

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

Greece

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1. Civic space developments in 2022

1.1. Use of spyware and surveillance of journalists and members of the Civil Society

Area	Safe space and protection
Topic	Surveillance, Use of technology or artificial intelligence, Strategic Lawsuits Against Public Participation (SLAPPs)
Impact	Major

A major scandal, which has been unfolding since 2021 and reverberated across Europe and the globe, was the use of illegal spyware technology for the surveillance of journalists and members of civil society, as well as politicians. The scandal concerns the use of the spyware “Predator” as well as other methods of surveillance used by the Greek Intelligence Service to monitor the activity of journalists investigating financial crime and issues related to the management of migration and refugee flows, as well as members of NGOs active in the area of asylum and migration.¹ The scandal implicates prominent political figures and culminated in an official investigation by the European Parliament’s Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (the PEGA Committee). This has been further exacerbated by SLAPP suits against journalists covering the scandal, highlighted, among others by the Coalition Against SLAPPs in Europe, which gave a “SLAPP politician of the year” award

¹ Leontopoulos, N., Chondrogiannos, Th. (2023), [‘Interceptions: A year of investigation by Reporters United’](#), Reporters United, 4 January 2023, in which the timeline of the scandal commonly referred to as ‘Predator gate’ can be found (in Greek). The scandal has been widely reported by international news outlets, including Markham, L. and Emmanouilidou, L. (2022), [‘How Free Is the Press in the Birthplace of Democracy?’](#), New York Times, 28 November 2022, and in Stamouli, N. [‘Greece’s spyware scandal expands further’](#), POLITICO, Monday, January 16, 2023.

to a key figure of the scandal, former secretary general to the Prime Minister Grigoris Dimitriadis.²

1.2. Police Brutality during public demonstrations

Area	Freedom of peaceful assembly
Topic	Policing practices
Impact	Major

Despite the adoption of a National Action Plan for the Management of Public Outdoors Gatherings in 2021, which reaffirms the obligation of police to first and foremost respect the fundamental rights of citizens and prioritises a scaled response to conflicts arising during public gatherings and the exceptional and proportional use of force,³ multiple incidents of police arbitrariness and brutality during protests have been recorded during 2022. These concern, among others, multiple incidents, including beatings and arbitrary arrests, against reporters and photojournalists covering protests,⁴ violence against students protesting the establishment of a special police

² For more information, see the webpage of the CASE - coalition of non-governmental organisations from across Europe, [‘THE EUROPEAN SLAPP CONTEST 2022’](#), 20 October 2022.

³ It should be noted that the Action Plan has been criticised by the civil society of being “over-broad” in terms of its requirements related to the permitted use of force by the police. For more information, see the [“Protect the Protest Report”](#) issued by Amnesty International in July 19, 2022 (Index Number: ACT 30/5856/2022).

⁴ For more data, see indicatively in the following news/journal articles, such as in Alter Thess (2022), [‘Targeting of a journalist by thessaloniki security men \(video\)’](#), 15.01.2022 (in Greek); StoKokkino (2023), [‘Thessaloniki / Handcuffs to photojournalist for recording a violent arrest of a woman’](#), Monday, January 16, 2023 (in Greek); news 24/7, (2022), [‘Police hit journalists and photojournalists again - NEWS video 24/7’](#), 28 July 2022 (in Greek); efsyn (2022), [‘Accusation of beating of an American journalist by riot police in Exarchia’](#), 04.10.2022 (in Greek); The Press Project (2022), [‘Exarchia: Arrests, chemicals](#)

force within universities, resulting, among others, in serious injury for a student who was the target of a direct hit in the head with a stun grenade,⁵ other incidents of violence against protesters, concerning improper use of police equipment (such as batons, stun grenades, tear gas, service gun), arbitrary arrests, brutality and disproportionate use of force, in general.⁶ The *Manifold Files*, a civil society initiative monitoring ongoing journalistic investigations, has compiled a timeline of recorded incidents of police brutality per year, including links to the press coverage of each incident.⁷

1.3. Registration of NGOs and media outlets

Area	Freedom of expression and information, Freedom of association, Financing framework
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[and police brutality on Friday night](#)’, Saturday 5 November 2022 (in Greek); efsyn (2022), [‘Nikos Pilos: I was arrested even though I declared my identity](#)’, 23.11.2022 (in Greek).

⁵ For more data, see indicatively in the following news/journal articles, such as The Press Project (2022), [‘Chemicals, wood and violent arrest inside the Aristotle University of Thessaloniki – Information about three students injured](#)’, Tuesday 10 May 2022 (in Greek); The Press Project (2022), [‘Riot police attack with chemicals at Thanasis Papakonstantinou’s big concert at the Aristotle University of Thessaloniki – Thousands at the protest concert](#)’, Saturday 17 September 2022 (in Greek); ERT open (2022), [‘AUTH: With hearing loss in one ear, stitches in the head and broken teeth the student](#)’, 26 May 2022 (in Greek); newsbeast (2022), [‘Video of a riot police man hitting a student on the head with his shield](#)’, 20/10/2022 (in Greek).

⁶ For more data, see indicatively in the following news/journal articles, such as Avgi (2022), [‘Savage police attack on solidarity in Evelpidon](#)’, 23.11.22 (in Greek); efsyn (2022), [‘Police brutality and sexism at the demonstration in Sepolia](#)’, 16.10.2022 (in Greek); efsyn (2022) [‘Tension and tear gas on the gatherings for energy and high prices](#)’, 07.10.2022 (in Greek); Avgi (2022), [“‘They beat us mercilessly with shields and batons” - Shocking testimony](#)’, 05.10.22 (in Greek); The Press Project (2022), [‘Propylaea: With a last-minute decision, GADA limits the anti-suppressive course – Chemicals and new violence to deal with it](#)’, Saturday 17 September 2022 (in Greek).

