



Office for Democratic Institutions and Human Rights

# GREECE

## PARLIAMENTARY ELECTIONS

October 2019

### ODIHR NEEDS ASSESSMENT MISSION REPORT

10-12 April 2019



Warsaw  
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**GREECE**  
**PARLIAMENTARY ELECTIONS**  
**October 2019**

**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

In accordance with its mandate and in anticipation of an official invitation to observe the upcoming parliamentary elections in Greece, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 10 to 12 April 2019. The NAM included Lusine Badalyan, ODIHR Senior Election Adviser, and Keara Castaldo, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, the media and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

**II. EXECUTIVE SUMMARY**

Greece is a parliamentary republic with legislative powers vested in the unicameral parliament and in the president, who is appointed by the parliament. In the upcoming elections, voters will elect 300 deputies for a four-year term.

The legal framework is detailed and has been amended on several occasions since the previous parliamentary elections. Changes that are in place for the upcoming elections include an increased gender quota for party lists and a lower compulsory voting age, as well as an increase in the number of electoral constituencies. Some prior ODIHR recommendations remain unaddressed, including those related to the electoral threshold for independent candidates, certain restrictions on candidacy, and the appellate rights of rejected candidatures.

The election administration is decentralized across several institutions, with the Ministry of Interior (MoI) and high courts serving important roles, in addition to an inter-party working committee. Most ODIHR NAM interlocutors conveyed a high level of trust in the overall system of election management, including in the conduct of election day procedures. The election law does not provide for citizen or international observers, although the MoI informed the ODIHR NAM that it would accommodate potential requests by national or international organizations to accredit observers.

Voting is compulsory for all citizens who reach 17 years of age in an election year, although penalties for non-participation are not enforced. Many ODIHR NAM interlocutors noted improvements in the accuracy of voter lists, largely due to more consistent removal of deceased persons and identification

of duplicate records, but some noted that the large number of citizens living abroad likely inflates the abstention rate on election day.

Citizens of at least 25 years of age who have the right to vote are eligible to stand as candidates. Registered candidates not included in a party or coalition list may run independently. The legal framework restricts the candidacy rights of certain professions, contrary to prior ODIHR recommendations. Most political parties met by the ODIHR NAM supported new amendments to the election law that increased the legal requirement for representation of each gender on candidate lists from 30 to 40 per cent. However, women remain underrepresented in government and comprise only 19 per cent of the current parliament, and interlocutors noted continued negative stereotyping of women in political life.

There are few measures in place to facilitate the independent participation of voters with disabilities. Several ODIHR NAM interlocutors described an overall lack of progress in remedying the exclusion of persons with disabilities in the electoral process, including inadequate physical infrastructure of public buildings and a lack of autonomous voting opportunities, contrary to prior ODIHR recommendations and the country's commitments under the Convention on the Rights of Persons with Disabilities.

The Constitution guarantees the freedom of peaceful assembly. Given financial constraints, political parties met by the ODIHR NAM intended to focus campaigning on social media platforms such as Facebook and Twitter, supplemented by traditional forms of outreach. The campaign discourse is expected to focus both on domestic issues such as social welfare and the national deficit, as well as on foreign policy. Although most interlocutors expect the campaign environment to be calm, several acknowledged recent instances of hate speech and inflammatory rhetoric, including in public statements by a parliamentary party.

Election campaigns are financed by public funds, as well as private donations. The legal framework for party and campaign financing has undergone several amendments since the last parliamentary elections, including changes to the regulation of anonymous contributions and the introduction of new sanctions for violations. Some previous ODIHR recommendations on campaign finance issues, including those related to submission of financial reports by all candidates and the publication of campaign finance audits, remain unaddressed.

The Constitution provides for freedom of expression and the media environment is pluralistic, offering a diverse range of views. The election law governs the allocation of public and private media airtime during campaigns, which envisages proportional coverage based on parties' representation in parliament. Paid political advertisement is prohibited. Most ODIHR NAM interlocutors expressed overall confidence in the protection of media freedoms, while noting some instances of hostility towards journalists.

