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The shrinking space of solidarity

How does the Greek state govern its civil society organizations and what are the implications on civic space through the experiences of CSOs.

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Abstract

The international community has expressed severe concerns about the restriction of CSOs in Greece. While those concerns take the form of official reports and recommendations from international organizations to the Greek government to address the issue, the situation seems to remain the same. The aim of this thesis is to analyze how the Greek state governs its civil society organizations and the implications of that expressed by the CSOs. The research aims to unveil the tactics employed by the Greek government to restrict and oppress the operations of the organization on the ground. To do so, the securitization theory, in conjunction with the framing theory, provides a useful tool to initiate my research based on the speech acts by members of the government which manage to create a negative narrative of the work and motivations of CSOs. Further, I focused on additional tactics such as bureaucratic obstacles and legislation which hamper the organization's engagement in activities. My analysis is derived from data found by document analysis and semi-structured interviews to have a comprehensive understanding of the situation. Finally, the research led me to inquire into the restrictions this state of affairs caused to the civic space. I present a restriction in different domains which I analyze through the lenses of chilling effects and elaborate on how that impacts the civic space in general.

This thesis can be seen as a part of research that addresses the limitation of civic space and its consequences.

Keywords: securitization, chilling effects, framing theory, civic space, civil society organizations

Contents

Abstract.....	3
1.Introduction.....	5
2. Theory.....	6
2.1 Securitization theory.....	6
2.2 Chilling effects.....	8
2.3 Framing Theory.....	11
2.4 Application to the civic space in Greece.....	12
3. Methodology.....	13
3.1 Methods.....	13
3.2 Mapping the actors.....	13
3.3 Triangulation method.....	15
3.4 Limitations.....	16
4. Analysis : The governance of CSOs and the impacts on the civic space.....	18
4.1 (Not) A smuggling network.....	18
4.2 Speaking of a threat.....	22
4.2 Chilling effect : The implications of the securitization.....	24
4.2.1 The new legal framework.....	25
4.2.2 Trials as a means to deter participation.....	29
4.3 The freedom of expression.....	35
4.3.1 A restrict space to speak.....	35
4.3.2 Online threats and harassment.....	39
5.Conclusion.....	42
References.....	44
Appendix.....	49

1.Introduction

In recent years, Greece has witnessed a concerning trend of the restriction of CSOs in their civic space. Despite the essential role civic society organizations play in promoting social welfare, human rights and assisting those in need , they have faced increasing challenges and limitations imposed by governmental policies and legislation. Data based on CIVICUS monitor, which is a tool that provides the state of the civic space in 193 different countries, characterizes the civic state situation in Greece downgraded from “narrowed” to “obstructed” (CIVIC SPACE WATCH ,2023) .

One major issue is the burdensome regulatory framework that hampers their operational capacity and suffocates their ability to respond effectively to societal needs. The requirement for excessive documentation, lengthy bureaucratic processes, and stifling financial constraints hinders non-governmental organizations (NGOs) activities and limits their potential for impact (Expert Council on NGO Law, 2020). Moreover, there have been instances of arbitrary legal action against NGOs critical of government migration policies or tactics and advocating for marginalized communities (UN Special Rapporteur On Human Rights Defenders, 2022; Humans Rights Council,2023).

This pattern infringes upon the fundamental principles of freedom of association and expression. The exploration of these restrictions on NGOs in Greece necessitates a comprehensive understanding of the underlying political dynamics and power struggles that shape this complex landscape, as well as an urgent call for international cooperation to safeguard civic space within the country.

My main concern is to investigate the state's role in governing civil society organizations (CSOs) in Greece and understand the implications of this governance on civic space. As a result my research question is as follows:

“How does the Greek state govern its civil society organizations and what are the implications on civic space through the experiences of CSOs?”

One aspect I will explore is the context that led to these allegations. This includes examining any significant events or policies that may have influenced the state's approach towards CSOs. By understanding this background, I hope to gain insights into the motivations behind the state's actions and their impact on civil society.

Additionally, I will analyze specific practices employed by the Greek state that indicate a phenomenon of suffocating CSOs. This could involve studying legislative measures, bureaucratic hurdles, or any other mechanisms used to control or limit the activities of these organizations. Also, I conducted semi-structured interviews with key actors who experienced those changes and could provide a more comprehensive understanding of the actual impacts as well their reflections.

This dissertation could be considered as part of further research into the restriction of civic space and its consequences.

2. Theory

In this section, I present the theoretical framework that I am going to use in the analysis of this dissertation. My research question is about how the Greek state governs its civil society organizations and what are the implications on civic space through the experiences of CSOs. To understand and fully address the interaction between the Greek government and CSOs as well the implications for the civic space I will present the theoretical framework in conjunction with my research question.

The first part of my question focuses on the stance of the Greek government regarding the civil society organizations. The securitization theory, as developed from the Copenhagen School by Ole Wæver, seems to be the most relevant to start with. A part of my methodology is document analysis, such as press releases, public records, and reports. By analyzing them through the securitization theory my goal is to present the speech acts held by the government representatives and other prominent state authorities, as well the criticism from international organizations to these actions, which create, in a primary level, a hostile narrative and portray them as a threat. A range of the data I found are based on speech acts published in the media and in some cases, it is occurring the contribution of journalists in fueling this storyline. That is why I decided to combine the securitization theory with the framing theory as it seems to be an important element of how the securitization act is formulated.

Regarding the second part of my research question, about the implications of civic space through the experiences of CSOs I will use the chilling effects theory. The choice of this theory stems not only from the documents data but also from the semi-structured interviews I used as a secondary method for my dissertation. The chilling effects theory is not standing alone, as I will show the overlap between these theories, to overall answer my research question.

As I stated in my question, the field of the research is based on civic space. Both chilling effects and securitization, considered in this dissertation, as interconnected theories that have significant implications for individual rights and civil liberties. Added to these theories elements from the framing theory as a secondary theory, I will manage to obtain a comprehensive understanding of my research question.

Now, I will further elaborate on what each theory stands for and I will conclude on how they overlap within this theoretical framework.

2.1 Securitization theory

Securitization as formulated by Ole Wæver is a security theory which investigates the term security from an alternative perspective to address the question: “What really makes something a security problem?” (Wæver, 1995, 54).

A historical background of how security is perceived is necessary to understand the theory of Wæver. Even though security is employed in everyday interaction, when someone feels secured, not intimidated, it mainly perception is based on discussion on the field about national security, security policy etc. (Ibid:51). In other words, it is grounded to a specific *field of practice* (Ibid). The reconstruction of security, in these terms, means to take away the term from that restricted field and reconsider it in a border field of practice. As Wæver state it the aim is: *[...]in other words, is to be found in the field and in certain typical operations within the field (speech acts--"security"--and modalities--threat-defense sequences), not in a clearly definable objective ("security") or a specific state of affairs ("security")* (Ibid, 4).

His aim is to consider security from an alternative perspective than the classical which is mostly based on a military view (Wæver, 1995, 57). To do so, he moves away from this perspective in order to find “*potentially more useful ways of conceptualize the problems being addressed*”(Wæver 1995, 56).

According to it, security is something that has been constructed by society. As Ole Wæver aptly argues: *"There are no natural things out there that are security threats and others that aren't. It's more that we as communities, politically, choose sometimes to deal with things in a particular way. We name certain things as security problems and when we do that, something happens to that issue and our interaction around it."* (Wæver, YouTube , 2014, min: 0:45)

This constructivist approach indicates that when something is labeled as a security problem it automatically becomes a *political* issue as well, that *we* must deal with. Saying so means, it must be declared as such by the elites and power holders: *"In naming a certain development a security problem, the "state" can claim a special right"* (Wæver, 1995,54). Security in these terms is seen as a *speech act*; by utterance itself of something as a threat changes the interaction the state has with it and allows for further development in this sector (Ibid).

In other words, the theory of securitization is built, as Ole Wæver explains it, on the argument that: *"Securitization is a situation where a referent object depicts an existential threat and the securitizing actor justifies to the relevant audience the use of extraordinary measure"* (Wæver, YouTube,2014, min:3:08).

This concept of securitization, as proposed by Wæver, suggests that when something is labeled as a security threat, it transforms into an existential threat. This means that it is no longer seen as a regular problem that can be resolved through normal political processes. Instead, it requires extraordinary measures and urgent attention. For securitization to occur, there needs to be a securitizing actor who brings the issue to the forefront. His role is crucial as he frames the problem as a security concern and convincing others of its severity. However, for this securitizing actor to gain support and legitimacy, there must be something at stake - a referent object that is threatened by the identified security problem. The referent object can vary depending on the context. The point is that this referent object must hold significant value and importance (Ibid).

Further, it is of great importance to mention that, according to Wæver, securitization comes with a price. As he claimed: *“the whole argument of securitization theory is to say you pay a very high price if you want to deal with something in a security role. It is always a tradeoff, you gain something by calling something a security issue, typically you gain urgency, priority, focus, ability to act and so on, but you pay a price in terms of freezing it mentally as something given, by de-democratizing, you are saying: this is a necessity, this is something that we can't discuss, by creating a kind of us-them construction where the problem is out there and we are the solution and so on”* (Wæver, 2014, min: 7:18).

Notwithstanding, regarding my research question, Wæver's theory can present how the governance directed by the speech acts *of the states and its elite* (Wæver, 1995, 54) with great accuracy but little understanding is given regarding the implications of it. Thus, the second part of my question will be analyzed in addition with the chilling effects theory. Concretely, the important aspects of extraordinary measures and the “tradeoff” situation existing in the securitization act will be elaborated within the lenses of chilling effects.

2.2 Chilling effects

The chilling effect's role in the dissertation is of great importance as to reveal the implications of securitization. As my center of attention is the experiences of people from the first hand, the theory provides the framework to show off the obstacles generated and the restriction this practice had in CSOs. I am about to show that the existence of a restricted and limited civic space is based on the securitization and its outcomes as they will be analyzed by the chilling effects.

The notion of “chilling effects” was abolished after the Second World War but it was the US Supreme Court's interpretation of the First Amendment that played a crucial role in bringing the concept of “chilling effects” to prominence. During the 1950s and 1960s legal precedents were established that would later be recognized as the “chilling effects doctrine.” This doctrine acknowledged and addressed the potential deterrent impact of laws or state actions on free speech. It allowed the courts to view such laws with suspicion and the reason for that was a raft of anti-communist statues that started to arise during the Cold War (Penney, 2021, 1464).

The first theorist who built the foundations to unveil the chilling effects was Shauer. He was mainly concerned with the question of free speech; an issue that was addressed in his article “Fear, Risk and the First Amendment: Unraveling the Chilling Effect”, in 1978 and later in his most prominent work “Free Speech: A Philosophical Enquiry”. His view of free speech theory encompasses his concerns about the chilling effects too. He situated the chilling effects in the field of legal harm and claims that the chilling effects are seen as a deterrence effect which exists due to the uncertainty in the law in conjunction with the people's fear of being punished (Ibid, 1465). In his own words state: *“The very essence of a chilling effect is an act of deterrence. While one would normally say that people are deterred, it seems proper to speak of an activity as being chilled (...) Although an individual's decision not to engage in certain behavior may be influenced*

by a wide range of stimuli, in law the acknowledged basis of deterrence is the fear of punishment - be it by fine, imprisonment, imposition of civil liability, or deprivation of governmental benefit” (Shauer, 1978, 689).

