



## Technical Assistance on the Reform of the Greek Judicial System – Phase II (SRSS/S2016/030)

### Background

As part of the Plan for Technical Cooperation in support of Structural Reforms, agreed upon between the European Commission (EC) and the Greek Authorities in October 2015, technical assistance is required for several important reform areas, i.e., modernizing the public administration and, more specifically, improving the efficiency of the Greek judiciary system. As early as in 2014 the Greek justice system chose Austria as its reform partner and asked for support regarding technical assistance. In cooperation with the Structural Reform Support Service (SRSS) and the Greek General Secretariat for Coordination (SGC), the Austrian Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice as Reform Partner provided political leadership and transfer of know-how through technical assistance to assist in the implementation of the legislative, institutional and administrative reforms in the following five priority areas:

- (1) Implementation of the new Civil Procedure Code (CPC)
- (2) Prison system
- (3) E-justice
- (4) Judicial statistics
- (5) Mediation

The project started on 22<sup>nd</sup> of December 2017 and was run in the beginning in parallel to the final implementation phase of the Grant Agreement for the action “Technical Assistance on the Reform of the Greek Judicial System – Phase I (VS/2015/0039)”. The project’s total lifetime was 20 months; it expired on 21<sup>st</sup> of August 2018. As a follow-up to Phases I and II, implementation of the action “Technical Assistance on the Reform of the Greek Judicial System – Phase III” (SRSS/S2018/049) started on 29<sup>th</sup> of August 2018.

### Component 1: Support on the implementation of the new CPC (Acceleration of court proceedings)

The Greek judicial system suffered from a backlog problem with a large number of pending cases before the civil, criminal and administrative courts in Greece. With a view to the reduction of the backlogs, amendments of the CPC have been adopted by the parliament in July 2015. The new provisions aimed to speed up proceedings and shorten the average duration of civil proceedings by setting strict timelines for the hearings, shifting to predominantly written proceedings and implement e-auctions for immovable property. With a view to the backlog problems, international experts strongly recommended the introduction of an automated payment order procedure, especially for payment claims in mass court cases.

### Activities

- Successful conduct of a series of seminars on selected topics of the CPC amendments
- Feasibility study on the introduction of an e-auction IT system
- Elaboration of a concept for the automated payment order procedure, both technical and legal

### Outcome

- About 80 judges and candidate judges were trained to the new regulations of the CPC, namely on the “Taktiki”-proceedings, interim measures, non-contentious proceedings, special proceedings and to the new legal framework for e-auctions.
- Operational e-auction platform since November 2017. Up to now a total of 6,280 property auctions have been scheduled until April 2019.
- Concept for the automated payment order politically endorsed. Technical environment ready for implementation.

*Phase III will build on the results achieved in Phase II. Regarding the automated payment order procedure, the concept elaborated under Phase II shall be implemented in a pilot mode in the 1<sup>st</sup> Instance Court in Athens. The introduction of this procedural tool will unburden the courts significantly and thus help to reduce the backlogs. Similar models have been introduced in many European Union Member States with great success (e.g. Germany, Austria, Finland and Portugal).*

### Component 2: Assistance to the prison system reform

The training and knowledge level of the staff in the penitentiary and in the juvenile welfare system was poor, both in respect of security and supportive treatment issues. Detainees have not been given the opportunity to participate in vocational training for better re-integration upon release. There was no uniform procedure for an adequate preparation of detainees for their release and reintegration in place.

### Activities

- Elaboration of an analysis of the structure of the penitentiary system
- Proposals for reorganisation aiming at enhancing both security and preparation for reintegration
- Elaboration of a training curriculum for the prison staff
- Assessment report of juvenile offenders and juveniles at risk
- Assessment report concerning preparatory measures for released detainees with a view to reintegration

### **Outcome**

- Around 300 prison guards and social workers were trained (some of them for the first time)
- Distribution of around 200 manuals to prison guards which serve as a guideline for the practical work in the prisons and in the institutions for juvenile at risk
- 15 months vocational training of 40 detainees in three different craftsmanship (building and construction, tailoring and decorative art) in three different detention facilities with the goal of improving their re-integration after release. The three trainings provided (in Korydallos, Avlona and Grevena) received significant positive attention from local communities. The training was regarded as extremely helpful and positively contributed to a positive atmosphere in the prisons' daily life.