Interlocutors welcomed a potential ODIHR activity for the upcoming elections, underlining the value of an external review, but generally held the opinion that it was unnecessary. The ODIHR NAM noted full stakeholder confidence in the integrity of the electoral process, including election day procedures, and in the impartiality of the election administration and other relevant authorities. Nevertheless, some prior ODIHR recommendations remain unimplemented, and some ODIHR NAM interlocutors identified specific areas that would benefit from an ODIHR observation activity. Considering recent amendments to the legal framework as well as instances of hate speech and inflammatory rhetoric, the ODIHR NAM sees benefit in undertaking a more in-depth assessment of the campaign, including the effectiveness of new measures to promote women's participation, as well as of the implementation of

campaign finance and media regulations. In addition, the participation of persons with disabilities in the electoral process would benefit from further scrutiny.

On this basis, the ODIHR NAM recommends deploying an Election Assessment Mission (EAM) for the upcoming parliamentary elections, subject to the availability of resources, to follow the work of the election administration including on facilitation of the electoral participation of persons with disabilities, the election campaign, and campaign finance.

### **III. FINDINGS**

#### **A. BACKGROUND AND POLITICAL CONTEXT**

Greece is a parliamentary republic with legislative powers vested in the unicameral parliament as well as in the president, who is elected by parliament for a five-year term and holds limited functions. In the upcoming elections, voters will elect 300 deputies for a four-year term.

Following the last early parliamentary elections in September 2015, seven parties gained representation in the parliament.<sup>1</sup> Having obtained the largest number of seats but not an absolute majority, the governing SYRIZA formed a coalition government with the Independent Greeks, with whom it had established a previous governing coalition since January 2015.<sup>2</sup>

The current political context is characterized by the country's long-standing economic crisis, which according to ODIHR NAM interlocutors has contributed to tense political discourse and a decline in public interest in party politics.

ODIHR has previously observed two elections in Greece.<sup>3</sup> For the May 2012 parliamentary elections, ODIHR deployed an Election Assessment Mission, which concluded that "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".

#### **B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

Parliamentary elections are primarily regulated by the 1975 Constitution, 2007 Law on Parliamentary Elections ("election law", last amended in 2018) and the 1994 Law on Financing Political Parties (last amended in 2019).<sup>4</sup> These are supplemented by instructions and regulations of the Ministry of Interior. Greece is party to major international and regional instruments related to the holding of

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<sup>1</sup> The Coalition of the Radical Left (SYRIZA, 145 seats), New Democracy (ND, 75), Golden Dawn (18), the Social-Democratic Panhellenic Socialist Movement (PASOK, 17), the Communist Party (KKE, 15), the River Party (11), the Independent Greeks (ANEL, 10), and Union of Centrists (9).

<sup>2</sup> Although a SYRIZA-led government was established following the January 2015 early parliamentary elections, the adoption of a financial assistance programme with the European Stability Mechanism without the support of 45 SYRIZA MPs was followed by the resignation of Prime Minister Alexis Tsipras in August 2015 and new early elections in September.

<sup>3</sup> See [previous ODIHR observation reports on Greece](#).

<sup>4</sup> Other relevant legislation includes the 2001 Law on Outdoor Advertising, the 1976 Law on the Supreme Electoral Court, and the 1951 Criminal Code (last amended in 2014).

democratic elections, but has not ratified the Council of Europe's Framework Convention for the Protection of National Minorities.<sup>5</sup>

The legal framework has been amended on several occasions since the previous parliamentary elections. The Constitution provides that changes to the election law will not take effect until the second cycle of elections following amendment, unless changes are adopted with a qualified majority. Recent changes to the election law which are in place for the upcoming elections include an increase of the gender quota for party lists from 30 to 40 per cent, a lower compulsory voting age of 17 years, and an increase in the number of electoral constituencies. Other changes, which will take effect only after these elections, include the elimination of 50 compensatory seats to the party that receives the most votes, which will instead be proportionally allocated to eligible parties. While most ODIHR NAM interlocutors welcomed these legislative changes, including the elimination of compensatory seats, some opposition political parties indicated they would seek to reintroduce these so-called "bonus" seats prior to the next elections.

