# THE STATE OF LIBERAL DEMOCRACY IN GREECE:

## Is Liberalism under retreat?

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# Executive summary

This policy paper embarks on a thorough examination of the state of Liberal Democracy in Greece, employing the Liberal Democracy Index (LDI) as its primary analytical tool. Following a brief theoretical and methodological overview, the analysis underscores the challenges facing liberal democracy at regional and international levels, with a particular focus on the Greek institutional framework. Notably, Greece's rank at 24th among the 27 EU member states in the Liberal Democracy Index signals significant shortcomings.

The analysis of the Liberal Democracy Index reveals critical vulnerabilities within Greek liberal and democratic institutions, including ineffective checks and balances systems that fail to adequately separate powers, and the government's inconsistent adherence to significant court decisions. Additionally, the limited parliamentary oversight capacity of opposition parties and the low likelihood of legislative bodies initiating investigations into potentially unconstitutional or unethical executive behavior are notable institutional weaknesses.

Drawing from insights gleaned from the Liberal Democracy Index, the paper concludes with targeted policy recommendations aimed at addressing institutional challenges and fortifying the liberal component of Greece's democratic regime. Key suggestions include establishing a Constitutional Court to safeguard constitutional principles, enhancing the autonomy of independent authorities to curb executive overreach and ensure governance accountability, and reforming the appointment process for supreme court judges to bolster judicial independence.

This policy paper aims to furnish policymakers and stakeholders with a roadmap to navigate the complexities of democratic governance, stressing the necessity of proactive interventions to preserve and strengthen Greece's democratic institutions.

# Introduction: What is liberal democracy and why it is important?

Liberal democracy is a system of institutions and rules of governance based on two main pillars, the democratic and the liberal. The democratic pillar is based on the principle that decisions are made collectively and the best way to decide collectively is the democratic pillar: the majority wins. When there is disagreement, and in a democracy, there is always disagreement, the decision of the majority ensures legitimacy, and at the same time, the democratic decision-making process is the most compatible with freedom. The liberal pillar is based on the principle of protecting a hard core of individual rights from majority decisions, which are constitutionally protected. The majority, even though the legitimacy guaranteed by the democratic principle, cannot interfere in matters concerning these individual rights.[1]

At the level of institutional architecture, the balance between the democratic and liberal principles is achieved through clear procedural functions (open and transparent elections) and so-called institutional checks and balances. Institutional checks and balances are based on the principle of separation of functions and "aim at mutual control of state institutions so that political power is exercised with moderation and respect for citizens' rights".[2]

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1    Hatzis, A. N. (2014). Rule of Law, Individual Rights and the Free Market in the Liberal Tradition: The Case of Greece. In R. Meinardus (Ed.), *Bridging the Gap: An Arab-European Dialogue on the Basics of Liberalism* (pp. 27-43). Cairo: Friedrich Naumann Foundation for Liberty.

2    Tasopoulos I. (2007). *Τα θεσμικά αντίβαρα της εξουσίας και η αναθεώρηση του Συντάγματος [The institutional checks and balances of power and the revision of the Constitution]*. Sakkoula A.E.

# Methodological approaches to measuring (liberal) democracy

In academic and grey literature there are quite a few quantitative indicators which are trying to measure democracy or similar concepts of institutional political freedom. Herre (2022) in *Our World in Data*,[3] analyses some of the most prominent approaches of measuring modern democracy and its basic components. The measurement of democracy globally is essential for understanding the extent to which individuals possess political rights and freedoms. However, determining the level of democracy in a country poses numerous challenges due to differing interpretations of democratic characteristics and the subjectivity of expert judgment. Researchers address these challenges through various approaches, offering data from eight prominent methods. These methods, such as Varieties of Democracy, Regimes of the World, and Lexical Index, differ in their definitions of democracy, scoring systems, coverage of countries and years, and assessment methodologies.

While some approaches focus on specific characteristics of democracy, such as electoral or liberal democracy, others adopt a broader perspective, encompassing participatory and deliberative aspects. They also differ in how they score democracy, ranging from spectrum-based evaluations to binary classifications. Despite these differences, most approaches aim to capture both big and small differences in democracy across countries and time periods. To ensure the validity, precision, comparability, and transparency of their assessments, these approaches employ various strategies. These include using expert evaluations, discussing differences among coders, and providing detailed documentation of their measurement procedures. By making their data accessible and transparent, these approaches facilitate informed analysis and understanding of democracy worldwide.

Table 1 summarizes the basic characteristics of different approaches to measuring (Liberal) Democracy.

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3     Bastian Herre (2022) - "Democracy data: how sources differ and when to use which one" Published online at OurWorldInData.org. Retrieved from: 'https://ourworldindata.org/democracies-measurement' [Online Resource].

**Table 1. Basic characteristics of different approaches to measuring (Liberal) Democracy**

| Indicator | How is democracy characterized? | What years and countries are covered? | How are democracy's characteristics assessed? | How do approaches work to make assessments valid? | How do approaches work to make assessments precise? | How do approaches work to make assessments comparable? | How are remaining differences dealt with? | How do approaches work to make data accessible and transparent? |
|---|---|---|---|---|---|---|---|---|
| **Varieties of Democracy** | Narrow and broader: electoral, liberal, participatory, deliberative, or egalitarian democracy | Since 1789, 202 countries, also non-independent | Mostly through evaluations by experts, some easy-to-observe characteristics assessed by own researchers Then weighting, adding, and multiplying scores for (sub-) characteristics | Experts (often nationals or residents) know country and characteristics well; own researchers know measurement procedures well | Several experts per country, year, and characteristic used (usually 5 or more since 1900, often 25 per country) | Experts answer very specific questions about sub-characteristics on completely explained scale Experts also code hypothetical countries and many code several countries, denote own uncertainty and personal demographic information Project investigated expert biases and found them to be limited | Measurement model uses main and additional information and provides estimates of remaining measurement uncertainty | Provides data for sub-indices and several hundred specific questions by country-year, country-date, and coder Detailed questions and coding procedures are available and easy to access Justifies democracy characteristics and their combination in detail |
| **Regimes of the World** | Narrow: electoral or liberal democracy | Since 1789, 202 countries, also non-independent | Mostly through evaluations by experts, some easy-to-observe characteristics assessed by own researchers Then evaluating whether necessary characteristics are (not) present. Then weighting, adding, and multiplying scores for a few characteristics | Experts (often nationals or residents) know country and characteristics well; own researchers know measurement procedures well | Several experts per country, year, and characteristic used (usually 5 or more since 1900, often 25 per country) | Experts answer very specific questions about sub-characteristics on completely explained scale Experts also code hypothetical examples and many code several countries, denote own uncertainty and personal attributes Project investigated expert biases and found them to be limited | Measurement model uses main and additional information and provides estimates of remaining measurement uncertainty | Provides data for sub-indices and several hundred specific questions by country-year, country-date, and coder Detailed questions and coding procedures are available and easy to access Justifies democracy characteristics and their combination |
| **Lexical Index** | Narrow: electoral (or liberal) democracy | Since 1789, 242 countries, also non-independent and microstates | Mostly with easy-to-observe characteristics, few evaluations by own researchers based on academic research Then evaluating whether necessary characteristics are present or not | Own researchers know measurement procedures well | Characteristics easy to understand and observe; subjective evaluation therefore mostly unnecessary | Researchers answer specific questions about characteristics on explained scale Same researcher assesses all countries and years | One primary coder, so no differences between coders to be reconciled. Second researcher for some countries reproduced most assessments | Provides disaggregated data for specific questions by country-year Questions and coding procedures are available and easy to access Justifies in detail democracy characteristics and their combination |
| **Boix-Miller-Rosato** | Narrow: electoral democracy | Since 1800, 218 countries, also microstates | Mostly with easy-to-observe characteristics, few evaluations by own researchers based on academic literature Then evaluating whether necessary characteristics are present or not | Own researchers know measurement procedures well | Characteristics easy to understand and observe; subjective evaluation therefore mostly unnecessary | Same researcher assesses all countries and years | One primary coder, so no differences between coders to be reconciled. For recent years discussions among researchers reconcile different standards across coders, countries, and years | Provides data by country-year Questions and coding procedures are available and easy to access Justifies democracy characteristics and their combination |

