



PERMANENT MISSION OF GREECE
GENEVA

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NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, following the Advisory Committee's questionnaire, dated 16 September 2013, on the negative impact of corruption on the enjoyment of human rights, has the honour to submit the attached response, by the Greek Ministry of Justice, Transparency and Human Rights and the Greek Ombudsman.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, October 23, 2013

To: **The Office of the High Commissioner for Human Rights**
HR Council Advisory Committee
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PERMANENT MISSION OF GREECE

**CONTRIBUTION BY THE MINISTRY OF JUSTICE,
TRANSPARENCY AND HUMAN RIGHTS AND THE GREEK
OMBUDSMAN**

**TO THE QUESTIONNAIRE BY THE ADVISORY COMMITTEE
ON CORRUPTION AND HUMAN RIGHTS**

1. In 2013 Greece put forward an overall anti-corruption policy to amend for the fragmented steps it had taken in the past. Due to the fact that Greece faces a problem of systemic corruption the implementation of a coherent and integrated national anti-corruption strategy plan was a necessity. In January 2013 the General Secretariat for Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights concluded the National Anti-Corruption Action Plan. The plan is a tool for the evaluation of the risks of corruption, the coordination of actions, policies and plans for the control of corruption in different sectors and industries and their promotion in the public and private sector. It has three axes – Deterrence, Prevention and Education and involves society as a whole, the administration (public and private) and the political system.

The national plan includes a detailed analysis of the existing situation, in order to clarify the concept of corruption with references to the existing problems of the system, their impact and results to the society and the political system.

The present "TRANSPARENCY" plan aims to:

- put an end to the indecisiveness that resulted from the endless discussions of a series of governments with regards to the best possible way of promoting transparency
- get the country out of a state of supervision and lead to the fulfilment of our international commitments and obligations relating to issues of corruption, responding at the same time to the commitments arising from the memorandum and the relevant road maps
- identify high-risk areas of corruption and create prevention mechanisms
- take seriously into account the technical expertise from different sources
- reinstate the reliability of the country internationally and make it an equal international partner and leader in the fight against corruption
- reinstate and redefine transparency, both as a word and as a concept, in the consciousness of our society, since the often inappropriate use of the term, has turned transparency into a meaningless word, unreliable in terms of its intended enforcement
- re-establish the trust of society in moral values and principles such as truth, earnestness, trust, meritocracy, political commitment and responsibility

The "TRANSPARENCY" plan will be evaluated at the end of each calendar year. After the first and second year, it is proposed that an independent evaluation is carried out in order to determine the progress in all strategic objectives and identify all areas that require special attention. At the end of the first year, there will be an initial evaluation, which will act as a guide for future directions and corrective actions where necessary, in order to ensure the correct implementation of the "TRANSPARENCY" plan for the remaining period.

Between the second and third year of the implementation of the plan, there must be a significant interim evaluation which will examine the overall progress and determine the extent to which the plan and zero tolerance policy have been successful. At the end of

the third year (2015), there will be an official, overall evaluation of the whole operation which will examine the qualitative elements of the implementation, its penetration into society and other factors that affected the implementation of the plan, as well as conclusions that will help future planning. This evaluation will be combined with the subsequent strategic planning for transparency (2016-2021), which is expected to be ready by October 2015.

The National Anti-Corruption Action Plan has been widely publicized, including in the website of the Ministry of Justice, Transparency and Human Rights (http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=KvH_7RZiUPg%3d&tabid=54).

2. a) i. In 2010 the General Secretariat of Transparency and Human Rights was set up in the Ministry of Justice, Transparency and Human Rights. Its mandate includes first, to establish and reinforce transparency rules in the function of the state institutions, taking into account other Ministries' competencies. Second, the planning, processing, coordination and follow-up of anti-corruption programmes' and action plans' implementation. Finally, the strengthening and promotion of human rights' protection and fundamental freedoms, by undertaking all relevant necessary initiatives, such as the alignment with our international commitments.

The General Secretariat of Transparency and Human Rights:

- a. plans, processes and proposes the policy priorities and the actions to ensure transparency and the effective exercise of human rights
- b. undertakes and promotes the relevant legislative, regulative and administrative initiatives and monitors their enforcement
- c. sees to the presentation of the country's national positions to the instruments of the EU and other International Organizations
- d. promotes the harmonization of national legislation with the course set by the aforementioned Organizations
- e. develops, studies and coordinates the actions which promote transparency and ensure the unobstructed exercise of human rights and

f. promotes the cooperation among national, regional and local services and consults with the National Commission for Human Rights as well as with other National or International Organizations in transparency and human rights issues.

ii. The National Coordinator against Corruption was created by virtue of Law 4152/2013 as a single authority that, according to the National Anti- Corruption Action Plan, would prepare a national strategy plan for preventing and combating corruption at all levels of the public sector (political, governmental, judicial, administrative), monitor and evaluate the implementation of such strategy, update the national strategy and its specifications whenever there is such a need, coordinate all agencies and bodies involved in the implementation of the national strategy against corruption, taking all necessary initiatives and actions to ensure the cohesion and effectiveness of the national strategy, except the coordination of auditing bodies.

The National Coordinator, who shall come directly under the Prime Minister, shall be independent in the performance of his duties and shall be supported in his tasks by: a) the Coordinating Committee against Corruption and b) the Advisory Body.

