



Office for Democratic Institutions and Human Rights

GREECE

EARLY PARLIAMENTARY ELECTIONS 7 JULY 2019

ODIHR Election Assessment Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the authorities to observe the 7 July 2019 early parliamentary elections in Greece, and based on the findings and conclusions of the Needs Assessment Mission deployed from 10 to 12 April 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 24 June to 11 July 2019.

The elections were competitive and offered voters a wide choice of political alternatives, with fundamental freedoms largely respected. The media provided broad and varied coverage and created conditions for citizens to make an informed choice. Although aspects of electoral legislation could be improved, the elections were effectively administered and enjoyed a high level of public confidence.

The legal framework is comprehensive and provides a solid basis for the conduct of democratic elections. Several amendments adopted since the last elections are in line with prior ODIHR recommendations, including splitting large electoral constituencies to improve equality of the vote. However, certain electoral deadlines remain short, particularly in the context of early elections, which posed challenges for contestants and the election administration. The legal framework does not provide for election observation by citizen and international observers, contrary to OSCE commitments and prior ODIHR recommendations.

The election administration is distributed across several institutions, including the Ministry of Interior and the judiciary. Overall, the elections were organized in an efficient and professional manner, despite the short timeframe for preparations, and the relevant institutions enjoyed high levels of confidence among stakeholders. Notwithstanding, some practices which were previously criticized by ODIHR remained in place, such as unequal access of political parties to a consultative inter-party committee on election administration and unequal conditions for the procurement of ballot papers.

The election administration did not introduce any special measures to promote access for voters with disabilities to the electoral process. Contrary to the international commitments and prior ODIHR recommendations, voters with disabilities are not entitled to request assistance from a person of their choice. Positively, some contestants provided sign language interpretation at large rallies and supplied advertisements with subtitles, but issues related to the rights of persons with disabilities were marginal in campaign discourse. Most polling stations observed by the ODIHR EAM were not suitable for independent access by voters with reduced mobility.

Citizens who reach at least 17 years of age in the election year have the right to vote, except those convicted for certain felonies. A person can be disenfranchised by a court decision on the basis of intellectual or psychosocial disability, which contravenes international standards. Voting is compulsory, but penalties for abstention are not enforced. Stakeholders generally described trust in the accuracy of voter lists citing recent improvements to their maintenance.

In total, some 4,830 candidates from 20 parties, including 3 coalitions, as well as 6 independent candidates, were registered in an inclusive manner. Candidates could be nominated by groups of voters

¹ The English version of this report is the only official document. An unofficial translation is available in Greek.

or self-nominated. There are no legal provisions for challenging the eligibility of candidates prior to the elections.

Gender equality was a marginal campaign topic, and ODIHR EAM interlocutors remarked that women candidates were not actively promoted by political parties and received less media attention. Despite the increased 40 per cent requirement for gender representation on party lists, the requirement was not consistently enforced and its impact was limited. Only 20 per cent of members of the new parliament are women. Women were well represented in the polling station committees observed by the ODIHR EAM, both as chairpersons and secretaries, but no disaggregated data on gender representation in election management bodies is maintained.

A broad range of political contestants offered voters distinct political alternatives and fundamental freedoms were generally respected. The campaign was competitive and relied largely on televised debates and advertisements in social media. The allocation of public space for campaign materials was fairly determined by municipal councils. No party directed its campaigning to a minority electorate and minority issues did not feature in the campaign. The authorities undertook some efforts to limit the dissemination of intolerant rhetoric.

Regulation of political party and campaign financing underwent significant reform in recent years, addressing prior ODIHR recommendations. The legal framework establishes important disclosure and reporting requirements but does not adequately address the taking of loans by political parties and does not extend campaign finance regulations to third parties. Candidates are not obliged to report their incomes and expenditures until three months after the elections, detracting from transparency. The effectiveness of the oversight body was limited by insufficient resources and the fact that it does not publish information of public interest in a timely manner.

The media environment is pluralistic, and media freedom is generally respected, although defamation and libel remain criminalized. While the media provided voters with a plurality of views, allocation of free airtime favored larger parliamentary parties. Smaller political parties criticized the lack of primetime coverage.

The law provides legal remedies for infringements of electoral rights, but their effectiveness is undermined by long timelines for resolution that do not align with the pace of the electoral process. The ODIHR EAM interlocutors expressed general confidence in the independence of the judiciary and the electoral dispute resolution process. Following the elections, several challenges against the results and the eligibility of elected candidates were submitted to the Special Supreme Court. Initial court hearings of these challenges are expected in early 2020.

In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations. Voting and counting processes observed were orderly and procedures were mostly followed. Some campaign activities in visited polling stations contravened the electoral silence provisions. Preliminary election results down to the municipal level were announced and published in a timely manner, but were not published at the precinct level, reducing transparency.

This report offers recommendations to support efforts to bring the electoral process in Greece further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to reviewing legal timeframes, including for electoral dispute resolution, undertaking further efforts to facilitate the effective participation of persons with disabilities in the electoral process, as well as enhancing capacity and transparency of the work of the campaign finance oversight body. ODIHR stands ready to assist the authorities in improving the electoral process and addressing the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation to observe the 7 July 2019 early parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 10 to 12 April 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 24 June to 11 July.² The ODIHR EAM was led by Vadim Zhdanovich and consisted of five experts from five OSCE participating states. The EAM was based in Athens and visited the municipalities of Acharnes, Chaidari, Kifissia, Madras and Thiva.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs and the Ministry of Interior for their co-operation and assistance, as well as to express gratitude to representatives of other state and municipal institutions, election committees, political parties, candidates, media, civil society, academia, and other interlocutors for sharing their views.

III. BACKGROUND

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. The parliament consists of 300 deputies directly elected for a four-year term. The prime minister serves as the head of the government, and is appointed by the president based on the results of parliamentary elections.

Following the last early parliamentary elections in September 2015, eight parties gained representation in the parliament with The Coalition of the Radical Left (SYRIZA) and the Independent Greeks (ANEL) forming the ruling coalition.³ In January 2019, ANEL quit the ruling coalition due to its opposition to a bilateral agreement ("Prespa Agreement") with North Macedonia. Notwithstanding, SYRIZA was able to maintain a majority in parliament with support from members who switched parties. Three parties subsequently lost their parliamentary caucus as a consequence of members of parliament switching parties.

The decision to call early parliamentary elections was precipitated by the results of the European Parliament, local and regional elections held on 26 May and 2 June 2019, in all of which the main opposition party, New Democracy, outperformed SYRIZA. On 11 June, the president, upon a request by the government citing "important issues of national interest", dissolved parliament and called early elections for 7 July, three months before the parliament's term was to expire. All parliamentary parties were in favour.

The elections took place against a backdrop of the country's long-standing economic crisis, and in an atmosphere of enduring disillusionment of the population with public institutions and political parties. The environment in the run up to the elections was marked by the exit from the third bailout agreement with the European Union in August 2018 and the signing of the Prespa Agreement in June 2018.

² See all [previous ODIHR reports on Greece](#).

