



Office for Democratic Institutions and Human Rights

GREECE

EARLY PARLIAMENTARY ELECTIONS

6 May 2012

OSCE/ODIHR ELECTION ASSESSMENT MISSION REPORT



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I. EXECUTIVE SUMMARY

In response to an invitation from the Permanent Mission of Greece to the Organization for Security and Co-operation in Europe (OSCE), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) to Greece for the 6 May 2012 early parliamentary elections.

Against an adverse economic background, these elections demonstrated a competitive, open and pluralistic process. The legal framework for elections provides a generally sound basis for the conduct of democratic elections. However, the lack of explicit legal provisions for domestic and international election observation, as well as certain limitations regarding the candidacy rights of civil servants and public office holders needs to be addressed.

Members of the parliament are elected for a four-year term under a proportional system with compensatory seats. Following amendments in 2008, the party winning the majority of the votes is granted 50 ‘bonus’ seats (previously 40). Many political party representatives met with by the OSCE/ODIHR EAM expressed concern that in the current political environment where the leading party does not enjoy a clear majority, the electoral system might not accurately reflect the will of the voters and stated the necessity to review the system.

By law, the Ministry of Interior is responsible for the technical preparations for the elections. It administered them in an efficient and impartial manner, despite tight deadlines and budgetary constraints. While some aspects of the electoral process could benefit from a review, including the enhancing of training provided to polling station commission members and the review of the system for printing and distributing ballots, there was a high level of public confidence in the overall integrity and impartiality of the election administration.

Most interlocutors met with by the OSCE/ODIHR EAM expressed concern over the accuracy of voter lists. It was alleged by them that the number of registered voters was implausibly high, which was attributed to a failure to remove deceased people and duplicate records. Such inconsistencies should be remedied if the public confidence in the process is to be maintained.

A broad range of political parties and candidates contested the elections, providing a wide and genuine choice of political alternatives to the electorate. Party and candidate registration was inclusive and new parties were able to contest the elections, with one of these parties obtaining representation in the new parliament. Although the election law obliges parties to apply a gender quota in the formation of candidate lists both for national and constituency races, only a few women candidates were elected.

Campaigning took place in an open atmosphere, characterized by respect for fundamental freedoms of expression, movement and assembly. However, austerity measures had a visible impact on the election campaign as campaign activities were rather modest. In addition, it also generated complaints from smaller parties claiming that the larger parties were receiving an unfair advantage regarding media access and public campaign financing.

Parliamentary parties receive extensive state subvention, while most of non-parliamentary parties do not enjoy this benefit. A number of OSCE/ODIHR interlocutors opined that the legislation should be revised in this regard to ensure a level playing field for all contestants. In addition, further measures, particularly for enhancing the oversight of public expenditures, could be considered to improve campaign finance regulations.

The media covered these elections extensively, providing copious analysis and information on parties, candidates and their platforms. Although electronic media initially focused on the two largest parties, their coverage became more equitable following an inter-ministerial decision that required the allocation of airtime to the majority of parties that contested these elections. Still, non-parliamentary parties raised concerns regarding limited access to the media.

In accordance with the OSCE/ODIHR's methodology, the EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a number of polling stations throughout the country on election day. Voting and counting in the limited number of polling stations visited showed a process that was well-organized and efficiently conducted. Some slight differences in practice were noted between various polling stations visited.

Preliminary and subsequently final election results per polling station were announced in a timely manner and published in the media for public scrutiny.

A number of recommendations in this report are meant to set out ways in which the electoral process may be further improved. The OSCE/ODIHR stands ready to support Greece in its efforts to implement these recommendations.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

On 12 April 2012, the OSCE/ODIHR was invited by the Permanent Mission of Greece to the OSCE to observe the 6 May 2012 early parliamentary elections. In response to the invitation, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) from 20 April to 9 May 2012.

The OSCE/ODIHR EAM was led by Ambassador Boris Frlec and consisted of a team of six experts from as many OSCE participating States. The experts were based in Athens, but also visited other areas of the country. In line with the standard practice for assessment missions, the EAM did not observe election day proceedings in a systematic or comprehensive manner. Nonetheless, the EAM visited a limited number of polling stations in nine municipalities on election day.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs of Greece for its assistance and co-operation in organizing the EAM. The OSCE/ODIHR would also like to thank the Ministry of Interior, the Supreme Court, as well as representatives of election committees, political parties, media, civil society organizations, academics and other interlocutors who took the time to meet with the EAM.

III. BACKGROUND AND POLITICAL CONTEXT

A. BACKGROUND AND POLITICAL CONTEXT

The Constitution defines Greece as a parliamentary democracy. Its adoption in 1975 marked the beginning of the Third Hellenic Republic. The parliament exercises legislative power together with the president.¹

Against the backdrop of a global economic crisis and a looming debt crisis with the danger of state default, the political situation has grown increasingly tense over the last two years. The government announced a series of austerity measures to receive loan packages from European and international institutions. Violent protests related to the financial crisis continued throughout 2010 and 2011.

In November 2011, in exchange for support on austerity measures, Prime Minister George Papandreou from the Social-democratic Panhellenic Socialist Movement (PASOK) resigned. Lucas Papademos, backed by PASOK, the center-right New Democracy (ND) and the Popular Orthodox Rally (LAOS), obtained a vote of confidence from the parliament and was appointed as a prime minister.² The essential part of this government's mandate was to secure a second bailout and to avert the risk of an immediate default.

In February 2012, a vote was held in the parliament to decide on the conditions of further austerity measures, including additional salary and pension cuts necessary to secure a second bailout.³ Meanwhile, violent protests continued. The loan deal was approved with votes mostly from PASOK and ND parliamentarians. A number of members of the parliament (MPs) from both parties were expelled from their parties for voting against the party positions on austerity measures. Some of the expelled MPs established new parties which coincided with dropping support for and membership of the two largest political parties.⁴ On 11 April, 18 months before the parliament's current term was to expire, President Karolos Papoulias called for early parliamentary elections for 6 May 2012.

The OSCE/ODIHR has previously assessed the 4 October 2009 early parliamentary elections and concluded that the "elections in Greece were conducted in a competitive, open and pluralistic atmosphere." The Final Report identified a number of issues that needed to be addressed and proposed several recommendations. In the 2009 elections, PASOK emerged as the winner and the ND came in second. Three other parties entered the parliament - the Communist Party of Greece (KKE), Coalition of the Radical Left (SYRIZA) and the LAOS.⁵ Splits within some parties led to the establishment of new parties.⁶

¹ Article 26 of the Constitution.

² The President appoints the top candidate on the list of a political party that gained an absolute majority of seats in the parliament as the Prime Minister. If no party received the absolute majority, the President gives the party with the relative majority a mandate to form a government. If the government is not formed, the President gives this right to the second and the third largest parties, respectively. If the government is still not formed, the President calls for new parliamentary elections.

³ Greece's second bailout loan amounts to 130bn EUR to be paid in several installments. The rescue package is conditioned upon Greek government's implementation of reforms.

⁴ In April 2012, when the parliament was dissolved, PASOK had 129 MPs and ND had 72 MPs.