Some prior ODIHR recommendations remain unaddressed, including those related to the electoral threshold for independent candidates, certain restrictions on candidacy, and the appellate rights of rejected candidatures. As previously noted by ODIHR, many legal deadlines are calculated from the day elections are announced, rather than from the election day, which in practice can lead to elections called without an applicable regulatory timelines. Notwithstanding, ODIHR NAM interlocutors expressed overall satisfaction with the electoral legal framework.

For these elections, members of parliament will be elected for four-year terms through a proportional system with compensatory seats. Seat allocation is calculated at both the national and constituency levels: 238 deputies are elected through an open list with preferential voting across 59 multi-member constituencies, while 12 deputies are elected on closed party lists based on the nationwide proportion of votes.<sup>6</sup> The 50 remaining "bonus" seats are allocated to the party with the most votes. To be eligible for seat allocation, a party or independent candidate must obtain at least three per cent of valid votes nationwide. Some ODIHR NAM interlocutors noted that this threshold effectively precludes independent candidates from entering parliament, and poses a barrier to candidates from communities who comprise less than three per cent of the population.

The number of seats in each constituency varies according to its population and is updated based on the decennial census, last conducted in 2011. Boundaries of electoral constituencies correspond to administrative district boundaries. Last year, redistricting of the administrative units in the Athens prefecture and Attica district resulted in an increased number of electoral constituencies with fewer mandates, which is in line with a prior ODIHR recommendation.<sup>7</sup>

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<sup>5</sup> Greece is signatory to the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Greece is also a member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO), and is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

<sup>6</sup> Only parties nominating candidates in 50 per cent of constituencies are entitled to submit lists for the 12 national seats.

<sup>7</sup> The second district of the Athens prefecture, which previously contained 44 seats, has since been divided into three constituencies, each with no more than 18 seats. The district of Attica has been divided into two districts. ODIHR had previously noted that the large size of the urban Athens constituency had posed a challenge to parties and candidates with limited resources to conduct campaigns.

### C. ELECTION ADMINISTRATION

The election administration is decentralized across several institutions. The Ministry of Interior (MoI) performs key logistical and administrative functions, including the compilation of voter lists, the provision of election materials to polling station committees (PSCs) and ballots to entitled political parties, and the announcement of results. The Supreme Court is responsible for the registration of contestants and the appointment of chairpersons and members of some 22,000 PSCs. The *ad hoc* Supreme Electoral Court, chaired by the president of the Supreme Court, certifies the final election results. The law further envisages an inter-party working committee, comprised of one representative of each parliamentary party or coalition, to be established in election years.<sup>8</sup> This committee has no regulatory authority but provides a forum for cross-party dialogue and consultations with institutions on campaign regulations. All ODIHR NAM interlocutors conveyed a high level of trust in the overall system of election management, including in the conduct of election day procedures.

PSCs comprise a chairperson, secretary, and four members and alternates. The chairperson is appointed by the Supreme Court from among registered judges and lawyers, while other members and alternates are randomly selected by the first instance courts from the list of registered voters. The chairperson also appoints a secretary. The chairperson is compensated and receives limited standardized training on polling procedures, on the initiative of the Bar Association, while other members receive no formal training or compensation, despite service being mandatory. There is no gender requirement or alternative measure in place to ensure equitable representation among PSC members and chairpersons, and no data is maintained on the gender composition of PSCs.

Political parties are responsible for printing and distributing ballots to PSCs, or directly to voters. Parties nominating candidates in at least one third of constituencies are provided by the MoI with blank ballot papers for printing free of charge; all other contestants must produce their own ballots.<sup>9</sup> Independent candidates are not entitled to free ballot papers.

The law does not provide for persons with disabilities to request assistance in voting from a person of their choice, but obliges PSC chairpersons to provide assistance by entering the voting booth or bringing election materials outside the polling station if the person cannot enter. There is no provision for homebound voting, effectively disenfranchising voters with reduced mobility or in hospitals who cannot travel to polling stations. Likewise, no practices are in place to facilitate autonomous voting for persons with visual impairments, although voter information is available on the MoI website in accessible formats. Several ODIHR NAM interlocutors described an overall lack of progress in remedying the exclusion of persons with disabilities in the electoral process, including inadequate physical infrastructure of public buildings and a lack of autonomous voting opportunities, contrary to prior ODIHR recommendations and the country's CRPD commitments.