³ SYRIZA received 145 seats, New Democracy - 75, Golden Dawn party - 18, the Social-Democratic Panhellenic Socialist Movement (PASOK) - 17, the Communist Party (KKE) - 15, the River Party - 11, ANEL - 10 and Union of Centrists - 9.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are regulated primarily by the 1975 Constitution (amended in 2008), 2012 Presidential Decree consolidating electoral legislation (“Electoral Code”, last amended in March 2019), 2002 Law on financing and audit of political parties and electoral campaigns (“Law on Financing of Political Parties”, last amended in March 2019), and circulars issued by the Ministry of Interior.⁴ Greece is party to major international and regional instruments related to the holding of democratic elections.⁵

Several legislative amendments adopted since the last parliamentary elections are in line with prior ODIHR recommendations, including splitting large electoral constituencies to improve the equality of the vote, updating restrictions on the publication of opinion polls, and strengthening some campaign financing regulations (see *Campaign Finance*). Additional changes applicable to these elections included an increase of the gender quota for party lists from 30 to 40 per cent, lowering the voting age from 18 years to enfranchise those who turn 17 in the election year, and an increase in the number of electoral constituencies. A majority of ODIHR EAM interlocutors assessed these amendments positively.

The legal framework is comprehensive and provides a solid basis for the conduct of democratic elections. The Constitution guarantees fundamental freedoms of expression, assembly, and association. It also safeguards electoral rules from frequent alterations by providing that laws changing the electoral system and boundaries of electoral districts apply to the second election after their adoption, unless the law is adopted by a two-thirds majority in parliament.⁶ Detailed rules are in place for key elements of the electoral process, including voter and candidate registration, campaigning, campaign financing, and polling procedures. However, the timeline for early elections is short, which poses challenges for the contestants and election administration (see *Candidate Registration and Election Administration*). The legal framework, despite previous ODIHR recommendations, does not ensure timely remedies for infringements of electoral rights (see *Complaints and Appeals*) and does not provide for election observation by citizen and international observers. Additionally, some other ODIHR recommendations remain unaddressed, including those related to the printing of ballot papers, determination of invalid ballots, and rights of voters with disabilities.

The Constitution guarantees the free functioning of political parties and prohibits political ‘manifestations’ in favour or against political parties by the judiciary, military, security agencies, and public servants. However, the regulation on political parties is piecemeal and silent on important aspects of party activities, including the restructuring of loans (see *Campaign Finance*), and dissolution of political parties. This regulatory approach detracts from legal certainty and the accountable functioning of political parties.

⁴ Other relevant legislation includes the 1971 Legislative Decree on Public Assemblies, 1976 Law on the Special Supreme Court, and 2019 Penal Code.

⁵ Including the 1965 Convention on the Elimination of All Forms of Racial Discrimination, 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 2006 Convention on the Rights of Persons with Disabilities (CRPD) and 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Greece is a member of the Council of Europe’s European Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption (GRECO).

⁶ For example, 2016 amendments to the Electoral Code abolished the allocation of 50 bonus seats for the party that wins the most votes, but did not apply to these elections. New Democracy indicated to the ODIHR EAM that they intended to reverse this amendment and preserve the bonus seat system once in power.

Members of parliament (MPs) are elected through a proportional system, with 238 seats allocated across 59 constituencies from open lists with preferential voting, and an additional nationwide constituency.⁷ In the nationwide constituency, 12 deputies are elected from closed lists submitted by parties which nominated candidates in at least half of the remaining constituencies. The 50 remaining bonus seats are allocated to the party that wins the most votes. Some ODIHR EAM interlocutors questioned the allocation of bonus seats as distorting the proportionality of parliamentary representation. To be eligible for seat allocation, a party or an independent candidate must obtain at least three per cent of valid votes nationwide. Several ODIHR EAM interlocutors expressed concern that this threshold prevents contestants representing interests of minority communities from entering the parliament. The number of voters per seat deviates by more than 15 per cent from the average in 13 constituencies, contrary to international good practice.⁸

V. ELECTION ADMINISTRATION

The election administration is distributed across several state institutions, including the Ministry of Interior (MoI) and the Supreme and Special Electoral Courts at the national level, as well as municipal administrations and basic courts across 59 constituencies. Additionally, a total of 21,478 polling stations, including 34 in detention centres for non-convicted voters and 294 absentee polling stations, were established. Overall, the various institutions involved in the administration of the elections enjoyed a high degree of confidence among voters and political stakeholders. Despite the tight deadlines, preparations were administered in a professional and efficient manner.

The MoI is the principal body responsible for election preparation and voter registration. It also issues regulations, produces electoral materials, announces provisional results and supervises the work of election administrators in the regions and municipalities. The regional administration determines the location of polling stations, delivers materials, including ballot papers, and transmits the constituency-based provisional results to the MoI. The municipalities deliver ballot boxes and any needed equipment to polling station committees (PSCs) and transmit the municipality-level provisional results to the regional authorities.

The basic courts register candidates, appoint PSC members with the exception of the chairperson, and aggregate the votes in constituencies. The Supreme Court registers political parties and candidate lists for the elections and appoints the PSC chairpersons and constituency supervisors. The Supreme Election Commission, composed of Supreme Court judges and representatives of the MoI, aggregates all results, including the preferential votes for candidates, and announces the final election results.

For every election, an inter-party committee is formed, chaired by the Minister of Interior and composed of representatives of parliamentary parties and those that registered candidates in at least 70 per cent of constituencies.⁹ The committee serves consultative purposes and provides a forum for parties and coalitions to discuss election and campaign-related issues. The committee met twice during these elections, but their sessions were not open to smaller parties or observers and no minutes or summary of agreements were made publicly available.

⁷ Seats are allocated to constituencies according to a quotient based on population data, with remaining seats allocated sequentially to constituencies with the largest remainder. For these elections, 7 of the 59 constituencies were each allocated only one seat.

⁸ The highest deviation from the nationwide average is in Cephalonia (54 per cent) and Samos (39 per cent). According to Section I.2.2.iv of the [2002 Venice Commission's Code of Good Practice in Electoral Matters](#), "seats must be evenly distributed between the constituencies" and "[t]he permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)".

⁹ Three out of twenty parties and coalitions, which contested the elections, did not meet this condition.

Consideration could be given to opening participation in the inter-party committee to all electoral contestants, to ensure transparency and a level playing field.

All PSCs consist of a chairperson, a secretary, and four members and their alternates. Chairpersons, selected by the Supreme Court from judges, lawyers and law students, have broad competencies and decision-making powers, including the extension of voting by up to two hours after the official closing, review of election day complaints, and initiating investigations of alleged offences. All other PSC members are randomly selected from among registered voters in the constituency, and the secretary is chosen by the PSC members from among themselves, or, exceptionally, from among voters and municipal employees. Service on polling stations is mandatory, although penalties for failure to appear on election day are not enforced. While chairpersons and secretaries receive some compensation for their work, the remaining members are not remunerated.¹⁰ No gender requirements exist for the appointment of chairpersons, and no disaggregated data on the gender composition of PSCs is maintained.¹¹

Disaggregated data on gender representation in the election administration should be published in a comprehensive manner.

No official training was provided to PSC members, including for chairpersons. However, bar associations in some major cities, at their own initiative, organized trainings for members who might be called upon to act as chairpersons.¹² The MoI issued a circular on election day procedures, also available online, that served as a manual for polling station staff.