⁵ PASOK (160 MPs), ND (91 MPs), KKE (21 MPs), LAOS (15 MPs), SYRIZA (13 MPs).

⁶ Ms. Dora Bakoyannis, former ND member, is the leader of the Democratic Alliance, formed in November 2010. Mr. Fotis Kouvelis, former SYRIZA member, is the leader of the Democratic Left, formed in June 2010. Mr. Panos Kammenos, former ND member, is the leader of the Independent Greeks, formed in February 2012. Ms. Louka Katseli, former PASOK member, is the leader of the Social Agreement, formed in March 2012.

IV. LEGAL FRAMEWORK

The legal framework provides a generally sound basis for the conduct of democratic elections. The Constitution guarantees basic rights and fundamental freedoms, and defines who has the right and obligation to vote and who can stand for elections to parliament.⁷ Electoral proceedings are further governed by the law on *Election of Members of Parliament* as codified in 2007 and amended in 2008 (hereinafter the election law), the law on *State Financing of Political Parties*, the *Regulation on Opinion Polls*, the *Criminal Code*, the *Codes of Criminal and Civil Procedure*, as well as instructions and regulations issued by the Ministry of Interior (MoI).⁸

The election law was last amended in 2008, changing the number of ‘bonus’ seats awarded to the party gaining the majority of votes from 40 to 50 (see Electoral System).⁹ According to the Constitution, such amendments are not applicable to the first election after the adoption of the amendment. Therefore, this was the first election where the leading party received 50 ‘bonus’ seats.¹⁰ A gender quota requirement for party lists, however, was also introduced as part of 2008 amendments and was made effective immediately for the 2009 parliamentary elections.

Constitutional guarantees for freedom of association and assembly are in place; however, the existing prohibition of referring to ethnicity or religion in the names of associations has been criticized by several OSCE/ODIHR interlocutors.¹¹ In addition, recent events following public protests have led to allegations of excessive and disproportionate force used by police.¹²

In light of international commitments made by Greece and of recent decisions by the European Court of Human Rights (ECtHR), further efforts should be made to ensure full respect of freedom of association and assembly.

These elections were called 25 days before election day, the minimum time allotted by law for organizing elections.¹³ The election law sets a number of key deadlines from the day of announcement rather than days prior to election day. Tight deadlines and the fact that the pre-election period coincided with Easter holidays made it difficult for the election administration, parties and candidates to adhere to certain legal provisions.¹⁴

⁷ Article 51 and 55 of the Constitution.

⁸ The law on *Elections of Members of Parliament* (No. 3231/2004) was codified by the presidential decree (No. 96/2007) and amended through a new law (No. 3636/2008).

⁹ The amendment to the Law 3636/2008 was proposed by ND, which had the majority at that time; all 152 ND MPs voted in favor of the amendment.

¹⁰ Article 54 of the Constitution stipulates that amendments are not applicable to the first election following their adoption, unless amendments specifically state that they will be applicable in the next elections and two-thirds of all members of parliament vote for them.

¹¹ Interlocutors referred to the US State Department 2010 Human Rights Report on Greece available at www.state.gov/documents/organization/160191.pdf, as well as several rulings by the European Court of Human Rights (ECHR) against the government in the cases of *Sidiropoulos and Others v. Greece* (no. 57/1997/841/8107), *Tourkiki Emin and Others v. Greece* (application no. 34144/05) and *Tourkiki Enosis Xanthis and Others v. Greece* (no. 26698/05).

¹² Interlocutors cited the 12 February 2012 protests and the use of large amounts of tear gas by the police.

¹³ Presidential Decree No. 40 from 11 April 2012.

¹⁴ Interlocutors indicated that the following deadlines were difficult to meet: the submission of candidate nomination papers, printing and delivery of ballots, and the selection of polling station members.

To ensure that current safeguards are not compromised and to fully guarantee the equality of opportunities of election contestants, consideration could be given to reviewing the timeframe for the organization of early elections to ensure that all deadlines are implementable.

The Constitution formally integrates international laws and conventions into law.¹⁵ Greece is party to a number of international treaties, conventions and standards, namely the 1990 OSCE Copenhagen Document, the International Covenant on Civil and Political Rights (ICCPR), the ECHR and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In addition, Greece has ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol.

A. RIGHT TO VOTE AND RIGHT TO STAND

Voting is compulsory for all citizens who are at least 18 years of age.¹⁶ However, penalties provided for the failure to vote are not enforced. Citizens, who have been found mentally incompetent by a court or have been temporarily or permanently denied their voting rights as a result of a criminal conviction for certain felonies, are deprived of suffrage rights. In particular, people convicted of a felony and sentenced to a term of over 10 years and repeat offenders can be temporarily deprived of their voting rights, while people sentenced to life imprisonment lose the right to vote for life.

The Constitution provides for the right to vote in parliamentary elections for Greek citizens residing abroad. However, no law has been enacted to implement this provision in practice and citizens living abroad currently have no mechanism for voting other than returning to Greece. In March 2012, the ECtHR ruled in favor of Greece, finding that not providing means for citizens living abroad to participate in national elections is not a violation of citizens' human rights.¹⁷

The election law does not allow persons with disabilities to receive assistance from a person of their choice while casting their ballots. MoI circulars instruct polling station commission (PSC) chairpersons to assist such voters.¹⁸ This assistance includes entering the voting booth with the person and bringing election materials outside the polling station when it is inaccessible.

In light of Greece's recent ratification of the UNCRPD and in order to ensure the secrecy of the vote, amendments should be introduced to the current legislation to require that polling stations be accessible to voters with disabilities and to allow such voters to select assistance providers of their choice.

All those eligible to vote that have reached the age of 25 can run for office. However, the Constitution lists a number of professions and public positions that are incompatible with the right to stand as a candidate. These include salaried civil functionaries and servants, those serving in the armed forces and security forces, employees of local government authorities, mayors and community presidents, governors, assistant governors and chairpersons of boards of directors or executive directors of public corporations whose management team is appointed directly or indirectly by the state. These individuals cannot be candidates in any constituency in which they have served, or in any constituency falling within their local jurisdiction during the last 18 months

¹⁵ Article 28 of the Constitution.

¹⁶ *Id.*, Article 51.5.

¹⁷ *Sitaropoulos and Giakoumopoulos v. Greece*, (no. 42202/07) March 15, 2012, available at www.echr.coe.int.

¹⁸ MoI Circular No. 20 from April 19, 2012.

of the parliamentary term.¹⁹ Subsequently, a person seeking office must resign before submitting his or her nomination.²⁰ These restrictions on the right to stand are at odds with Greece's OSCE commitments.²¹ In addition, the United Nations Human Rights Committee (UNHRC), the ICCPR treaty monitoring body, has noted that "if there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected [in ICCPR, article 25]".

In accordance with the OSCE commitments, the principle of universal suffrage, and in order to encourage greater participation, limitations on the right to stand for office should be minimal.

B. ACCESS FOR OBSERVERS

The election law remains silent on access for observers, domestic and international alike, to the electoral process. In a positive step, the MoI issued a circular, which instructed PSC chairpersons to grant OSCE/ODIHR observers access to polling stations, provided they were properly documented by the MoI.²² The OSCE/ODIHR EAM was granted full access and was able to observe all stages of the electoral process. The MoI issued accreditation letters and encouraged other government entities to co-operate fully with the mission.