That means people are afraid of speaking or participating in an act that could be harmful for them within an uncertain legal system. As Penney states: *“In theory, for example, someone who fears legal punishment may also be chilled by police surveillance on the assumption that being monitored increases the risk of being accused, rightly or wrongly, of legal wrongs and punished”* (Penney, 2021,1466).

Another scholar whose contribution to the development of chilling effects is important is Solove. He moves beyond the theory of Shauer and posits the chilling effects in the field of privacy harm. In what he calls *“architectural problems”* he builds this in relation to the fear of what might happen in people's future and the risk they must take (Solove, 2006, 487-488). He characterized these problems as like *“environmental harms of pollution”* (Ibid).

The chilling effects of that matter can be seen in two ways. The first method focuses on the level of individuals. According to this, people are not chilled because of their fear of legal harm undermining rather than the consequences they must deal with within the future. That means that an engagement in an activity which must provide personal information might be a stepping stone to being *“victimized by identity theft or fraud. Such risk-enhancing activities increase the chances of the individual suffering dignitary harms as well as monetary or physical harm”* (Ibid).

The second way refers to the societal level. What is important to that level is that *“particular activity can upset the balance of social or institutional power in undesirable ways”* (Ibid). To exemplify that, it gives the example of people who encounter law enforcement officials and the way they exercise their power might alter the way they engage in activities like political gatherings or speak their opinion about an issue (Ibid).

These two theories are known as conventional theories of chilling effect. I will now present Penney's theory which is based on the understanding of chilling effects as an act of compliance or conforming to social norms (Penney, 2021, 1488). From his point of view, people are chilled when they feel uncertainty and ambiguous on how they must act or speak in certain situations. The possibility of being monitored and watched by the government creates an environment of ambiguity as to what is the right thing to do. Regarding Penney, in a moment like this people turn into the social norms to evaluate the situation and comply their actions within the social context to avoid the sanctions. It is important to note that this situation exists even though people are certain about the legality of their actions even if it is opposed to social norms.

As the chilling effects now perceived from a social aspect, he connected them with other social phenomena. The *“watching eye”* effect is one thing. Based on that, when people have the feeling that they are being watched, even the possibility of that might happen, alter their behavior in terms of compliance with social norms to avoid the sanctions following their actions (Ibid, 1491).

People tend to be more careful about their actions and reevaluate them within the scope of what the social norms command. That indicates a psychological aspect of the chilling effect as it creates: *“negative” psychological states in participants, including anxiety, anger, distress, and nervousness, prompting conformity and compliance*” (Ibid, 1492).

Another phenomenon is the “spiral of silence”, a concept given by Elizabeth Noelle-Neumann. The meaning of it is that people tend to express their opinion if it follows the social norms. People who feel uncertainty about if their beliefs align with the social norms tend to be silent out of fear of social sanctions. That creates an environment in which a specific group of people express their opinion more frequently than the others (Ibid, 1494).

That is briefly the overall of how Penney formulated his theory of chilling effects based on social conformity and compliance. Further, I present the forms of chilling effects as he presented them within the scope of his theory.

The first form addresses the legal and regulatory chilling effects. He notes the compliance of people with the laws happens when they are perceived to be *“moral and legitimate”* (Ibid, 1503). The chilling effect arises when the people believe in the legitimacy of their action but there is an uncertainty of if the law coincides with it. That happened due to: *“unclear, vague, or ambiguous legal terms or statutory language, as well as uncertainty about the likelihood of enforcement of a given law or legal rule”* (Ibid, 1504). On this occasion, they rely on the social norms of what is legitimate to do despite their beliefs.

Another form is surveillance. As it mentioned before the “watching eye” effect alters the behavior of people and their engagement to actions when they believe they are being watched. In that case surveillance becomes a “tool of social control” that increases the “power of social norms” (Ibid, 1057).

The last form of chilling effects he addresses is the one derived from online actors and disinformation. How chilling effects formulate in this case is based on disinformation chills ,as employed by Zeynep Tufekci. He observed that when the presence of fake news and all other forms of misleading information such as rumors or gossip spread by online actors they create an environment that causes *“chilling effects on democratic engagement and collective action”* (Penney,2021,1512). How social conformity theory of chilling effects understand this situation is that when people are part of such an environment they tend to step aside to avoid implications and express their opinion in online platforms when there are doubts whether his opinion complies with the information that circulates. On the other hand, people who are exposed to a large extent to false information tend to create an environment which is more polarized, abusive, and chilling. In that sense chilling effects influence the people who might be targeted from online abuse and hate (Ibid).

The chilling effects theory suggests that when certain actions are perceived as threatening or restrictive, individuals and organizations may self-censor or refrain from engaging in activities that could be seen as controversial or challenging to those in power. By applying this theory within the context of news framing, we can understand how CSOs might face limitations in their advocacy efforts due to a fear of negative consequences.

2.3 Framing Theory

As I mentioned above, the data indicates a major contribution of the media in the construction of both the securitization act and chilling effect given by the documents and semi-structured interviews. Examining the chilling effects theory in relation to news framing becomes imperative as it sheds light on the potential repercussions for CSOs and civic space.

Framing theory, developed by sociologist Erving Goffman, is a prominent perspective in the field of communication and social psychology. This theory emphasizes how individuals interpret and make sense of their social world through a process of framing. Goffman argues that people construct mental frameworks or "frames" to understand and interpret events, actions, and meaning within their immediate context (Tewksbury & Scheufele, 2009, 18). These frames act as cognitive filters that shape our perception and influence our behavior. Effective framing can determine the success or failure of communication efforts, as it enables persuasiveness, influences public opinion formation, and shapes attitudes and behaviors.

Framing theory, within the realm of communication and media studies, encompasses the examination of how information is presented to shape public perception and influence their understanding of an issue or event. This theoretical framework posits that individuals interpret and evaluate information based on the way it is framed, that is, the context, language, images, and overall presentation used. Drawing from social psychology and sociology, framing theory suggests that media plays a powerful role in shaping public opinion due to: *“To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described”* (Entman, 1993, 52) .

The framing of an issue coexists with other processes and effects and operates side by side with them. One of them is the information effects. Based on what Gamson and Modigliani state about the framing process, they present the concept of packages. By that they mean a plethora of information, images and arguments given by elites and media to address an issue. These packages can influence how people interact with information and how it shapes their action towards the available information (Gamson & Modigliani, 1987). The frame that penetrates the packages is *“a central idea or story line that provides meaning to an unfolding strip of events”* (Ibid, 143). How something is framed in a specific way brings all together the elements of the packages and provides meaning to them. In the context of information effects, when something is framed as an issue accompanied with perceptions of how that issue must be addressed and what could be the outcome of that issue.

Another process is the persuasion effect. The aim here is the valuation of the persuasion process which can have a major impact on how a content is presented. An important element is what someone wants to promote and describe. The difference between the framing theory and persuasion is that the first mainly “*encompasses the origin, evolution, presentation, and effects of frames*” (Tewksbury & Scheufele, 2009, 20) in contrast with the persuasion studies which “*involve the presentation of intentionally persuasive content to audiences presumably aware of that intent*” (Ibid). Meaning that, the news will take the form any journalist wants about an event or a political issue, he can choose which part of the story will be displayed in the public and which will be downgraded and so on (Ibid).

The last is the agenda-setting effect. This effect occurs when news outlets emphasize certain subjects, events, or perspectives, thereby determining what is deemed important and worthy of public attention. By selecting which information to present and how to frame it, media organizations possess influence over public opinion formation (McCombs & Reynolds, 2009 , 6).

Agenda setting effects are particularly significant in shaping societal discourse as they can create salience by repeatedly placing certain topics in the limelight, leading individuals to perceive them as more crucial than others. Additionally, this effect can also indirectly influence policy-making processes by directing politicians' attention towards issues that have gained considerable public traction through media coverage. Therefore, recognizing agenda setting effects is crucial for understanding the complex relationship between mass media, public opinion, and decision-making processes in society (Ibid, 2).

2.4 Application to the civic space in Greece

The theoretical approaches, as presented above, contribute to the exploration of the governance of the CSOs and the further implications on civic space in Greece. Civic space refers to the sphere in which individuals exercise their rights to freedom of expression, association, and peaceful assembly without fear of repression or discrimination from the government or other societal actors.

By applying the theories of securitization and chilling effects I provide the framework to explain how the governance of CSOs through the lenses of securitizations create an environment in which the people experienced chilling effects as an outcome of this practice. In relation to that, framing theory shows the important contribution of media in both instances as it played an important role in how the speeches are displayed in the public sphere and , in addition, created a chilling effect .

The impact on the civic space is the restriction of people to engage in activities and freely speak out of fear of being labeled as a threat or sanctions regarding their activities. This is in contrast to what the civic space is and how people navigate into it, as I mentioned in the beginning. The ensuing part of analysis will present that in detail.

3. Methodology

Before starting the analysis, I will introduce the methodological tools I employ to address my research question: How does the Greek state govern its civil society organizations and what are the implications on civic space through the experiences of CSOs?

In doing so, my investigation would be twofold. Firstly, I will inquire into the turning point in the matter of changes in the attitude of the Greek state towards Civil Society Organizations (CSOs). This would involve delving into historical records, policy documents, and legal frameworks to identify any significant shifts or milestones that have influenced the Greek state's approach to CSOs.

By analyzing these documents, I aim to uncover any legislative or policy changes that have impacted the relationship between the Greek state and CSOs. This will include amendments to laws governing the registration, funding mechanisms, or regulations surrounding their operations. Understanding these turning points will provide valuable insights into how the Greek state's attitude towards CSOs has evolved over time. To do that, the method of document analysis seems to be the most valid for this dissertation.

Secondly, I will explore these changes in conjunction with the obstacles created for CSOs' operations in the country. This aspect of my investigation will involve conducting semi-structured interviews with key actors involved in organizations.

I will further elaborate on the reason I choose these methods and their contribution to my research question.

3.1 Methods

Document analysis is an essential method for extraction of meaningful and valid information which becomes available from a variety of forms (eg. press releases, organizational and institutional reports, public records etc.) As Bowen noted: "Document analysis is a systematic procedure for reviewing or evaluating documents" (Bowen, 2009, 27). Concretely, it provides a systematic evaluation of documents in order to understand the purpose, reveal meaning and produce knowledge (ibid). Since I have at my disposal a multitude of documents, it is important to clarify the reasons for each of the ones I have chosen.