### D. VOTER REGISTRATION

Voting is compulsory for all citizens who reach 17 years of age in an election year. According to the MoI, penalties for the failure to vote are not enforced. Persons with disabilities who have been deprived of their legal capacity by a court decision are denied the right to vote. Persons can also be temporarily or permanently denied their voting rights due to a conviction for certain crimes.

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<sup>8</sup> Upon registration, parties contesting the elections in at least 70 per cent of constituencies may also appoint a representative to the committee.

<sup>9</sup> According to the MoI, the cost of production of ballot papers for a national contest is between EUR 20,000 and 30,000 per party.

Voter registration is passive. Voter lists are compiled by the MoI based on the national population register, which receives twice-monthly updates from municipalities. Voter lists are posted at PSCs during the pre-election period and individual voters' data can be checked online throughout the year. The law does not provide a deadline for voters to request changes to their records prior to election day, and voters incorrectly excluded from lists may request inclusion on election day by acquiring a special notice from their municipality. According to the MoI, there are currently some 9.9 million eligible voters. Many ODIHR NAM interlocutors noted improvements in the accuracy of voter lists, largely due to more consistent removal of deceased persons and identification of duplicate records, but some noted that the large number of citizens living abroad likely inflates the abstention rate on election day.

Upon prior application, a citizen can vote at an absentee polling station at the place of his/her temporary residence for election contestants standing in the constituency of his/her permanent residence.<sup>10</sup> In order for such absentee polling stations to be established, a minimum of 40 voters must place the request. Otherwise, the minimum two-year residency period to update a citizen address results in a large number of voters residing outside their registered constituency who must travel to cast their vote on election day. Some ODIHR NAM interlocutors noted significant barriers and discrimination faced by Roma citizens seeking to update their registered residence, which impacts their exercise of voting rights.

Although the Constitution envisages the electoral participation of voters residing outside the country, the election law does not provide for any means of voting abroad, and no such practice is available. In 2012, the European Court of Human Rights ruled that this lack of opportunity does not violate citizens' human rights.<sup>11</sup> Some ODIHR NAM interlocutors noted that proposals to introduce out-of-country voting have been considered by authorities but expressed regret that they have not yet been pursued.

## E. CANDIDATE REGISTRATION

Citizens of at least 25 years of age who have the right to vote are eligible to stand as candidates. The legal framework restricts the candidacy rights of certain professions, including all salaried public employees, members of the armed forces, governors and mayors, and chairpersons of boards of public corporations, contrary to prior ODIHR recommendations. The Constitution further lists public and private capacities, such as commercial relations with the state or ownership of a national media outlet, that carry an obligation to resign if elected to parliamentary office.

Candidates can be nominated by at least 12 voters in the same constituency or self-nominate.<sup>12</sup> Prospective candidates apply directly for registration as an electoral subject with the basic courts of first instance, by filing a declaration of candidacy and a deposit of EUR 146.74. Following this registration process, political parties and coalitions form candidate lists and apply to the Supreme Court for registration as electoral contestants. Registered candidates not included in a party or coalition list may run independently. Candidates may stand in only one constituency, except for

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<sup>10</sup> Additionally, citizens serving in the military can register in special voter lists for reassignment to another polling station. According to the MoI, some special polling stations will be established in penitentiary institutions to enable eligible voters to participate.

<sup>11</sup> See *Sitaropoulos and Giakoumopoulos v. Greece* (no. 42202/07), 15 March 2012.

<sup>12</sup> According to ODIHR NAM interlocutors, in practice, political parties co-ordinate the 12 voter signatures for each candidate to be represented on their party list, at the prefecture level.



leaders of registered parties, who may stand in two constituencies. All ODIHR NAM interlocutors noted the overall inclusivity of the candidate registration process.