However, there were no explicit provisions for access or accreditation of domestic non-partisan observers or international observers from other organizations. The MoI reported that no requests were received.

In order to fully fulfill the commitments of Paragraph 8 of the 1990 Copenhagen Document, consideration should be given to amending the election law to explicitly grant access to domestic and international non-partisan observers to all stages of the electoral process and to set out clear accreditation procedures.

C. POLITICAL PARTY AND CANDIDATE REPRESENTATIVES

Representatives of political parties and candidates contesting the elections are allowed to observe voting, counting and results tabulation processes.²³ The OSCE/ODIHR EAM observed that two to four political party/candidate representatives were present in polling stations visited, primarily from KKE, SYRIZIA, ND, and the Independent Greeks. Although not provided for in the law, these party and candidate representatives often replaced PSC members that had not reported for their duties and actively participated in the operations in polling stations, including in the counting process. The experience and the support of party and candidate representatives were generally welcomed by the election administration.

¹⁹ Article 56 of the Constitution.

²⁰ According to the MoI figures, this could potentially affect over 700,000 people or 7.1 per cent of eligible voters.

²¹ Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that "participating States will [...] respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

²² Ministry of Interior Circular No. 19 from April 19, 2012.

²³ Article 88 of the election law.

In order to draw a clear distinction between the role of election administration, which must uphold complete impartiality and activities of partisan actors in the process, consideration could be given to adopting an explicit prohibition of political party/candidate representatives acting as PSC members or otherwise assisting in administering the process on election day.

V. ELECTORAL SYSTEM

The parliament is composed of 300 MPs elected for a four-year term by a proportional system with compensatory seats. The seat allocation procedures are complex, with seats calculated both at the national and at constituency levels using the *Hare* formula of the largest remainder. The legislation provides that 238 deputies are elected through an open list, proportional representation system in 56 single and multi-member constituencies, while 12 “state deputies” are elected on closed party lists in a countrywide constituency based on the proportion of the total vote that each party received.²⁴ Moreover, the 50 remaining ‘bonus’ seats are granted to the leading party. The purpose of the system is to strengthen the winning party to make it easier to secure an overall parliamentary majority and thereby to promote government stability. OSCE/ODIHR interlocutors generally support this system and the stability it provides. Nevertheless, they expressed concern that in the current political environment, it might not accurately reflect the will of the voters where the leading party does not receive a clear majority and the margin between the first and second party is minimal.

Political parties, coalitions or independent candidates securing less than three per cent of votes are excluded from the allocation of seats. Several OSCE/ODIHR EAM interlocutors expressed their concern that the three per cent threshold practically prevents independent candidates from entering the parliament. As a consequence, no independent candidates were elected to the parliament since the adoption of the current electoral system in 2004. Those interested in running for office are therefore compelled to join political parties or coalitions to have a more realistic chance of being elected. It is important to create reasonable conditions for independent candidates to be elected, as noted in paragraph 7.5 of the 1990 OSCE Copenhagen Document.²⁵

Consideration should be given to lowering the threshold for independent candidates in order to effectively ensure the possibility for such candidates to be elected, in compliance with the OSCE commitments and international standards.

The election law obliges parties to apply a gender quota in the formation of candidate lists both for national and constituency races. It is required that one-third of candidates be from each gender. However, this system did not fully meet its objectives. The quota requirement was not fully observed in the national race; when it was observed, women tended to be placed in ‘non-winnable’ positions.²⁶ Several political parties informed the OSCE/ODIHR EAM that they were facing difficulties in finding female candidates. In some cases, they noted that they had to nominate female family members and friends in order to comply with this requirement. As a result, 56 female MPs (18 per cent) were elected to the parliament in these elections, which is similar to the previous parliament (17 per cent).

²⁴ Only political parties or coalitions presenting candidates in more than 50 per cent of constituencies were entitled to submit list for the 12 state deputy seats.

²⁵ The UN HRC’s General Comment 25 also provides that “[t]he right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

²⁶ Only 1 out of 31 parties that contested these elections placed women at potentially winning positions on their lists.

It is recommended that in line with the intentions of the legislation, further measures be considered to ensure that women have realistic chances of being elected. This could, for instance, be achieved by including a requirement that women should be placed on winnable positions in candidate lists.

The number of seats in each constituency varies according to its population and is updated every ten years. The last census was conducted in 2011; however, at the time of elections only preliminary results were published and were not used in these elections.²⁷ Therefore, the distribution of seats for these elections was based on the 2001 census data. Some interlocutors noted that using the 2011 census data would have had a substantial impact on the numbers of seats distributed to each constituency given significant population shifts over the past years.

On 1 January 2011, new administrative divisions were introduced.²⁸ There are now 72 regional units that correspond to the old prefectures with the exception of the region of Athens and the islands. Boundaries of electoral constituencies correspond to administrative district boundaries. The new administrative system, however, did not address the long-standing problem of large constituencies in some urban areas. For example, several political parties complained about the size of the largest constituency, Athens B, which has 1,483,653 voters and elects 42 MPs. The size of some constituencies makes it difficult for parties to reach voters and may be challenging for parties with limited resources to conduct their campaign.

Consideration could be given to splitting very large constituencies to provide a better opportunity for parties to reach voters on equal basis.

VI. ELECTION ADMINISTRATION

The election administration is decentralized and involves several institutions. The MoI is the main body in charge of the logistical aspects of the electoral process together with its subordinate structures. It is also responsible for compiling and printing voter lists, distribution of ballots to entitled political parties, and delivery of all election materials. On election day, the MoI announces preliminary results.

The judiciary is also actively involved in the administration of elections. In addition to the *ad hoc* Special Electoral Court responsible for hearing election-related complaints (see Complaints and Appeals section), the criminal and civil branches of courts of first instance and the Supreme Court are responsible for deciding on the eligibility of parties and individual candidates, appointment of PSC chairpersons, selection of citizens to serve as polling station staff, and verification and certification of results.

All PSCs consist of a chairperson, secretary, and four members and alternates. The chairperson is drawn by lot by the Supreme Court from a list of judges, lawyers and other legal professionals, while the secretary is appointed by the PSC's chairperson. The rest of the members are randomly selected by the first instance court from the list of voters of the corresponding polling station. Service on PSCs is mandatory. However, penalties for the failure to appear on election day are not enforced. In addition, while chairpersons receive some compensation for their work, the rest of the members are not paid.

²⁷ "Publication of Provisional Results of the 2011 Population Census," 22 July 2011; www.statistics.gr.

²⁸ *Kallikratis* plan (Law 3852/2010).

Bar Associations at their own initiative organized trainings for their members who could potentially act as chairpersons. However, no training was provided for regular PSC members; instead, they were provided with a detailed operational manual issued by the MoI. Although the current system of nominating regular citizens as PSC members contributes to the impartiality of the election administration, it may potentially result in recruitment of members with no experience in administering the process.

Consideration could be given to providing a standardized training to all PSC members in order to ensure consistency and uniform implementation of polling procedures.

