



## Technical Assistance on the Reform of the Greek Judicial System – Phase III (SRSS/S2018/049)

### Background

According to 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 support was required for a number of important reform areas, i.a. for the judicial system with a view to the enhancement of its efficiency.. Within this framework, Greece has requested support from the EC, which agreed to provide technical support to Greece.

Due to its experience and expertise the Austrian Federal Ministry of Justice in cooperation with the Center of Legal Competence (CLC) were proposed and welcomed to be Reform Partners for the Ministry of Justice of the Hellenic Republic. The first project (“phase I”), focusing i.a. on the introduction of a new court case management system, court statistics and mediation, was carried out successfully from September 2015 to March 2017. This co-operation was continued in a follow-up project (“phase II”), which started in December 2016 and ended in August 2018.

The third and last project (“phase III”) again was implemented by the Austrian Federal Ministry of Justice in alliance with the Center of Legal Competence (CLC) as Reform Partners and providers in cooperation with the Structural Reform Support Service (SRSS), now DG Reform and the Greek General Secretariat for Coordination (SGCO). Since beginning of September 2018, political leadership and transfer of know-how was provided in the following five priority areas:

- (1) Realization and implementation of an automated payment order procedure
  - (2) Development of an E-Justice strategy
  - (3) Further reinforcement of expertise on judicial statistics
  - (4) Institutionalization of initial and on-the-job training for the staff of the penitentiary and further support in the field of re-integration of released detainees
  - (5) Implementation of the new legal framework for mediation
- The project started on 29<sup>th</sup> of August 2018. The project’s total lifetime was 20 months; its implementation phase expired on 28<sup>th</sup> of February 2020.

### Component 1: Support on the realization and implementation of an automated payment order procedure

The Greek judicial system suffered – and still suffers – from a backlog problem with a large number of pending cases, inter alia before the civil courts. With a view to the reduction of the backlogs, amendments of the Civil Procedure Code (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. Despite the achievement of some positive effects, the numbers of pending cases are still high and have even increased lately in certain categories. Trying to tackle the still existing backlog problems, international experts strongly recommended the introduction of an automated payment order procedure, especially for money claims, an idea which has been finally embraced by the political leadership of Greece’s judiciary.

### Activities

- Draft of a legal framework for the automated payment order procedure in Greek language containing:
  - Legal text
  - Presidential
  - Reasoning
  - Impact assessment
- Draft of a technical implementation concept for integration of the automated payment order into the court case management system in civil and criminal courts (OSDDY-PP)
- Provision of ad hoc advice in the context of the elaborated drafts mentioned above

### Outcome

- Legal draft and technical concept checked by the Ministry of Justice
- Legal draft as valid basis introduced in the competent legislative committee
- Determination of the political leadership to factually implement the automated payment order in the course of the upcoming roll-out of OSDDY-PP, first in pilot mode, i.e. only in the Athens` Peace Court for small claim procedures, subsequently nationwide.

**Expected impact:** *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). It is intended to subject the “small claim” procedures handled by the peace courts to this fast track procedure. Some 17.000 cases will be concerned. Success provided in the first step, it bears a huge potential for expansion to other money claims.*

### Component 2: Development of an E-Justice strategy

Over the last five or six years the Greek judiciary has implemented a series of large scale IT projects, e.g. the court case management systems OSDDY-DD (for administrative

courts) and OSDDY-PP (for regular courts and prosecution services). In more recent times the Greek government enhanced its ambition to unify the digitalization process of the public sector as a whole and the endeavour for an overall national digital policy. In this context, irrespective of respectable results in the above mentioned single projects, the judiciary's urgent need for a comprehensive strategy surfaced.

Furthermore, the conclusions drawn from the monitoring of the OSDDY-PP implementation (phase I of OSDDY-PP, which was conceptualized as a pilot for the courts of Athens, Piraeus, Thessaloniki and Chalkida) suggested that the roll-out to the rest of the courts would need more sound preparation in order to avoid the manifold shortcomings in the cooperation between courts and the vendor.

#### Activities

- Discussion and elaboration of a comprehensive e-justice strategy plus an implementation action plan in group work between Austrian and Greek experts in the frame of several missions and preparatory exchange of documents in the periods between the missions
- Execution of 5 court inspection trips for the identification of the courts' needs for the facilitation of the implementation of the OSDDY-PP roll-out
- Drafting of a catalogue of duties for the personnel of the courts and the Greek Ministry of Justice involved in the upcoming roll-out of OSDDY-PP

#### Outcome

- Comprehensive e-justice strategy drafted, in line with the national digital policy and the EU IT justice strategy, containing:
  - Depiction of status quo
  - Business goals for the IT
  - Organisational set-up
  - Future IT architecture
- E-justice action plan drafted and available as the guiding document for further action in the ICT field
- Catalogue of duties (cp. 2<sup>nd</sup> bullet point under "activities") drafted and available to facilitate coordinated action and sound preparation with a view to the upcoming roll-out of OSDDY-PP.
- 5 court inspections conducted, awareness raising in the courts about the upcoming introduction of OSDDY-PP, identification of shortcomings in courts, analysis of findings and incorporation in the catalogue of duties

**Expected Impact:** *The future actions taken in the ICT field shall follow a consistent, goal-oriented concept in line with the overall national digital policy of the Hellenic Republic and take into account also the respective guidelines issued at EU level. In addition, an intensified participation in IT related projects /working groups is expected.*

*As concerns the upcoming roll-out of OSDDY-PP, the project's results should help to facilitate an efficient co-operation between the courts and the vendor and avoid the manifold drawbacks encountered in the first phase of implementation.*

### **Component 3: Further reinforcement of expertise on judicial statistics**

The OSDDY-PP system, which currently is installed only in a limited number of courts (only the pilot courts of phase I), offers the possibility for automated data collection and evaluation. On the other hand, there are still many courts, which have to rely on other IT systems or even hand-written registers. That's why, for the time being, an "interim system" based on excel sheets is in place. However, the goal must be to abandon this data collection model and shift to an automated model, exploiting the OSDDY-PP data pool, once all the courts are equipped. In a process of gradual change, first central access to the data pool shall be granted to an overall responsible judicial body, in order to gain independent control of the statistics (including the creation of data queries according to the needs).