Although the MoI issued guidelines on the facilitation of voting of persons with disabilities, several ODIHR EAM interlocutors described systemic barriers to their electoral participation. Stakeholders noted a lack of efforts to improve the physical accessibility of polling stations, as well as the lack of provisions for homebound voting or voting in hospitals, further limiting access for persons with limited mobility and contrary to prior ODIHR recommendations. On election day, voters could only request assistance from the PSC chairperson and not from a person of their choice, contrary to international standards.¹³ No assistive tools were made available at polling stations, such as Braille or tactile ballot guides for persons with visual impairments. The prescribed options for assisted voting entailed the chairperson entering the polling booth with the voter or bringing election materials outside the polling station, potentially compromising secrecy of the vote and negatively impacting the ability of persons with disabilities to autonomously participate in the electoral process.

¹⁰ EUR 630 and EUR 100 per day for the chairperson and secretary respectively. According to ODIHR EAM interlocutors, a proposal by the MoI to remunerate all PSC members was discussed at the inter-party committee, but was not agreed for these elections, as some parties were opposed.

¹¹ Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

¹² The Athens Bar Association’s trainings were made available online.

¹³ Article 29 of the [2006 CRPD](#) requires states to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice”.

The authorities should undertake efforts, in consultation with disabled persons' organizations, to facilitate the autonomous participation of all voters. Additional efforts should be undertaken and legal amendments introduced to ensure that polling station premises and layout can be independently accessed by voters with disabilities, and voters can select assistance providers of their choice.

The MoI distributed free of charge the blank paper for printing ballots to parties that registered candidates in at least one-third of constituencies.¹⁴ Other contestants, including independent candidates, needed to buy their own paper. Several ODIHR EAM interlocutors described this as a disadvantage for independent candidates and smaller parties, including those representing minority communities, at odds with international good practice.¹⁵

Contestants were responsible for printing ballots based on the MoI's technical specifications and delivering them to regional authorities for distribution to polling stations.¹⁶ Given the short timeframe of the early elections, with candidatures announced on 25 June, contestants had only five days to print and deliver ballots. Aware of the tight schedule, the MoI informed the ODIHR EAM that it would allow parties to deliver ballots after the established deadline. Still, smaller political parties met by the ODIHR EAM pointed to the great logistical and financial constraints involved in fulfilling this requirement. Some ODIHR EAM interlocutors stated that they were not running in these elections as they could not bear the cost of this requirement after participating in the European, local and regional elections of 26 May.¹⁷ ODIHR has previously recommended that the state produce and distribute all ballots.

Consideration should be given to additional measures to ensure that ballot papers be made available to voters under equal conditions for all contestants.

Consideration should be given to revising the legal deadlines for early elections, in particular to allow more time for the printing and distribution of ballots.

VI. VOTER REGISTRATION

Voting is compulsory for citizens who turn at least 17 years of age in an election year, although penalties for abstention are not enforced.¹⁸ The Electoral Code restricts the voting rights of persons with intellectual or psychosocial disabilities who are deprived of legal capacity by a court decision, contrary to international standards.¹⁹ Permanent or temporary restrictions on the right to vote are also applied to persons bearing a final conviction for certain felonies, including those bearing a term of imprisonment of at least 10 years or which constitute a repeat offense, according to the penal and military codes.

The law should be amended to remove restrictions on voting rights on the basis of intellectual or psychosocial disability.

¹⁴ For these elections, 18 out of 20 contesting parties were eligible.

¹⁵ Section 2.3 of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends that "equality of opportunity must be guaranteed for parties and candidates alike".

¹⁶ The MoI directly supplies polling stations with envelopes, which are a controlled election material.

¹⁷ Interlocutors noted that printing and distribution of ballots per election may cost up to EUR 40,000.

¹⁸ By law, failure to vote carries up to a one-year prison sentence. Voting is not compulsory for voters over 70, hospitalised citizens, and those residing abroad.

¹⁹ See Articles 12 and 29 of the CRPD. See also paragraph 9.4 of the [2013 CRPD Committee Communication No. 4/2011](#) which states that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

Voter registration is passive, and lists are compiled by the MoI based on civil status updates received from municipalities every two months. The voter register was last updated on 7 June and contained a total of 9,903,864 voters (51.5 per cent women and 48.5 per cent men).²⁰ The Electoral Code does not provide a deadline for voters to request changes to their records. Eligible voters may request inclusion in the lists or an update of their data until the close of voting, by requesting a certificate from their municipality.

Several ODIHR EAM interlocutors noted that the voter register contains a large number of citizens residing abroad who are not able to vote, impacting the abstention rate.²¹ Following amendments enacted in 2001, the Constitution provides for the right of citizens living abroad to vote in parliamentary elections by postal vote or by other appropriate means, but these options have not yet been reflected in the electoral legislation. Additionally, men who are naturalized citizens must register for potential military conscription before their data may be included in the civil registries from which the voter lists are extracted. As a result, some 800 eligible voters who became citizens between January and April 2019 were not included in the voter lists.²² Still, ODIHR EAM stakeholders generally expressed a high level of trust in the accuracy of voter lists and pointed to recent improvements, such as more consistent removal of deceased persons and identification of duplicate records.

Voters must vote in person in the constituency where they are registered. Citizens residing outside their constituency could apply to vote at specially designated absentee polling stations in the municipalities of their temporary residence.²³ According to the MoI, for these elections, a total of 102,987 voters applied for an absentee ballot and were allocated to 294 absentee polling stations.

VII. CANDIDATE REGISTRATION

Citizens who are at least 25 years of age and have the right to vote are eligible to stand as candidates. The legal framework limits the right to be elected for holders of certain public positions, including all public officials and employees, members of the army, and members of boards of public corporations or agencies, who must resign from their positions in order to be eligible to run. While potentially overly broad, these limitations aim at protecting the neutrality of the civil service and the equality of candidatures, as holders of public office may have an unfair advantage over other candidates, and were upheld by the European Court of Human Rights (ECtHR).²⁴

Candidates could be nominated by at least 12 voters from the same constituency or stand as self-nominated, and were required to pay a deposit of EUR 146. Voters could sign in support of the nomination of more than one candidate. Basic courts received the nominations of individual candidates intending to run on party lists or independently and confirmed their eligibility. Parties and coalitions

²⁰ Parties which have registered candidates in at least two-thirds of constituencies or which are represented in the national or European parliaments received electronic copies of the voter register, free of charge.

²¹ Some ODIHR EAM interlocutors estimated that the voter register contains at least one million citizens currently living abroad. The Bank of Greece [estimated in 2016](#) that more than 400,000 citizens left the country after 2008 due to the economic crisis.

²² The MoI reported that 1,607 male foreign residents (some 800 of voting age) whose citizenship was granted between January and April 2019 could not yet be recorded in the civil registry. The MoI acknowledged that recent administrative changes resulted in lack of timely updates of registries, not resolved in time for the elections.

²³ Absentee polling stations are established on an *ad hoc* basis, for a minimum of 40 qualified applicants.

²⁴ See for example *Gitonas and others v. Greece* (nos. 18747/91, 19376/92, 19379/92), ECtHR, 1 July 1997. The ECtHR held that the Supreme Court did not violate Article 3 of protocol No.1 of the ECHR when it annulled the election of a candidate on the grounds that he did not resign from his public position in the constitutionally-prescribed timeframe. See also section II.A.4.1 of the [2016 ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources in Election Campaigns](#).

compiled lists of eligible candidates and applied to the Supreme Court for registration. Parties could apply for the registration of a number of candidates equal to the number of available seats in each contested constituency, plus additional candidates proportional to the number of seats.²⁵ Parties registering candidates in at least half of the constituencies could also submit candidates for the nationwide constituency. A total of 4,830 candidates from 20 parties (including three coalitions) and 6 independent candidates were registered for these elections. The registration process was inclusive and none of the parties met by the ODIHR EAM reported any undue obstacles.