Overall, the MoI administered these early elections in a professional and effective manner, overcoming substantial budgetary constraints and tight deadlines. While the budget for the organization of elections was reduced as part of general expenditure-cutting policies, these reductions did not visibly affect the administration of these elections.²⁹ Although most of the legal deadlines specified in the election law were met, the MoI was requested to extend some of them.³⁰

According to the election law, political parties are responsible for printing and distributing ballots at the prefecture level. However, not all political parties, coalitions or independent candidates were in equal positions in this respect, taking into account that in line with the law only parties nominating candidates in at least one third of constituencies are given blank sheets for the free printing of ballots.³¹ The cost of printing and delivering of ballots to the regional units for each political party was estimated to be between 20 and 30 thousand EUR, depending on the number of constituencies the political party was running in.

To ensure the equality of conditions for all election contestants, consideration could be given to providing ballots to all political parties, coalitions and independent candidates at public expense.

Three days after the announcement of elections, the MoI formed an inter-party working committee, which included one representative of each party or coalition represented in the parliament. Although the committee did not have decision making authority, it provided a forum for parties and coalitions to discuss election and campaign-related issues. Following the registration of political parties and coalitions, those that have nominated candidates in at least 70 per cent of constituencies were entitled to participate in the work of the committee. Six political parties contesting these elections informed the OSCE/ODIHR EAM that they were excluded from participating in the committee; in their estimation, this was without grounds.

Consideration should be given that in future elections the inter-party committee be open to participation to all electoral contestants in order to ensure equal conditions for all electoral contestants.

²⁹ The budget was reduced on average by 25 per cent. According to the MoI, savings came through the reduction of staff and salaries at all levels.

³⁰ In particular, the deadlines for political parties to print and deliver the ballots were extended. See MoI Circular No. 16752 from 27 April 2012.

³¹ For the 2012 parliamentary elections 25 out of 31 political parties were entitled to receive blank ballot papers.

VII. VOTER REGISTRATION

Greece has a passive voter registration system. The MoI is primarily responsible for the compilation, certification and printing of voter lists based on the population register. The MoI also co-ordinates with local civil registries, which provide civil status updates on citizens and eliminate duplicate entries. The update of voter lists is regular and is open for public scrutiny. Political parties can receive copies of voter lists and voters can check their records and ask for corrections at any time. Political parties met with by the OSCE/ODIHR EAM acknowledged their right to access voter lists; however, they stated that they do not have sufficient human resources to fully exercise this right.

Everyone who turns 18 in the year of an election is issued with a Special Election Number (SEN). For these elections, SENs were issued to new voters ahead of the May 15 deadline, as provided by the law, allowing everyone who turns 18 in the year 2012 to vote.³² There were 9,850,802 voters (4,771,377 male and 5,079,425 female) registered for these elections, which represents 91.3 per cent of the population as per the preliminary data of the 2011 census.

Most interlocutors met with by the OSCE/ODIHR EAM expressed concern over the accuracy of voter lists. They pointed out that the number of registered voters appeared implausibly high and attributed this to the failure to remove deceased people and duplicates.³³ In addition, the fact that records of voters permanently residing abroad remain in voter lists was also of concern to a number of OSCE/ODIHR EAM interlocutors. Such inconsistencies should be remedied if the high public confidence in the process is to be maintained.

More efforts should be made to ensure accuracy and reliability of data related to voter registration through comprehensive and periodic audit of relevant records.

As a rule, a voter casts a ballot in an electoral district of his or her permanent residence. However, upon prior application, a citizen can vote at the place of his/her temporary residence for election contestants standing in the constituency of his/her permanent residence. In order for absentee polling stations to be established, a minimum of 40 voters should be registered at each polling station. In total, 293 polling stations were setup to accommodate 94,674 voters who requested such absentee ballots.

VIII. POLITICAL PARTY AND CANDIDATE REGISTRATION

First instance courts decide on the eligibility of individual candidates running on party lists or independently. Candidates can be either proposed by at least 12 voters from the same constituency or be self-nominated. When submitting nominations, all candidates must pay a deposit of some 150 EUR. Based on the list of nominated candidates, parties and coalitions form candidate lists and apply to the Supreme Court for registration.

A limited number of independent candidates submitted nominations to the first instance court.

³² According to Article 11.2 of the election law, SENs are granted no later than 15 May each year, however, “[t]hese voters do not exercise their right to vote if elections are conducted from 1 January to 30 June of the year of enrolment.”

³³ The MoI informed the OSCE/ODIHR EAM that there were some 17,274 duplicate records due to misspelled names, women incorrectly registered with maiden or husband’s names, etc.

However, in areas visited by the OSCE/ODIHR EAM, only one or two of these candidates chose to provide ballots to the polling stations.³⁴

Despite tight deadlines, the registration process was inclusive and was completed without challenges from parties or candidates. Of 36 parties that applied, 31 were registered. Three parties failed to submit candidate lists, one did not submit a declaration of intent, and one asked for general registration for future elections. A small number of candidates were denied registration primarily due to not meeting the legal requirements or deadlines. For early elections and according to the law, the deadline for the registration of contestants could be as short as 11 days before election day, which disadvantages non-parliamentary parties in terms of state funding, access to media, and participation in the inter-party working committee.

To ensure equal of opportunities in line with OSCE commitments, consideration should be given to reviewing the deadline for candidate registration in early elections.

IX. THE CAMPAIGN

The election campaign lasted 25 days, the minimum provided for by the law. It commenced on 11 April and continued until 24 hours before election day. Campaigning took place in an open atmosphere, characterized by respect for fundamental freedoms of expression, movement and assembly. Against the background of widespread public disenchantment with the two largest parties, PASOK and ND, the campaign featured a plurality of contestants and views. Voters had a variety of choice, including parties represented in the outgoing parliament, newly established parties, and candidate lists put forward by groups of voters.

Austerity measures had a visible impact on the campaign and activities were rather modest. The main parties refrained from organizing large rallies and street campaigning for fear of negative reactions from voters in light of the precarious fiscal situation. Some parties explained to the OSCE/ODIHR EAM that the reason for the low-key campaigning was linked to an effort to avoid excessive expenditures at a time of deepening recession.

Traditional campaigning methods such as large rallies, billboards, posters and leaflets, and kiosks to distribute campaign materials were only used to a limited extent. Following a long-standing tradition, on the last day of the campaign PASOK organized a public rally at *Syntagma* square in Athens. ND held its rally a day earlier in the capital.

All political party representatives met with by the OSCE/ODIHR EAM noted the increased use of modern information technologies such as social media in campaigning. They noted that such methods were less expensive and more targeted and personalized. Other methods used by electoral contestants included small-scale meetings with supporters, sending text messages to voters, and participating in television (TV) and radio programmes.

The issue that figured most prominently in the campaign was the financial crisis and its implications. Despite significant differences in ideologies of contesting parties, all contestants

³⁴ By law, political parties and coalitions print their own ballot papers and deliver them to the prefectures within an eight-day deadline. The paper for printing ballots is issued by the state to those parties or coalitions whose candidates have been registered in at least one third of the constituencies nationwide. Those parties who do not fall under these provisions must provide their ballots at their own cost.

promised to ease budgetary pressure, reduce inefficiencies and spur growth. Several political parties focused their messages on immigration, rule of law, order, and social problems.

