece, seize this opportunity to build upon the directive's foundation and enact comprehensive national legislation. This should include a broad scope to cover domestic SLAPP cases and claims under criminal and administrative law, ensuring robust protection for those exercising their right to freedom of expression and information.

In practice the limitations on and interference with freedom of expression provided for in Greek law—for example through its defamation law—exceed the scope for legitimate limitations provided for in international human rights law. The UN Human Rights Committee, the independent expert body that monitors state compliance with the ICCPR, in its General Comment No. 34 on the right to freedom of expression, states that in circumstances of public debate, “the value placed by the Covenant upon uninhibited expression is particularly high.” The “mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.” Thus “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.”<sup>330</sup> In addition, the Human Rights Committee has said that “defamation laws must be crafted with care to ensure that they [...] do not serve, in practice, to stifle freedom of expression [...] State parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”<sup>331</sup>

The European Court of Human Rights has also made clear that with respect to public figures, in particular politicians and others in governmental roles, the limits of acceptable

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<sup>329</sup> European Commission, Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”), C/2022/2428, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022Ho758> (accessed September 13, 2024).

<sup>330</sup> United Nations Human Rights Committee, “General Comment No.34: Article 19: Freedoms of opinion and expression,” July 21, 2011, <https://www.refworld.org/legal/general/hrc/2011/en/79729>, (accessed April 29, 2025).

<sup>331</sup> *Ibid.*

criticism are wider than as regards a private individual.<sup>332</sup> In respect of political speech, the court has observed that “political invective often spills over into the personal sphere, such are the hazards of politics and the free debate of ideas, which are the guarantees of a democratic society”<sup>333</sup> and that “journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation.”<sup>334</sup> The media has a vital role to play as “public watchdog” in imparting information of serious public concern and should not be inhibited or intimidated from playing that role.<sup>335</sup>

Human Rights Watch believes that criminal penalties are always disproportionate punishments for reputational harm and should be abolished. But as demonstrated in this report, civil defamation laws can also be abused, with significant impact on journalists and the media.

## Right to Privacy and Surveillance

As with freedom of expression and the media, the right to privacy and respect for a person’s private and family life, home and correspondence, is enshrined in the three aforementioned treaties to which Greece is a party: the ICCPR, the ECHR, and the EU Charter of Fundamental Rights.<sup>336</sup> This is also reflected in the Greek Constitution which provides in Article 9 that “the private and family life of the individual is inviolable”.

Under international human rights law, arbitrary or unlawful infringements on the right to privacy are prohibited, and restrictions on, or interference with, the right to privacy must meet the criteria of being provided for in law, and necessary and proportionate to achieve a legitimate purpose. With respect to surveillance of communications, it is important that the tools used by authorities are suited for the specific purpose at hand, and that people placed under surveillance are able to challenge decisions and seek meaningful redress.

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<sup>332</sup> See for example the original case *Lingens v. Austria*, Application No. 9815/82, Judgment July 8, 1986, Series A no. 103.

<sup>333</sup> *Lopes Gomes da Silva v. Portugal*, Application No. 37698/97, Judgment September 28, 2000, Reports of Judgments and Decisions 2000-X, para. 34.

<sup>334</sup> See among other cases *Oberschlick v. Austria* (No. 2), Application No. 20834/92, Reports of Judgments and Decisions 1997-IV; *Dalban v. Romania*, Application No. 28114/95, Reports of Judgments and Decisions 1999-VI; *Arslan v. Turkey*, Application No. 23462/94, judgment of July 8, 1999.

<sup>335</sup> See for example *Bladet Tromsø and Stensaas v. Norway*, Application No. 21980/93, May 20, 1999.

<sup>336</sup> Article 8 of the European Convention on Human Rights,; Article 17 of the International Covenant on Civil and Political Rights,; Article 7 of the EU Charter of Fundamental Rights.

The use of commercial spyware to conduct surveillance does not pass this test. Spyware is used to download all available data, copy login credentials and use someone's device for active monitoring, all without their consent. Because of the wide range of data stored on personal devices, the use of these tools is almost inevitably disproportionate and unjustified for whatever specific aim, a legitimate act of surveillance may seek to achieve. Commercial spyware also lacks transparency in how it is designed, developed and used—because of this lack of transparency it would be impossible to verify or regulate the adequacy of specific tools used and their possible proportionate use. This lack of transparency also limits meaningful redress for people put under surveillance.

Commercial spyware has been used in many countries worldwide to illegally or arbitrarily surveil activists or journalists, violating their rights to privacy, undermining free expression and association, and threatening their personal security and lives. This surveillance not only affects those targeted directly, but also has a chilling effect on journalists who may self-censor out of fear that such surveillance would affect their sources, including victims of abuse and whistleblowers, who fear the possibility of surveillance and loss of confidentiality if they share information with journalists and human rights organizations.

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# From Bad to Worse

## The Deterioration of Media Freedom in Greece

Greece, a European Union member state, is failing to uphold its obligations to protect media freedom and freedom of expression. The poor state of media freedom in the country threatens the public's right to information and undermines democracy and the rule of law – core principles enshrined in both Greek and EU law.

*From Bad to Worse* documents a pattern of government interference with media freedom, revealing how state actions and failures are undermining independent journalism and eroding a vital check on the executive. Journalists face harassment, intimidation, surveillance, and abusive lawsuits aimed at stifling critical reporting. The government interferes with the editorial content of public media, and uses state advertising to sway coverage by private outlets. These actions have produced a chilling effect on the media profession, breeding self-censorship.

Human Rights Watch calls on the Greek government to implement urgent reforms to protect journalists, combat self-censorship, and ensure a free and independent media. The EU should recognize the threat to media freedom as part of a broader erosion of the rule of law and democratic institutions in Greece and take decisive action to address these violations.



Newspapers hanging on a kiosk in the center of Athens, Greece on March 24, 2022.

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