| Indicator | How is democracy characterized? | What years and countries are covered? | How are democracy's characteristics assessed? | How do approaches work to make assessments valid? | How do approaches work to make assessments precise? | How do approaches work to make assessments comparable? | How are remaining differences dealt with? | How do approaches work to make data accessible and transparent? |
|---|---|---|---|---|---|---|---|---|
| **Polity** | Narrow: electoral and liberal democracy | Years 1800 – 2018, 192 countries | Mostly through evaluations by own researchers based on academic literature and news reports Then weighting and adding scores for characteristics | Own researchers know measurement well | Several researchers used | Experts answer specific questions about characteristics on completely explained scale | Discussions among researchers reconcile different standards across coders, countries, and years. Separate researcher teams for some countries and years reproduced most assessments | Provides disaggregated data for sub-indices and specific questions by country-year Detailed questions and coding procedures are available and easy to access Explains scores with country reports |
| **Freedom House** | Narrow: electoral or liberal democracy | Since 1972, 229 countries and territories, also micro entities | Mostly through evaluations by country and regional experts and own researchers based on different types of sources Free countries: then adding scores for (sub-)characteristics Electoral democracies: then adding scores and evaluating whether necessary characteristics are present or not | Experts know country or region well; own researchers know measurement well | More than 100 experts and researchers used in total; Experts and researchers rely on academic research, news and NGO reports, personal conversations, and on-the-ground research | Experts answer questions about characteristics separately | Discussions among experts and researchers reconcile different standards across coders, countries, and years | Provides recent disaggregated data for sub-indices and specific questions by country-year Questions and coding procedures are available and easy to access Justifies democracy characteristics. Explains scores with country reports |
| **Bertelsmann Transformation Index** | Broad: electoral, liberal, participatory, deliberative, and effective democracy | Since 2005, 138 countries and territories, no consolidated democracies | Mostly through evaluations by country, regional, and general experts, some evaluations by representative surveys of regular citizens Spectrum: then averaging of scores for (sub-) characteristics | Experts (about half of them local) know country well, regular citizens know their own experiences well | Two experts per country and year used | Experts answer specific questions about sub-characteristics on explained scale | Discussions among regional and general experts and own researchers reconcile different standards across coders, countries, and years | Provides disaggregated data for sub-indices and specific questions by country-year. Detailed questions and coding procedures are available and easy to access Justifies democracy characteristics and their combination. Explains scores with country reports |
| **Economist Intelligence Unit** | Broad: electoral, liberal, participatory, deliberative, and effective democracy | Since 2006, 167 countries | Mostly through evaluations by own country experts, some evaluations by representative surveys of regular citizens Then averaging and minor weighting of scores for (sub-) characteristics | Experts know country or region well; regular citizens know their own experiences well | One or two experts per country and year used | Experts answer specific questions about sub-characteristics on completely explained scale | Discussions among experts and researchers reconcile different standards across coders, countries, and years | Provides disaggregated data for sub-indices by country-year. Questions and coding procedures are available. Justifies democracy characteristics |

Source: Herre (2022) "Democracy data: how sources differ and when to use which one" Published online at OurWorldInData.org.

When it comes to which indicator to use in analysis, Herre suggests that for nuanced analysis of democracy's historical evolution, Varieties of Democracy data suits best, relying on country experts for measurement. For broader regime differences over two centuries, Regimes of the World is optimal. Lexical Index is ideal for exploring medium regime differences, while Boix-Miller-Rosato data is best for major regime disparities. Polity offers a traditional yet less precise option. Freedom House prioritizes political and civil freedoms. For a comprehensive view covering electoral, liberal, participatory, deliberative, and effective dimensions, Bertelsmann Transformation Index is recommended. The Economist Intelligence Unit offers a broad understanding of democracy across diverse contexts.

Despite certain methodological challenges on measuring qualitative concepts and the biases occurring by experts' judgements, the V-Dem Liberal Democracy Index (LDI) measure concentrates several advantages over the rest indicators. Besides the fact that LDI is the most historically complete database, it is the most used metric of liberal democracy in the academic literature, with over 150 publications in peer-reviewed academic journals from 2011 to date.[4]

# Conceptualizing liberal democracy in a composite indicator: the Liberal Democracy Index (LDI) by V-Dem

The conceptual framework of liberal democracy that has been briefly presented has also been attempted to be analyzed in a quantitative dimension. The Varieties of Democracy (V-Dem)[5] project attempts to measure quantitatively the different kinds of democratic organization of political systems.  The methodological framework distinguishes between multiple different aspects of democracy: electoral, liberal, majoritarian, consensual, participatory, deliberative and egalitarian.[6]

The data comes from two main sources: a) observable data (official statistics) and expert coded data, mainly a panel of experts who score the 500 indicators for all countries. Expert-coded data is valuable but comes with challenges. In any research project involving intricate question design and multilingual translations, errors are an inherent challenge. Variations in judgment among experts and across cases can lead to inconsistencies. These errors may arise from diverse sources such as linguistic misunderstandings, contextual misinterpretations, factual inaccuracies, or issues with data handling. While some errors may only affect the precision of estimates without compromising their overall validity, others could introduce systematic bias, thereby necessitating methodological tools for correction and reliability assessment. To address the above challenges, V-Dem uses a measurement model to aggregate data, considering uncertainty and biases.[7] This approach enables a more nuanced understanding of democracy by synthesizing diverse expert perspectives while addressing inherent subjectivity in expert judgments.[8]

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4    Journal Articles Peer-reviewed publications by the V-Dem Team.
     Regarding the methodological challenges of V-Dem indices, such as the  time-varying bias in expert-coded data, see Little, A. T., & Meng, A. (2024). Measuring Democratic Backsliding. *PS: Political Science & Politics, 57(2)*, 149–161. doi:10.1017/S104909652300063X and Luo, Z., & Przeworski, A. (2023). Democracy and its Vulnerabilities: Dynamics of Democratic Backsliding. *Quarterly Journal of Political Science*, 18(1), 105-130. doi:10.1561/100.00021112.
5    Varieties of Democracy (V-Dem).
6  The V-Dem dataset includes over 60 categories and 500 indicators and is evaluated by almost 4,000 experts from more than 180 countries. The Liberal Democracy Index (LDI) combines the key institutions of the electoral and liberal dimensions of democracy. Key features of this composition are open and transparent elections in a pluralistic party system, limitations on executive power by the legislature and judiciary, and the rule of law that ensures respect for civil liberties.
7    The model converts ordinal expert ratings into a continuous scale, estimating concept values while assessing expert reliability and scale perception. Through this model, V-Dem aims to capture latent concepts, such as academic freedom, which are not directly observable but manifest through experts' judgments. The iterative estimation process accounts for systematic differences in scale perception among experts coding different cases. By weighting experts' contributions based on reliability and scale perception, the model enhances the accuracy of estimating these unobserved concepts.
8  See here: «Despite their clear value, expert-coded data pose multiple problems. Rating concepts requires judgment, which varies across experts and cases; it may also vary systematically across groups of experts. We address these concerns by aggregating expert coded data with a measurement model, allowing us to account for uncertainty about estimates and potential biases. The logic of the V-Dem measurement model is that an unobserved concept exists (e.g. a certain level of academic freedom and freedom of cultural expression) but we only see imperfect manifestations of this concept in the form of the ordinal categories which experts use to code their judgments. Our model converts these manifest items (expert ratings) to a single continuous latent scale and thereby estimates values of the concept. In the process, the model algorithmically estimates both the degree to which an expert is reliable relative to other experts, as well as the degree to which their perception of the response scale differs from other experts. Similarly, we use patterns of overlapping coding – both in the form of experts who code multiple countries and experts who code hypothetical cases (anchoring vignettes) – to estimate the degree to which differences in scale perception are systematic across experts who code different sets of cases. Given the iterative nature of the estimation process, these estimates of reliability and scale perception weight an expert's contribution to the estimation of the unobserved concept».