Some political party representatives met with by the OSCE/ODIHR EAM expressed concern that the political landscape has been dominated since 1974 by the two largest parties. They argued that this had a negative impact on the development of the political system and undermined equality during the election campaign.³⁵

X. POLITICAL FINANCE

Public trust in the political financing system has diminished during the last parliamentary term, attributed mainly to inefficient and opaque oversight mechanisms. Several scandals related to party financing took place in the recent years with the impression amongst some OSCE/ODIHR EAM interlocutors that legal infringements have not been properly sanctioned.

The majority of interlocutors met with by the OSCE/ODIHR EAM agreed that the law on *State Financing of Political Parties* should be revised to ensure a level playing field among contestants. In this respect, several recommendations and proposals of amendments were made to enhance public confidence in terms of political finance, including an extensive report of the Council of Europe's Group of States Against Corruption (GRECO) on the transparency of Greek party funding.³⁶ However, no concrete steps have thus far been taken in this regard.

Some issues involving campaign financing gained attention during the pre-electoral process. In particular, on 10 April 2012, the parliament adopted a law on *Campaign Finance* (Law 4071/11-04-2012), which ensured better regulation of campaign financing. However, according to this law, parties receiving state funding may no longer use the fourth instalment of these funds to reimburse loans previously acquired by them.³⁷ Most OSCE/ODIHR EAM interlocutors were highly critical of this provision.

A. PARTY SUBVENTION

Greece uses a mixed system of political finance, where certain parties receive extensive public funding and are also allowed to receive private donations. Public funding is distributed to parliamentary parties in proportion to the number of seats won, or to parties who gained a certain level of support in the last parliamentary elections regardless of obtaining a seat.³⁸ Funding is provided to cover expenses related to a) regular party activities, b) campaign-related activities, and c) specific activities such as political research. Additionally, parties enjoy indirect financing in the form of access to media, free postage, and telephone services.

A total of 10,370,000 EUR was allocated as electoral state funding for these elections, but only six

³⁵ These concerns were voiced by "Creation Again!" and the Pirate Party of Greece.

³⁶ GRECO Evaluation Report on Transparency of Party Funding in Greece, adopted in Strasbourg on 7-11 June 2010; [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2009\)9_Greece_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2009)9_Greece_One_EN.pdf).

³⁷ ND and PASOK have an estimated debt of 127.6 and 113.8 million EUR, respectively.

³⁸ Political parties or coalitions represented in the national parliament, in the European parliament or with candidate lists in at least 70 per cent of constituencies, and with at least 1.5 per cent of the votes received nationwide during the previous parliamentary elections qualify for public funding.

parties qualified to receive regular and election-related funding in 2012.³⁹ Various OSCE/ODIHR EAM interlocutors expressed concern that the rules for the distribution of state subvention favour parliamentary parties and opined that this does not promote plurality of political options and broader debate.⁴⁰

B. FUNDING AND SPENDING LIMITS

The law on *State Financing of Political Parties* regulates that apart from state funding, political parties may be financed from a) contributions from members and supporters, b) contributions from elected representatives, c) income from investments, and d) bank loans.

The legislation also establishes restrictions for private contributions. Foreigners or foreign legal entities, private or state companies, local government bodies, and media owners and editors are prohibited from donating money to political parties and candidates. Private contributions are capped, with the maximum donation to a political party being limited to 15,000 EUR per year and 3,000 EUR to a single candidate for each election. However, a single donor can donate to as many parties and candidates as s/he wishes. The legislation stipulates a limit of 600 EUR for anonymous cash donations per political party. Below this limit, donations are done by anonymous coupons distributed by political parties or coalitions. The law is silent regarding the ceiling for anonymous cash donation to candidates. Good practice requires donations to be paid through bank accounts, with cash donations allowed only where the amounts provided are small since anonymous cash contributions are hard to track, which undermines the overall transparency of campaign financing.⁴¹

Consideration should be given to reforming the system of coupons for anonymous donations to candidates by specifying the reasonable ceiling. In principle, anonymous cash donations should only be permitted for small contributions.

In line with the law, the total election-related expenses incurred by a political party or a coalition should not exceed 20 per cent of the total amount of regular state funding granted per year.⁴² The ceiling for electoral expenses by candidates, determined at a constituency level, remained unchanged from 2009 elections and ranged from 18,000 EUR in single member constituencies to 135,000 EUR in Athens B constituency.

C. TRANSPARENCY REQUIREMENTS

Political parties and coalitions receiving state subvention are required to keep records of incomes and expenditures in an accounting book and a yearly balance sheet. These balance sheets must be published annually in at least two daily newspapers in Athens. In addition, all contesting parties and coalitions, regardless of whether they received state funding or not, are required to publish incomes and expenditures that they incurred during the election campaign within two months after election day in two newspapers in Athens. While elected candidates are requested to produce similar reports

³⁹ PASOK, ND, KKE, LAOS, SYRAZA and Eco-green.

⁴⁰ 80 per cent of all state subvention for regular activities and 60 per cent of funding for election-related activities is divided among parliamentary parties. The remaining funds designated for the financing of parties' regular activities are distributed to parties represented in the European Parliament. The remaining election-related funding is allocated to parties that received at least 1.5 per cent of votes nationwide in the last parliamentary elections and are running in 70 per cent of the constituencies.

⁴¹ Paragraph 174 of the OSCE/ODIHR and Venice Commission of the Council of Europe Guidelines on Political Parties Regulation; available at [www.venice.coe.int/docs/2010/CDL-AD\(2010\)024-e.pdf](http://www.venice.coe.int/docs/2010/CDL-AD(2010)024-e.pdf).

⁴² The regular state financing for 2012 is 30,880,000 EUR, the 20 per cent ceiling is 6,176,000 EUR.

on campaign financing within 40 days of the election, unsuccessful candidates are not required to fulfil this obligation.

Consideration could be given to reviewing the requirements for final financial reports to require them to be submitted by all political parties and candidates since such reports could result in increased transparency and greater possibilities to verify their accuracy.

D. SUPERVISION OF FINANCE REQUIREMENTS

Compliance with financial requirements is overseen by the Monitoring Committee for the Financial Accounts of Parties and Parliament. The Monitoring Committee is a constitutionally independent body with mixed composition, which includes MPs and judges from the highest courts.⁴³ The independence of the Monitoring Committee was questioned by several interlocutors met with by the OSCE/ODIHR EAM, who suggested that its composition could be broadened to allow wider representation of political actors.

The Monitoring Committee is assisted by auditors who monitor whether parties and candidates comply with rules on campaign and party financing. In the review process, the auditors may request further information and assistance of governmental entities such as the tax office. However, in practice the auditors' work is limited to monitoring the compliance with the respective ceilings. Auditors submit a summarized internal report to the Monitoring Committee for its review and approval.

