THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY GREECE

ARTICLE 11 UNCAC

JUDICIAL AND PROSECUTORIAL INTEGRITY

GREECE (EIGHTH MEETING)

1. Information requested from States-Parties in relation to integrity in Criminal Justice institutions (arts. 7, 8 and 11).

A) In relation to article 7 of the Convention:

1) With regard to the recruitment/appointment procedure of the judiciary in Criminal Justice Institutions (i.e. Courts and Prosecutors' Offices), we should inform you that it can take place only after their success in a relevant demanding competition and their graduation from the National School of Judges.

Furthermore, it should be noted that, as provided for in article 88, paras 1 and 5, of the Constitution of Greece: (a) the appointment of Judges and Prosecutors is established by a Presidential Decree, in accordance with a law defining their qualifications as well as their recruitment procedure, (b) their term in Office is life-long and (c) the retirement age limit for those magistrates up to the rank of the Judge in the Court of Appeals or the Vice-Prosecutor in the Appeals Prosecutor's Office and the corresponding ranks coincides with the completion of their sixty-fifth year. The retirement age limit, however, for the Senior Judges (i.e. those of the President of the Court of Appeals or the Appeals Prosecutor and the corresponding ranks), is the sixty-seventh year.

Moreover, pursuant to articles 90, par. 1, of the Constitution and 78 of Law 1756/1988 on «The Code on the Organisation of the Courts and the Status of Judges», as applicable, the Supreme Judicial Council for Civil and Criminal Justice, chaired by the President of the Supreme Court «Areias Pagos», in the presence of the General Prosecutor of the same Court, is regarded as the responsible and competent body for the professional development of the judiciary of Civil and Criminal Courts and Prosecutors' Offices.

Last, as far as the judicial staff of the Courts and Prosecution Offices is concerned, it should be said that, as provided for in article 92, paragraphs 1 and 3, of the Constitution, their permanence in Office is secured. Also, according to the same provisions, the Judicial Staff Service Boards, consisting by majority of Judges and Prosecutors, are considered to be the competent bodies for the status and development of the Couris and Prosecution Offices' personnel.

2) First of all, we should inform you that, in our country, the competent body, tasked with the training of the judiciary of Civil and Criminal Courts and Prosecutors' Offices on Prevention and Combating Corruption issues, is the National School of Judges.

Thus, within the framework of the cooperation of the abovementioned School with the «Hercule III» programme of the European Union, two seminars on «Fraud at the expense of EU Interests - Agricultural subsidies and smuggling of tobacco products» as well as on «Tax Evasion Crimes. Addressing problems after Law 4337/2015 and Tax-Law issues» were held in November 2016 and in March 2017, respectively, for Judges in Civil, Criminal and Administrative Courts, as well as Prosecutors. Moreover, the latter have the opportunity to attend, within 2017, a training seminar on «Justice - Administration and Combating Corruption in the Public Sector» to be held by the same School.

Finally, in the context of the participation of the National School of Judges in training programs for the judiciary, organized by European Union training bodies, the European Judicial Training Network (EJTN) in particular, it should be noted that a) in October 2016, a Deputy Prosecutor attended a seminar on «Economic Crimes, Asset Recovery and Confiscation in the EU», which was held in London, b) in November 2016, another Deputy Prosecutor participated in a seminar on «La corrupción: detección, prevención, represión», which was held in Paris, and c) in March 2017, a Prosecutor attended a seminar on «Training
3) With reference to criteria concerning the election to a public (political) office for the judiciary tasked with the administration of Criminal Justice, it should be stressed that according to Article 89, paras 1, 3 and 4, of the Greek Constitution, they (i.e. the Judges and the Prosecutors) are forbidden to provide any other employed/waged service, to practice any profession, to be assigned administrative tasks, as well as to participate in the Government. As a result, there is no possibility for them to take on public (political) office, parallel to their official duties.

B) In relation to article 8 of the Convention:
2) Even though no Code of Conduct for the judiciary has been established yet, it should be noted that the fundamental values and principles characterizing the latter as well as the conduct expected from them could be detected in numerous provisions of Law 1756/1988 on «The Code on the Organisation of the Courts and the Status of Judges». In this sense, exceptional mention should be made to the values of the ethical status, courage and character of the judiciary, his/her obedience to the Constitution and the Laws, the prohibition of manifesting in favour of or against a political party by a magistrate, the prohibition of the use of his/her office with a view to pursuing personal goals, as well as the prohibition of demonstrating indecent or improper conduct while being on or off duty. The aforesaid principles are provided for in the following articles of Law 1756/1988. 37 par. 1, alinea 1° on «Impediments to Appointments», 40, pars. 1 and 6 on «Fundamental duties of the judiciary, and «Incompatibilities»; and 91 par. 3, alinea c, d, e and f on «Disciplinary Offenses». Furthermore, the competent Courts and disciplinary boards, exercising disciplinary authority over the judiciary, as well as those bodies responsible for disciplinary proceedings against them, are provided for in articles 95 on «Disciplinary Jurisdiction» and 99 on «Disciplinary Proceedings» of the aforesaid Law.

The same authority, as provided for in article 92, par 3 of the Greek Constitution, is exercised over the personnel of the Civil and Criminal Courts and Prosecution Offices by their superior officers (i.e. Judges or Prosecutors or senior staff) as well as the competent Judicial Staff Service Board.

Last, regarding the disciplinary authority over the penitentiary institution agents, it should be remarked that, according to Law 3674/2002, the Inspector General of Public Administration as well as the Body of Inspectors and Auditors of Public Administration have been assigned:

a) to carry out an inspection or audit on disciplinary offenses committed by the penitentiary institution agents, obliging the competent boards to pursue disciplinary proceedings,

b) to carry out controls, re-checks, inspections and investigations,

c) to object to any decision of the competent disciplinary boards;

d) to appeal all final decisions of the competent disciplinary boards, regarding offenses punishable with a final cessation or a demotion sentence, before the Council of State, and

e) to appeal all other final decisions of the Heads of Service (i.e. single member administrative bodies) or the competent disciplinary boards before the Administrative Court of Appeal.

3) We should inform you that, according to article 1, paras. 1, alinea ja, and 2 of Law 3213/2003, as applicable, the Judges and Prosecutors are obliged to asset declarations to the competent authority, within ninety (90) days of their taking up duties, and on an annual basis during their term of Office. It should, also, be noted that these declarations include those assets belonging to their spouses and minor children.
This obligation, however, in asset declaration is provided by par. 1, a linea in the same article of this Law for the penitentiary institution staff as well.

Last but not least, in order to enhance transparency and accountability, a National Mechanism for the investigation of incidents of ill-treatment by law enforcement and penitentiary institution agents has been established by article 56 of Law 4443/2016 within the Greek Ombudsman (an independent authority according to the Greek Constitution).

1) In relation to article 11 of the Convention.
2) See above – Answer A) par. 2).

3) As far as mechanisms to promote transparency of the judiciary Evaluation Reports are concerned, it should be stressed that, since these reports are regarded as restricted service documents, no such mechanisms have been established. However, as provided by article 65 of Law 1756/1998 on «The Code on the Organisation of the Courts and the Status of Judges», as applicable, the abovementioned reports shall be taken seriously into account by the Supreme Judicial Council for Civil and Criminal Justice within the promotion procedure for the inspected Judges or Prosecutors to the next higher grade.