The Electoral Code establishes only a nine-day period for submission of nominations, starting after the call for elections. The eligibility of candidatures is confirmed by basic courts within 10 days of the call for elections, and final list of party and independent candidates must be announced by the Supreme Court within 14 days of the call for elections. Although there is no legal deadline for corrections in nomination documents, in practice courts accepted corrections up to three days after confirming candidatures. During the registration process, there is no opportunity to appeal a basic court's decision on the eligibility of a candidate. Such a complaint can be filed only against an elected candidate after the elections, as a challenge to the validity of the results, potentially contravening paragraph 7.9 of the 1990 OSCE Copenhagen Document.²⁶

Regulations on candidate registration should provide sufficient time for stakeholders to prepare and review nominations, as well as to file and resolve any related complaints prior to election day.

Women remain underrepresented in politics, and comprised 19 per cent of the outgoing and 20 per cent of the members of incoming parliament. There were no women among independent candidates. Lists submitted by parties and coalitions were required to comply with the recently increased requirement of at least 40 per cent of candidates of each gender in each constituency.²⁷ Although most parties met by the ODIHR EAM declared their support for the new requirement, the ODIHR EAM noted derogatory remarks by some stakeholders related to the increased inclusion of women candidates. All ODIHR EAM interlocutors described systemic patriarchal attitudes and gender stereotypes, which, combined with the system of preferential voting, are the main impediments to balanced gender representation in the parliament.²⁸

The Supreme Court informed the ODIHR EAM that in one case, a non-compliant list was returned to a party for correction. However, the ODIHR EAM observed that 13 of the 20 parties and coalitions that nominated candidates, including all 6 parties that obtained seats in the parliament, failed to comply with

²⁵ Parties could run 2 more candidates in constituencies electing up to 7 MPs, 3 in constituencies electing between 8 and 12 MPs, and 4 in constituencies electing over 12 MPs.

²⁶ Paragraph 7.9 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires...”.

²⁷ A 2019 amendment of the Electoral Code increased the requirement from one-third nationwide to 40 per cent in each constituency. In single-mandate and three-mandate constituencies, as well as in the case of repeat elections such requirements are not applied.

²⁸ See also paragraph 18 of the [2013 CEDAW Concluding Observations on the seventh periodic report of Greece](#), which noted “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...”. Paragraph 7 of the [2015 CCPR Concluding Observations on the second periodic report of Greece](#) noted that despite the then one-third requirement for gender representation, “women remain underrepresented in decision-making positions in legislative and executive bodies”.

the gender quota requirement in several constituencies.²⁹ There are no sanctions prescribed by law for non-compliance with the gender quota. Furthermore, in all one and three-member constituencies men outnumbered women as candidates.

The effectiveness of existing measures to promote women's participation as candidates should be reviewed and additional measures considered. Any such mechanisms should be consistently enforced, and the law should contain effective sanctions for non-compliance.

VIII. ELECTION CAMPAIGN

The election campaign officially began on 11 June following the dissolution of parliament and continued until 24 hours before opening of the polls. Campaigning prior to the candidate registration process is not regulated by law. Municipal councils, in consultation with contestants, determine the allocation of public sites for posting campaign materials and are legally required to monitor compliance with campaign regulations. Parties met by the ODIHR EAM generally expressed a high level of satisfaction with their allocation of public space.

Overall, contestants were able to conduct their campaigns freely, and fundamental freedoms of assembly, association and expression were generally respected. The campaign was competitive and the wide range of parties and candidates ensured a broad choice of political alternatives. The most visible contestants were the parliamentary parties as well as some new parties such as MeRA25 and Greek Solution.

The primary methods of outreach were campaigning on television (TV), in the form of debates, interviews and political advertising, as well as on social media (mainly on Facebook, Twitter and YouTube).³⁰ Contestants also organized small-scale regional meetings while touring the country. Outdoor campaigning was modest with posters and billboards mounted as late as the last week prior to the elections, and large rallies held only in the final days by major parties. Although legally prohibited, campaign materials were often posted in non-designated areas. According to both contestants and authorities, the practice is commonly accepted and none of the prescribed fines or reminders were issued.³¹ Some parties informed the ODIHR EAM that they resorted to displaying posters in non-designated areas primarily to announce final rallies. Many contestants complained about the scarcity of funds at their disposal for traditional outdoor campaigning, and the resultant scant media attention.

²⁹ New Democracy failed to comply with the quota requirement in 18 of the 59 constituencies, including Piraeus A and B, and Eastern Attika; SYRIZA in 17, including Athens A, Piraeus A and Eastern Attika; the Movement for Change (KINAL) in 17, including North Athens, Piraeus A and B, and Eastern Attika; KKE in 16, including North Athens, South Athens, Piraeus A and Eastern Attika; Greek Solution in 15, including Western Athens, Piraeus A and Eastern Attika, and European Realistic Disobedience Front (MeRA25) in 9, including Western Athens, Eastern Attika and Thessaloniki A. In almost all these cases, the number of women candidates fell below the legal requirement. For instance, the SYRIZA list for the Athens A constituency had 38 per cent women candidates. New Democracy lists for the Piraeus A and Piraeus B constituencies had 36 per cent and 38 per cent women candidates, respectively. The KINAL list for the constituency of North Athens had 37 per cent women candidates. Greek Solution had 28 per cent women candidates in the constituency of South Athens.

³⁰ According to several ODIHR EAM interlocutors, Facebook was the social media platform most used by contestants and heavily relied on for campaigning.

³¹ For parties and coalitions, the sanctions include a monetary fine equal to five per cent of the regular party or coalition funding or in case of a party or coalition that does not receive state funding, the fine is equal to EUR 15,000. For individual candidates, the sanctions include a monetary fine of up to the amount of the annual parliamentary compensation, depending on the seriousness, the number and frequency of breaches, as well as on the pollution occurred and aesthetic damage incurred.

Overall, the tone of the campaign was moderate. The prevalent themes were domestic economic issues in the aftermath of the austerity measures, such as taxation, unemployment and social benefits. Foreign policy issues, in particular the Prespa Agreement and relations with Turkey, were also widely discussed. The leader of New Democracy continually urged citizens to avoid a potential repetition of early elections in August by entrusting his party with an absolute majority in parliament. Other party leaders denounced this practice as blackmailing. According to most ODIHR EAM interlocutors, the campaign atmosphere was subdued because of the general fatigue of the electorate due to several consecutive elections, the peak summer period, and the perceived certainty of the outcome.

During the elections, Golden Dawn was denied campaign space by the municipal councils of Athens and Thessaloniki, for inciting hatred.³² In both cases, the decisions were overruled by respective regional authorities referring to legal requirements for equal terms for campaigning.³³ In April 2019, Facebook banned content from the official Golden Dawn website on its platform.

The authorities should introduce effective mechanisms to counter instances of intolerant rhetoric, including xenophobic and inflammatory language which constitutes incitement to hatred and violence.