3.2 Mapping the actors

The first document which became the cornerstone of my investigation, is the report released by the UN Special Rapporteur on the situation of human rights defenders in Greece in 2023. The validation of information produced by the UN Special Rapporteur is undeniable due to its role in the protection of human rights and addressing of the condition under which they might violate.. It was established by the UN Commission on Human Rights and became part of the Human Rights Council as a Special Procedure mechanism.

It is one of the first official reports which fully addresses the problematic situation of human rights defenders (HRDs) that has not been fully examined since then. Before the release of the report, a hearing, in which a vast majority of HRDs who operate in Greece participated, raised the problematic environment situated in Greece. Consequence of the hearing was the official country visit of Mary Lawlor in 2022 (Humans Rights Council, 2023; UN SR Human Rights Defenders, 2021).

Taking that as a starting point, my investigation led to research on the regulatory framework as a first step. The report by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe regarding the compatibility of the new NGOs registration in Greece gave me fruitful information about the Greek legislation. The Expert Council of NGO Law was created in order to set up a protected environment for NGOs and examine the legislation of each country of concern and provide advice “on how to bring national law and practice into line with the Council of Europe standards and European good practice” (Council of Europe). The report inquires into the compliance of the changes in conjunction with the European standard and expresses concerns about the outcomes for the civil space society (Expert Council on NGO, 2020).

Further, it followed the examination of the major concern, the civic space. All the documents have one thing in common; an alert to the shrinking and restricted civic space. The continuation of my research was in that field. The Civic Space Watch report on 2023 was the stepstone for my understanding. By collecting findings and analyses from various actors in Europe, Civic Space Watch aims to create a comprehensive understanding of the conditions under which civil society operates. This includes monitoring social media platforms to identify emerging trends and challenges faced by civil society organizations. It maintains regular contact and conducts interviews with a diverse network of members and partners on the ground. This allows for a deeper understanding of the local context and enables the identification of common issues across different countries. It provides an overview of the situation in the country without skipping the situation of HRDs as a crucial concern (CIVIC SPACE WATCH, 2023).

In relation to that, the UN Communication Report and Search sector allowed me to search deeper. It provides the official letters sent by the organizations to the government and it includes the responses to these letters. Each letter addresses a case of concern. It cites the facts which led to the allegation, the compliance with the international human rights norms and standards, the reason that led to the prosecution, as well as concerns and requests for further investigation (United Nations of Human Rights, nd).

These letters give details about the allegations; when they took place, the actors involved and the implications for the individuals. The information in the letters is presented in chronological order. It makes clear that people faced intimidation and criminalization more than once during the years from different actors like mainstream media, state officials and government representatives. After this data it has started to shed some light on the patterns and the tactics employed on the ground. In these terms, the supplementary data used was deprived from reports and releases of the organizations and individuals who work in the country and shared insights as they experienced it.

As my main concern is in depth investigation of the situation as has been experienced from the perspective of CSOs and influenced by the data extracted from the documents I decide to conduct semi-structured interviews with key actors.

3.3 Triangulation method

It is common in document analysis to combine this type of analysis with other qualitative research methods to conduct research. That is known as triangulation, and as Dezin states about it, is : “the combination of methodologies in the study of the same phenomenon” (Denzin, 1970, 291). A combination of methods within a process could become a very useful tool as it allows the examination of the data in more ways than one and prevents a potential biased outcome (Bowen, 2009, 28). I will draw upon the words of Patton, given by Bowen, to explain the combination of document analysis and semi-structured interviews I choose: *“triangulation helps the researcher guard against the accusation that a study’s findings are simply an artifact of a single method, a single source, or a single investigator’s bias”* (ibid).

As I mentioned above, the data generated from the documents urged me to conduct interviews. Based on Goldstein and Reiboldt who used document analysis to come up with new questions in their ethnographic research, I followed , in a way, the same logic in my own research (ibid). As they noted : *“interview data helped focus specific participant observation activities, document analysis helped generate new interview questions, and participant observation at community events provided opportunities to collect documents”*(Goldstein & Reiboldt, 2004 , 246).

To have a more comprehensive understanding of the situation as portrayed by the data on the documents I got in touch with key actors in Greece and I conducted four semi-structured interviews.

Three interviews with the organizations Fenix, Border Violence Monitoring Network , and Human Rights Watch. One of the interviews was conducted with a person who has been criminalized in Greece, Séan Binder whose trial in Greece is still ongoing for five years now. I choose a semi structured interview so to give the opportunity to them to share their stories and experiences without feeling restricted. The interviews were about an hour and conducted online. I made 8 questions which are:

- Greece manages to create a “hostile” environment for the NGOs and individual activists. Even though the conditions under which you must work are known, do you believe that things have slightly changed since the election of the new government in 2019?
- During your operation in Greece, how easy was it to fulfill your duties on the ground?
- Did you ever encounter accusations from the local community ?
- How was it your interaction with the Greek authorities on the island?
- What were the implications of the new legal framework regarding the registration of NGOs?
- Do you cooperate with the other organizations who are also active in the region?
- Did you ever think of stopping the operations?
- Did you ever feel the fear of being “punished” for the help you provide?

The interview questions are influenced by the information I extracted from the data. In this way I tried to illustrate how the two different methods can interact with each other and help to generate knowledge. In this case documents helped me to generate new questions and examine the data from the perspective of people who actually experienced these changes.

3.4 Limitations

In this section I will present some of the limitations and weaknesses regarding the approaches I choose for my dissertation. For the first part of my research question, about how the Greek state governs its activists I used the document analysis to acquire important information based on the official reports and documents published by international organizations : EU Council Of NGOs law, UN Special Rapporteur for Human Rights Defenders, Human Rights Council and others. The reliance on official reports and documents published by international organizations might be considered to introduce a bias in the research as they are perceived from a specific aspect, but they proved extremely useful in understanding the general context regarding the legislation and the policies in Greece.

While documents can provide valuable information regarding the policies and regulations they might lack to provide information from the perspective of the activists and CSOs. To address this limitation I conducted interviews with members of CSOs.

In addition to that, the selection of people to conduct the interviews was on members of NGOs operating in Greece. While I tried to approach people outside the NGOs in order to include different opinions I did not manage to contact them, and that resulted in conducting interviews only with civil society organizations.

Another issue might be considered my choice to form the interview questions based on the data I extracted from the document analysis. That might imply that my orientation was unilateral but it

ended up providing me with new information as the answers of the interlocutor in many occasions moving further from my primary question and created new knowledge about the issue.

Lastly, due to the limited time and scope of the thesis I restrict my research chronically as I mainly target in the period since 2019 without elaborating more in the previous years.

4. Analysis : The governance of CSOs and the impacts on the civic space

In this section I will delve into the analysis of my research question: How does the Greek state govern its civil society organizations and what are the implications on civic space through the experiences of CSOs. To do so, my first part concentrates on the speech acts originating from government representatives with the contribution of journalists and media. The securitization theory will be the main theoretical framework in that part to analyze data derived from a range of articles. Further I elaborate on the impacts of the securitization act based on the narratives and perspectives of the CSOs operating in Greece. In this part, the utilization of chilling effects will help me to examine the impacts on the CSOs and the civic space. The analysis to do that is twofold. Firstly, I will highlight the administrative obstacles placed by the Greek state while unveiling the implications on an individual and societal level. Lastly, I question their freedom of expression in this restricted space.

4.1 (Not) A smuggling network

In recent years, the attention of many international organizations has turned to Greece, regarding the situation of the HRDs. After her country visit in Greece, Ms. Mary Lawlor, who is the Special Rapporteur on the situation of human rights defenders since 2020, published a statement about her preliminary observation in the country. What is of most importance, for this part of the analysis, is her comment about the current environment in Greece regarding the operations of the CSOs and their treatment from the state. In her own words:

“is that the nature of cooperation between the Government and civil society, and the overall perception about the role of civil society and human rights defenders in Greece, has undergone a significant shift since 2019” (UN Special Rapporteur On Human Rights Defenders, 2022).

Taking that as a reference, the first part of my analysis is mainly focused on the depiction of the HRDs and CSOs. As I consider that part related to my research question of how the Greek state governs its activists, the securitization theory will help me to unveil how they are perceived in the public discourse, based on statements made by the government and narratives circulate in the media of what civil society organizations are and what they do.

The analysis is constituted on data derived from media, articles and official documents. Taking into consideration the amount of data and the place Greece acquired on Reporters Without Borders (RSF) on 2023 World Press Freedom Index, about the freedom of expression, which is one of the lowest for the second year in a row (Politico, 2023), framing theory will also be used to explore further the topic.

My aim is to explore the ways CSOs are painted in the public discourse based on the statements and articles circulated in the media. To do so, my first part consisted of a range of articles presenting the

statements of governmental representatives and views of journalists about the role of NGOs in the country in general. In the second part I will present the direct reports and targeting of specific persons and organizations. The theoretical framework I use as a tool to help me with the analysis is the securitization theory with the contribution of the framing theory.

As many reports from the international community, as well Ms. Lawlor stated in the beginning of the chapter, implying a shifting attitude of the state towards CSOs since 2019 (and the election of the new government,) one of my questions to my interlocutors, while I conducted the interviews was how they understood this difference since the election of the new government. One of my interlocutors, Eva, working on Human Rights Watch, addressed that with clarity:

“The situation wasn't that bad in terms that we had not experienced the criminalization and online harassment that we observe now. Of course the society is conservative and we had attacks back in 2010, 2011 and 2012 by the members of Golden Dawn but now we have attacks on behalf of the Greek government and Greek authorities against them”(Appendix, 2).

What she claims is that now, unlike before, the attacks come directly from the Greek government and not from different parties within the parliament. Another important aspect given again from the interviews is the opinion expressed by another interviewer, Elena, working on BVMN, on the same question :

“but I wanted to say first that they want to create this image. I think what is really important for me when you speak about criminalization is that it's all embedded in a bigger picture, I think start off it is actually always the migration is criminalized and migrants perceived as something bad and you have to secure the borders, and then the people that support them, they could have like, a second effect and then they are all limited”. (Appendix, 12)

Embedded these quotes with securitization theory, as Wæver said, something to be stated as a security problem, an important element is the state and its elite addressed it as such (Wæver, 1995, 54). According to the data I will use for the analysis, all the speech acts against the HRDs derive from statements from the governmental representatives and based on securitization theory it is actually the elites and the state that portrayed them as a threat in this case. For that reason the following part analyzes the build up of securitization of HRDs from the government with the contribution of the media. Even though I will not elaborate about the depiction of migrants in the media, and I will mainly focus on the *second effects* as Elena characterizes the impacts on people who support them, it will become obvious that the refugees are used as an excuse for HRDS securitization on many occasions.