V-Dem holds advantages in measuring democracy due to its comprehensive approach addressing inherent challenges in expert-coded data. Unlike some other indices, V-Dem employs a sophisticated measurement model that accounts for variations in expert judgment, ensuring reliability and reducing biases. Additionally, its iterative estimation process considers systematic differences in experts' scale perceptions, enhancing accuracy across diverse cases.[9] The basic structure of the Liberal Democracy Index is presented in Figure 1.

**Figure 1. The basic structure of the Liberal Democracy Index by V-Dem**



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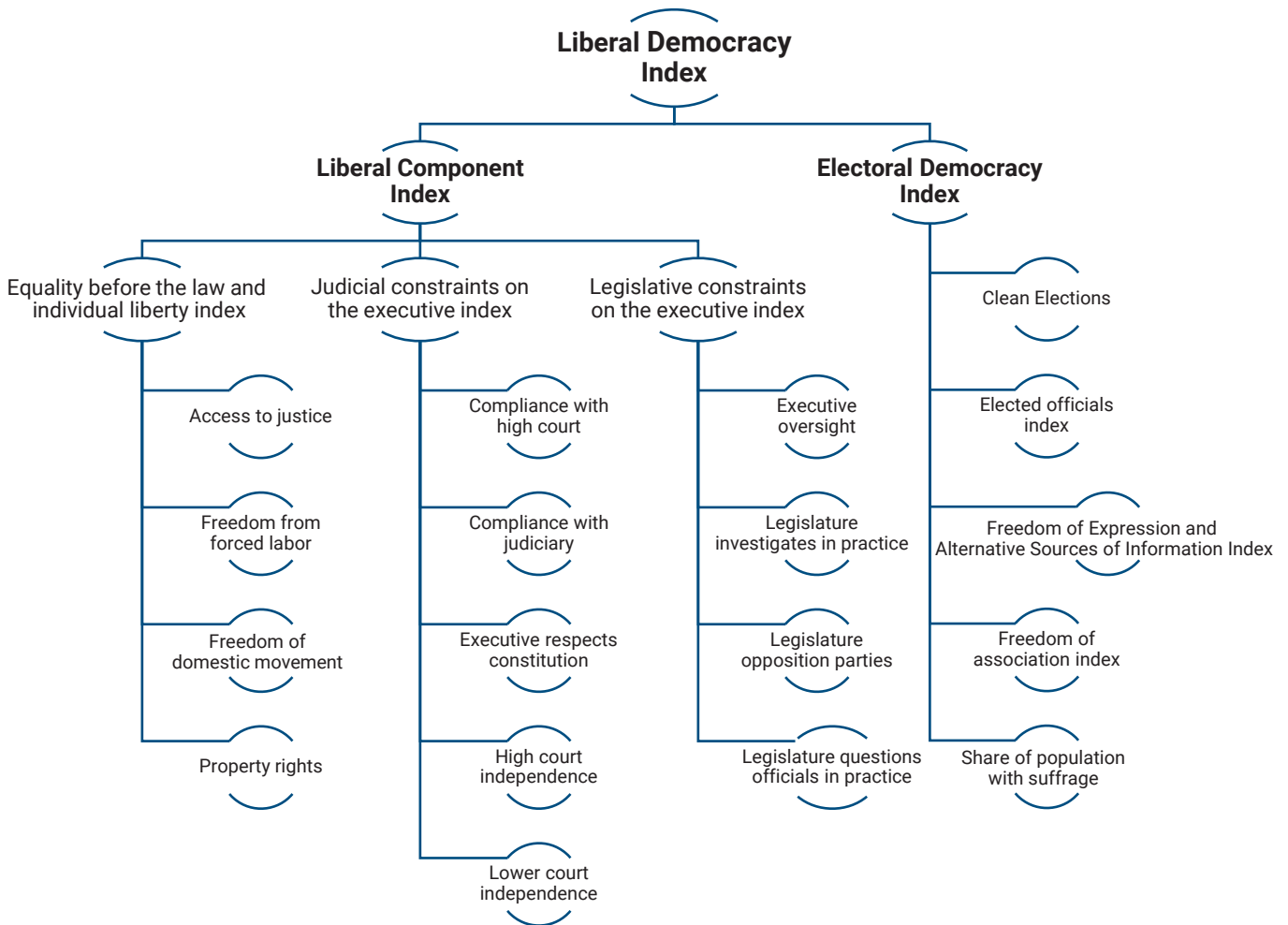
9   This approach synthesizes multiple perspectives effectively, making V-Dem a robust tool for measuring democracy with greater precision and reliability compared to other indices. According to a comparison of three primary democracy datasets: PolityIV, Freedom House, and Varieties of Democracy, the latter outperform the other two in defining and measuring democracy, as well as in the theoretical justification of aggregation procedures. While the indices generally agree on overlapping observations, differences primarily arise in coverage, disaggregate data availability, and other key areas. Caution is advised in certain cases, yet Varieties of Democracy is predominantly recommended for statistical democracy analysis. For more see Boese, V. A. (2019). How (not) to measure democracy. *International Area Studies Review*, 22(2), 95-127. https://doi.org/10.1177/2233865918815571.