Most political parties met by the ODIHR NAM supported new amendments to the election law that increased the legal requirement for representation of each gender on candidate lists from 30 to 40 per cent. However, no parties cited specific strategies to recruit women, who remain underrepresented in government and comprise only 19 per cent of the current parliament.<sup>13</sup> Although candidates are elected on open lists with preferential voting, in cases of repeat elections the lists are closed, and no requirement exists for placement of each gender in winnable positions.

## F. ELECTION CAMPAIGN

The campaign period begins upon the announcement of the dissolution of parliament, or 12 days before the end of the outgoing parliamentary term. The law does not regulate campaigning prior to the candidate registration process. Municipalities determine the allocation of public sites for campaign materials, which by law must be “proportionate and equal”, and must be provided free of charge to contestants. The MoI informed the ODIHR NAM that precise allocation rules would be agreed by the inter-party working committee, which will hold its first meeting once the elections are announced. Campaign rallies may not be held next to schools or hospitals, and are not permitted during hours of public rest. All stakeholders approved of the current regulatory framework for the election campaign.

Given financial constraints, political parties met by the ODIHR NAM intend to focus campaigning on social media platforms such as Facebook and Twitter, supplemented by traditional forms of outreach such as rallies, canvassing and leafleting. The campaign discourse is expected to focus both on domestic issues such as social welfare and the national deficit, as well as on foreign policy, particularly the 2018 name agreement with North Macedonia.

Although most ODIHR NAM interlocutors expect the campaign environment to be calm, some expressed concern about the potential for inflammatory rhetoric, particularly on social media. Most ODIHR NAM interlocutors acknowledged instances of hate speech in public discourse, including on the basis of ethnicity, sexual identity and orientation, religion, and disability, often by the parliamentary party Golden Dawn.<sup>14</sup> On 11 April, the municipality of Athens banned the party from holding rallies in public spaces on the basis of inciting hatred and the ongoing criminal proceedings against its deputies.<sup>15</sup>

Greece recognizes only one minority, the Muslim religious minority in Western Thrace, which is protected by the terms of the Lausanne Peace Treaty of 1923. Four members of the Muslim community hold seats in the current parliament. Although certain associations have historically been unable to register under names that reference ethnic or religious groups, according to ODIHR NAM interlocutors, such associations still form in practice and parties claiming to represent ethnic

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<sup>13</sup> The quota does not include a requirement for the placement of candidates of each gender within the open lists, as candidates are elected through preferential voting. See also paragraph 7 of the [2015 CCPR concluding observations](#), which noted that despite the then one-third representative quota for women candidates, “women remain underrepresented in decision-making positions in legislative and executive bodies”.

<sup>14</sup> Paragraphs 13 and 16 of the [2016 CERD concluding observations](#) noted reports of increased hate speech as well as an increase in racist and xenophobic attacks, and called for the country to “declare illegal and prohibit organizations that promote and incite racial discrimination, such as Golden Dawn”.

<sup>15</sup> All of the party’s 16 deputies and other members have been indicted for inciting hate crimes, including racially-motivated violence and murders; a criminal trial is ongoing, and the party denies the allegations.

communities have previously contested elections.<sup>16</sup> The country does not recognize the minority status of any ethnic or linguistic communities and does not collect statistical data on these populations.<sup>17</sup> None of the political parties met with by the ODIHR NAM indicated plans to target voters from these communities in their campaign activities.

Several ODIHR NAM interlocutors described a prevalence of sexist attitudes and gender stereotypes, which impacts the participation of women voters and candidates, including women from minority communities.<sup>18</sup> Although most parties informed the ODIHR NAM that they would seek the support of women voters, none identified issues related to women's rights or gender equality as priorities in their campaign programmes.

In addition, some ODIHR NAM interlocutors noted that issues related to the social inclusion and rights of persons with disabilities are marginal in campaign discourse, and that parties often resort to a charity model rather than emphasizing universal design and civil rights. Stakeholders explained that candidates occasionally provide sign language interpretation at large rallies, but only in exceptional cases.