Greece does not recognize the minority status of any ethnic or linguistic community, except for the Muslim religious minority in Thrace, which is protected by the terms of the Lausanne Peace Treaty of 1923.³⁴ The country signed but has not ratified the Council of Europe's 1994 Framework Convention for the Protection of National Minorities and does not collect any statistical data on minority populations.³⁵ ODIHR EAM interlocutors from civil society groups, as well as some candidates from ethnic minority communities, raised serious concerns about widespread xenophobic and discriminatory attitudes, at times also espoused by authorities and politicians.

While no party directed its campaign to a minority electorate and minority issues did not feature in party programmes, six parties in the Rodopi constituency and five parties in the Xanthi constituency, both in the region of Thrace, put forward Muslim minority candidates. These contestants conducted their campaigns mainly in the Turkish language, including on local radio stations. Three of these contestants were subsequently elected. A number of candidates from the Roma community also contested the elections, but none were elected. ODIHR EAM interlocutors indicated that discrimination, poverty and social exclusion that Roma face, in particular with respect to housing, education and employment, are the primary obstacles to their increased participation in political life.

Gender equality was not a prominent campaign topic and few parties mentioned gender-related socio-

³² On June 18 and 24, respectively. The UN Committee on the Elimination of Racial Discrimination (CERD) in paragraphs 13-17 of its [2016 Concluding Observations on the twentieth to twenty-second periodic reports of Greece](#) expressed concerns at “the increase in hate speech and 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”. Paragraph 40 of the 1990 OSCE Copenhagen Document commits participating States to “clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds...[The participating States] declare their firm intention to intensify the efforts to combat these phenomena in all their forms...”. See also the [OSCE Ministerial Council Decision 10/07](#), which calls for “continued efforts by political representatives, including parliamentarians, strongly to reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance...”.

³³ The decisions were respectively annulled by the Decentralized Regions of Attika and Macedonia-Thrace.

³⁴ Paragraphs 10 and 11 of the 2016 CERD Concluding Observations noted that “[n]otwithstanding 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”.

³⁵ Paragraph 5.20 of the 1990 OSCE Copenhagen Document commits participating States to “consider acceding to the ICCPR, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so”.

economic and labour policies in their programmes. Media attention was concentrated on the leaders of the main contestants, all of whom were men except for the leader of the coalition KINAL. Only 2 of the 20 parties and coalitions contesting the elections were led by women, of which only 1, KINAL, won representation in parliament. Civil society organizations working on issues related to gender equality informed the ODIHR EAM that women candidates often had limited financial resources at their disposal compared to men and were not actively promoted by party structures.

Consideration should be given to facilitating incentives to increase the inclusion and visibility of women in party structures, including the introduction of annual subsidies to fund women's wings of political parties.

In general, contestants employed minimal measures to promote the electoral participation of persons with disabilities, and the issues related to the rights of persons with disabilities were marginal in campaign discourse. The websites of most parties were not available in accessible formats, such as high contrast or audio content. Positively, sign language interpretation was frequently provided for at the large rallies of main parties, some TV advertisements were aired with subtitles, and New Democracy produced a summarized version of its party program in Braille. Most contestants met by the ODIHR EAM stated that they did not have sufficient financial means at their disposal to produce campaign materials in formats accessible to persons with disabilities.

IX. CAMPAIGN FINANCE

Political party and campaign funding is primarily regulated by the 2002 Law on Financing of Political Parties. These regulations underwent significant reforms in recent years.³⁶ The current rules address the majority of prior recommendations by GRECO and ODIHR, including on creating an audit mechanism, and limiting anonymous donations.³⁷ While the legal framework establishes important disclosure and reporting requirements, the transparency of campaign financing remains an issue, as does the effectiveness of oversight.

Political parties receive annual public funding, for which eligibility is based on the results of previous parliamentary and European Parliament elections.³⁸ Supplementary public funding is provided for the electoral campaigns of eligible parties, allocated before and after the election.³⁹ Payment of any public funds may be withheld from a party due to criminal proceedings against its leaders or MPs.⁴⁰

Contestants may receive donations from citizens by any means that enables identification of the donor. One of the avenues for donations is the purchase of special coupons issued by political parties, which

³⁶ The 2002 Law on Financing of Political Parties was extensively amended in 2014 and 2017. Some pertinent changes were also introduced in 2018 and 2019.

³⁷ See the GRECO 2016 [Second Compliance Report](#) on Greece and 2018 [Re-Assessment of Greece's compliance with Recommendation ii\(i\) "Transparency of Party Funding"](#).

³⁸ Public funding is provided to parties represented in the national or European parliaments, and those which in the last parliamentary elections obtained at least 1.5 per cent of votes in at least 70 per cent of constituencies, or at least 1.5 per cent of votes nationwide in the last European Parliament (EP) elections. For 2019, the total amount of annual funding allocated to 12 eligible parties was EUR 22.5 million.

³⁹ Fifty per cent of electoral public funding is allocated to parliamentary parties and 10 per cent to parties represented in the EP before the elections, while 40 per cent is allotted two months after the elections to parties which obtained at least 1.5 per cent of votes in at least 70 per cent of constituencies, and to parties which won at least 1.5 per cent of votes nationwide in the last (EP) elections. The distribution formula is based on the party's share of valid votes in the respective election. Ahead of these elections, some EUR 1.2 million of electoral funding was allocated to eight eligible parties, with SYRIZA receiving some EUR 471,000 and New Democracy some EUR 412,000.

⁴⁰ In line with this provision, all public funding was withheld from Golden Dawn since 2013.

are anonymous for up to EUR 15 but must identify the donor for higher amounts.⁴¹ Addressing a prior ODIHR recommendation, the law sets annual limits of funding through anonymous coupons.⁴² Donations in excess of EUR 500 must be made through a bank. One individual may not donate more than EUR 20,000 per year to a political party and EUR 5,000 to a candidate. Donations from legal entities, local government authorities, media owners and their family members, and from non-nationals are prohibited.

Third parties, including those controlled by political parties, are not obliged to file financial reports or disclose sources of funding and expenditures, which undermines the transparency of campaign finance and the effectiveness of ceilings.⁴³

To enhance transparency and accountability, consideration should be given to extending campaign finance regulations, including reporting requirements, to third parties.

In addition to public funding and donations, parties may finance their activities, including campaign activities, with bank loans, and several parties have in the past acquired large loan debts.⁴⁴ The law requires parties to disclose new and amended loan agreements and, since 2018, prohibits securing loans of more than 50 per cent of any current or future public funding. There are no other restrictions on using public funding to service loans. The law is vague on the restructuring of loans, requiring only respect for a banking code of ethics. Such rules do not ensure that additional income from advantageous and written-off loans are treated as financial donations.⁴⁵

The legislation should be more explicit with respect to permissible limits and terms of loans for political parties. In particular, loans provided on advantageous terms or which are written-off should be regulated as donations.

The limit of campaign spending for political parties and coalitions amounts to 20 per cent of the previous installment of public funding provided to all eligible parties. For candidates, expenditure limits are calculated based on the number of seats in the constituency.⁴⁶ Parties and coalitions are entitled to open up to three domestic bank accounts for the campaign, through which all revenues and expenses must be made. Cash payments may not exceed EUR 20,000 per year and must be documented. Candidates must each open one designated bank account to be used for all donations and expenditures.