# Liberal Democracy: the current trends in Greece and the European Union

In its latest report on Liberal Democracy,[10] V-Dem assesses Greece's rating for 2023 at 0.582 (with a maximum score of 1), marking its poorest performance since reaching its highest point of 0.82 in 2011 (Figure 2). Since 2022, Greece has not been classified among Liberal Democracies but rather among democracies characterized by a weak liberal foundation (Electoral Democracies). The report highlights the decline of democracy in Greece, citing, among other factors, the involvement of the Prime Minister and the National Intelligence Service in a wiretapping scandal in 2022. The European Parliament Special Committee of Inquiry (PEGA) launched probes into allegations of spyware misuse in Greece (and Cyprus),[11] implicating politicians and journalists. The European Parliament and Europol advocate for thorough investigations. Despite Greek parliamentary committee's inquiry, testimonies from key figures tied to Predator software, including Intellexa owner and CEO, are blocked, impeding progress. EP members, including
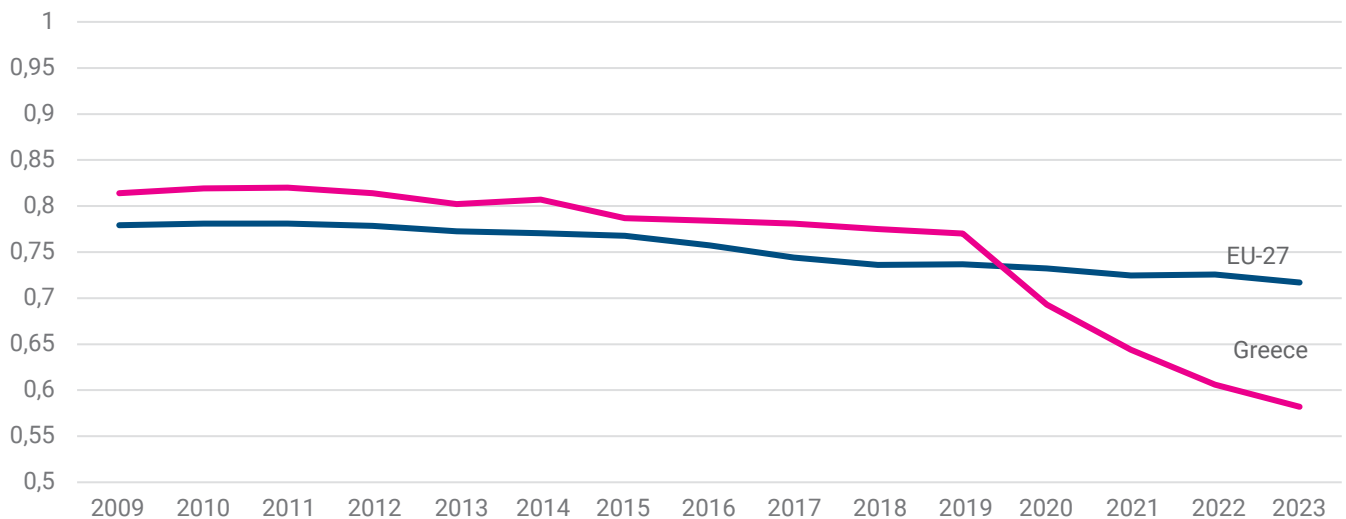


rapporteur Sophie in 't Veldt, press for accountability, backed by a coalition spanning political affiliations. Mission entails meetings with parliamentary officials, ministers, Intellexa representatives, and affected individuals to unravel the scandal's depths.

**Figure 2. Liberal Democracy Index score for Greece and EU-27.**

In the individual scores, both the Liberalism Index and the Democracy Index showed a slight decline from 2022 to 2023 (0.01 and -0.02, respectively, Figure 3). The data show volatility in the period 2013-14 and then a downward trend starting in 2015 and becoming very pronounced from 2019 until today.

The divergence of Greece from the EU average[12] in the Liberal Component Index appears to have begun in 2019, while a similar trend in the Electoral Democracy Index emerges from 2020. It is noteworthy that during the years 2020-21, both Greece and the rest of the world experienced significant impacts on key liberal and democratic indicators due to pandemic-related restrictions on rights and freedoms.

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10  Nord, M., Lundstedt, M., Altman, D., Angiolillo, F., Borella, C., Fernandes, T., Gastaldi, L., Good God, A., Natsika, N., & Lindberg, S. I. (2024). *Democracy Report 2024: Democracy Winning and Losing at the Ballot*. University of Gothenburg: V-Dem Institute.

11  Press Releases PEGA. (2023, February 24). Spyware use and privacy in Greece: discussion with national authorities.

12  We should note that the EU average is also in a declining trend, primarily due to significant setbacks in liberal and democratic principles, particularly in Hungary, Poland, and Romania, especially within the electoral pillar of democracy.

**Figure 3. Liberal Component Index and Electoral Democracy Index scores for Greece and EU-27.**



a) Liberal Component Index    b) Electoral Democracy Index
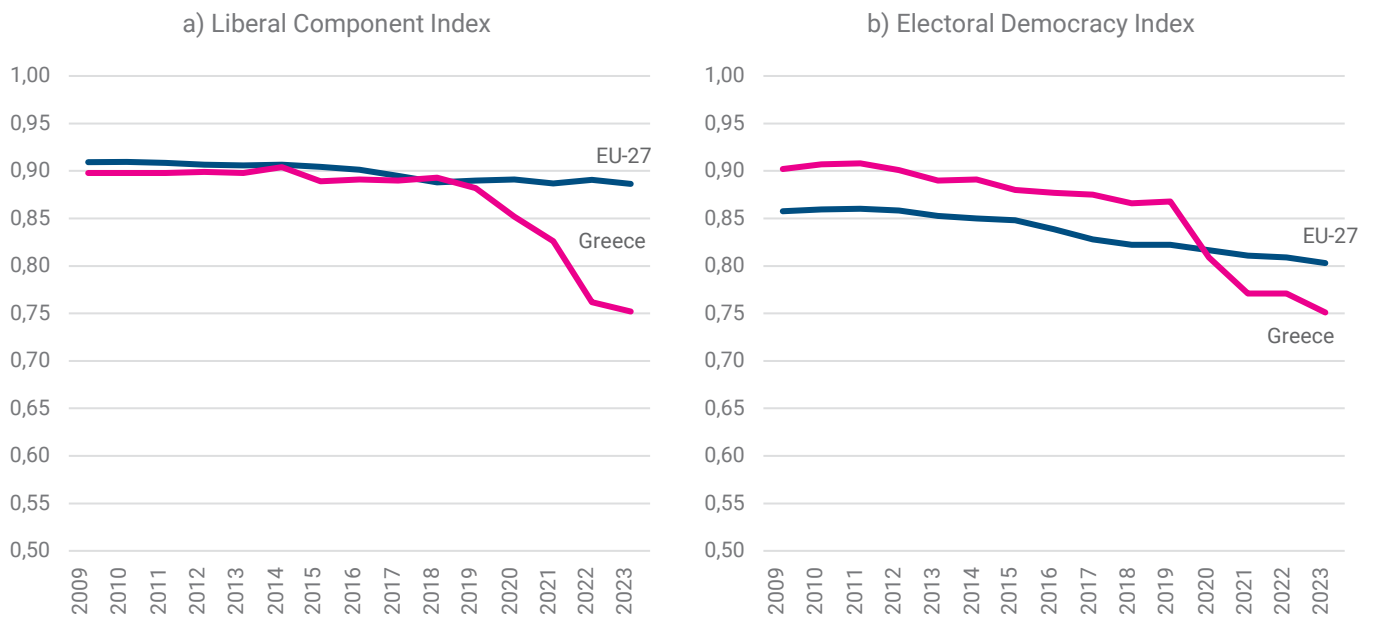
In 2023, Greece is positioned 24th among the 27 EU member states in the Liberal Democracy Index, surpassing only Romania, Poland, and Hungary. Leading the index are Denmark and Sweden. Similarly, Greece ranks 24th among the 27 EU countries in the Liberal Component Index, surpassing only Poland, Romania, and Hungary. Leading the rankings are Sweden and Denmark. Greece holds the 22nd spot among the EU countries in the Electoral Democracy Index, outperforming Croatia, Romania, Bulgaria, Poland, and Hungary. The top ranks in this index are claimed by Denmark and Ireland (Figure 4).