## G. CAMPAIGN FINANCE

The Law on Financing Political Parties regulates campaign finance, including public funding, sources of private income, and reporting requirements. The legal framework for party and campaign financing has undergone several amendments since the last parliamentary elections, including changes to the regulation of anonymous contributions and the introduction of new sanctions for violations. Some previous ODIHR recommendations on campaign finance issues, including related to submission of financial reports by all candidates and the publication of campaign finance audits, remain unaddressed.

Public funding represents the primary source of party funding. In order to qualify for public funding, parties must be represented in the national parliament or the European Parliament, or must have obtained at least 1.5 per cent of the vote in at least 70 per cent of constituencies.<sup>19</sup> Public funds are distributed proportionally based on the number of votes received. In addition to annual funding for operational expenses, these parties are entitled to additional funding for electoral expenses, as well as supplementary funding for research and training purposes for party staff. Some ODIHR NAM interlocutors expressed concern that public electoral funding might be abused to repay party debts, rather than to conduct outreach to voters.

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<sup>16</sup> See [Sitaropoulos and Others v. Greece \(no. 26695/95\)](#), [Tourkiki Enosi Xanthis and Others v. Greece \(no. 26698/05\)](#), [Emin and Others v. Greece \(no. 34144/05\)](#), [Bekir-Ousta and Others v. Greece \(no. 35151/05\)](#), [Macedonian House of Civilization v. Greece \(no. 1295/10\)](#), in which the European Court of Human Rights found Greece in contravention of Article 11 of the ECHR.

<sup>17</sup> Paragraphs 10 and 11 of the [2016 CERD concluding observations](#) noted that “Notwithstanding the explanation provided by the State party that ethnic groups are not considered as minorities, the Committee believes that, in a multi-ethnic society, recognition of ethnic groups of smaller size may help them to protect their existence and their identity. The Committee also notes that the Treaty of Lausanne neither prohibits the consideration of other groups as minorities nor prevents persons belonging to various ethnic groups to exercise their right to self-identification”.

<sup>18</sup> See also paragraph 18 of the [2013 CEDAW concluding observations](#): “The Committee continues to be seriously concerned about patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life and the State party’s limited efforts to tackle such discriminatory practices. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls and that they are reflected in women’s disadvantaged and unequal status in many areas, including education, public life and decision-making...”.

<sup>19</sup> The parliamentary party Golden Dawn no longer receives public funding due to the ongoing criminal trial.

Private donations by natural persons are limited to EUR 20,000 per year to a political party and EUR 5,000 per year to a candidate. Parties can take loans from credit institutions. Cash donations are prohibited, as are foreign donations and donations from state institutions, legal entities and owners of media outlets. Expenditure limits are calculated based on the size of each constituency, and cash expenditures are prohibited. All candidates, including party candidates, are subject to these limits and must report finances separately. Amendments to the law in 2017 introduced stricter sanctions on campaign finance violations, including fines such as revocation of up to 50 per cent of public funding, or removal from office.

Parties must designate a maximum of three bank accounts, and candidates one bank account, for campaign finances, and the contents of any additional bank accounts discovered will be seized by the state. Although briefly outlawed in 2014 and again in 2017, the use of anonymous coupons for cash donations has been reintroduced for amounts up to EUR 15, and a maximum ceiling of EUR 75,000 for parties that receive public funding and EUR 20,000 for those without funding.<sup>20</sup> The continued use of anonymous coupons is contrary to prior ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations. Despite the reduced limit on anonymous coupons, some ODIHR NAM interlocutors noted that the continued possibility for anonymous contributions can detract from the transparency and accountability of campaign finance.<sup>21</sup>

The financing of parties and campaigns is overseen by an inter-institutional Audit Committee. The Committee comprises representatives of the parliament, the Supreme Court and other state institutions. The period of scrutiny of campaign finance extends to six months prior to the election day and two months following. In case of snap elections, the period of scrutiny is determined by the Audit Committee. While the committee may request additional information from contestants to verify financial data, the monitoring functions of the committee are otherwise limited. All ODIHR NAM interlocutors expressed confidence in the impartial oversight of the Audit Committee.