Political parties, coalitions and newly elected MPs have to submit their special reports on electoral incomes and expenditures together with all relevant original documents to the Monitoring Committee within 15 days of their publication in newspapers. Failure to comply with financial requirements may result in administrative and penal sanctions, including fines, imprisonment of up to two years, and removal from the elected office. However, no major sanctions have been imposed in recent years. Further, the Committee is bound to submit its report to the parliament and to the MoI, but this report is not made public.

In order to make campaign finance related oversight more effective and to enhance public trust, audit needs to examine compliance with all financial requirements and infringements of regulations should be punishable with sanctions and penalties provided for in the law. In addition, in order to enhance transparency, reports of the Monitoring Committee should be made public.

XI. MEDIA

A. MEDIA LANDSCAPE

The media environment is pluralistic and diverse, with more than 1,000 broadcast media outlets and 43 national daily or weekly newspapers offering citizens access to a variety of political views. Television (TV) is the most popular media, followed by the internet, newspapers and radio. The internet enjoys more trust than the traditional media.⁴⁴

⁴³ It is chaired by the third vice president of the parliament and composed of members of each political party and coalition represented in the parliament, as well as one State Advisor, judge of the Supreme Court and Advisor to the State Audit Council, each.

⁴⁴ The internet is trusted by 42 per cent of the population, television by only 22 per cent. See "*Media Use in the*

The *Hellenic Broadcasting Corporation* (ERT), the public broadcasting service, operates the nationwide TV channels *ET1*, *NET*, and a Thessaloniki-based channel *ET3*, among others. It also operates five national and a number of regional radio stations. In addition, *Vouli Tielorasi* provides live broadcasts of parliament's sessions. While OSCE/ODIHR EAM interlocutors positively assessed the work of the public broadcasting service, some opined that its editorial independence is not fully ensured taking into account that eight out of eleven members of its board of directors are appointed directly by the government.

Among a total of eight national private TV channels, *MEGA* and *Ant1 TV* enjoy a dominant position in terms of audience share. The daily newspaper *Ta Nea* sells up to 40,000 copies per day, while *Proto Thema*, the most popular Sunday newspaper, has a circulation of some 180,000 copies.

Freedom of expression is generally respected. Journalists' organizations, however, informed the OSCE/ODIHR EAM about a high degree of public distrust towards the media sector, which is perceived to be supporting unpopular austerity measures. There were also concerns in the media environment over the recent cases of violence against journalists.⁴⁵ In addition, a long-lasting problem in the broadcasting sector is the lack of permanent broadcasting licenses. Greek media researchers interpreted the reluctance of the state to introduce comprehensive licensing rules as an attempt "not to antagonize powerful business interests in the press and broadcasting, in anticipation that these would in turn support government policies."⁴⁶ The General Secretariat of Media informed the OSCE/ODIHR EAM about the government's initiative to resolve this issue by 2013, along with the switchover from the analogue to digital transmission of the television signal.

B. LEGAL FRAMEWORK FOR THE MEDIA

Broadcast media are regulated by a comprehensive legal framework. The Constitution provides for freedom of speech and of press. It also guarantees the right to publish without censorship. In contrast to print media, which operate largely on the basis of self-regulation, radio and television are under the "direct control of the state."⁴⁷ This control is carried out primarily by the National Council for Radio and Television (NCRTV), a regulatory body.

The coverage of elections and of contestants is primarily governed by the election law, which is supplemented by inter-ministerial decisions. Broadcast media, both public and private, are obliged to respect political pluralism and be guided in their election coverage by the principle of proportional equality. The formula for the allocation of airtime is based on the percentage of votes that parties obtained in the previous elections. However, in these elections, the two largest parties received one-third of the total airtime each, which was less than the legally stipulated share.⁴⁸ Still, representatives of several political parties criticized the amount of time allocated to the two parties as disproportionately high, arguing that polls conducted prior to elections indicated a significant decline in the popularity of the two major parties.

In addition to the airtime given to parliamentary parties, the inter-ministerial decisions provided for

⁴⁵ *European Union*", Autumn 2011: http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_media_en.pdf.
The most recent case refers to Marios Lolos, photojournalist, who was allegedly injured by the police when covering a demonstration on the Athens's main square on 5 April 2012.

⁴⁶ Media Policies and Regulatory Practices in a Selected Set of European Countries, the EU and the Council of Europe: The case of Greece; October 2010; available at www.mediadem.eliamep.gr/wp-content/uploads/2010/05/Greece.pdf.

⁴⁷ Article 15(2) of the Constitution.

⁴⁸ In 2009 parliamentary elections, PASOK received 43.92 per cent of votes and ND got 33.48 per cent.

a minimum share of coverage to the other 13 contesting parties.⁴⁹ These included the coverage of one rally for each eligible political party and the airing of a 45-minute interview with the party leaders by the public broadcasting service. Furthermore, national broadcasters were obliged to organize at least three independent roundtables with parliamentary parties and to allocate ten minutes of airtime weekly to them to present their platforms. The non-parliamentary parties were provided with five minutes of airtime each, per week. However, these parties did not immediately benefit from these provisions since the inter-ministerial decision addressing the allocation of airtime for non-parliamentary parties was issued at a later stage of the electoral process.⁵⁰

Media regulations are aimed at promoting parties and coalitions, not individual candidates. Individual candidates may appear only once on any national radio or television channel during the entire election period; paid advertising is not allowed. For these elections, the media coverage financed by the state amounted to six million EUR. Two-thirds of this amount was distributed to the two largest parties, while the rest was divided between the other parliamentary parties based on a proportional equality formula. In addition, the 13 non-parliamentary parties were allotted coverage varying from 10,050 to 20,100 EUR on a proportional basis. Some smaller parties stated to the OSCE/ODIHR EAM that the lack of access to the state-financed media, along with a prohibition on political parties buying airtime, effectively prevented them from reaching out to their potential voters.

Opinion polls are prohibited within 15 days of election day. Several OSCE/ODIHR EAM interlocutors, including smaller parties, criticized the prohibition as overly restrictive, limiting freedom of expression. However, some others spoke in favour of maintaining this restriction due to past negative experiences with reportedly unreliable or manipulated opinion polls in favour of particular parties. Despite the ban, partial opinion poll results were available on the internet.

Consideration could be given to reviewing the ban on the publication of opinion polls during the 15 days before elections vis-à-vis the constitutional right to freedom of expression.

C. MEDIA COVERAGE OF ELECTIONS

In contrast to modest campaigning activities by contestants, the media coverage of the election campaign was extensive. Television was a key means of conveying campaign messages, especially for the largest parties, and a variety of views and analyses of the campaign were available in print media and on the internet.

In line with legal provisions, both public and private broadcasts offered extensive coverage of parties' press conferences and rallies in their news programmes. Interviews with candidates as well as discussion programmes were also aired in a special election format. Given the large number of contesting parties and candidates, as well as the short campaign period, only some candidates were given an opportunity to appear in the media broadcasts. Despite extensive negotiations, parties

⁴⁹ In addition to the ten parties with representatives in the national or EU parliament, airtime was allocated to four parties that ran in all constituencies and that gained at least 0.25 per cent or 0.5 per cent of valid votes in previous national or European Parliament elections, respectively. Nine parties that nominated candidates in at least three-fifths of constituencies also received public airtime.