The Coordinating Committee shall consist of all relevant stakeholders in the fight against corruption, namely: 1. the National Coordinator, 2. the General Secretary of the Ministry of Finance, 3. the General Secretary of the Ministry of Administrative Reform and e-Governance, 4. the General Secretary of the Ministry of Development, Competitiveness, Infrastructures, Transport and Networks, 5. the General Secretary of the Ministry of Justice, Transparency and Human Rights, 6. the Special Secretary of the Financial and Economic Crime Unit (SDOE), 7. the Head of the Financial Information Unit of the Ministry of Finance, 8. the Prosecutor against Corruption, 9. the Head of the Anti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority, 10. the Ombudsman, 11. the General Public Administration Inspector and 12. the Director of Financial Police; the Coordinating Committee shall be chaired by the National Coordinator.

The members of the Advisory Body shall be persons with special knowledge and experience in combating corruption or in the functioning of Public Administration, such as University professors and special scientists with pertinent field of expertise, judicial officers, persons with experience in relevant matters or representatives of domestic or foreign bodies involved in combating corruption.

iii. In the framework of the recent changes in the institutional framework available for combating corruption the Public Prosecutor against Corruption was set up by virtue of Law 4139/2013. The Public Prosecutor against Corruption will supervise and co-ordinate preliminary investigations on corruption offences, including foreign corruption, will contribute to transboundary cooperation, will submit proposals on the reform of the existing legislative framework to combat corruption effectively and must bring charges (or not) within two months from the beginning of the preliminary investigation.

There have been two such Public Prosecutors appointed at the Courts of Appeal of Athens and Thessaloniki. Each has personal and functional independence and has been assigned two assistant prosecutors, who are supervised and co-coordinated by a Vice Public Prosecutor of the Supreme Court.

b) The national human rights institutions in Greece are:

- i. The aforementioned General Secretariat of Transparency and Human Rights in the Ministry of Justice, Transparency and Human Rights and
- ii. the National Commission for Human Rights, which is a statutory national human rights institution having a consultative status with the Greek State on issues pertaining to human rights protection and promotion. The creation of NCHR emanated from the need to monitor developments regarding human rights protection at the domestic and international level, to inform Greek public opinion on human rights-related issues and, above all, to provide guidelines to the Greek State aimed at the establishment of a modern, principled policy of human rights protection. Within the scope of the NCHR's competences falls the submission of recommendations and proposals, elaboration of studies, submission of reports and

opinions for legislative, administrative or other measures which may lead to the amelioration of human rights protection in Greece.

- c) Greece considers transparency and the protection of human rights to be of utmost importance. It is for this reason that a single mechanism, has been assigned with the responsibility both to tackle corruption and to protect human rights. The General Secretariat of Transparency and Human Rights, has elaborated two separate but interwoven National Action Plans, one on combating corruption and the other on protecting human rights and ensures the close cooperation among all relevant stakeholders to this end.

3. In terms of measures and best practices taking into account the negative impact of corruption on the enjoyment of human rights, apart from the aforementioned National Action Plans, Greece and the General Secretariat of Transparency and Human Rights, in particular, have organized one-day Conferences, in order to raise awareness among politicians and the general public regarding high risk sectors and groups, such as unaccompanied minors, etc.

4. The human rights, which are most affected by corruption in Greece are the following:

- the right to economic freedom,
- the right to health,
- the right of possession,
- the right to labour and
- the right to education

Because of corruption, women bear fewer children or face difficulties bringing up their children. As for children, the elderly and persons with disabilities corruption is linked with insufficient welfare provided by the state and also the unequal distribution of financial means, social goods and care services.

5. In order to combat corruption taking into consideration the negative impact of corruption on the enjoyment of human rights, it would be in the States' best interest to reorganize existing services and structures, to improve the interrelation of procedures in order to

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• provide more efficient services, to strengthen the existing monitoring mechanisms and to follow-up the measures taken to promote transparency and combat corruption.

6. In the end of 2013 when the National Action Plan on Human Rights will be completed and presented, Greece will be able to propose institutional mechanisms, which could be used to integrate a human rights-based approach in combating corruption.

Unofficial Translation

***Questions 2b & 2c:**

The Greek Ombudsman is responsible for the protection of human rights. His is not directly competent, however, to address issues of corruption, because his interventions aim at investigating individual cases of human rights' violations and not controlling public administration's institutions. Nevertheless, whenever he identifies indications of corruption, he maintains the authority, foreseen by law, to activate monitoring public bodies or even to convey the relevant case-file to the competent public prosecutor.

***Question 4:**

In public administration, corruption mainly affects social rights, when the relevant state grants become an object of arbitrariness. In the issue of stricto sensu civil rights, what could be particularly affected is the personal freedom, in areas where police forces operate or within the disciplinary system. The Greek Ombudsman is very conscious and fully aware of the relevant problems, as well as of the endeavors by the competent Ministries to address them.

***Questions 5 & 6:**

The Human Rights Council as well as the relevant competent protective mechanisms of the United Nations Organizations, could contribute to the combat against corruption, especially in the field of human rights, in two ways: either by intensifying controls within their competence or by developing informative and educative activities in cooperation with the competent administrative bodies.