Parties, successful candidates and their deputies must file a report on campaign income and expenditures no later than three months following an election. Unsuccessful candidates are not required to file a report, contrary to a prior ODIHR recommendation. All final reports are published online. No interim campaign finance reports are required of parties or candidates, apart from parties' routine annual financial report.

## H. MEDIA

The media environment is pluralistic and offers a diverse range of views across some 1,000 broadcast media outlets and 50 newspapers. The public broadcaster (ERT) operates four national television channels as well as five national radio stations, and additional regional outlets, all of which air exclusively in the Greek language. Television is considered the primary source of political information, with the Internet playing an increasingly important role, followed by radio and print media. Some ODIHR NAM interlocutors described challenges for television broadcasters in competing with online media, pointing to the closure in 2018 of the private television network *MegaTV*.

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<sup>20</sup> The amount of anonymous coupons that a party can circulate is determined prior to the election campaign by the Audit Committee. These coupons can be purchased by donors without registering their identity, and the cash equivalent is disbursed to the political party.

<sup>21</sup> See the [2018 GRECO second round compliance report \(reassessment\)](#) on party funding.

The Constitution provides for freedom of expression and the right to publish without censorship, and describes radio and television as under the “direct control of the state”. Despite a prior ODIHR recommendation, defamation remains a criminal offense for which journalists can receive prison sentences.<sup>22</sup> Most ODIHR NAM interlocutors expressed overall confidence in the protection of media freedoms, while noting instances of hostility towards journalists.<sup>23</sup>

The electoral law governs the allocation of public and private media airtime during campaigns, which envisages proportional coverage based on parties’ representation in parliament. The precise allocation of airtime, including for non-parliamentary parties, is decided by ministerial decisions with input from the media regulator and the inter-party working committee. Individual candidates, including party candidates, may appear only once on each national radio or television channel during the pre-election period, and twice on each regional network. Paid political advertisements are prohibited, and all political advertising is subsidized by the state budget. All broadcasters must report commercial advertising prices to the state fiscal office on a monthly basis, and these prices are used to determine the amount of public funding for political advertising. In line with a prior ODIHR recommendation, the ban on publication of opinion polls was reduced to within one day of an election. Several ODIHR NAM interlocutors criticized the proportional rather than equal allocation of airtime among political parties.

Broadcast media are regulated by the National Council for Radio and Television (NCRTV), which monitors broadcasters’ compliance with legal obligations, but does not conduct comprehensive monitoring of media during election campaigns. Broadcasters are required to provide statistical reports to the NCRTV of their compliance with provisions on equitable coverage of parties and candidates, and these reports are randomly audited by the NCRTV. While assessing the overall media environment as balanced, some ODIHR NAM interlocutors noted that smaller political parties receive significantly less primetime coverage than the two largest parties, and alleged a pro-government bias in the public broadcaster.

## I. COMPLAINTS AND APPEALS

The 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. The court also hears matters regarding the validity of election results, the eligibility of an elected candidate to take office, or the removal of a sitting member of parliament. Such complaints may be submitted by voters or candidates regarding elections in their constituency, but not by parties or legal entities. 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.

Voters and representatives of political parties may file complaints related to inclusion or exclusion of a person from the voter list, and candidates or party representatives can file complaints regarding the eligibility of a party or candidate to contest the elections. These complaints are filed with the basic courts of first instance, whose decisions in these matters are not subject to appeal, contrary to a prior ODIHR recommendation.

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<sup>22</sup> Three journalists were arrested for defamation in September 2018 after alleging misuse of funds by the Defence Minister, and subsequently released without charges. See also a related [statement by the OSCE Representative on Freedom of the Media](#) and paragraph 19 of the [2016 CERD concluding observations](#).

<sup>23</sup> For example, [in separate incidents](#), a bomb was planted at the headquarters of the TV broadcaster *Skai* and newspaper *Kathimerini*, and another under the car of a *CNN Greece* journalist; according to media reports, the bombs detonated but caused no injuries.

Complaints with regard to election day violations can be submitted by voters, candidates and candidate representatives in writing to the PSC. Following the announcement of results by the court of first instance, a candidate may request a recount of ballots.