One of the first things to notice while reading articles about civil organizations and HRDs is the climate of suspicion towards them stated in the headlines. A plethora of articles started as:

“Oikonomou: NGOs that operate parasitically, will be brought to justice” (To Proto Thema, 2020c),

NGO: “ *Stop* ” their uncontrolled action with six key changes (To Proto Thema, 2020a),

“*The Turkish portman and the activist- Trafficking network with Greeks key actors*” (Kathimerini, 2022b),

“*Illegal Migrant Trafficking: Serious Charges against NGOs*” (Kathimerini, 2022c),

Those headlines are a sample of the narrative that circulates within the media of what NGOs are and what they do. Most of the articles were accompanied with information from the police investigations and statements by representatives of the government. Based on the Gamson and Modigliani discussion about the framing process, the articles present packages that have been used by the elite and the media referring to an issue. By saying packages, it means arguments, information, images, metaphors etc that can influence the people's interpretation of an issue and how they act upon it (Gamson & Modigliani, 1989.). In a nutshell , packages encompass “*a central organizing idea or story line that provides meaning to an unfolding strip of events*”(Ibid, 143).

Within this frame is where securitization arises. Derived from speech acts, published by the media, of politicians and government representatives through the eyes of securitization theory I will present the main contexts of it, meaning, the referent object, the existential threat and the securitizing actor.

Back to 2020, the alternate Migration Minister, Mr Koumoutsakos , spoke of “*the dark roots of a big network of interest*” meaning NGOs “*which functioned as leeches*” (Kathimerini, 2020a; Keep Talking Greece, 2020). He further elaborated: “*When we took over, a net of interests had been formed around immigration due to the large slowdown in the ineffective asylum application process. This led to 80% of applicants being considered as vulnerable. Doctors, lawyers, NGOs are involved in this network. This whole network has been rooted for five years in managing the misery of the people who came to the country. This network that acted like leeches was very well-established*” (Ibid).

By framing NGOs as a threat, Mr Koumoutsakos is effectively undermining their crucial role in providing humanitarian aid and support to vulnerable populations. By painting them as a menace, he seeks to delegitimize their efforts and discourage public support for their work. Furthermore, Mr. Koumoutsakos' accusation against asylum procedures reveals also a deeper political agenda.

The same year , another member of the government, the Deputy Minister of the Citizen Protection, Mr. Oikonomou, condemned four NGOs with accusations of human smuggling and espionage. Especially, he claimed:

“*The specific NGOs, with a European identity, were coordinating on Turkish soil, **facilitating the illegal crossing of migrants** to the Greek islands and unveil the positions of the vessels of the Coast Guard and Navy that were on a mission in the Greek region*” ((To Proto Thema, 2020c) and “*However, any NGOs that operate parasitically will be identified and will be brought to the justice*” (Ibid).

The closure of the article addresses the escalation of the argument and the intentions on behalf of the government : “ *the security services and the armed forces **have a mandate from the Prime Minister and the government** to carry out their mission without interruptions and difficulties, shielding Greece from one end to another against any type of intrusion. We said it, we’re doing it”* (Ibid). The highlighted parts exist at the prototype statements in the article to spotlight the urgency of the matter.

The quotes from the article is an excellent example of an all-encompassing securitization act. Delve into that, it becomes clear the securitizing actor, Mr. Oikonomou, who spoke without hesitation of an illegal network, the NGOs, which pose a threat with its actions. The referenced object that must be protected is the Greek state by all means which in this case is the “shielding” of Greece without elaborate more on that. It is obvious the determination of the government to protect its territory and it becomes indicated with the last sentence “*We said it, we’re doing it*”.

While the presence of accusations against NGOs overcomes the media, the journalists fuel the securitization act. An example of that is an article written in order to answer the question : “ *What, after all, are NGOs?*” (Kathimerini, 2022d). A note here for the contribution of journalists is necessary. Their influence on the public sphere and the promotions of specific agendas has been the research of many scholars. How the frames are formulated is up to the journalist's conviction. Tewksbury and Scheufele state about it:

“ *Frames in the news can take the form of journalists’ descriptions of people and other political objects, their choice of elements of an event to include in the news, words used to name an issue, and more*”(Tewksbury & Scheufele, 2009, 20).

In this case, the author mainly focuses on the historical background of the NGOs in Greece in 2015. Back then, it was stated that the NGOs had total control of the situation without the intervention of any authority or the government : “*[..] boats of refugees and immigrants arrived daily, but there was no Greek authority to welcome and guide them. The role was assumed by the NGOs. Some kids from Northern Europe, who treated the native population as an enemy. There was no one to check them*” (Kathimerini, 2022d).

The NGOs here depicted as the total authority that act at the expense of the country. Concretely, that threat puts the Greek population at risk as it implies a hostile attitude towards the natives. Further, he expressed his frustration that if anyone from the natives tried to criticize the situation it was automatically characterized as a member of the far right party.

“*What is this hybrid neoplasm? I am not referring to their finances, which I do not know. That is the responsibility of the authorities and the criminal justice system. I am mainly referring to their social impact. Where do they get the right to intervene in a society to “fix” it? Which democracy gave it to them??* (Ibid)

Once more, what became apparent is the political aspect of the securitization while his frustration of the NGOs sited on the acts of the previous government that comes back to the fore in 2022 after the election of the new one. This hostile narrative expressed by the journalist suggested that something

must be done to “save” the democracy that has been in danger since 2015: “*NGOs operate in the shadow of democratic institutions. Especially as it happened to us in 2015 and we are still dealing with it*”. (Ibid)

And it happened. Two years before the publication of this article the new regulation laws for NGOs had been voted to put some order: “*NGO: “Stop” their uncontrolled action with six key changes*”(To Proto Thema, 2020a). The context of the law will be analyzed below in the dissertation.

So far, the observation of the situation is oriented through abstracts and hostile accusations for NGOs generally. That is about the change as I will elaborate on direct attacks and targeting of prominent members of organizations and organizations as a whole.

4.2 Speaking of a threat

One of the most known human right defenders in Greece, who has been criticized multiple times for his actions and his criticism of the situation in the country, Mr Iasonas Apostopoloulos, was once again targeted by the government and the media.

In 2021 an article from Capital.gr , portrayed Mr Apostolopoulo as a threat with a great impact to the nation:

“However, some ridiculous Jasons, members of NGOs, within their confront, well-fed and well-paid would certainly prefer us not to know, and for this reason, with crocodile tears, they are trying to mislead,with their own arbitrary versions made in Turkey ,about the “Right of the Sea” reaching the point of saying that... the obligation to rescue people, who want and who without permission want to enter our country, is superior.....to guarding our borders.” (Xekinima, 2020)

In that case, the alleged threat is not only attempting to undermine national sovereignty but also manipulating public opinion regarding the rescue of refugees. The clarity with which it is stated that rescuing refugees is illegal and that they have no right to reach the country, further emphasizes the severity of this alleged threat. It suggests a deliberate attempt to discourage any form of assistance or compassion towards those in need but also undermines the validation of humanitarian assistance as if something that must be seen with suspicion. The referent object, the country, is once more in danger as this article is another attempt to highlight the importance of protecting the borders. The intention of the journalist is to increase the fear of the audience by mudslinging not only for NGOs but with Jason’s direct targeting.

Is not only the media and the journalists who tried to change the events and influence the public opinion. Additionally, on the occasion of his appearance in the European Parliament where he denounced the Greek practices, another speech act against him was , this time from a Greek MEP again given by the media.

The article spoke of an “internal enemy” with the accusation originating from Greek MEP, Ms Vozemberg (UN Special Rapporteur, 2022). She specifically claimed:

“It is noteworthy that the undocumented views of the rescuer in question are methodically reflected in texts and publications of the foreign press , while they are also contained in official texts that seek to control Greece on the immigration issue. And it is interesting that the source of this “information” is exclusively anonymous, vague general complaints, lacking testimonies , specific facts and evidence.

Quite simply, those who repost such crimes do not contribute to any investigation, nor do they contribute personal testimony or evidence, nor do they ever specifically refer to a dead person or a “victim” of the ...killers! Because they simply serve selfish goals by ruthlessly using the most sensitive problem the country is facing” (Iefimerida, 2022)

Once again, the alleged “rescuer in question” tries to impose and manipulate, in this context, the international community by spreading false information to foreign press about the situation in Greece. This is another attempt to undermine the validation of testimonies that came for defenders in the field of migration. In this case, the most sensitive problem that the state is facing becomes a means for the alleged threat to promote his own interest.

The next case is about four different NGOs operating in Greece who were directly targeted as the names of the NGOs published in the media. The article spoke of : *“Under the pretext of humanitarian aid the using secret service methods, the members of the specific organizations mapped the movements of the Coast Guard vessels, recorder the communications of the Greek services, controlled the telephone number and the emergency application used by migrants when they are on danger, they even mislead the Frontex forces, with one and only goal: the greatest possible influx of irregular immigrants into Greek territory” (To Proto Thema, 2020b).*

The article presents details and informations from the investigation of the police as well the names of the NGOs: *“ The mentioned natural persons of the NGOs “Mare Liberum e.V.”, “Sea Watch e.V.”, “FFM e.V.”, and “Josoor International Solidarity” were ostensibly operating in a humanitarian manner,” states the Polices’s investigation” (Ibid).*

The purpose of referring, again, to the refugees as illegal immigrants wants to emphasize the threat undermining the actions of aforementioned NGOs to the Greek state and create a negative perception of the aims of the humanitarian aid in general. The severe criticism of the humanitarian aid which implied to be just a criminal network it attempts to portray them as network which promote its interest without any morality and values. The state is again in danger as this network inference to the operation of the Greek authorities to achieve their aims.

To sum up, this part analyzed explicitly the efforts of targeting and eroding the NGOs and HRDs within the framework of securitization theory with the contribution of framing theory.

Deprive from the Wæver I tried to answer the question: “*What really makes something a security problem?*” (Wæver, 1995, 54) related to my research question how the Greek state governs its civil society organizations.

Based on my analysis I conclude the utterance of something as a threat by the state representatives and journalists, automatically transforms the alleged threat into being. The examples I presented indicate the hostile environment exists against specific categories of people and organizations active in the refugee field and human rights violations. The presence of those speech acts in the public media shows an effort to circulate a story and a situation from their perspective. Thinking of that through the lens of Bennett’s indexing hypothesis: “[m]ass media professionals . . . tend to ‘index’ the range of voices and viewpoints in both news and editorials according to the range of views expressed in mainstream government debate about a given topic” (Bennett, 1990, 106), it is to understand the political agendas that are lurking in the examples I presented above.

Further in my analysis, I focus on another important aspect of securitization theory. That is the extraordinary measures taken by the government to deal with the alleged threats and the price of it. Wæver stated clearly: “*securitization theory is to say you pay a very high price if you want to deal with something in a security role [.....] but you pay a price in terms of freezing it mentally as something given, by de-democratizing, you are saying: this is a necessity, this is something that we can’t discuss, by creating an kind of us-them construction where the problem is out there and we are the solution and so on*” (Wæver, Youtube2014, min: 7:18).

The aim now is to answer the second part of my research question, which delves into understanding the implications on civic space, through the experiences of CSOs. To accomplish this, the contribution of chilling effects theory will come in handy for analyzing and interpreting the data. By applying this theory to the experiences of CSOs operating within the civic space, I can gain valuable insights into how their actions and behaviors are influenced.