⁷ The Manifold Files (research in progress), [‘Unaccountable protectors](#)’, File 02, last update in 08.12.2022.

Topic	Additional registration requirements, Formation and registration of associations, too strict legal requirements, Funding landscape
Impact	Medium

The trend of establishing registries for the civil society carried on in 2022.

In the field of asylum and migration, the government enacted two new laws, regulating details of the NGO members' registration in the relevant Registry established by Law 4662/2020 and kept by the Ministry of Migration and Asylum.⁸ It should be reminded here that the registration of NGO members is a prerequisite for both the lawful exercise of their own activities in Greek territory and for the lawful operation of their respective NGOs.⁹ The new laws do not introduce any significant changes in the previous framework. They merely emphasise that registration of the NGO members is necessary for the exercise of their activities and their collaboration with public authorities (as already established in Law 4686/2020) and stipulate that the procedures and paperwork required for registration, as well as all other details related to the operation of the Registry, are to be specified by Ministerial Decree of the Minister for Migration and Asylum (instead of a Joint Ministerial Decree, issued by multiple Ministries). It follows that the registration policies in the field of asylum and migration have been regulated thus far in four separate laws, enacted within the past

⁸ Greece, Law 4939/2022 "Law for the reception, the international protection of third country nationalas and the stateless and the temporary protection in the event of a mass influx of displaced foreigners." (*Κύρωση Κώδικα Νομοθεσίας για την υποδοχή, τη διεθνή προστασία πολιτών τρίτων χωρών και ανιθαγενών και την προσωρινή προστασία σε περίπτωση μαζικής εισροής εκτοπισθέντων αλλοδαπών*) (O.G. A' 111/10.6.2022), and, Greece, Law 4960/2022 " National Custodial System and Framework for Hosting the Unaccompanied Minors and other provisions under the jurisdiction of the Ministry of Immigration and Asylum." (*Εθνικό Σύστημα Επιτροπείας και Πλαίσιο Φιλοξενίας Ασυνόδευτων Ανηλίκων και άλλες διατάξεις αρμοδιότητας του Υπουργείου Μετανάστευσης και Ασύλου*) (O.G. A' 145/22.7.2022).

⁹ Greece, Law 4686/2020 " Improvement of immigration legislation, amendment of provisions of Law 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions " (*Βελτίωση της μεταναστευτικής νομοθεσίας, τροποποίηση διατάξεων των νόμων 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) και άλλες διατάξεις*) (O.G. A' 96/12.5.2020).

three years. The need for that is unclear based on the content of the impugned provisions.

Moreover, in the field of Media and the Press, Law 5005/2022 ¹⁰ established two new registries one for traditional and one for digital media. The law purports to aim at the reinforcement of transparency in the media landscape but includes provisions which may lead to the effective control of the substantive content published by the registered outlets. This is done through the establishment of an Ethics Committee and a Directorate for Media Oversight in the Article 25, which are competent to review, opine, and rule on the outlets' compliance with the Journalists' Code of Ethics (a competence already lying with the Journalists' Union). A decision of non-compliance may lead to a removal from the relevant registry for up to two years.

Although registration (initial and continued) is not a prerequisite for the operation and circulation of an outlet, only registered outlets may host advertisements paid by public bodies or participate in state subsidy programmes (with the latter being particularly relevant during the Covid-19 pandemic, when the government heavily subsidised the media, purportedly to make up for pandemic-related losses).

¹⁰ Law 5005/2022 “Strengthening publicity and transparency of the printed and electronic press. Establishment of electronic registers of printed and electronic press. Provisions of competence of the General Secretariat of Communication and Information and other urgent arrangements” (*Ενίσχυση δημοσιότητας και διαφάνειας στον έντυπο και ηλεκτρονικό Τύπο Σύσταση ηλεκτρονικών μητρώων εντύπου και ηλεκτρονικού Τύπου Διατάξεις αρμοδιότητας της Γενικής Γραμματείας Επικοινωνίας και Ενημέρωσης και λοιπές επείγουσες ρυθμίσεις*) (Ο.Γ. Α' 236/21.12.2022).

2. Visa for human rights defenders

2.1. Entry and stay for human rights defenders (HRDs) at risk

Dedicated visa scheme for HRDs at risk available in your country	No
Other type of visa or alternative legal entitlement or derogation clause applied to HRDs	No

The Greek Code for Migration and integration¹¹ does not contain any specific provisions regarding the entry and stay of human rights defenders in the country. Moreover, Greece has not enacted any derogations, nor does it apply any special clauses related to HRDs seeking international or subsidiary protection. It follows that HRDs are subject to the same provisions as other Third Country Nationals when seeking entry and protection in Greece. They may, thus, request a visa (for example a national, Schengen, or travel visa), or apply for asylum or subsidiary protection, provided they meet the qualifications established in the EU asylum acquis. It should be noted that, in the latter case, protection may also be awarded on humanitarian grounds.

¹¹ Government Gazette, LAW 4251 Immigration and Social Integration Code and other provisions, Issue one, No 80, of 01/04/2014 ([ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 4251 Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις](#)).