⁵⁰ The inter-ministerial decision on the allocation of airtime to parliamentary parties was issued on 18 April, while decisions regarding the allocation of airtime to non-parliamentary parties were issued on 22 April and on 26 April 2012.

failed to reach a joint agreement on the conditions for organizing a debate between the main party leaders.

The NCRTV is responsible to permanently monitor broadcasters' compliance with their legal obligations. In addition, the NCRTV has an advisory role in the development of policies on campaign coverage. However, the NCRTV lacks technical and human resources and therefore did not undertake comprehensive media monitoring. Instead, it requested the broadcast media to monitor their own programmes and to provide the NCRTV with statistics on the coverage of parties and candidates on a weekly basis. It subsequently conducted random checks of this self-monitoring data. The partial results of monitoring assembled by the NCRTV indicated that, overall, the media complied with the legal requirement of covering electoral contestants in accordance with the principle of proportional equality. In addition, no complaints were filed with the NCRTV regarding the campaign coverage.

The NCRTV's capacity to effectively monitor media coverage could be reinforced. Consideration could also be given to strengthening the formal role of the NCRTV in shaping the regulations for media coverage during elections.

XII. PARTICIPATION OF MINORITIES

The Muslims of Thrace are the only recognized minority in Greece.⁵¹ Members of this minority are free to declare their ethnic origin (Turkish, Pomak or Roma), speak their languages, exercise their religion and observe their customs and traditions. Several OSCE/ODIHR EAM interlocutors indicated that the Roma population is widely discriminated against in public life, including in education, housing and employment. Reports also note police abuse, mistreatment in police custody, forced evictions, harassment and social exclusion of Roma. The international community has urged the government to promptly proceed with ratification or accession to major treaties, including the Council of Europe's Framework Convention for the Protection of National Minorities, as well as to adhere to the ECtHR judgments in this respect.⁵²

Nine⁵³ parties in the Xanthi constituency and six⁵⁴ parties in the Rodopi constituency, both in the region of Thrace, put forward minority candidates in these elections. However, none of the parties appeared to have specifically targeted a minority electorate and minority issues did not feature in the campaign. Three members of the Muslim minority were subsequently elected.⁵⁵ According to the law, Turkish language interpreters may provide assistance in polling stations in the prefectures of Evros, Xanthi, Rodopi and Dodecanese.

XIII. COMPLAINTS AND APPEALS

The OSCE/ODIHR EAM noted that electoral contestants were aware of their rights and of available

⁵¹ The Lausanne Treaty of 1923.

⁵² See Report of the Independent Expert on Minority Issues, UN Human Rights Council, 18 February 2009, A/HRC/10/11/Add.3, available at <http://www.unhcr.org/refworld/docid/49b7b2e52.html>.

⁵³ PASOK, ND, KKE, LAOS, SYRIZA, ANTARSYA, Democratic Alliance, Democratic Left and Independent Greeks.

⁵⁴ PASOK, ND, KKE, SYRIZA, Democratic Alliance and Democratic Left.

⁵⁵ These candidates were on the lists of SYRIZA and PASOK.

means of legal redress. They also expressed trust in the conduct of the process in line with the law, leading to few complaints. However, the compressed timeline for organizing elections limits the opportunities for bringing complaints before a court in the pre-election period. In addition, the legal framework generally lacks deadlines for the review of election-related complaints.

Voters and representatives of political parties can object to the inclusion or exclusion of a person from the voter list. Complaints need to be submitted in writing through the municipality office to the court of first instance and are reviewed in a public hearing within one month. The decisions of court of first instance are final and not subject to appeal.⁵⁶

In addition, decisions of courts regarding the eligibility of political parties and candidates to participate in elections are final and not subject to appeal. As the courts in such cases are acting in the capacity of an administrative authority of first instance, this appears to be at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document, which provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”⁵⁷

To comply with OSCE commitments, the election law should allow appeal of such decisions and clearly regulate the appeal procedure, including the time allotted for the review.

The OSCE/ODIHR EAM learned of only one case submitted to a court in the pre-election period. On 19 April 2012, the Drassi party petitioned the Supreme Administrative Court for injunctive relief with regard to the 18 April inter-ministerial decision on the allocation of airtime to political parties, which the party argued failed to address the issue of airtime for non-parliamentary parties. The Supreme Administrative Court issued a provisional order for the competent state bodies to take an immediate decision on the allocation of airtime for the Drassi party.⁵⁸ In a positive step, the following inter-ministerial decision of 22 April addressed the allocation of airtime for a few other parties, in addition to the Drassi party.

Complaints with regard to election day violations can be submitted by voters, candidates and candidate representatives in writing to the PSC. Decisions are taken by the election committee and included in the record for the court of first instance.⁵⁹ The OSCE/ODIHR EAM did not learn of any such complaints.

Following the announcement of results by the court of first instance, a candidate may request a recount of ballots. This practice is not provided for in the law but has been accepted as part of the court’s responsibility to verify results under Article 98 of the election law. A judge of the court of first instance conducts the recount and the opportunity to attend the process is given to all affected parties. Interlocutors informed the OSCE/ODIHR EAM that the recount generally resolves disputes in an effective and efficient manner, limiting the number of cases that have to be brought before the Supreme Special Electoral Court.

⁵⁶ Articles 17 and 18 of the election law.

⁵⁷ Also see paragraph 13.9 of the 1989 OSCE Vienna Document and paragraph 18.2 of the 1991 OSCE Moscow Document. In addition, the Venice Commission’s guidelines state that “if the electoral law provisions are to be more than just words on a page, failure to comply with the electoral law must be open to challenge before an appeal body.” See the Venice Commission Code of Good Practice in Electoral Matter, Guidelines and Explanatory Report, Section II paragraph 3.3: An Effective System of Appeal.

⁵⁸ Provisional Order of the President of the Supreme Administrative Court, from 20 April 2012.

⁵⁹ Article 85.3 of the election law.

Following the verification of results by the courts of first instance, the courts received numerous requests for recounts both for entire constituencies and for specific polling stations. The OSCE/ODIHR EAM examined two such cases. One request for a recount was denied due to the requesting party not overcoming the threshold to enter the parliament. In the second case, following the recount, the results were changed and an earlier clerical error eliminated.

The Supreme Special Electoral Court has jurisdiction over all appeals related to parliamentary elections, complaints of violations of the election law, and the compatibility of election legislation with the Constitution.⁶⁰ Court fees are nominal (approximately 38 EUR) and special provisions allow for filing without engaging the services of an attorney. The court primarily hears matters where the validity of the election is challenged, the eligibility of an elected candidate to take office, or the removal of a sitting MP is in question. Complaints may be submitted by voters or candidates regarding elections in their constituency, but not by parties or legal entities.⁶¹ Complainants have 15 days following the announcement of results by the court of first instance to submit their complaint, but the time for the review is not specified.⁶² While cases brought before the Supreme Special Electoral Court are heard more quickly than those lodged with other courts that are experiencing extreme backlogs, cases can still take up to one year or more to be reviewed. Such practices limit the effectiveness of electoral dispute resolution in light of short electoral timelines and run contrary to international good practice.⁶³

Consideration should be given to reviewing legal deadlines for lodging and considering appeals. To comply with international good practice that requires timely and efficient legal redress, appeals should be heard and decided upon expeditiously.