The change in perspective plays a crucial role in understanding the implications of securitization theory on civic space. By examining the viewpoints of individuals directly involved in the field, such as activists, CSOs and those affected by securitization practices, I can gain valuable insights into the real-life consequences of these actions and the ways in which securitization restricts freedom of expression, assembly, and association.

4.2 Chilling effect : The implications of the securitization

4.2.1 The new legal framework

This section is about to answer the second part of my question on the impact on civic space through the experience of CSOs. To do so, the chilling effect theory will provide a valuable framework to investigate the implications. In the first part, my interest will turn into the administrative obstacles placed by the state to civil society organizations. For that reason, I will start my analysis by unveiling the legal framework that underpins the operations and registrations of NGOs in Greece. In addition, this investigation led me to research the employment of other actions, in the second part, which further influenced the operation of the organization in the state.

In the case of Greece, in the midst of the speech acts of the alleged threat coming from the actions of CSOs and HRDs, as I mentioned in my first part of the analysis, a new legislative framework entered into force, regarding the registration and certification of both Greek and foreign NGOs active on the ground. Many members of the government spoke of the need for transparency and control of the NGOs and CSOs. Indicate that, are the following statements: “*control the activities of hundreds of NGOs operating in Greece*” (Michalopoulos & Karaoulanis, 2020) given by government spokesman, Mr. Stelios Petsas. He also mentioned that they target the “*transparency and responsibility*” (Ibid) of the NGOs, as it separates them into those that really helped as opposed to “*others operating in a faulty and parasitic manner*” (Ibid).

It seems that the overall aim of the new legal framework is to put an order and control the action of NGOs, as it is indicated from the statements. I will follow with a brief overview of the new laws and the changes they brought before I delve into their analysis. The first change was about the ministry responsible for the registration of the NGOs. Since 2019, the Ministry of Citizen Protection was the one responsible for the procedures, but that changed in 2020. That year, the Ministry of Asylum and Migration took control of the registrations (Expert Council on NGO Law, 2020, 12).

About the new laws adopted by the ministry are the following; on 8 February of 2020, Law 4662/2020, presented the requirements for the registration procedure. The article 191 of the law states clearly that the personal data of all the members, employees and anyone who associate with the NGO must be provided. For the operation of the NGOs and its members in the Greek state the registration and certification is mandatory (Ibid, 6).

On 12 of May 2020, Law 4686/2020 is about the improvement of the legislation procedures. Its article 58 states clearly that those who are not registered are not allowed to undertake activities in Greece (Ibid).

In September 2020, secondary legislation, the Joint Ministerial Decision, known as JMDs was added. The new JMDs, specifically the law 10616/2020 are about further requirements. The article 5 states that NGOs must obtain detailed audit reports by state licensed accountants to apply for the

registration. Article 11 is about the prerequisite of members of NGOs having a clean criminal record to register in the system. Lastly, article 12 refers that the Special Secretary for Coordination of Stakeholders will decide if an organization is suitable to operate without elaborate in the requirements needed to get the permission

(*kya-10616-2020-kathorismos-leitoyrgias-mhtrooy-mko.pdf*, n.d; Human Rights Council, 2023, 9).

In this part, I elaborate on aspects of securitization seen through the lenses of chilling effects. As I mention in my theoretical chapter, an important part of the securitization act is the extraordinary measures required by the state to deal with the alleged threat. On account of this matter, in this part of the analysis, the new laws are assumed to be extraordinary measures based on the securitization theory. An explanation of why the new registration law is considered an extraordinary measure is needed. Regarding extraordinary measures Wæver posits : “[...] *there’s an existential threat here, If we allow it to happen, everything else will be lost. [...] We have to deal with it. And because it's a necessity it is outside the normal bounds of political rules. And we therefore can allow extraordinary measures*” (Wæaver, YouTube, 2014, min:1:34-1:49).

One small but important detail which might encompass the essence of the law in general is that the law passed without the prior participation or the consultation of civil society. The reason for that, is that the procedure did not follow the parliamentary scrutiny as it should and as it usually happens , *“given the substantive nature of the Decision and its direct impact on freedom of association, it should arguably have been introduced as a piece of legislation and, in this sense, it would have been clearly important for it to have undergone the usual parliamentary scrutiny”* (Expert Council on NGO Law, 2020, 12). The laws passed based on procedures which are not in compliance with the formal procedure and therefore are considered to be outside the normal bounds of politics, for this dissertation.

Also, after the passing of the new laws , there has been a severe reaction from the international organizations and international community as to whether these arrangements are subject to the European standards (Ec, 2021). More specifically the Expert Council on NGO Law published a report expressing concerns about the registration procedures (Expert Council on NGO Law, 2020, 4).

The concerns are mainly targeted to the impacts this registration will have on civic space. In an article published by Amnesty International in Greece regarding the situation it posits : *“The new regulations introduced by the Greek government on the functioning of civil society organizations risk undermining their independence and further shrinking the space for civil society, especially for organizations working to defend the rights of migrants , refugees and asylum seekers. In an increasingly hostile climate for asylum seekers, refugees and migrants, and those trying to help them, Amnesty International is concerned that the new rules threaten the right to freedom of association in Greece”* (Διεθνής Αμνηστία - Ελληνικό Τμήμα, n.d.).

Taking that as a focal point, the presentation of the context of the new regulations will combine with the chilling effects to display its implications respectively to CSOs and civic space. I would like to

start my analysis with the clarification made already about the overall legal framework of the NGOs registry. As I mentioned, one of the main concerns of, not only the EU organizations but also from people on the ground, is that the law reforms are being put into practice and passed without the prior consultation from the public (Expert Council on NGO Law, 2020, 11-12). That means the laws formulated without the guidance or information from stakeholders and people who influence from the context of law and the implications it might provoke to their operations in that field of interest.

The Open Society European Policy Institute has published a report investigating the untapped potential of the chilling effect to better protect democracy, the rule of law, and fundamental rights in the European Union. Based on this report, the chilling effect is used by some governments to create a climate of self-censorship that deters democratic actors, such as journalists, advocates, and judges, from speaking out (Pech, 2021). So, given by Pech, who encompass the chilling effects in the context of legal procedures, they :“ *may be defined as the negative effect any state action has on natural and/or legal persons*” (Ibid), this act can be seen as detention practice for CSOs from the very beginning .

On an online hearing, held by UN Special Rapporteur, in which participate human rights defenders from Greece only, expressed many opinions and concerns for the new legal framework. Is of great interest to include some of them, to better understand the impact of this action. (UN SR Human Rights Defenders, 2021)

One of the participants, Mr. Minos Mouzourakis, a member of an organization in Greece which provides legal assistance and strategic litigation to people in need, shares some interesting information about the legal framework. According on what he state: “ *The reason why this is important and quite worrying for us is that, contrary to the consistent recommendations from not only the UN bodies but also Council of Europe bodies with specific recommendations on the Greek government to consult with the civil society sector prior to adopting or amending rules that affect its functioning, this is a point that is systematically disregarded by the government. There’s also been public statements by the ministry of migration and asylum in parliament disregarding the authority of the Expert Council on NGO Law of the council of Europe as a body that is civil society based and therefore not sufficiently authoritative to position itself from those matters*” (Ibid,part two min 31:09).

As Expert Council On NGO Law state in their report about the absence of consultation (the reason of their disregard as indicated in the quote won't be elaborated more in this dissertation) :

“While there is evidence that certain NGOs and others have had opportunity to submit comments on some draft legislation relating to matters related to international protection, the timeline in which they have had to do so has been extremely limited (for instance Law 4868/2020 was published on 12 May 2020 after an online consultation between 10-24 April 2020), and the article in the draft legislation which concerned NGO requirements was not part of the draft which was put out for consultation (it was introduced after the consultations had completed). Furthermore, there is

no indication that the Government has taken on board NGOs' concerns” (Expert Council on NGO Law, 2020, 12).

Based on that, there have been obstacles on whether the NGOs could express their concerns about the requirements of the registration. The chilling effects are given in this sense from a Pech point of view stated earlier, considered as an action employed by the government in order to deter the participation of actors in a legal procedure (Pech, 2021).

I will delve now on the implications and concerns regarding the law as given by the CSOs. The main data of this part are based on a hearing held by the UN Special Rapporteur about the situation regarding HRDs on Greece in 2021. Only organizations and individuals who operate in Greece participated in that hearing so it is a useful source of data to understand the overall situation.

As I mentioned earlier, Law No.4662/2020 provides all the requirements NGOs need for the application of the registration, specifically outlines that in the registration must include the data of all the members,volunteers, employers participating in the organizations. This raises concerns among civil society regarding the protection of personal data. Mr. Mouzourakis stated about it:

“ One aspect that we have raised among the different argumentation points in the council of the state proceeding , relates to the data that are collected and violations of supranational norms namely the EU general data protection regulation. This is because the framework in force in Greece has no provisions that guarantee that people are informed and consent to the various categories of data that are processed by the authorities. The authorities that are to receive and process that data are not the competent ones either on matters of labor law, social security regulated professions or even as far as criminal records are concerned. The ministry of migration is not a competent body for detection and prevention of crime. So we see many issues in data protection which we have put forward before the court”(UN SR Human Rights Defenders, 2021, part 2 min 32:43)

When Solove situated the chilling effect into the field of fear of privacy harm he claimed that when people are uncertain of what would be the implications of providing their information, while they participate in an action, they tend to alter their mind. Is not the fear of what might happen now but which are the implications in the future of that. As Solove claims, the impact could be : *“ Such risk-enhancing activities increase the chances of the individual suffering dignitary harms as well as monetary or physical harm” (Solove, 2006, 487-488).* Thinking of that statement through the Solove’s theory of chilling effects it becomes clear the fear people might feel to provide their personal information. Adding to this, the uncertainty regarding the authority which processes the personal data , as it presented in the quote, can create a chilling effect among many organizations.

Another participant of the hearing also took a stand about it: *“Evidently there is an issue with the protection of employees’ personal data. More specifically in the article 11 of JMD the general prerequisite of clean criminal record from NGOs employees stigmatizes people that have been to prison and discourages their integration from employment” (UN SR Human Rights Defenders, 2021,part 2, min 14:20).*

The share of personal data in this sense can have more severe implications. Many people who might want to be involved in operations in Greece, in the midst of the uncertain climate of the legal system about who is processing and accessing the data, might be deterred from engaging, out of fear of legal harm due to their prior convictions.

Another issue that was raised among the participants is the arbitral procedures that evaluate whether an organization is suitable or not. A participant from HumanRightsWatch360 claimed: *“Specifically, according to the article 12 the legislation allows the relevant authority, the Special Secretary for Coordination of stakeholders to decide whether an organization is efficient and beneficial with additional and unclear criteria pertaining to the activities of the applicant organization. As it can be understood this vagueness can potentially be a way to censorship society as the criteria of not specified could be used arbitrarily”* (UN SR Human Rights Defenders, 2021, part 2 min 14:44).

