ARTICLE 8 UNCAC

CODES OF CONDUCT FOR PUBLIC OFFICIALS

GREECE (EIGHTH MEETING)

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 manifestations 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 abovementioned principles are provided for in the following articles of Law 1756/1988: 37 par. 1, alinea i' on «Impediments to Appointment», 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 abovementioned 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 3074/2002, 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, alinea il', of the same article of the 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).