**Figure 4. Ranking of the 27 EU Member States in the Liberal Democracy Index, the Liberal Component Index and Electoral Democracy Index in 2023.**
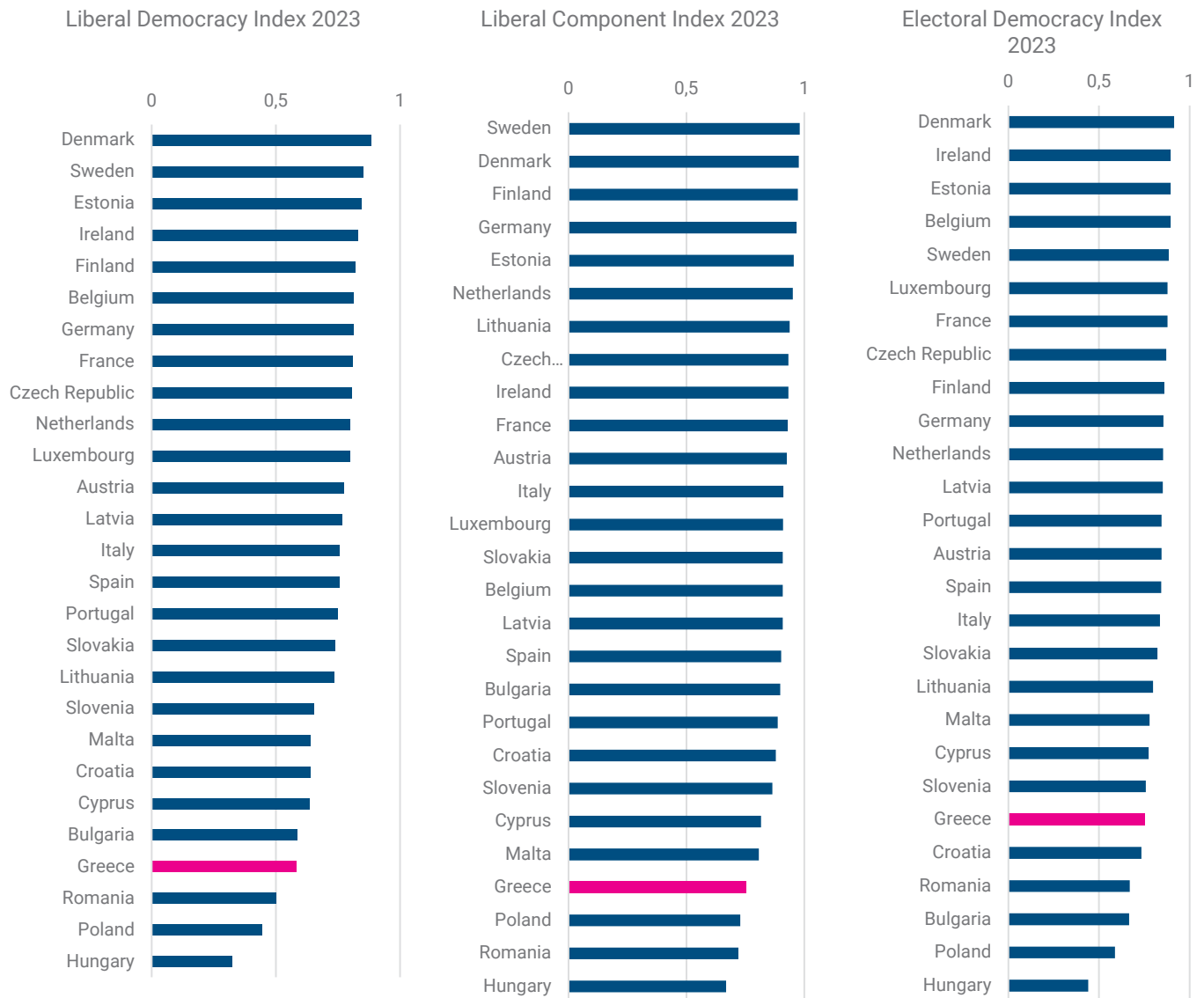
# Periods of Liberal Democratic decline in Greece: 2011-2015, 2015-2019, 2019-2023

Figure 5 demonstrates the development of Liberal Democracy Index and its two components in the years 2011-2015. This period was marked by a pronounced decline in all three indices, reflecting the acute political and economic crises Greece faced. The Liberal Democracy Index showed a notable decrease, indicating a significant contraction in liberal democratic practices. The Electoral Democracy Index also declined, suggesting challenges in the electoral process and political participation. The Liberal Component Index, which measures the protection of individual rights and the rule of law, similarly fell, pointing to a deterioration in civil liberties and the quality of governance. This period was tumultuous, with Greece grappling with severe financial instability and societal unrest, which in turn affected its democratic institutions and practices.

**Figure 5. Liberal Democracy and its components in 2011-2015 period**
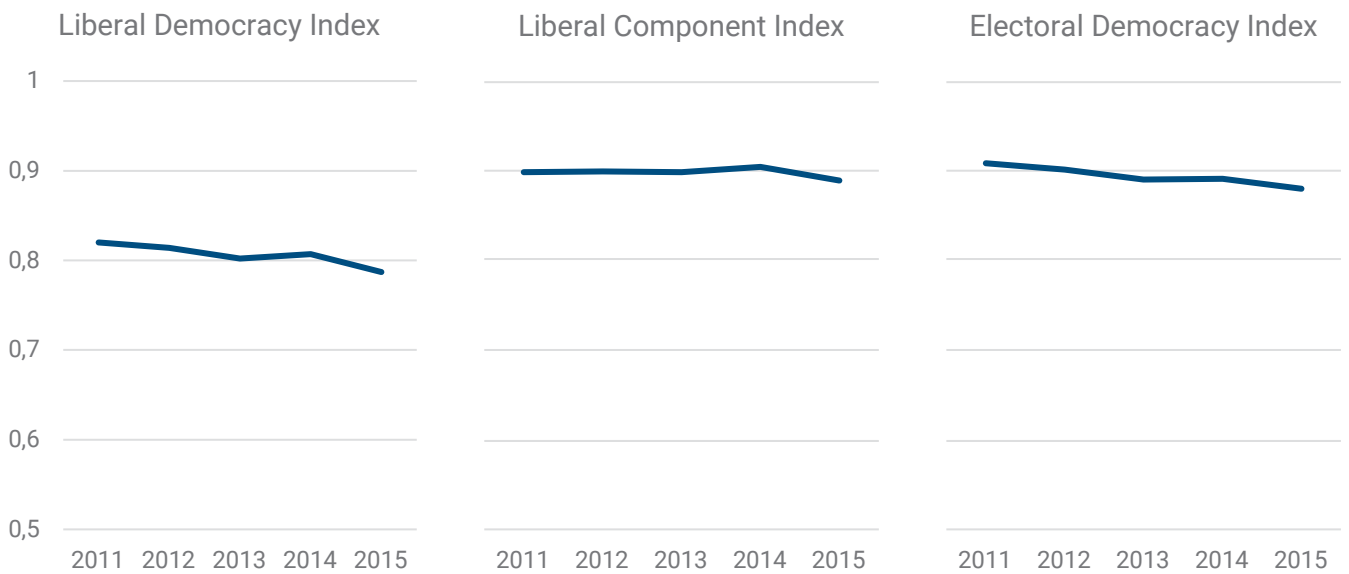


Figure 6 demonstrates the development of Liberal Democracy Index and its two components in the years 2015-2019. During this period, the indices exhibit a pattern of relative stability with a slight decline towards the end, which contrasts with the earlier period's sharp decrease. Specifically, the Liberal Democracy Index remains fairly stable at 0.78 from 2015 to 2017, with a minor decrease to 0.77 by 2019. This slight downward trend indicates a subtle erosion of liberal democratic practices rather than a steep decline, suggesting challenges but also a degree of resilience in the democratic infrastructure. The Liberal Component Index shows a very slight variation, maintaining at 0.88 in 2015, inching up to 0.89 in the subsequent years, and then reverting to 0.88 by 2019. This stability implies that despite political and economic challenges, the framework for protecting individual rights and the rule of law remained relatively intact. The Electoral Democracy Index exhibits a gradual decline from 0.88 in 2015 to 0.86 in 2019, reflecting minor challenges in electoral processes and political participation over these years.