#### Activities

- Elaboration of a catalogue of requirements for central access to the data pool for the operation of the statistics
- Review and rectification of the queries for the peace courts / civil proceedings, including the household insolvency cases (used by the vendor)

#### Outcome

- Catalogue of requirements for the central access to the data pool of OSDDY-PP drafted and available. The documents provides three different options for actual realization, whereas they depend on the (political) decision who (which judicial body) to assign the overall responsibility for the operation of statistics.
- Rectified and unified queries for the data collection in the civil proceedings handled in the peace courts put in place by the vendor for future compilation of statistics.

**Expected Impact:** *By extracting the data directly from the OSDDY-PP data pool errors in reporting (inserting figures in excel tables) shall be eliminated. Over the time this automated model will ensure more consistency and accuracy in statistics and will offer a much more detailed and quicker statistical overview.*

### **Component 4: Institutionalization of initial and on-the-job training for the staff of the penitentiary and further support in the field of re-integration of released detainees**

In the past the penitentiary system did not provide a systematic vocational training, neither initial nor continuous, to its employees. Considering the heavily differing professional backgrounds of the prison staff, the lack of sound skills resulted in an overall dissatisfying situation.

Concerning the training of detainees with a view of facilitating the chances of reintegration the project had carried out already handicraft training in "phase II" of the project with high success. This sparked the ambition to take it a step further and target potential markets for the crafted products, ideally within a stable institutional framework.

#### Activities

- Elaboration of a concept for a penitentiary's academy
- Elaboration of a training concept and a curriculum

- Design of a concrete training / educational program for the first period of the academy's operation
- Conduct of an intensive train the trainers seminar for 24 senior staff of the penitentiary
- Conduct of 2 subsequent seminars, using the newly trained trainers as presenters and lecturers for their peers
- Execution of a package of activities on combating radicalization in the prisons
- Training of around 40 detainees in 4 different handicraft in 4 different prisons
- Creation of about 1,000 objects (ceramics, pottery, wood carved objects, engraving etc.)
- Elaboration of a business concept for "reaching out" to the markets
- Participation in exhibitions, bazaars and Christmas markets and similar
- Establishing enduring links to municipal institutions (e.g. Trikala museum) for permanent support to sales activities

### Outcome

- Concepts for the creation of the academy and the training drafted and used subsequently (with adaptations) by the Greek partners for the establishment of the academy.
- 24 prison staff successfully trained for functioning as future trainers
- The penitentiary's academy established, it proved to function organisation-wise in the first period of existence and expected to go fully operational in the foreseen location in Thiva very soon after completion of the necessary construction work
- Vocational training institutionalized
- High productivity in the handicraft training
- Links to the market (for products of detainees) established

**Expected Impact:** *This highly successful component, above all, has achieved the paramount goal of the institutionalization of the vocational training in the penitentiary in a perfectly tangible way, which manifests in the viable operation of the new academy. This, quite obviously, was taken ownership of by the Greek authorities (Ministry for Citizens' Protection). Certainly this will improve the skills of the prison staff and help them to better cope with their demanding tasks.*

*The handicraft training exerted a positive influence not only on the trainees themselves, but also, according to the prison administration's feedback, on the general atmosphere in the detention facilities. Even though the project could not establish a permanent body (co-operative), forms of strong cooperation with the market ("outside-players") were achieved and an entry was made into tapping institutional support for vocational activities and employment chances of released detainees with a view to facilitated reintegration in society.*

### **Component 5: Implementation of the new legal framework for 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 was persistently low. The new law on mediation, first drafted in January 2018, yet not entered into

force, intended to foster mediation and simultaneously relief the courts by the introduction of mandatory mediation attempts for a number of case types. This legislative ambition was inherited by the new government

### Activities

- Consulting in the legislative procedure in group work between Austrian and Greek experts
- Drafting of a concept for the implementation of the new legal framework
- Initiation of statistical data collection in the field of mediation
- Evaluation of the first statistics in mediation for the year 2018
- Enhancing the data collection templates for the year 2020 onwards
- Elaboration of detailed instructions for uniform and correct filling in of the templates

### Outcome

- Strong input into the legislative procedure for the new law on mediation
- Concept for the implementation of the new law on drafted, providing also a set of forms for the efficient handling of the mandatory mediation cases
- Statistic report for the year 2018 elaborated
- Enhanced templates for data collection plus respective instructions for completion ready for utilization

**Expected Impact:** *The new legal framework entered into force end of November 2019; mandatory mediation for family cases started as of 15<sup>th</sup> of January 2020. Up to now (end of February 2020) only positive feedback was given on the implementation. It therefore is expected that the law will foster considerably mediation, both mandatory and voluntary, which will have a positive (relief) effect on the courts. The statistics in mediation definitely have been taken to higher standards which will facilitate future strategic political decisions in this area.*

### **Conclusion**

In conclusion of the above it can be stated that the project has **achieved the results** in line with the work plan (with only some minor restrictions) and also managed to engender a **perceptible impact on the ongoing reforms** in the Greek judiciary.