How that can cause a chilling effect is implied from a member of Mare Liberum, she claims that the essence of their work might be the obstacle to be accepted : *“This new law would completely put our organization out of operation. The essence of our work is to monitor human rights violations at sea and the government has done great efforts to avoid anyone witnessing the violations of human rights happening at the border. Therefore, it is impossible for us to do our work as we can assume that we will most probably not get accepted in the registry and not be called by the coast guards”* (UN SR Human Rights Defenders, 2021, part 1, min 13:34).

Concluding this part, the way chilling effects are understood here is as an act of deterrence. The reasons behind why an act is chilled varies , as I showed it , as different aspects of the act and the impact on people are taken into evaluation. In this case, the impacts are grounded in some occasions on an individual level as it is the fear of privacy harm and in others on a societal level by means of actions placed by the government to deter an activity in which everyone can participate. The next part elaborates on practices used by the state to deter the actions and participation of CSOs which are the trials taking place in Greece towards HRDs.

4.2.2 Trials as a means to deter participation

Moving forward from the law as a chilling effect I will mainly focus on this part, on the implications the trials of HRDs can have, or on some occasions the possibility of might be on trial, as I will further show.

In part, my pivot here is to understand how the state actions, as a deterrence practice, are directed to cause chilling effects. The first practice I will present is the trial of the ERCI organization which became known throughout the international community and caused strong reactions, details I will provide below in the analysis and the second, the alleged investigations towards CSOs and HRDs circulated by the media.

I will refrain again from Pech's ideas, of the chilling effects in the legal context. As I already mentioned above: *“From a legal point of view, chilling effect may be defined as the negative effect any state action has on natural and/or legal persons, [...] State action is understood in this context as any measure, practice or omission by public authorities which may deter natural and/or legal persons from exercising any of the rights provided to them under national, European and/or international law, or may discourage the potential fulfillment of one’s professional obligations”* (Pech, 2021, 4).

In relation to the above, how the state can cause chilling effects on persons of interest, Pech comes up with: *“Three main “techniques” to dissuade natural or legal persons from exercising their rights can be briefly outlined in this respect: (i) The adoption of deliberately ambiguous legal provisions; (ii) The arbitrary enforcement of these provisions against the most vocal critics of the autocratic minded authorities of the day—be they opposition politicians, journalists, judges, prosecutors, lawyers, academics or civil society groups—if only to “send a message” to the public at large; (iii) The adoption of disproportionate sanctions, as this will in turn further discourage people from exercising their rights and/or obligations and therefore limit the need for future arbitrary enforcement of the relevant legal provisions whose lack of foreseeability is intentional”* (Ibid, 5).

From this point of view, my aim here is to explain how trials and the uncertain legal procedures could work as a “message” to others operating on the field to step back or reconsider their engagement to their activities. By presenting the experiences of people who have been participating in his kind of trials, I construct my analysis focusing on how they were influenced as individuals and the broader implications on civic space.

One of the most known and prominent trials, in this term, is the ERCI trial, a Greek NGO which manages to help and save more than 1,000 people to arrive on the island of Lesbos and provide them with medical care and a raft of assistance on the island, condemned as a smuggler network which highlights *“the shrinking space for civil society and its watchdog function”* (European Parliament, 2021, 109). The trial was characterized in the report on the EU's Approach on Migration in the Mediterranean, *“currently the largest case of criminalization of solidarity in Europe, involving 37 persons of interest, with 24 humanitarians prosecuted, five of whom placed in pre-trial detention”* (European Parliament, 2021, 111). In the past, volunteers and activists have been condemned as criminals; this is the first time that a whole organization has been accused (Amnesty International, 2020, 50). The charges are against 24 volunteers and the organization they have been members of. The lawyer of two of the defenders, Ms. Clio Papantoleon stated:

“Criminal law does not only punish but also has an ideological and educational aspect: it calls for compliance and indicates, not just legal, but also moral standards. Therefore, confusing smuggling with helping or saving lives is extremely dangerous... [this case] marks a change of paradigm: although members of NGOs or volunteers have been prosecuted in the past, this is the first time a whole organisation is being accused, and, surprisingly, an organisation that has collaborated closely with the Greek authorities. The Head of the NGO, the staff, and the volunteers from all around the world have been prosecuted, as well as members of other, internationally known and well respected organisations” (Amnesty International, 2020,50).

What I am about to analyze is how this trial manages to cause a major chilling effect to organizations by unveiling some of its core elements which were capable of affecting civil society.

I conducted an interview with one of the defenders of the case, Séan Binder, and he explained to me his confusion when he realized the specific organization being accused :

“The ironic thing about our case is that ERCI had such good relationships chronically with the authorities. Which is odd because there are plenty of organizations that I think are doing really, really important work, but they do important work from the philosophical perspective of anarchists, for example, or they do it from the from the philosophical perspective or the theoretical perspective that borders are violence, whereas ERCI never had, officially this kind of political philosophy and was very comfortable working with Frontex and with the authorities because we feel that it is important and that this work should be done by the authorities, human rights work to be done by the authorities and so it was an unexpected charge, I think. And I wonder if in the future, they'll be more careful about who they bring these charges against. Because I think what they've realized is that there probably isn't much opportunity of finding as actually guilty seeking from the evidence. There's nothing wrong” (Appendix, 17).

Prompted by his answer, my next question to him was about the implications of this trial on the civil society organizations. He claimed: *“the broader consequence or the consequence for organizations since our arrest and since our case, is that it has affection, effectively acting as a chilling effect. So it has frightened away or legitimately scared away individuals participating in this kind of work because they fear that the same will happen to them and they fear this rightly because it will happen to them. This is not an isolated case. If you accept that there's no wrongdoing, and you accept that any organization that does no wrongdoing , can be targeted” (Appendix, 17).*

A note here of the Shauer, whose foundation of chilling effects is in the deterrence theory, is important to understand the outcome. *“The very essence of a chilling effect is an act of deterrence. While one would normally say that people are deterred, it seems proper to speak of an activity as being chilled” (Shauer, 1978, 689).* People are deterred out of fear of legal harm and prosecution in an uncertain legal system. When they face such an uncertainty of what to do, they tend to analyze and make a rational cost-benefit evaluation of the situation, an assessment of risk (Penney, 2021, 1466). As Shauers comment : *“all litigation, and indeed the entire legal process , is surrounded by uncertainty” (Shauer,1978 ,687).*

Within this environment of uncertainty people won't take the risk to participate in any activity. This , as expected , resulted in the cessation of the activities on the island as Séan said to me: *“I will say that there's no more official maritime search and rescue organizations active there. Are individuals who remain active but there's no formal organization still active in maritime search and rescue on the island of Lesbos” (Appendix, 17).*

Another defendant of the case, Nasos Karakitsos, in a YouTube interview with Séan, expressed the same concerns: *“ it was something unexpected and something still the last day I was thinking it is a big joke, it is actually a big joke but I have never expected something like this because as Séan*

mentioned we had very good relationship and cooperation with Coast guards and Frontex all this years. They obviously had gaps and we were there to fill the gaps and I feel when the time comes they felt that okay we don't have any other gaps so let's get rid of them” (medyascope plus, YouTube, min: 21:25)

He further added: *“I think it was political all this huge bubble. It was political and it was something very strange for us, it was the first time something like this happened. It was very difficult for us. I still have nightmares”* (Ibid, min: 23:00).

These statements come down to the essence of chilling effects, as expressed by Shauer, for the fear of legal prosecution. When there is the option of being punished by participating in an activity creates an environment that you feel insecure within : *“ it is apparent that an individual may be deterred or an activity chilled by the threatened operation of virtually any penal statute or by the potential application of any civil sanction”* (Shauer, 1978, 689). This, in connection with the prior cooperation without friction, between ERCI organization and the authorities, raises questions to others who look from outside as to whether they can rely on the authorities or the legal system. The way ERCI members experienced this situation indicates that the cooperation between state authorities and civil society organizations is not solid ground and can be reversed at any time.

Another example of a decisive element that played a crucial role in chilling the organizations and prompted the *rational cost-benefit analysis* , I mentioned above, was the lengthy procedures of this trial. It acted as deterrence for the other organizations and caused uncertainty as to whether they should act.

This argument is based on what , both of the defenders answered in a question about the legal procedures of the trial, on the YouTube interview:

Séan: *“[...] if, as the story goes, Nasos and I are mastermind criminals who have amassed millions of dollars in the most horrible of ways then why would the prosecution work over time to put us behind bars? It's because they know we aren't guilty. It's because they know the best outcome they achieve now is by making it as long as possible , because as soon as we go to trial we are innocent. And as soon as we are innocent everybody, all the organizations ,all the volunteers, all the people who have been afraid to volunteer , do search and rescue , to help people in distress they will know that they are allowed to return to the island and they will do it. And that's exactly , from my perspective why this prosecution is taking so long, because is a chilling effect on solidarity and humanitarian activity”* (medyascope plus, YouTube, min: 31:44)

Nasos added to this : *“ Maintain the fear, I mean it is obvious that they maintain the fear. Nobody wants to go there and tell because they are afraid. People are afraid”* (Ibid, 32:38).

This trial is a cornerstone of understanding how the ERCI members but also the other organizations and individuals active in the field of migration in Greece, are impacted by the chilling effects. Out of fear of uncertainty within the legal framework , of what is right or wrong to do, the fear that they might be the next to be prosecuted by only doing their work without violating any law, they

preferred to stay aside rather than take a risk that no one knew where it should be led to. I can tell , in a sense, that the practice of the Greek government , given by the trials , made them pursue their goal.

But that isn't the only practice. Another one, which is equally effective, is the possibility of being on trial. To analyze this, I will also use the persuasion effects used by the media to present it. That will be more accurate further in the analysis.

A case that has been released in the media and greatly distracted the public opinion , is the one of Mare Liberum and other organizations. The organization, along with some others , has been accused of forming a criminal organization, espionage, facilitation of illegal entry, and violation of state secrets and targeted from the greek media (To Proto Thema, 2020b). More details about it are already given in the first part of analysis regarding the securitization act.

My point in this part of analysis is that even though Mare Liberum or any other organization operating with it has never been on trial, a story leaked in the media referred to an ongoing investigation towards them.

While conducting an interview with Elena, an employee of BVNM of which Mare Liberum is a member, she presented to me another version than that of the media , about this ongoing investigation. Specifically, *“And I think what is interesting is when this police investigation started against 33 members it wasn't public. It was all like the court never approached them officially saying, "Hey, we're opening an investigation”, but actually it was leaked to the media”* (Appendix, 13).

It is apparent here the connection between the media and the alleged prosecution of the organizations. The persuasion effects, created by the journalists, present parts of an event or a story and at the same time, intentionally, conceal others information (Tewksbury & Scheufele, 2009, 20). The parts of the story missing from the media outlets are given by Elena.