*In Phase III the activities in the penitentiary field aim to take the very encouraging results in the handicraft trainings for detainees under Phase II (with a view to reintegration) a decisive step forward. The activities shall, where possible, reach out to the private market and help to create institutions like cooperatives, providing employment possibilities also for released detainees in order to facilitate their re-integration. Moreover, the (till now widely lacking) vocational training of the penitentiary staff shall be institutionalized by the set-up of a training academy in a pilot mode.*

### **Component 3: E-justice, implementation of the court case management system OSDDY-PP**

The implementation of OSDDY-PP started in 2014, unfortunately on the basis of blurred specifications and without a prior review of the business flow and without adequate preparation of the court staff for absorption.

#### **Activities**

- Permanent monitoring and tracking the implementation process
- Coaching and training of court staff
- Establishing project management structures according to the standards of an ICT project management plan
- Establishing an effective ticket system for change request and error reports
- Participation in the steering board of the Strategic Structure NSRF (Epiteliki Domi SPA)

#### **Outcome**

- Structures for fruitful co-operation between the vendor and judicial units involved were set up, small local teams built with assignment of responsibilities for the necessary coordination
- Centralization of decision-taking concerning the features of the system with regard to unification (which prior intervention was not granted because of the interference of court staff of some judicial units)
- Meaningful and increasingly committed involvement of the MoJ's ICT department
- Reshuffles in the Strategic Structure committee with a view to act as a steering board as concerns issues of major importance

- Substantial improvement of the error report system by usage of Jira (software application following a "ticket system" in accordance with modern ICT project management)

This contributed substantially to the successful implementation of the OSDDY-PP court case management system which will be finalized by end of October 2018.

*In the field of ICT Phase III shall focus on the strategical aspects with a view to operate, maintain and constantly update the IT systems in place. The project will elaborate alternative feasible concepts for an efficient ICT administration, in order to bring about a political decision and enable true ownership of the ICT programs and tools. Support shall be given also to the elaboration of a sound e-justice strategy and an action plan. Besides of that our team will continue to guide the implementation of the OSDDY-PP in its (nationwide) roll out.*

### **Component 4: Further reinforcement of expertise on judicial statistics**

Court statistics have been incomplete and widely unreliable up to 2014. Data collection was not consistently structured and the practices differed in some decisive aspects which resulted in distorted pictures of the courts' performance.

#### **Activities**

- Assessment report on the data collection templates for the civil and criminal courts and the prosecution services
- Development of supporting ad hoc reports, studies and advice on issues related to statistics
- Elaboration of reliable court statistics for the year 2017 (for the civil and criminal courts and the prosecution services)

#### **Outcome**

- Court statistics considerably enhanced in terms of
  - Compatibility with international standards (CEPEJ, EU Scoreboard etc.)
  - Reliability
  - Completeness

*The goal in Phase III is to help the MoJ to gain control over the electronic data pool provided by the above mentioned court case management system and to exploit the statistical capacities for better informed decisions in judicial administration (deployment of judges, workload distribution etc.)*

### **Component 5: Assistance in further enhancing promotion and use of mediation**

Mediation, despite the existence of a big number of mediators, has not yet been well accepted in Greece by the public. The number of mediation cases is persistently low. The law on mediation of January 2018 intended, inter alia, to foster mediation and simultaneously relieve the courts by the introduction of mandatory mediation attempts for a number of case types.

#### **Activities**

- A study on an apt set of data for meaningful statistics was delivered, alongside with data collection templates
- An awareness campaign was conducted, including materials (2.500 flyers) for basic information and fostering mediation

- A concept for the mediator's training under the new law (which adapted proposals from the project's expert) was developed and drafted

#### **Outcome**

- Data collection templates ready for use and distribution
- Awareness of mediation as an ADR tool raised
- Expert proposals reflected in the new law on mediation

*In the mediation field **Phase III** foresees support to the implementation of the new mediation law of January 2018. The MoJ though sees need for amendments in the light of a recent decision, uttered by the Supreme Court and has decided to postpone the entering into force of the mandatory mediation of that law for a year (on the 16<sup>th</sup> September 2018). The project's concrete activities and contribution will have to be discussed in the light of the developments.*

#### **Conclusion**

In conclusion of the above it can be stated that the project not only **achieved the results** in line with the work plan and the schedule, but also managed to engender a **perceptible impact on the ongoing reforms** in the Greek judiciary. It has to be pointed to a general **weakness of the judicial system**, reported on already in Phase I, which strongly hampers, namely the **total lack of managerial power of the judges**. This deficiency provides wrong and adverse incentives for the judges, favouring dodging hard work, impending strategic and goal oriented case solving on the other hand and creating only a low level responsibility of the judges for the assigned cases. The major drawback should be tackled within a mid-term perspective.