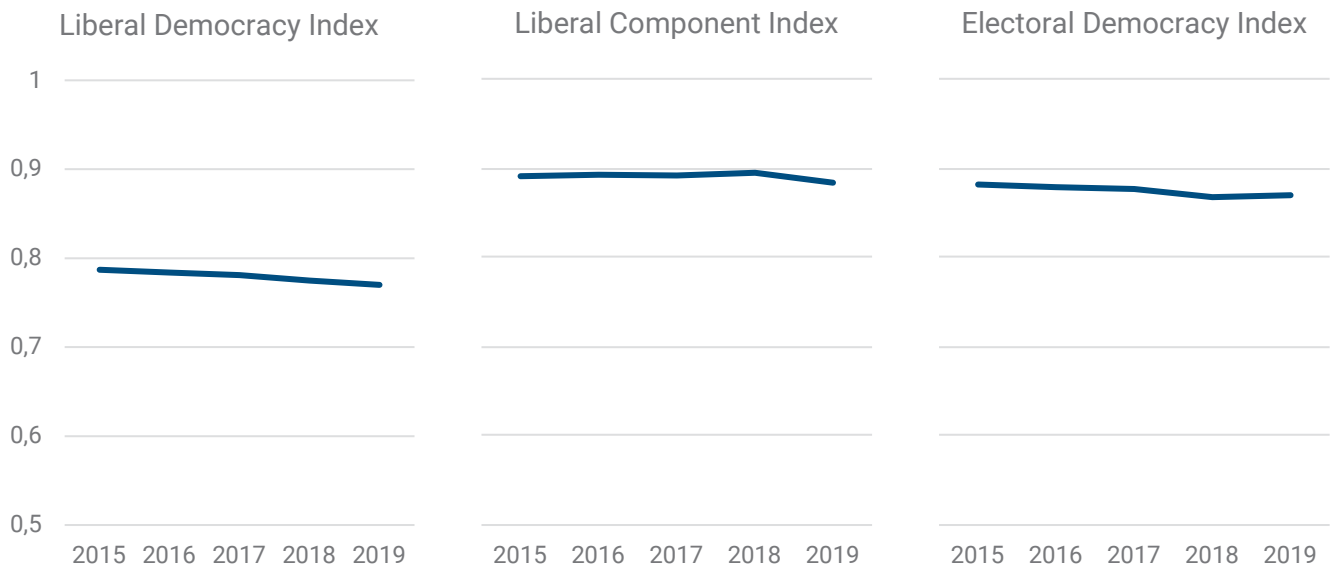**Figure 6. Liberal Democracy and its components in 2015-2019 period**



Figure 7 demonstrates the development of Liberal Democracy Index and its two components in the years 2019-2023. This period marks a significant and concerning decline across all indices, indicating a pronounced deterioration in the state of liberal democracy in Greece. The Liberal Democracy Index shows a stark downward trajectory from 0.77 in 2019 to 0.58 by 2023, highlighting a substantial weakening of democratic practices and institutions. This sharp decline is indicative of growing challenges to democratic governance, including potential issues with electoral integrity, checks and balances, and the protection of liberties and rights. The Liberal Component Index similarly reflects a notable decrease, from 0.88 in 2019 to 0.75 by 2023, suggesting a significant erosion in the protection of individual rights and the rule of law. Such a decline points to increasing constraints on civil liberties and possibly the independence of judiciary and law enforcement agencies. Lastly, the Electoral Democracy Index falls from 0.86 in 2019 to 0.75 by 2023, underscoring growing concerns regarding the fairness and integrity of elections, the political participation of citizens, and the overall health of the electoral system.

**Figure 7. Liberal Democracy and its components in 2019-2023 period**
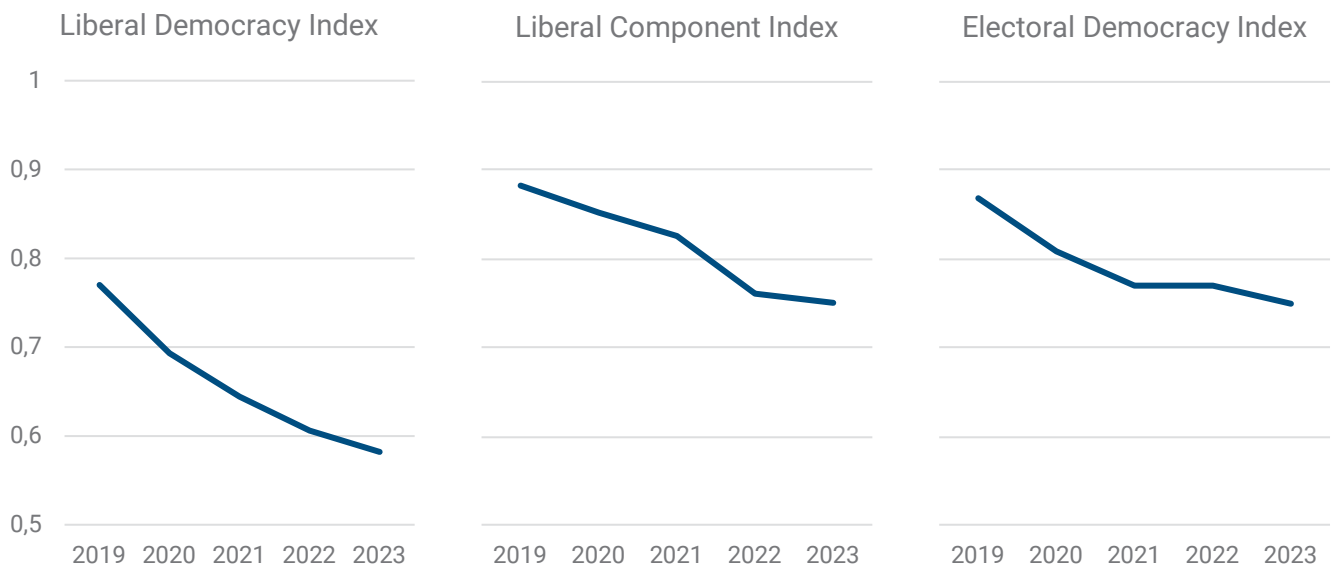


The examination of the trends in the Liberal Democracy Index, the Liberal Component Index, and the Electoral Democracy Index across the three periods – 2011-2015, 2015-2019, and 2019-2023 – reveals a complex narrative of Greece's democratic health. Initially, the period of 2011-2015 is characterized by a significant decline in all indices, reflecting the impact of the financial crisis and the resultant political and social upheaval on democratic practices and institutions. The subsequent period of 2015-2019 marks a phase slight decline, continuing to destabilizing the democratic framework, with certain erosions in the fabric of liberal democracy. However, the period of 2019-2023 signals a profound deterioration, with notable declines across all indices, underscoring a serious backslide in liberal democratic values, electoral integrity, and the protection of individual rights and rule of law. This trajectory suggests that while there was a momentary phase of stabilization (2019), underlying vulnerabilities persisted, leading to a significant downturn in democratic health by the end of the analyzed timeline.