“But I think what the government is mainly doing is doing this long psychological pressure, like the case of Mare Liberum and Joosoor they still didn't have a court case. For them, they didn't even get to be official. So what the government did is that they leaked to the media , they leaked the police investigation, and they leaked to the media what they accused of. I think it is smuggling and spying on the government. But the thing is that actually until today, they still don't even get the paper from the court saying that they are accused of something. So the court trial didn't even start. They didn't even get the paper saying we are accusing you of this and this. They've been accused but not officially, you know, like when you have a court trial, the first step would always be that you get an official letter from the government or from the court being like, hey, you been accuse. They didn't even get this official paper. This happened in 2020. So it's already been three years. They learn from the media that the police investigation is happening, they learn from the media what they were accused of, but they never got this official paper, and of course, the trial for sure did not happen . So it's also very bad for them because it creates a lot of pressure and they never even had the

opportunity to officially go in front of the court and show their perspective, which I think is the worst” (Appendix, 15).

Subject to it, is another form of chilling effects known as disinformation chill. That occurred when media outlets spread fake news and disinformation to deter *the democratic engagement and collective action* (Penney, 2021, 1512). The news in a manner targets to confuse people about events and even provoke some sort of actions from them. That “flooding strategies” as characterized by Tim Wu, the intention is to “*reverse censorship in rather than censoring speech act directly, it seeks to drown it out*” (Ibid,1513).

At the center of it, is once more fear. On this occasion the “message” spread to others through the alleged investigations and misinformation regarding the activity of the organizations alleged for investigation, is that potentially anyone could be a target. The circulation in the media of the news presents the event in the case of *Mare Liberum*, as a foregone conclusion that makes it difficult to be opposed by the people of direct interest. The chilling effects take so many forms in this case. It is not only the chilling of the fake information that they are already being perceived as a threat with no option to defend themselves officially, but also insinuating to the CSOs the possibility to get involved in an investigation any time due to their actions, which as Elena concluded in the interview is :

“I think the problem is that it is very arbitrary, like the government, I have the feeling they can accuse you for something but after that you cannot really count on anything. Like what is happening next? After a year I'm gonna get the paper, I am gonna have the court trial? These are things to struggle with” (Appendix,16).

To sum up, the purpose of this part is to show off the impacts of trials, either they are happening or implied to happen, by leaving those involved in a limbo and an uncertain situation. Either way, happening or not, the outcomes are the same, the chilling effects influence in a great extent the civil organizations by increasing their uncertainty of what is legitimate to do and which action is risk taking to engage. The narratives from the participants provide first-hand experiences of the situation which are difficult not to compare with the narratives provided in the first part of analysis from the government and media perceptive about the alleged threats that undermine the function of the Greek state.

Going back to securitization theory, Wæver posits that the securitization act comes with the price. As he said : “*but you pay a price in terms of freezing it mentally as something given*” (Wæver, You tube, 2014, mim 7:46)

If a state decides to perceive something as a threat and acts upon it, that choice comes with a price. The second part of this analysis shows that the price the state paid is a shrinking space of solidarity, a restriction of the civic space, given the new registration law at first and additionally from the trials. Both initiatives cause different forms of chilling effects for organizations and individuals involved in the field of migration. This chilling effect, in turn, creates an environment of

uncertainty and riskiness to participation and engagement in activities. I can conclude from the analysis that freedom of association and assembly is at risk within the Greek territory.

Speaking on CIVICUS, Melina Spathari, the Director of Strategy and Programmes at Human Rights 360, also addresses the effects of the obstacles the Greek government employs on CSOs: *“And to some extent, it has worked. Criminalisation has had a chilling effect. There have been some attempts among civil society to gather, discuss, assess the situation and work on a joint strategy, but these actions didn’t flourish. CSOs are now afraid to raise their voice, and we understand them: they have good reason to be intimidated. Still, some acts of solidarity have taken place, especially when those targeted were respected veteran human rights defenders”* (CIVICUS, 2023).

Given that, the next part continues to unveil the impacts of chilling effects, but in this case the purpose is to express the restriction of freedom of expression. What is at stake in this part of the analysis, another price that Greek civic space is paying, is freedom of expression.

The analysis will be twofold. Firstly, I highlighted the answers given by my interlocutors which enlightened me of the reason they chose to cooperate with the other NGO. The second part is about the most important ally of the government, the media. How people are being exposed in the media and how the media contribute to the painting of them as a threat, in the first part of the analytical chapter has been seen from the government perspective. In addition, the next analytical chapter switches from this perspective. The goal now is to hear from the civic space organizations and how that manages to restrict them.

4.3 The freedom of expression

4.3.1 A restrict space to speak

All the analysis so far targets its interest in the obstacles placed by the Greek state in terms of laws and trials which eventually created a hostile environment in which people were afraid to participate and engage in specific activities. The question now is, how easy is it to speak and address some issues that might be happening in the field of migration? From the perspective of the organizations, this is a great issue.

One of my interview questions was about the cooperation between the different organizations active in the field. As it is an open-ended question, I wanted to provide the opportunity for the interlocutors to share their perspective and experience. The answer of Ines and Elena, both working in the same position, at the advocacy department, at Fenix and BVMN respectively, was in the same direction.

Ine's answer was: “ [...] *Common effort is what improves the service of those needs. But also at the advocacy level, because alone, we cannot do anything. Especially when the system is really really strong and very formative . I think, only together can we produce changes and amplify our voices. So yes, obviously we do publish things alone, as everyone else does, but we also really think it's really important when we collaborate with other NGOs in advocacy efforts. Especially in particular topics it's essential. Also, because it's more difficult. If you will have to target just one organization it is much easier than targeting a group of organizations*” (Appendix, 5).

In conjunction with that answer Elena claimed : “ *I think it's so important. I mean, I think we also came together because the initial idea of BVMN was to come together to find pushbacks and I think criminalization is just like a side topic because it happens more and more but now that I've worked a lot on it, I realized it's so important to connect, because like no matter, what you want to do as advocacy, you're always stronger if you're not just one small organization, but when you can show that actually it's not like, just one single case, but when you can show that actually, it's systemic practice*” (Appendix, 12)

And added: “[...] *But then also the problem is that in practice, not all of this works, like , sometimes it works sometimes it doesn't. Sometimes it has negative effects. Sometimes it's not good to be so public about things that happen. Like sometimes it's good to be outspoken because it can give you safety, but sometimes it's also actually bad to be like in the spotlight. So I think also for this it's really important to connect with other people to be able to exchange experience. and also because I think criminalization can be like mentally very heavy, and it's important to have the space where you can exchange , like you know, for your mental health care*” (Appendix,13).

It seems in both of these answers that they take one thing for granted, the possibility to be a target. The interesting part about it is that both of them work in the advocacy department, whose primary work is to collect information and challenge policies when there is a need to do it. These responses indicate the suspicion of uncertainty about how an organization should address specific topics which , on some occasions, chooses to speak on behalf of a large group instead of standing alone. They imply that the likelihood of taking on the consequences is reduced when they operate as a unit. Whether this can provoke a chilling effect on what is said or not is indicated in the next statements.

Ines stated: “*Especially while we are at work and I think also when we have a special topic because things that we say at advocacy because we believe that something must change can have an impact not just on the organization , but also at the clients that we are serving. And the worst thing that we don't want is that people we are providing a service suffer the consequences for something that we have done . So when we draft any advocacy effort, we always have several review processes in order to make sure that despite the fact that we are criticizing certain things or we are doing certain things that will hopefully not create or it will lower the chances that something will happen to our clients. But even in a private setting, I don't know if I can go to the beach, like my colleague or go for a walk and some person appears and they had just arrive and they are under international protection and you'll have to know that although mortally you believe something if you do that something might something have to you*” (Appendix, 7).

This is an example of how the state indirectly influences the way they conduct their work and creates chilling effects. The importance of advocacy expanded to the people on the move and the consequences are first targeting them, the people to whom they provide services, and then the organizations. That causes a process of self-censorship, as Ines states clearly. In order to avoid any potential harm and consequences, both for them and the people they serve, they must adapt their work and services to what it is perceived to be moral and legitimate to do (Penney, 2021,1503).

Penney's theory of the chilling effect is established as an act of conformity or compliance to social norms (Penney, 2021,1502). It is derived from people's tendency to comply with what perceived to be the norm within a society to avoid the implications of contradict with the public opinion. This is even observed in cases where that person is certain of the legitimacy of their actions .

This is confirmed by what Elena likewise said: “[...] *I mean, the way that BVMN it works is that we have all these organization's and if somebody for example, comes to ask for legal support, and then they tell us something about a pushback then we ask them, Hey, can we interview you and then publish it on our website, but for sure we do this anonymously, because it could have like really bad consequences for the person that's spoke up. Of course they want to get asylum. They are afraid that maybe they won't get asylum because they said something against the government. So first of all, we have to do this anonymously. But then we have the problem that no government or no bigger organization is taking it seriously because there's a narrative that they are just another NGO and they make up some lies. And we know that this is actually real. And I think for me, one part of the problem is also that this kind of evidence is not taken seriously anymore*” (Appendix, 15).

Here, it presented an explicit example of what is happening when you are not at all compliant with the social norms. The impact is only one; you cannot be heard at all. The narrative in this situation is that the pushbacks happening in Greece, is only a fake report presented by the NGOs and further, can put in danger people who testify about it. The chilling effects in that sense can cause what Neumann characterizes “spiral of silence” (Penney, 2021:1494). In this sense, opinions that are not in compliance with the public context tend to be silenced. That creates a condition to which some opinions are more present than others.

Leading from that, which information is more available than others, the information effects will contribute to understanding it. Within this “spiral of silence” the increase present in the media of the opposite narrative than the NGOs manage to create confusion.

From her perspective Elena claimed: “ *But I think the problem in Greece now is that the media is very much linked to the government. If I were a normal Greek citizen reading like the normal Greek newspapers, I wouldn't even get what is happening, apart from this, like mainstream news that is also linked with the government. So I think, like one of the problems we definitely have at the moment is that if you want to publish something, if you were to say something like, Hey, push backs are happening again we can't even make it to the mainstream media anymore. And I think this is a problem, the narrative*” (Appendix, 14).

Eva, my interlocutor for Human Rights Watch in Greece, shares the same opinion: *“There is a huge problem. We observed self-censorship issues, censorship issues, intervention of the greek authorities at the independent media. I haven't finished my research right now but my personal opinion is that we faced a major problem and it is obvious if you think about the place we have in press media freedom in Europe. There is a negative image for the NGOs and at the same time there is no repost for the human rights violations that happen regarding migration and refugees or other issues. This is what we call self-censorship and censorship that exists to a great extent . The journalists I have contact with said that no one mentioned to them that they can't write about the push backs because it is de facto that they cannot do it. They are red lines that they cannot cross”* (Appendix, 3)

Based on information effects , news presents part of the information and frames it in a specific way to influence public discourse. The consequences will be present below in the chapter. For now, what matters is the difficulty of people speaking out their opinion when it is in contrast with what has been presented by the government and the media.