#### **J. CITIZEN AND INTERNATIONAL OBSERVERS**

The election law does not provide for citizen or international observers, although the MoI informed the ODIHR NAM that it would accommodate potential requests by national or international organizations to accredit observers. The law provides for a maximum of three political party representatives to observe the process in each polling station on a rotation basis. Most parties informed the ODIHR NAM of plans to deploy representatives in polling stations for the parliamentary elections, particularly during the count.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Interlocutors welcomed a potential ODIHR activity for the upcoming elections, underlining the value of an external review, but generally held the opinion that it was unnecessary. The ODIHR NAM noted full stakeholder confidence in the integrity of the electoral process, including election day procedures, and in the impartiality of the election administration and other relevant authorities. Nevertheless, some prior ODIHR recommendations remain unimplemented, and some ODIHR NAM interlocutors identified specific areas that would benefit from an ODIHR observation activity. Considering recent amendments to the legal framework as well as instances of hate speech and inflammatory rhetoric, the ODIHR NAM sees benefit in undertaking a more in-depth assessment of the campaign, including the effectiveness of new measures to promote women's participation, as well as the implementation of campaign finance and media regulations. In addition, the participation of persons with disabilities in the electoral process would benefit from further scrutiny.

On this basis, the ODIHR NAM recommends deploying an Election Assessment Mission (EAM) for the upcoming parliamentary elections, subject to the availability of resources, to follow the work of the election administration including on facilitation of the electoral participation of persons with disabilities, the election campaign, and campaign finance. ODIHR also encourages the authorities to consider previous recommendations, several of which remain unaddressed.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Ambassador Panagiotis Stournaras, Director of Division for OSCE and Council of Europe  
Ambassador Christina Alexopoulos, Deputy Director of Division for OSCE and Council of Europe

### **Ministry of Interior, Directorate for Elections**

Mr. Ilias Georgiou, Directorate Expert  
Mr. Georgios Karpouzis, Directorate Expert  
Mr. Panagiotis Skiadas, Directorate Expert

### **Supreme Court and Supreme Special Electoral Court**

Mr. Vasileios G. Peppas, President of Supreme Court and Supreme Special Electoral Court  
Mr. Georgios Lekkas, Vice-President of Supreme Court  
Ms. Alkaterini Fotopoulou, Head of the Secretariat of the Supreme Court

### **Audit Committee for Political Party Finance**

Ms. Garedaki Stamatia, Head of Committee  
Mr. Stelio Michalas, Expert

### **National Council for Radio and Television**

Mr. Athanasios Koutromanos, President  
Mr. Xenophon-Rodolfos Moronis, Vice-President  
Mr. Alexandros Oikonomou, Legal Expert

### **Public Broadcaster (ERT)**

Mr. Yiannis Z. Drossos, Managing Director

### **Political Parties**

Mr. Sgouridis Panagiotis, Vice President and Member of Parliament, ANEL  
Mr. Ilias Kasidiaris, Spokesperson, Golden Dawn  
Mr. Vasilis Dimopoulos, Legal Adviser, KKE  
Mr. Makis Voridis, Member of Parliament, New Democracy  
Mr. Vasilis Exarhos, Parliamentary Group Manager, PASOK  
Ms. Polixeni Papatheodorou, Parliamentary Group Staff, PASOK  
Mr. Nikos Xydakis, Majority Floor Leader, SYRIZA  
Mr. Vasileios Spyrou, Head of Parliamentary Group Office, Union of Centrists

### **Civil Society**

Mr. Alexandros Delistathis, Vice-Chair of Board, Gender Equality Research Centre  
Ms. Kyriaki Panagiotopolou, Member of Board, Gender Equality Research Centre  
Ms. Annita Garantzioti, Legal Consultant, Gender Equality Research Centre  
Ms. Victoria Germotsi, Programme Evaluation Staff, Gender Equality Research Centre  
Mr. Panayote Dimitras, Greek Helsinki Monitor  
Mr. Ioannis Lymvaivos, General Secretary, National Confederation for Persons with Disabilities  
Mr. Dimitrios Logaras, Executive Staff, National Confederation for Persons with Disabilities