⁴¹ All coupons are numbered and certified by the Audit Committee.

⁴² For parties entitled to annual public funding this limit is four per cent of the public funding amount from the previous year or EUR 75,000. For other parties the limit is EUR 20,000.

⁴³ Article 6 of [Recommendation Rec\(2003\)4 of the Committee of Ministers of the Council of Europe “On common rules against corruption in the funding of political parties and electoral campaigns”](#) recommends that “rules concerning donations to political parties should also apply, as appropriate, to all entities which are related directly or indirectly to a political party or are otherwise under the control of a political party.” Article 7.3 of the [2003 UN Convention Against Corruption](#) provides that States should “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”.

⁴⁴ In 2017, a parliamentary committee reported that the largest loan debts were carried by New Democracy (EUR 142.1 million) and PASOK (EUR 127.1 million).

⁴⁵ See paragraph 171 of the 2010 ODIHR and Venice Commission [Guidelines on Political Party Regulation](#): “[...] depending on the specific case and subject to legislation permitting donations and support from commercial entities, loans that are granted at advantageous conditions or even written-off by the creditor should be treated as a form of in-kind or financial contribution”.

⁴⁶ These limits ranged from EUR 15,000 to 76,500. For the nationwide constituency the limit was EUR 70,500.

The Audit Committee, an inter-agency body under the auspices of the parliament, is the primary oversight body.⁴⁷ Final reports on campaign finances are submitted by all contesting political parties, elected candidates, and a specified number of alternates on the candidate list to the Audit Committee within three months of the holding of the elections.⁴⁸ These reports must include detailed statements on income and expenditure during the auditing period together with the supporting documents.⁴⁹ There are no reporting or disclosure requirements prior to election day, which reduces the transparency of campaign financing.

To enhance transparency, all campaign finance reports should be made public in a timely manner. Consideration could be given to introducing interim reporting requirements on campaign finance before election day. Political parties could consider disclosing donations above a certain limit, new loans, and campaign expenditures on their own websites during the electoral period.

The Audit Committee appoints external auditors for parties' campaign finance reports and reviews their findings. The Committee publishes the amounts of electoral expenses and audit conclusions on a website, but the law does not provide any deadlines for these activities.⁵⁰ In addition to the information provided by the contestants, the scope of audits includes information submitted by advertising and public opinion companies, as well as media organizations. Several ODIHR EAM interlocutors indicated that the Committee does not have the capacity to verify the completeness and accuracy of campaign finance reports. The Audit Committee's staff informed the ODIHR EAM that they do not have the resources to monitor compliance with regulations but do react to substantiated complaints. The law provides a range of sanctions for violations of campaign finance regulations, including fines, forfeiture of elected office, and imprisonment.⁵¹ However, some ODIHR EAM interlocutors noted the reluctance of the Audit Committee to apply any sanctions. The transparency of the Committee's work is limited, as it does not publish meeting minutes or decisions.

The Audit Committee should be equipped with adequate resources to monitor compliance with campaign finance regulations. The Audit Committee should publish information of public interest in a timely manner, to enhance the transparency of its work.

X. MEDIA

A. LEGAL FRAMEWORK AND MEDIA ENVIRONMENT

The freedoms of press and expression are guaranteed by the Constitution, and journalists generally work in an environment conducive to these freedoms. However, defamation and libel remain criminal

⁴⁷ The Audit Committee is chaired by an MP from the ruling party and includes two more MPs and eight representatives of other institutions, including judges of the highest courts and a prosecutor.

⁴⁸ The reporting template and documentation requirements are defined by the Audit Committee. Paragraph 200 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections". See also paragraph 206.

⁴⁹ In case of early elections, the auditing period is determined by the Audit Committee. Audit Committee staff informed the ODIHR EAM that in practice the Audit Committee does not meet after the call for elections since the mandate of MPs terminates with the dissolution of parliament. The next Committee is likely to set the auditing period from the call of the elections until two months after the election day.

⁵⁰ In practice, this information reaches the public domain quite late. Information from campaign finance reports from the 2015 parliamentary elections was published in July 2017.

⁵¹ The party's finance officers may be fined and imprisoned for incomplete or false reporting. Bypassing the bank accounts for donations and expenditures also entails fines and imprisonment for the responsible individuals and donors. The law is silent on the possibility of appeal against any sanctions applied by the Audit Committee.

offences, which is at odds with international standards.⁵² Following a 2019 amendment to the penal code, criminal sanctions apply also to offences committed online. Positively, since July 2019, journalists charged with such offenses are no longer subject to automatic arrest and blasphemy is decriminalized. Nevertheless, the ODIHR EAM noted recent instances of hostility against journalists, including harassment and threats by extreme-right groups.⁵³ Several ODIHR EAM interlocutors opined that the limited job market caused by the economic crisis has generated a degree of self-censorship among journalists.

To comply with international standards, criminal provisions for defamation and libel should be repealed in favor of civil remedies designed to restore the reputation harmed.

The media environment is diverse and pluralistic with around 91 news TV outlets, a number of private radio stations, more than 20 newspapers and several online news websites. TV and social media are the primary sources of political information, whereas the importance of the print sector has declined dramatically in recent years. The public broadcaster *Hellenic Radio Television* (ERT) operates three countrywide TV channels and five national radio stations, as well as a number of regional broadcasters. Several ODIHR EAM interlocutors alleged pro-government bias in the political coverage of the public broadcaster. The composition of its board of directors, the majority of which are ministerial appointees, may contribute to its perceived politicization.

B. MEDIA COVERAGE OF THE ELECTORAL CAMPAIGN

While the conduct of public and private broadcasters is regulated by an extensive legal framework, print media operate under fewer restrictions and no specific directives regulate social media during elections. Public and private broadcasters are obliged to air contestant-related content for free in a variety of formats. Both public and private nationwide broadcasters are required to allocate one third of their news bulletins to contestants' activities. Some media outlets noted to the ODIHR EAM that the allocation of airtime is overly complex due to different requirements per type of content.

Advertising paid for by contestants directly to broadcasters is not permitted. Instead, opportunities for promotional airtime are proportionally allocated among parliamentary parties based on the outcome of previous elections.⁵⁴ In addition, all contestants, including non-parliamentary parties, are entitled to free of charge coverage of one press conference and a weekly ten-minute time slot by all public and private broadcasters.⁵⁵ The public broadcaster also devotes a 45-minute interview with each party leader and coverage of two rallies to each political party and coalition. According to several ODIHR EAM interlocutors, the current practice of allocation money for promotional airtime unduly favours contestants with substantial parliamentary representation who can acquire much more primetime.⁵⁶

⁵² In 2018, the OSCE Representative on Freedom of the Media (RFoM) [called for the decriminalization of defamation](#) following the detention of three journalists. The journalists were arrested for defamation in September 2018 after alleging misuse of funds linked to the Minister of Defence, and subsequently released without immediate charges. According to paragraph 47 of the [2011 CCPR General Comment No. 34](#) "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty".

⁵³ A bomb was detonated in the car of journalist Mina Karamitrou (May 2019) and another in the *Skai TV* offices (December 2018). In [January 2019](#), the OSCE RFoM condemned incidents of violence against journalists during demonstrations by extremist groups.

⁵⁴ The [Joint Ministerial decision No 1582/2019](#) defined an equivalent financial value for promotional airtime based on media outlets' pricelists. This financial assessment guides the process of airtime allocation.