During the deployment of the OSCE/ODIHR EAM, no complaints or appeals were submitted to the Supreme Special Electoral Court and multiple recount requests were dropped following the announcement of new elections scheduled for 17 June 2012.

XIV. ELECTION DAY

A. POLLING PROCEDURES

In accordance with the OSCE/ODIHR methodology, the OSCE/ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations on election day in the municipalities of Athens, Aegina, Perama, Kallithea, Acharnes, Labrio, Kifissia, Psychiko-Filothei and Vougliameni. In polling stations visited by the OSCE/ODIHR EAM, the voting process was smooth, well-organized and transparent, and the polling staff appeared to have a good understanding of procedures. Women were well represented in committees visited. In addition, OSCE/ODIHR EAM interlocutors expressed a high level of confidence in the conduct of voting, counting and tabulation of results.

⁶⁰ Article 100.1 of the Constitution. It is composed of three *ex officio* members: the President of the Supreme Administrative Court, the President of the Supreme Civil and Criminal Court, and the President of the Court of Auditors, and eight members serving a two-year term.

⁶¹ The Supreme Special Electoral Court judgments 26/2004 and 30/2004.

⁶² Art. 25 of the Law 345/10.06.1976, Official Gazette vol. A issue 141.

⁶³ Paragraph 3.3 (g) of the Code of Good Practice in Electoral Matters of the Venice Commission “The time-limits for lodging and deciding appeals must be short (three to five days for each at first instance).” See [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf).

Voter turnout was 65.1 per cent.⁶⁴

Countrywide, some 20,559 polling stations were established for these elections, including 32 polling stations located in prisons. The election law provides for a maximum of 800 registered voters per polling station. However, in practice, polling stations were established with an average of 600 registered voters. Voting was conducted from 07:00 to 19:00. The organization and set-up of polling stations appeared to facilitate the secrecy of the vote. However, many polling stations were not accessible for voters with disabilities.⁶⁵ In line with the election law, chairpersons assisted voters who could not access the premises and allowed them to vote outside polling stations.

Ballots were produced by political parties and distributed to voters prior to election day (i.e. during rallies). Voters could therefore choose to bring a pre-marked ballot to polling stations. However, in polling stations visited by the OSCE/ODIHR EAM, it appeared that voters were marking ballots in polling booths. In a number of polling stations, there was a lack of ballots for some electoral contestants, potentially limiting voters in their choice.

B. COUNTING, TABULATION AND ANNOUNCEMENT OF RESULTS

Counting of votes started immediately after the closing of polls. Overall, the process was conducted in a transparent manner and procedures were generally followed. According to the election law, a PSC chairperson should take the envelopes out of the ballot box one by one, open them, read out the vote aloud, and show the ballot to each member of the committee. The OSCE/ODIHR EAM noted that occasionally this provision was not strictly adhered to.

In some cases, the OSCE/ODIHR EAM observed that a vote was considered invalid regardless of a clear intent of the voter. Guidelines for determining validity of the vote are strict: ballot papers with marks other than a cross are disqualified. For these elections, the invalid votes amounted to 2.4 per cent of the total votes cast.

The law could be reviewed in order to provide for the validity of the vote in all cases where the intention of the voter is clear and unambiguous.

To promptly provide the public with provisional results, the MoI established a preliminary results programme that ran in parallel with the official aggregation of results in some 25 per cent of polling stations. The provisional results were transmitted electronically from polling stations directly to the MoI through a “personal digital assistant” device and were immediately published.⁶⁶ In addition, municipal representatives in all polling stations countrywide reported the provisional results through a regular mail to the respective regional units, and also communicated them by phone to the MoI, where they were entered into the software. Provisional results per polling station were posted on the MoI website and published in the media for public scrutiny.

The day after the election, upon receipt of results from judicial representatives, the first instance

⁶⁴ See [http://ekloges-prev.singularlogic.eu/v2012a/public/index.html?lang=en#{"cls":"main","params":{}}](http://ekloges-prev.singularlogic.eu/v2012a/public/index.html?lang=en#{).

⁶⁵ See UNCRPD at <http://www.un.org/disabilities/default.asp?id=150> and the Revised Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities in Elections, adopted on 19 December 2011, at [http://www.venice.coe.int/docs/2011/CDL-AD\(2011\)045-e.pdf](http://www.venice.coe.int/docs/2011/CDL-AD(2011)045-e.pdf).

⁶⁶ The design of the *quick-count* used a large sample of 5,000 randomly selected polling stations. The margin of error *vis-à-vis* the countrywide results was estimated at 0.5 per cent. However first results of the quick-count were released already with the data of 3,500 polling stations.

courts tabulated election results. Based on these results, the Supreme Special Electoral Court announced the final results.

Official results were available on 10 May 2012.⁶⁷ No party received an absolute majority. ND took the lead with only a small margin in comparison to SYRIZA, which vocally opposed the terms of Greece's loan agreements. The socialist PASOK, the dominant political force in the last thirty years, lost more than 30 per cent of votes compared with the 2009 elections. The success of the newly founded anti-bailout party called Independent Greeks, the Communist Party (KKE) and of the Golden Dawn party was a key result of this election and was noted by some political commentators as a 'protest vote'. Another newly founded anti-memorandum party, the Democratic Left, also entered parliament.

Numerous attempts to form a coalition government failed as party leaders could not agree on a common position regarding the bailout memorandum. Consequently, President Papoulias called for repeat elections to take place on 17 June, and appointed an interim government led by the Council of State president Panagiotis Pikramenos.

⁶⁷ New Democracy received 18.85 per cent (108 seats), followed by SYRIZA with 16.79 per cent (52 seats), 13.18 per cent (41 seats) for PASOK, 10.62 per cent (33 seats) went to Independent Greeks, KKE received 8.47 per cent (26 seats), Golden Dawn followed with 6.97 per cent (21 seats) and Democratic Left will enter the Parliament with 6.11 per cent (19 seats).

ANNEX 1: OFFICIAL ELECTION RESULTS

Party Name	Percentage of Votes		Number of Votes		Number of Seats	
	2012	2009	2012	2009	2012	2009
Pa.So.K	13.18	43.92	833,452	3,012,373	41	160
Nea Dimokratia	18.85	33.48	1,192,103	2,295,967	108	91
K.K.E	8.48	7.54	536,104	517,154	26	21
La.O.S	2.89		182,925	386,152	0	15
Sy.Riz.A	16.79	5.63	1,061,929	315,627	52	13
Dimokratiki Aristera		4.60				
Laikos	6.11	n/a	386,394	n/a	19	0
Syndesmos-Hrysi Afgi	6.97	0.29	440,985	19,636	21	0
Anexartiti Ellines			671,325		33	0
	10.62					
Total	100		6,324,137		300	300

Total Number of Voters	6,476,818
Total Valid Votes	6,324,137
Total Invalid Votes	152,681
Total Number of Voters on Voter Lists	9,943,504
Turnout	65.1

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).