# Major incidents that explain the significant decline 2019-2023

Since the beginning of the previous decade, Greece experienced a series of incidents that challenged its liberal and democratic institutions. Such cases, to mention a few, were the electoral rise of the neo-fascist party Golden Dawn; the closing of the public broadcast channel (ERT); the political persecution of a parliamentary elected party (Golden Dawn) by the government officials (2011-2014). Also, the 2015 referendum as a monument of institutional arbitrariness (as regards the way it is announced, the deadline, the wording of the question, etc.); the ineffective government attempt to reduce TV licenses to four bypassing the constitutionally protected Independent Authority  National Council for Radio and Television (ESR); the later (in 2023) conviction of former SYRIZA minister Nikos Pappas by Special Court, which found him guilty of dereliction of duty over the handling of a 2016 television license tender; the lawsuit filed by the President of the Supreme Court against a University professor for expressing criticism, stressing the importance of academic freedom and judicial independence in a democratic society; the lawsuits filed by the Minister of Defense Panos Kammenos, against three journalists working for the 'Fileleftheros' newspaper and against journalist Andreas Petroulakis over critical articles (2015-2018). Between 2018 and 2019 the Greek politics seem to return back to normality; nonetheless, another series of incidents have since challenged the democratic and liberal institutions. The significant decline observed during the period from 2019 to 2023 necessitates a comprehensive explanation of the external and internal factors that have driven this retreat.

First, in 2019 the national elections were conducted under the incumbent government rather than a caretaker administration, aiming to facilitate the appointment of a new leadership of the Supreme Court. The incumbent government invoked a "national issue of exceptional importance" under Article 41, paragraph 2 of the Constitution and did not proceed to a caretaker government, while the government kept voting laws in the parliament.

In 2020 in the onset of the COVID-19 pandemic, Greece, like many nations, implemented measures to contain the virus, including lockdowns, travel restrictions, and mandatory mask-wearing. While crucial for public health, these measures raised concerns about civil liberties. Albeit the vast majority of restrictions could be considered a necessity over general health, certain individual freedom was ceased. Moreover, incidents like the Nea Smyrni excess violence by the police highlighted accusations of police excesses and civil rights violations in general.

Regarding the government's "We Stay Home" campaign in 2020, there were concerns about non-transparent and selective funding distribution favoring government-friendly media over critical ones. Despite efforts, including legal actions, to obtain information, the government resisted transparency. The National Transparency Authority was called upon to prioritize public interest and compel document disclosure. This case underscores the necessity for a robust European Media Freedom Act to ensure transparency and fair distribution of state advertising among EU media outlets.

In 2021, a lot of COVID-19 pandemic restrictions remained in effect, further perishing the individual rights of citizens. In 2022 there were the wiretapping surveillance scandal, also known as Predatorgate or Greek Watergate. The scandal involved extensive monitoring of prominent figures in Greek politics, media, and government circles. Targets included PASOK president Nikos Androulakis, journalists Thanassis Koukakis and Stavros Michaloudis, government officials, and associates of Prime Minister Kyriakos Mitsotakis. This surveillance was carried out through the Greek National Intelligence Service (EYP) or Predator spyware. After the 2019 Greek legislative election, Prime Minister Mitsotakis placed EYP under his control, appointing his nephew Grigoris Dimitriadis as General Secretary and Panagiotis Kontoleon as EYP chief. Using Predator, 92 smartphones were targeted with 220 SMS messages, including specific COVID-19 vaccination appointment data obtained through EYP surveillance. Despite Mitsotakis denying involvement, in January 2023, ADAE confirmed that Minister of Labour Kostis Hatzidakis and General Konstantinos Floros had been under EYP surveillance, contradicting Mitsotakis's previous denial. After the scandal revelations, Grigoris Dimitriadis, the former General Secretary of the Prime Minister in Greece, was involved in Strategic Lawsuits Against Public Participation (SLAPP) cases, which targeted journalists and media outlets that exposed the surveillance scandal. SLAPP suits are often used to intimidate critics and hinder investigative journalism by burdening them with legal costs and threats of litigation. Dimitriadis' involvement in such lawsuits reflects broader concerns about the abuse of legal mechanisms to silence dissent and suppress press freedom. The use of SLAPP suits in this context raises questions about the protection of freedom of speech and the independence of the media in Greece.

In 2023 concerns arose regarding the investigation of wiretapping and surveillance, indicating a lack of effective checks and balances against the government. The failure of institutions to address this issue led to Opinion No. 1/2023 from the Prosecutor of the Supreme Court, which threatened members of the Independent Authority with criminal sanctions for exercising their constitutionally guaranteed powers. Additionally, the increase in government-backed membership in the Conference of Presidents of the Parliament, which appoints members of Independent Authorities, raised suspicions of undue influence. This was followed by the replacement of members of the Hellenic Parliamentary Assembly, potentially undermining the independence of decision-making bodies. Moreover, the regulation of wiretapping through ambiguous and delayed amendments further eroded legal certainty.

Also, concerning the electoral aspect of democracy, in 2023 national elections, the ban on the Kasidiaris party sparked debates regarding its constitutionality. Continuous irrelevant and outdated amendments to address this issue raised concerns about their compliance with constitutional principles and legislative norms. In addition, the dual elections of May and June 2023 highlighted the fragmentation and weakness of the opposition, which failed to coalesce into a strong main opposition party. Instead, a new asymmetrical dynamic emerged, with one dominant party and multiple smaller opposition factions. This distribution of parliamentary power raises concerns about the effectiveness of parliamentary control and oversight.[13]

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13  On the institutional challenges for the 2019 national elections held by the incumbent government see Karampatzos, A. (2019, May 28) *Conditions of severe disharmony (Συνθήκες έντονης δυσαρμονίας).* Ta Nea. Regarding the Opinion No. 1/2023 from the Prosecutor of the Supreme Court see Karampatzos, A. (2023, January 22). *Light in the shadows (Φως επί σκιών).* Vima tis Kyriakis. On the debate regarding the ban on the Kasidiaris party see two contradictory vies in Alivizatos, N. (2023, January 30). *The simplest solution for the mutated "Χ.Α." (Η πιο απλή λύση για τη μεταλλαγμένη «Χ.Α.»).* Kathimerini and Karampatzos, A. (2023, April 11) *Liberal democracy in adventures (Η φιλελεύθερη δημοκρατία σε περιπέτειες).* Ta Nea. In addition, on April 2024 Greece's Supreme Court ruled that individuals under surveillance by secret services must be informed of the reasons for breaching their privacy, a decision hailed as a victory for the rule of law. The court emphasized that withholding information from affected individuals, especially when the national security risk has passed, constitutes an unjustifiable violation of communication inviolability within the rule of law framework. The ruling stemmed from the "Greek Watergate" wiretapping scandal, which came to light in 2022, revealing secret service surveillance of politicians, journalists, and businessmen.

# Focusing on Greek irregularities in 2023: which liberal institutions need to strengthen?

Figure 8 illustrates the highest and lowest performances in the Liberal Component Index for 2023. Within the three institutional concepts comprising the Liberal component index, those assessing the Judicial and legislative constraints on the executive branch obtained the lowest scores in 2023.

