

IMPACT OF THE COUNTRY REVIEW IN GREECE

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Greece ratified the Convention in 2008. The country review of Greece took place in the years 2014-2015 and a country visit took place in November 2014 with the participation of governmental experts from Ireland and Gabon. A particular feature of this country visit was that it was conducted in parallel with the corresponding visit by experts of the OECD Working Group on Bribery, which took place in the context of the phase 3 review of Greece by that Organization. So it was a particular challenge to organize the visit and the agenda of meetings in a way that would satisfy the needs of both reviews and would not allocate more weight to one review at the expense of the other. All the same it was quite rewarding to be able to interact with all governmental experts and members of both secretariats at the same time, to consider their sometimes different approaches and methodologies and to profit from their comments and observations.

The review was concluded with the finalization of the country report at the end of 2015 and its publication on the website of the UNODC where it is freely available. The results, as regards the adequacy of Greece's criminalization and international cooperation efforts were relatively positive, taking into account a significant number of anticorruption measures and initiatives taken during the last few years, including a wide-ranging Law of 2014 that was designed to eliminate the fragmentation of the relevant provisions and to close any remaining legal gaps. Greece was found to have a solid criminal justice system and to apply in an effective way most of the Convention provisions. All the same, a few challenges in implementation or grounds for further improvement were identified, and a number of recommendations were made to this end.

The first question that arises here is whether these recommendations were taken seriously and whether concrete steps were subsequently taken to address them at the national level. The answer is absolutely yes. The UNCAC recommendations were communicated to the relevant authorities and were the subject of consultations in the context of the ongoing efforts to ensure compliance with the obligations arising from the international conventions that Greece has acceded to, such as the OECD Convention against bribery in international commercial transactions, the Council of Europe Convention against bribery and of course UNCAC itself. Greece has established authorities that are particularly tasked with this work, including a General Secretariat on issues of corruption that operates in the framework of the Ministry of Justice. Accordingly, following the relevant consultations on the results of the UNCAC review and other review mechanisms, a number of initiatives were set in motion as a result of the recommendations made in the Greece country reports.

I will try to be brief and will only mention three examples of concrete results that demonstrate the impact of the UNCAC country review to our national criminal justice system.

1. With regard to the thematic of *Specialized authorities and inter-agency coordination* (Articles 36, 38 and 39) of the UNCAC, the Greece country report pointed out specific areas where it was evident that there was a lack of coordination and overlapping competences and priorities among national authorities involved in the implementation of anticorruption measures. Accordingly, it was deemed necessary, following the UNCAC review, that a mechanism for coordination and information exchange on investigations into corruption and economic crime respectively be established. In this context, the General Secretariat against Corruption prepared a new draft law about the establishment of a co-ordination mechanism. The purpose of establishing this mechanism is to coordinate law enforcement and audit authorities effectively, to define priorities and objectives for the action of these authorities and to exchange information between the competent services on investigations into corruption crimes and financial crimes, with the ultimate aim of improving the fight against corruption and financial crime. This Coordinating Body (named National Coordination Committee for Combating Corruption and Financial Crime) will apply to all cases under investigation by investigations bodies such as the Financial and Economic Crime Unit (SDOE), the Financial Police, and tax administration investigation units and it shall have a nationwide competence. The Committee will be set up in such a way as to ensure the impartiality and integrity of its members and to confer on it the necessary independence to enable it to fulfil its tasks effectively and without undue influence. One more significant objective of the Coordination mechanism is to avoid the duplication that arises with regard to cases with the same subject-matter, which are pending at the preliminary or pre-investigation stage. In such cases the prosecutors involved will decide on the joining of the case-files and determine which public prosecutor will continue the investigation.

In the same thematic arising from the Greece report, there is an effort not only to coordinate but also to *integrate* inspectorate bodies involved in the fight against corruption. In light of the above, a new law is being drafted, according to which four of the most important administrative audit and inspectorate bodies will be merged, aiming at the enhancement of their efficiency as well as proper management of financial, human and public resources and in order to reduce the overlap between anti-corruption agencies. In this way, it will be possible to immediately put together joint teams from various thematic areas of the new Agency. The competencies of the new control mechanism will be enhanced and will extend also to the NGOs.

2. The second example of the impact of the UNCAC report in national law, has to do with the thematic of *Protection of Witnesses and Reporting Persons* (Articles 32 and 33). The report pointed out significant problems and inadequacies of the existing system, including its limited reach and practical ineffectiveness. Accordingly, in order to improve the existing whistleblower protection system based on international standards, the General Secretariat against Corruption has

prepared concrete proposals to the Minister of Justice for further actions. More specifically, the existing whistleblower protection provisions (regarding criminal investigations), introduced by the new anti-corruption law of 2014, are not considered sufficient, as they do not effectively cover the private sector. For that reason, the protection of whistleblowers shall be revised in order to comply with the recommendations included in the UNCAC Country Review Report of Greece and the Phase 3bis Report on Implementing the OECD Anti-Bribery Convention in Greece. Art. 9 of the Civil Law convention against corruption shall and recommendation CM/Rec(2014)7 adopted by the Committee of Ministers of the Council of Europe on 30 April 2014 shall also be taken into account, in order to set up a national whistleblower protection mechanism in accordance with the international standards.

3. Example: Statistics

The national UNCAC review should not be seen as a temporary burden or a momentary, passing problem that lasts solely for the duration of the review, but as an opportunity for national authorities to have their systems tested by independent external governmental experts and identify concrete problems that need to be addressed in the immediate future. We feel we have significantly benefited by the UNCAC review, and this is the way we feel the UNCAC review should be received in the national context. We are of the opinion that the results should be taken very seriously and that measures and initiatives should be taken to address possible recommendations the soonest possible after the end of the review.