To elaborate in a more comprehensive way on this part, what I aim to answer is whether the organization and its members are free to share their opinion regarding what they experience in the field of migration and bring it into discussion in public discourse. From what is stated, it entails that organizations operate under the unofficial monitoring of the government. I use the word “unofficial” for the reason that none of the interlocutors mentioned the interference of the government as a direct tactic, but in both cases they mentioned the suspicion of being targeted which led them to work as a unit to reduce it. How that causes chilling effects is indicated when people tend to reformulate what they say or do under the possibility of being monitored.

As Penney claims, when he places the chilling effects into the spectrum of compliance of behavior of people with social norms, in this case, people tend to revolve on what the social norms indicate and compliance with them to avoid sanctions (Penney, 2021, 1488). The formulation of the social norms , as it seems, is the result of what kind of news and information are presented more often. Based on that, the organizations do not have the space to elaborate more on their investigations due to the simple reason that they are not in compliance with the information circulating in general and they are perceived to spread fake news. The same situation seems to prevail in advocacy efforts. For organizations to make sure no harm will take place to the people they serve, and also to them, must be careful and evaluate what will become public and how to frame it.

This part is an example of how free people feel to share their work and their services on the ground. In the next, and last part of the analysis I will present the direct implications for the organization and its members when they speak of what they believe.

4.3.2 Online threats and harassment

So far, the overall parts of the analysis show that the social norms are influenced and formulated both from the government and the media. That is more obvious in the first part regarding the securitization act, which depicted NGOs and HRDs as a threat that must be prevented. Further, I highlighted the ways by which the state managed to restrict their actions by employing laws and trials as a means to limit their engagement in activities. After that, I elaborate on the chilling effects this practice causes and added to that, the limitations on their free speech when they are about to criticize or cite something against the norms circulate in general.

My aim is still the restriction of free speech while in this last part I will show that that comes from the public sector. The direction now is how chilling effects are constructed by the public. By that, I mean the public's response, who, influenced by the information they have received, "attack" NGOs. Specifically, I will focus on the online threats they experienced.

A note about how the agenda-setting has fueled this attitude is needed. Ground on which news is prioritized instead of others, agenda setting shapes and influences the perception of people who receive the news and can direct the way people will think about an issue or event. By doing so, the news that is presented more often is highlighted to be perceived as more important (McCombs & Reynolds, 2009, 6).

As I have presented so far, the contribution of media and journalists has had a great impact on how the HRDs and CSOs have been presented in public discourse. Entman state that: *"To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described"* (Entman, 1993, 52) .

While that is happening people who receive this information create an image of reality and formulate an opinion that can further lead to specific actions.

What that means in practice is given by Ines: *"When the Greek government says that NGOs are spreading fake news or are supporting smuggling, etc, that affects all NGOs that work in these areas because it creates even more distress in the Greeks and the civil society. We see these for example, in a very direct way, when there are some big comments from members of the government, we see an increase in the number of negative comments or threats in our social media. Or when we comment on a very specific topic. It came to my mind immediately when we were doing some efforts about the closing of the ESTIA program, the housing program for the vulnerable asylum seekers. We had several efforts on that topic and suddenly, especially our Twitter was full of negative comments, saying that we should return to our countries etc . We were just criticizing because we receive money from the government. So you see a correlation between the public discourse and how it influences"* (Appendix, 6).

The way the government refers to NGOs can have a major impact on public perception and also influence reactions towards these organizations, as is stated by Ine. While the government depicts NGOs from a negative perspective, that fuels the image people have of them which can lead to a backlash towards them. That backlash is present in the negative messages overloading the social media of the organizations when they simply post their opinion over a governmental decision.

As Penney claims, when people are influenced by misinformation or just due to the norm that is most prominent, among a community, it creates a space “*more polarized, abusive, and chilling*” (Penney, 2021, 1513). That can cause chilling effects on people who are targeted with online harassment and hate. Once again, the only thing the organization did was express their opinion which is not in conjunction with government actions. That was enough to create an escalation of negative comments towards Fenix. These reactions produce uncertainty for organizations about how to deal with it. Ines continued with an explanation of why this is happening and how they tackle it:

“All that is meant to, is not me saying of course, the Council of Affairs say it, the UN say it, of course also me saying it but it's not just us saying, that aims to control or directly block certain actions, but also to control other NGOs in the sense that we sometimes have to think two times of what we have to do if we want to do certain things, or at least how we frame something in certain topics in order to not be stopped” (Appendix, 6).

Yet again, people find themselves chilled about what they want to say or do and comply with what seems to be the right thing, to avoid further implications (Penney, 2021, 1503).

The situation seems to be more severe and concerned with the public reaction when things are published about alleged investigations.

For instance, in the case of Tommy Olsen, the founder of the Aegean Border Monitoring, when an article published in a Greek newspaper about him and his organization was accused of human smuggling, the article was accompanied with his personal information. As he stated in the hearing organized by the UN Special Rapporteur, testimonies of which I used in many parts of this dissertation, he testified:

“But because the Greek police leaked this unfounded accusation to the press, they were published as facts with a picture of me, my full name and my home address. It was a clear attempt to intimidate me to silence and resulted in death threats against me and my family from right wing elements in Greece” (UN SR Human Rights Defenders, 2021, part 1, min 17:40)

The information leaked by the media, in this case, could cause severe consequences. All the articles and misinformation overrun the media about the HRDs, as I show in the overall of the analytical chapter, it eventually ended up creating a polarized and abusive climate, as Penney talked about (Penney, 2021, 1513). As long as there is a flurry of articles related to the negative actions of NGOs, so will be the reaction from the people who get influenced by this information.

Mary Lawlor, the UN Special Rapporteur after their country visit in Greece, in the report she published on the situation she expressed her concerns about it by providing specific examples:

“ In May 2022, Isasonas Apostolopoulos, a human rights defender, was labelled as a traitor for having raised concerns during a hearing in the European Parliament. The spokesperson for the Government of Greece and the Deputy Prime Minister claimed that he had insulted Greece by making accusations about the Hellenic Coast Guard, describing his words as slander. These comments were subsequently picked up by Greek media outlets, following which, stigmatizing comments targeting Apostolopoulos, including death threats, were posted on social media” (Humans Rights Council, 2023, 14).

Is it of great interest to quote here, what MEPs member of the government state clearly , referring to Mr. Apostolopoulos, in an article :

“ The defamation of Greece and the questioning of its prestige with fake news by any Greek citizen are criminal acts to which the Prosecutor's office should react immediately. It is obvious that they must be condemned by the entire Greek state” (Iefimerida, 2022).

As is shown by Lawlor, the calling from MEPs for reaction against the people who spread fake news, in this case Mr. Apostolopoulos, actually took place. The interplay of what news presents more often and how they frame it and the extent that takes in terms of reaction from the people, is prominent.

To sum up, the purpose of this chapter is to present the freedom of speech of organizations and individuals. Based on Penney's theory of chilling effects as social compliance , when someone is opposed to what the social norms command, as they formed from the government and the media in this dissertation, it is most probably to salience or reevaluate what is about to say or do to avoid further implications. In addition to that, the social norms encourage people ,who are influenced by them, to take action against those who speak against them. In this case, that action takes the form of death threats and online intimidation.

5. Conclusion

The aim of this thesis is to research and analyze the ways the Greek state governs its civil society organizations while the second part of my questions was the implications of this govern to the civic space through the experiences of the CSOs. The research initiated with the speech acts for the government and its representatives, whose rhetoric created a hostile and negative narrative for the civil society organizations. The contribution of the media was of great importance to the maintenance of this hostile attitude. In addition, research revealed the various mechanisms the Greek state uses to govern its civil society such as legal regulations and bureaucratic procedures. The overall analysis highlighted the impacts of this practice, given by the experiences of the CSOs who spoke of restriction of essential human rights like freedom of expression, freedom of association and freedom of assembly.

The research presented how the speech acts from the governments constitute a securitization act against the civil society organizations with the contribution of the media to paint them as a threat. A plethora of statements from the government Ministers and articles oriented by the journalists, fuelled these narratives and portrayed them as threats for the Greek state which must be dealt with by any means. Meanwhile, the purpose of these publications was also to delegitimize their humanitarian aid and contribution to the vulnerable populations that approach the Greek territory and presented them acting to acquire their self purpose goals.

In the second part, searching for the means implemented by the state to control the action of this alleged threat I elaborate on the bureaucratic obstacles imposed by the government to restrict their operations with the implementation of new registration law for the NGOs active on the ground. While I highlighted the ways the law causes chilling effects on the organizations by evaluating the data provided for international bodies as EU Council of NGO Law and UN Special Rapporteur for Human Rights Defenders I combined them with the experiences of the members to have a comprehensive understanding.

That led me to investigate supplementary tactics which manage to cause further implications. In this sense, my research led, based on the testimonies of CSOs, to unveil the cases of trials or potential prosecutions as another tactic which effectively chilled the civil community. Under the fear of being on trial by doing only their work, as happened to some organizations in Greece, many of them decided to discontinue their work on the territory and stay aside to avoid the sanctions that may be caused to them. The result of the research was to unveil a shrinking space for civil society organizations to operate and a sense of fear about how they must navigate within these situations. That caused a restriction on their rights as the right of freedom of association and assembly, given by both their testimonies and the reports of the international community which condemned these practices.

While my interest had turned towards the rights that were violated I further investigated the situation of freedom of expression. As it comes out this area is also problematic. The organizations spoke of fear of speaking out of what they are doing and implying the monitoring of the state of

what they report and release to the public. That caused a self-censorship among the CSOs to their publications to avoid any impacts to their work and also to the people they provide services to, meaning the refugees come to Greece.

Furthermore, it is not only the government's presence that is limiting the freedom of expression. As I showed, the people who are influenced by the news and information generated and published in the media tend to “attack” whoever advocates in contrast to them. That is more apparent in the cases of online harassment and threats towards the individuals and organizations that tend to oppose what perceived to be the reality, formulated from the government and media.

The overall situation as it is researched and analyzed in this thesis unveil a restricted space for CSOs to operate and provide services but also to unveil the violations taking place within the territory. That creates a space in which the government and the media creates a narrative and influences the image of reality presented to the public which is in complete contrast to what is actually happening as the experiences of CSOs indicate. As of the time this thesis is conducted the situation in Greece is still ongoing, as one of the human rights defenders say in the hearing of UN Special Rapporteur:

“ The Aegean has become a black box in which allegations of human rights violations cannot be monitored” (UN SR Human Rights Defenders, 2021 part 1, min 14:14).

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Appendix

<u>Name</u>	<u>Organization</u>	<u>Position</u>
Ines Avelas	Fenix	Advocacy
Elena	Border Violence Monitoring Network	Advocacy
Séan Binder	prior member of ERCI	HRD
Eva Cosse	Human Rights Watch	Senior researcher at the department for Europe and central Asia