

«Provision of information by States-Parties for the eighth intersessional meeting of the Working Group on Prevention from 21 to 23 August 2017».

I – 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 «Areios 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 Courts 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 Combatting 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 will have the opportunity to attend, within 2017, a training seminar on «Justice - Administration and Combatting 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 corruption: detection, prevention, repression», which was held in Paris, and c) in March 2017, a Prosecutor attended a seminar on «Training

Cooperation - Follow the Money: Financial Investigations» organized by EJTN in cooperation with CEPOL in Budapest.

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 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 ih', of 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).

Γ) 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 85 of Law 1756/1988 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.

II – Information requested from States-Parties in relation to Education in schools and universities on anti-corruption (art. 13, para 1 (c))

Introduction

In March 2015, on the initiative of the (then) newly appointed Government, the General Secretariat Against Corruption was established (<http://www.gsac.gov.gr/index.php>), according to article 6, Law 4320/2015 (Gov. Gaz. A' 29/19-03-2015). With the no. 71/2015 Pres.Decree, all the structures of the GSAC came under the Ministry of Justice. After the no. Y 30 (Gov. Gaz. 2183V /10.12.2015) Prime Minister's decision, the supervision of GSAC was assigned to the Alternate Minister of Justice. In September 2015, the mapping of responsibilities was completed and was posted on GSAC's website (www.gsac.gov.gr).

As far as the National Strategic Plan is concerned, under the provisions of the founding Law 4320/2015, Article 7, paragraph 1a, reads, as follows: «the General Secretariat: a. undertakes the necessary steps and actions to ensure the coherence and effectiveness of the national strategy, with particular emphasis on the coordination of audit bodies and the effectiveness of their actions and provide relevant instructions and recommendations, [...]».

The current National Anti-Corruption Plan, which was updated by GSAC in August 2015, is revised regularly and is composed of forty seven (47) objectives, connected to eleven (11) pillars, i.e. sectors of interventions. These objectives correspond to several actions, as well as to the relevant timetables for their implementation. One of the pillars that National Anti-Corruption Plan is focused on the fight against corruption is the sector of **Education**.

In August 2016, GSAC has signed with the OECD a contract for the provision of technical assistance for the implementation of the National Strategic Plan to combat and prevent Corruption. **This program is in full progress** and co-funded by the European Commission through the European Structural Funds.

For the first time in its contemporary history, the Greek State attempts an organized cultural approach in the phenomenon of Corruption and through an analytical designed Plan focused on Education and young people. More specifically, action 17.3 of the National Strategic Plan is focused on increasing integrity awareness

among young people through aimed integrity forming programs. This action is implemented in coordination with the Ministry of Education and is included among the 10 Outcomes (Outcome 8) of the OECD's technical assistance.

In the text that follows we are trying to describe the actions that have been taken in the context of the OECD'S Technical Assistance Project from its Activation time October 2016 until today.

Chronicle of Actions

- **September 2015:** GSAC adopts the Current National Anti-Corruption Plan. The sector of the Education matches to one of the central pillars of the Action Plan.
- **August 2016:** GSAC and European Commission through the European Structural Funds signed a contract of technical assistance with OECD for the implementation of the National Anti-Corruption Plan. The objective of awareness of young people and students (17.3) matches to Outcome 8 of the OECD's technical assistance project. A working team consisting of GSAC's staff (researchers and professionals in the sector of education) is activated in order to monitor the process of the OECD's project and help the implementation of the objective.
- **November 2016:** In the framework of OECD's Project, a circle of meetings is taken place in Athens for the mapping of the current situation of Anti-Corruption culture in the Greek Schools (primary and secondary education) and the designing of the direction of the technical assistance. In the meetings participated the OECD's expert team, the GSAC's working team, the Institute of Educational Policy, representatives from the Directors of Primary and Secondary Education (Ministry of Education).
- **December 2016:** GSAC on 13th December 2016 announced in a Day Conference entitled " Fair Play: The young people change the game" (Παίζω Τίμια: Οι Νέοι Αλλάζουν το Παιχνίδι), a set of initiatives for the forming of integrity projects in primary and secondary education, in collaboration with the Ministry of Education, Institution of Public Education and Hellenic Broadcasting Corporation - Hellenic Radio Television. In the Day Conference the Minister of Education, the President of Public Television participated among others representatives of relevant authorities and institutions, educators and students. In the opening of the Day Conference Prime Minister addressed a greeting. All the material as well as the whole day conference video is uploaded in GSAC website (<http://www.gsac.gov.gr/index.php/80-general/168-live-event>).
- **March 2017:** In the framework of the OECD Technical Assistance project, in a second round of meetings, OECD's experts presented to GSAC, Institution of Educational Policy and the Secretary General of Education, Research and Religion affairs, a draft feasibility study on Outcome 8 of the OECD's technical assistance for the Mainstreaming integrity into the Greek educational system.

All the relevant parts agreed on the directions of the technical assistance which will focus on the developing of a narrow range of teacher support materials which support the achievement of public integrity education learning outcomes. More specifically educational materials will be delivered to teachers in either hard copy or soft copy (e.g. online material) form. The teaching materials will include lesson plans strongly related with special courses of the existed curriculum, stories about integrity in contexts relating to students' lives, which teachers would read to the students, task templates which teachers can copy onto the black boards, etc. In the middle of April 2017, OECD's expert team will present to all relevant parties an analytical action plan, giving the chance to add their comments and apply for further needs.

- **April 2017:** The Organisation for Economic Co-operation and Development (OECD) in partnership with the Greek General Secretariat against Corruption (GSAC), the Harokopion University and the Greek Open Technologies Alliance (GFOSS), will organize a Hackathon on Public Integrity in which different students, academia, start-ups, software developers, and other participants interested in making an impact in society in the area of anti-corruption, will engage in collaborative computer programming.

Key Goals of the Event:

- Create an innovation-driven crowd-sourced space to conceptualize and develop innovative solutions to engage citizens to actively prevent and fight corruption in the public sector.
- Create prototype mobile and information-system-based applications and technological solutions to share actionable anti-corruption information with a variety of stakeholders, sectors and end-users.
- Connect technology with citizens to help them prevent and speak up about corruption.
- Leverage existing information, networks and human capacity to seed innovation.
- Communicate existing information in an innovative and easy-to-understand manner to catalyze action and empower end-users.

Summary

As it has already been mentioned above, until September 2015 no specific initiative and design for the education in schools and universities on anti-corruption had been established. The design of the current National Anti-Corruption Plan by the new-established General Secretariat against Corruption and its adoption by the Government put the education among the primary sectors of the fight against corruption. For the implementation of the National Strategic Plan to combat and prevent Corruption, a contract for the provision of technical assistance was signed with the OECD, in August 2016. The project, which is in progress, proposes a set of 10 outcomes. One of them, Outcome 8, matches to objective 17.3 of the National Anti-Corruption Action Plan which focuses on the awareness of young people and students on anti-corruption culture and practices. This ambitious effort is already in progress and in a very short time all the relevant parties has been connected in a very cooperative and well working network. As far as the objective 17.3 is connected with OECD Technical Assistance Project, its full design is waiting to be completed in December 2017 and relevant actions will start from the new academic year of 2018.

In the meantime GSAC is working on ideas, cooperation and proposals for the best implementation of the objective and its extension in more actions, with permanent and continuous benefits for national education and public. In this context the request of a further technical assistance from an International Organization in the future, is possible.