**Figure 8. Best and worst performances for Greece in Liberal Component Index in 2023.**
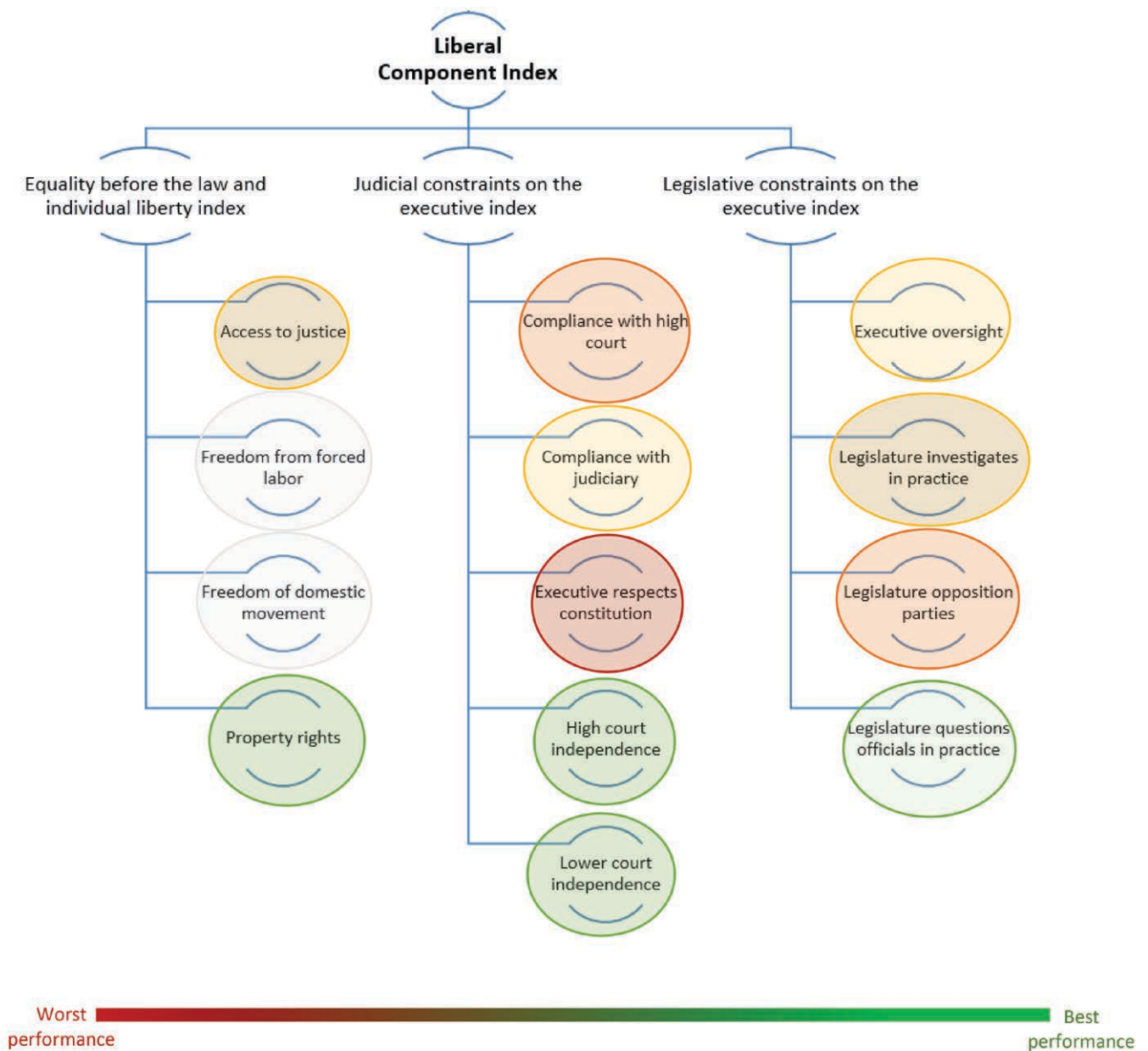
More specifically, each indicator is analyzed as follows:

- Executive respects constitution: this indicator captures the extent the members of the executive (the head of state, the head of government, and cabinet ministers) respect the constitution.

- Compliance with judiciary: this indicator captures the extent the government complies with important decisions by other courts with which it disagrees.

- Legislature opposition parties: this indicator captures the extent opposition parties (those not in the ruling party or coalition) are able to exercise oversight and investigatory functions against the wishes of the governing party or coalition.

- Legislature investigates in practice: this indicator captures the extent the executive was engaged in unconstitutional, illegal, or unethical activity, and the probability of a legislative body (perhaps a whole chamber, perhaps a committee, whether aligned with government or opposition) to conduct an investigation that would result in a decision or report that is unfavorable to the executive.

Numerous incidents, as previously outlined, corroborate the documented decline in the aforementioned indicators. Constitutional adherence has become central to public discourse amidst the COVID-19 pandemic. Particularly egregious is the trend of tardy and inconsequential amendments pushed through by the governing majority, flouting constitutional norms. Questions linger regarding the compliance with judiciary, with past instances of non-compliance raising concerns about worsening trends. Legislative oversight, hampered by the government's overwhelming parliamentary control, remains ineffectual. Opposition parties, fragmented across the left-to-center spectrum, prioritize political rivalry over scrutiny of governmental actions. The absence of robust opposition weakens governmental accountability, exacerbated by the presence of extremist parliamentary parties indifferent to liberal democratic principles in parliament.

# Conclusions remarks and policy recommendations

Liberal and democratic values, along with the rule of law in Greece, have faced significant challenges in recent years. These trends, even though the year to year changes may not reflect accurately real changes, emerged in the aftermath of the debt crisis and have deeply affected the political institutions of Greek liberal democracy. The COVID-19 pandemic has further exacerbated institutional irregularities, raising concerns about the state of the rule of law.

Although the extent of deterioration in liberal and democratic values may vary across different metrics or political perspectives, most quantitative indicators and international reports, such as those from the European Commission, signal persistent weaknesses, recent violations, and troubling developments. Liberals must remain vigilant against any expansion of state control over individual rights and liberties and the erosion of institutional safeguards.

The following nuanced policy recommendations aim to foster the liberal component of Greek democracy and strengthen the rule of law:

- Electoral laws for national elections should be amended to adopt a more proportionate basis, while still incorporating a small majority bonus. This adjustment aims to foster government coalitions and consensus-building, thereby promoting a more inclusive and collaborative political landscape. Such changes seek to mitigate political polarization and encourage cooperation among political forces, both within government and opposition parties. This reform could also strengthen the separation of powers between the executive and legislative branches, as the parliamentary majority would no longer be dominated by a single government party.

- There should be further enhancement of independent authorities to prevent executive overreach and ensure governance accountability. The establishment of more autonomous oversight bodies, as well as the institutional strengthening of existing ones, would enhance transparency and reduce the risk of abuse of power.

- Reforms to the appointment process for Supreme Court judges are necessary to enhance judicial independence and impartiality. Implementing merit-based selection criteria and transparent nomination procedures would foster the effectiveness of the judiciary.

- Implementation of judicial review mechanisms is crucial to ensure compliance with legislative standards and constitutional procedures. Introducing safeguards to scrutinize laws and amendments would promote constitutionalism and prevent the enactment of unconstitutional measures.

- Amendments to the Standing Orders of the Hellenic Parliament are needed to tighten criteria for late amendment introductions, thereby strengthening legislative integrity and procedural fairness. Enhancing procedural safeguards would improve legislative scrutiny and prevent last-minute amendments from undermining democratic principles.