⁵⁵ Individual candidates may only appear once on each national broadcaster, and twice on each respective regional broadcaster.

⁵⁶ Since advertising prices vary according to the timeframes, larger parties were able to receive more primetime than smaller parties.

Most smaller political parties met by the ODIHR EAM described a lack of primetime coverage across all TV outlets, limiting their outreach to potential voters.

The NCRTV monitors the compliance of TV and radio broadcasters with legal obligations and supervises the allocation of airtime. Nevertheless, in practice the body does not conduct comprehensive media monitoring, but only randomly audits statistical data provided by the media outlets, which does not allow for oversight of the allocation of contestants' airtime. According to the NCRTV, any results of media monitoring during the campaign period will only be published as part of its annual political plurality report, and will not specify findings related to electoral coverage.⁵⁷

The TV, radio and print media covered the campaign extensively. Contestants received daily coverage in both public and private media through a variety of formats, including interviews, panels and promotional messages. Notwithstanding the short campaign period, the media provided citizens with access to a variety of political views and programmes.

The NCRTV informed the ODIHR EAM that it received complaints on alleged discriminatory speech in the campaign messages of Greek Solution and Golden Dawn, which aired respectively on *Antenna TV* and *Alpha TV*.⁵⁸ Golden Dawn also filed a complaint with the NCRTV regarding TV outlets not airing its programme. By the time of ODIHR EAM departure, the NCRTV had not yet taken a decision on this issue. In 2016, the CERD urged the government to ensure the implementation and reinforcement of the NCRTV mandate, with a view to prohibiting the broadcast of racist, xenophobic or intolerant statements, and to apply appropriate sanctions.⁵⁹

Some online news media⁶⁰ breached the silence period on election day by publishing exit poll results and comments related to political trends.⁶¹ The OSCE RFoM has previously recommended self-regulation as a possible solution to increase online media responsibility.⁶²

XI. COMPLAINTS AND APPEALS

The Electoral Code and other laws provide legal remedies for infringements of electoral rights. Voters and political party representatives are entitled to object to the inclusion or non-inclusion of individuals in voter lists. Such complaints are made to the mayor of the respective municipality, who issues comments and transfers the case to the basic court of first instance for a final decision. Candidates may request the court of first instance to correct its proclamation of candidates in the constituency. The eligibility of an elected candidate may be challenged by an unelected candidate or any voter in the same constituency within 15 days after the elections.

⁵⁷ According to the NCRTV, the report does not present specific findings on election coverage.

⁵⁸ The content included the wording "illegal invaders" to refer to refugees and immigrants. According to the NCRTV, *Antenna TV* was to be invited by the media body regulator to a hearing regarding the broadcast. The Golden Dawn's message on *Alpha TV* was regarded as non-discriminatory by the NCRTV.

⁵⁹ Discriminatory-based public incitement or hatred disseminated orally, through the press or Internet is criminalized in Greece. See paragraph 17 of the 2016 CERD Concluding Observations. See also Articles 1 and 3 of the [Additional Protocol to the Council of Europe Convention on Cybercrime](#).

⁶⁰ *Newsbomb*, *Newsit*, *Iefimerida* and *Aftodioikisi*.

⁶¹ Opinion polls and views on political trends and related comments should not be broadcast the day before elections until closing of the polls. Offenders are subject to imprisonment and a fine.

⁶² See page 75 of the 2013 OSCE RFoM's [Online Media Self-Regulation Guidebook](#): "The digitalization process has greatly increased the amount of media content available and makes legal supervision of the media more and more complicated. In that context, media self-regulation appears to be a solution to increase online media accountability while offering more flexibility than state media regulation".

On election day, complaints about any irregularities in the voting or counting processes are made to the PSC chairperson, who must resolve them with a written decision. Unsuccessful candidates may request re-counts of ballots by the respective first instance courts within five days from the publication of official constituency results. The validity of election results may be challenged by unelected candidates to the Special Supreme Court.⁶³

The Electoral Code provides sanctions for electoral offences, including violence against voters, buying and selling votes, impersonation of voters, destruction of ballot boxes and disruption of elections. These sanctions range from fines and deprivation of official positions to imprisonment and may be applied regardless of whether the election result was validated or annulled.

With the exception of objections to voter lists, which must be adjudicated by the first instance courts within one month, there are no special deadlines for resolving election-related appeals by courts. A number of interlocutors informed the ODIHR EAM that court proceedings were known to be slow.⁶⁴ ODIHR EAM interlocutors generally expressed confidence in the independence of the judiciary and electoral dispute resolution. Notwithstanding, the lack of timely resolution undermines the effectiveness of available legal remedies in the electoral context, at odds with OSCE commitments.⁶⁵

To ensure access to effective legal remedy, timely deadlines should be established for any election-related appeals.

On election day, complaints were voiced in the media by Greek Solution that their ballots were not provided to voters in several polling stations, but no official complaints were filed. The police launched an investigation into an election day attack on a polling station in Athens by demonstrators who removed a ballot box.⁶⁶ Following the elections, several challenges were submitted by New Democracy against elected candidates of the KKE and Greek Solution. Although Golden Dawn publicly announced that it was planning to challenge election results and would request first instance courts to re-count ballots in all constituencies, no such request was put forward. Challenges to election results in seven constituencies were submitted to the Special Supreme Court by candidates who did not obtain mandates in these constituencies. Initial court hearings of all challenges were expected in early 2020.

XII. CITIZEN AND INTERNATIONAL OBSERVATION

The Electoral Code does not provide for citizen or international observers. Nevertheless, the ODIHR EAM was accredited and the MoI issued a circular instructing PSC chairpersons to grant ODIHR EAM observers access to polling stations. The ODIHR EAM was not granted access to observe the meetings of the inter-party committee and, in one case, was not permitted to observe the counting process at a

⁶³ The Special Supreme Court comprises 11 members who are presidents and judges of the highest general and administrative courts.

⁶⁴ The appeal by the Athens municipal council against the decision of the regional administration with respect to non-allocation of campaign space to a political party ahead of the European Parliament and local elections in April 2019 remained pending at the administrative court at the time of the ODIHR EAM. According to a 2018 [report](#) of the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ), Greece had one of the highest disposition times for administrative cases among the 45 member states that participated in the study.

⁶⁵ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Section II.3.3.g. of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends that "[t]ime-limits for lodging and deciding appeals must be short (three to five days for each at first instance)".

⁶⁶ In one polling station in the area of Exarcheia in Athens, counting was disrupted after a polling station was attacked and ballots destroyed. The by-election took place on 14 July, as regulated in the Electoral Code.

polling station, as the MoI circular only referred to voting. The lack of guarantees for citizen and international observation of all stages of the electoral process is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.⁶⁷

The law should be amended to allow for citizen and international observation, in line with OSCE commitments.

XIII. ELECTION DAY

In line with ODIHR methodology for EAMs, the mission did not observe election day proceedings in a systematic and comprehensive manner. Mission members visited a limited number of polling stations on election day in the Attika region, namely in the municipalities of Acharnes, Athens, Chaidari, Kifissia, Madras and Thiva.

The voting process in visited polling stations was orderly and procedures were largely followed. Women were well represented in the committees observed by the ODIHR EAM, both as chairpersons and secretaries. However, in all cases, committees were incomplete and tasks were conducted mainly by the chairperson and secretary. The absence of other PSC members did not appear to impact the overall conduct of the process, though some ODIHR EAM interlocutors noted that the absence of personnel could pose challenges in stations with higher turnout. The majority of visited polling stations were located on the upper floors of buildings, potentially compromising access for persons with limited mobility.

The law regulates that party agents from a maximum of three parties can be present in each polling station to monitor polling and counting operations. In cases where more than three parties accredited agents to the same polling station, a lottery was organized by the PSC, which challenges international commitments.⁶⁸ Party agents, mainly from New Democracy and SYRIZA, were present in all visited polling stations. The display of campaign materials both in and around some polling centres contravened the electoral silence provisions.

Counting of votes as observed by the ODIHR EAM was conducted in a transparent manner and procedures were followed. In some cases, votes were considered invalid regardless of the clear intent of the voter, with presiding officers abiding by the regulations of the Electoral Code and disqualifying ballot papers with marks other than a cross.⁶⁹

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

Results were transmitted electronically as well as by municipal clerks who physically collected results protocols from polling stations for further transmission to the regions and to the MoI, where they were aggregated and published. Results from up to 85 per cent of all polling stations were available shortly after closing. Preliminary results were available at the MoI website disaggregated at the municipal level. The Electoral Code does not require that precinct level results be published, nor that protocols be

⁶⁷ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

⁶⁸ See paragraph 20 of the 1996 UN CCPR [General Comment No. 25](#): “The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents”.

⁶⁹ Section I.3.2.2.4 of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters advises that “in case of doubt, an attempt should be made to ascertain the voter’s intention”.

distributed to party agents or posted at polling stations, and no such disaggregated results were published, detracting from transparency.⁷⁰

To enhance transparency, election results should be made public at the polling station level.

The tabulation of results at the constituency level started the day after the elections and was conducted by first instance judges, upon receipt of the official results protocols. Tabulation sessions were closed to party representatives and observers. At the end of the tabulation, constituency-based results, including preferential votes for candidates, were displayed at the basic courts. On 8 July, the president appointed New Democracy leader, Kyriakos Mitsotakis, as prime minister, while the official aggregation of results was still ongoing. Final results were published on 15 July.

XIV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Greece and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed. ODIHR stands ready to assist the authorities of Greece to further improve the electoral process and to address the recommendations contained in this and previous reports.⁷¹

A. PRIORITY RECOMMENDATIONS

1. Consideration should be given to revising the legal deadlines for early elections, in particular to allow more time for the printing and distribution of ballots.
2. The authorities should undertake efforts, in consultation with disabled persons' organizations, to facilitate the autonomous participation of all voters. Additional efforts should be undertaken and legal amendments introduced to ensure that polling station premises and layout can be independently accessed by voters with disabilities, and voters can select assistance providers of their choice.
3. The authorities should introduce effective mechanisms to counter instances of intolerant rhetoric, including xenophobic and inflammatory language which constitutes incitement to hatred and violence.
4. The Audit Committee should be equipped with adequate resources to monitor compliance with campaign finance regulations. The Audit Committee should publish information of public interest in a timely manner, to enhance the transparency of its work.

⁷⁰ Paragraph 7.4 of the 1990 OSCE Copenhagen Document obliges participating States to ensure that votes "are counted and reported honestly with the official results made public".

⁷¹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR EAM as follows: recommendations 9, 15 and 18 from the [final ODIHR report on the 2012 parliamentary elections](#) are fully implemented; recommendations 13, 16 and 20 are mostly implemented; recommendations 1, 3, 8, 10 and 17 are partially implemented.

B. OTHER RECOMMENDATIONS

Legal framework

5. The law should be amended to remove restrictions on voting rights on the basis of intellectual or psychosocial disability.

Election administration

6. Disaggregated data on gender representation in the election administration should be published in a comprehensive manner.
7. Consideration could be given to opening participation in the inter-party committee to all electoral contestants, to ensure transparency and a level playing field.
8. Consideration should be given to additional measures to ensure that ballot papers be made available to voters under equal conditions for all contestants.

Candidate registration

9. Regulations on candidate registration should provide sufficient time for stakeholders to prepare and review nominations, as well as to file and resolve any related complaints prior to election day.
10. The effectiveness of existing measures to promote women's participation as candidates should be reviewed and additional measures considered. Any such mechanisms should be consistently enforced, and the law should contain effective sanctions for non-compliance.

Election Campaign

11. Consideration should be given to facilitating incentives to increase the inclusion and visibility of women in party structures, including the introduction of annual subsidies to fund women's wings of political parties.

Campaign Finance

12. To enhance transparency and accountability, consideration should be given to extending campaign finance regulations, including reporting requirements, to third parties.
13. The legislation should be more explicit with respect to permissible limits and terms of loans for political parties. In particular, loans provided on advantageous terms or which are written-off should be regulated as donations.
14. To enhance transparency, all campaign finance reports should be made public in a timely manner. Consideration could be given to introducing interim reporting requirements on campaign finance before election day. Political parties could consider disclosing donations above a certain limit, new loans, and campaign expenditures on their own websites during the electoral period.

Media

15. To comply with international standards, criminal provisions for defamation and libel should be repealed in favor of civil remedies designed to restore the reputation harmed.

Complaints and appeals

16. To ensure access to effective legal remedy, timely deadlines should be established for any election-related appeals.

Citizen and international observation

17. The law should be amended to allow for citizen and international observation, in line with OSCE commitments.

Election day

18. The law could be amended to provide for the validity of the vote in all cases where the intention of the voter is clear and unambiguous.
19. To enhance transparency, election results should be made public at the polling station level.

ANNEX I – FINAL RESULTS

Data ⁷²	Amount	Percentage
Total number of registered voters	9,962,261	
Total number of votes cast (turnout)	5,769,542	57.91
Total number of valid votes	5,649,370	97.92
Total number of invalid votes	120,172	2.08

Distribution of valid votes to the political parties and independent candidates and allocation of seats:

Contestant	Votes received	Percentage	Number of seats
New Democracy	2,251,426	39.85	158
SYRIZA	1,781,180	31.53	86
Movement for Change KINAL	457,527	8.10	22
Communist Party of Greece	299,595	5.30	15
Greek Solution	208,806	3.70	10
MeRA25	194,233	3.44	9
Popular League - Golden Dawn	165,711	2.93	-
Course of Freedom	82,673	1.46	-
Union of Centrists	70,161	1.24	-
Recreate Greece	41,647	0.74	-
United Pallaic Front - Agricultural Farmers Party	28,269	0.50	-
Antarsya – The Front of the Greek Anticapitalist Left	23,191	0.41	-
Popular Unity	15,930	0.28	-
Greek Assembly	14,173	0.25	-
Communist Party of Greece (Marxist-Leninist)	7,778	0.14	-
Marxist-Leninist Communist Party of Greece	2,791	0.05	-
Workers' Revolutionary Party – Trotskyist	1,993	0.04	-
Organisation of Internationalist Communists of Greece	1,675	0.03	-
Independent Candidates (six)	472	-	-
SYN...FONIA	96	-	-
Greek Ecologists	-	-	-
TOTAL	5,769,542	100	300

⁷² According to the [Ministry of Interior](#).

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is 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.

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 150 staff.

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 obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the 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. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

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 people, 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**, 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. 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.

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).