

Confronting Corruption in Greece¹

*By Professor Nestor Courakis
Faculty of Law, University of Athens*

I. Introductory Remarks

1. Greece is a country which, according to the 2010 Transparency International Corruption Perceptions Index, is ranked among the countries considered as particularly corrupt (78th globally and bottom in European ranking). Of course there are a lot of reservations whether this subjective ascertainment can lead to the conclusion that Greece is really a corrupt country. By the term 'subjective', I mean that the Index is based only on the criterion of perception. Hence, it merely shows how the people of a country perceive their own corruption, on the basis of several factors which shape their opinion; One factor, for example, is the frequency with which media report instances of corruption in each country. Another notable factor may be the degree of investigative and critical approach of the media. Personally, I have the feeling that such an index is not only misleading in relation to the real dimensions of corruption in a country, but that it is also dangerous, since it can be used by foreign enterprises in an erroneous or even improper manner; i.e. as a fundamental criterion in risk assessment for making decisions whether to realize or not investments in a specific country. It would be better, in my opinion, to base such crucial decisions on a more complex index, which would take into account all the important

¹ Paper presented as the keynote speech, during a Conference on "Anti-Corruption" on 11.3.2011 in Lemesos, Cyprus. The Conference was organized by the Cyprus University of Technology. The author wishes to gratefully acknowledge the assistance of Professor *Antonis Makridimitris* (University of Athens), Mr. *Peter Wilkinson*, Senior Adviser at Transparency International, and of Mr. *George Papadimitrakopoulos* in the preparation of the final text.

parameters of corruption in a country. For instance, parameters such as the existing legal framework, the way in which this legislation is enforced (Including cases of corruption revealed and/or brought before the courts) and last but not least, the guidelines of the strategy set forth by this country, in order for it to cope with its indigenous corruption². I believe that such a "*Multidimensional Corruption Index*" (MCI) would be more objective (NB. Provided that the MCI is based on up-to-date and comparable data as well as on cross-referenced facts) and, consequently, more accurate, useful, pragmatic, and ultimately fair to the Country in question.

2. With a view to giving an *example of how* to construct such a Multidimensional Corruption Index for Greece in particular, I will present some facts on corruption in relation to this country.

II. Definition and Greek legal framework

3. First, it would be expedient and useful at this point, to offer a *definition of corruption*, mainly in order to use it as an implement, markedly assisting us in what I intend to discuss with you. There exists such a definition in Article 2 of the Council of Europe's Civil Law Convention on Corruption (1999). In a more simplified way, the definition of this legal instrument can be formulated as follows: "*Corruption* is the illicit and abusive behavior of a (lato sensu) functionary who, within the framework of his/her duties, promotes the interests of another person (physical person or legal entity) in view to obtain for himself or for others a direct or indirect economic benefit." Transparency International's definition is wider and is "The abuse of entrusted power for private gain".

² Within this framework, the World Bank Governance Indicators and the IT National Integrity Studies would also be useful.

4. Concerning its *legal framework* against corruption, Greece has signed (without significant reservations) and promulgated into laws with increased formal validity (Article 28, Paragraph 1, of the Greek Constitution) all important international and European Conventions, as well as their Additional Protocols against corruption. In particular, Greece has given full legal force to the OECD, EU, Council of Europe and United Nations conventions³. Greece has harmonized its interior legislation to these conventions and as a result, apart from the ‘typical’ provisions on the legal hardcore of corruption, i.e. on active and passive bribery (Article 236 and 235 of the Criminal Code), there are also provisions for cases when bribery is committed to favour:

- a judge or, a referee (Article 237 of the Criminal Code, punished as a felony)
- a member of Parliament or, of Prefecture or Municipality in relation to elections or, votes (Article 159 of the Criminal Code)
- a member of the European Parliament and/or to functionaries, judges et cetera, of member-states, of international or, supranational organizations⁴, as well as when
- *active* bribery is committed in favour of foreign public officials (for example judges) are bribed by a legal person engaged in international business transactions⁵.

³ Among these conventions, the following can be particularly mentioned: The Organization for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of 17.12.1997 (Law-Number 2656/1998); the European Community’s Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of 26.5.1997 (Greek Law Number 2802/2000); the Council of Europe’s two Conventions on Corruption in Criminal Law and in Civil Law of 27.1.1999 and of 22.7.2003 respectively (Greek Law-Numbers 3560/2007 and 2957/2001); and also, the United Nations’ Convention against Corruption of 31.10.2003 (Greek Law-Number 3666/2008)

⁴ Article 3, 4 of Greek Law-Number 2802/2002 and Article 3, 4 of Greek Law-Number 3560/2007

⁵ Article 2 of Greek Law-Number 2656/1998, as it was replaced by Article 9, of Greek Law-Number 3090/2002

Furthermore, the provisions on bribery are equally applicable to cases of private-to-private bribery, mainly by virtue of Article 5 Law-Number 3560/2007. Finally, the related case of "trading in influence" is also punishable in Greece, principally on the basis of an old Law, Number 5227/1931 on intermediaries, but, also, as it concerns officials of member-states of the Convention of the Council of Europe, on the basis of Article 6, Law Number 3560/2007 and Article 16, Law Number 3666/2008.

III. Enforcement of the Anti-Corruption Legislation

5. According to the Third Evaluation Report adapted on 7-11.6.2010 by GRECO (**G**roupe d' **E**tats contre la **C**orruption), which is an institution of the Council of Europe, the Greek legal framework "appears to be fairly comprehensive", since "Greek criminal legislation deals with all forms of corruption and trading, in influence offences incriminated by the criminal Law Convention on Corruption and its Additional Protocol⁶". Nevertheless, the Report makes some recommendations with a view to improving the Greek legislation and making it more efficient. Among others, it recommends: "To reformulate all relevant provisions in a uniform manner and to insert them into the Criminal Code, to make it clear that active and passive bribery are autonomous and do not necessarily need an agreement between the two parties (i.e. the one who offers the bribe and the other who accepts it), and also to punish acts of bribery which are beyond the scope of the officials' competences." Other measures which can be taken are also: "The express penalization of the so called 'investive corruption' (i.e. gifts or other benefits which are offered to the functionary merely in order to cultivate a climate of good relations with him/her and consequently, to ask for his/her support later), and the express penalization

⁶ Page 22 of the Report

of acts which are committed by legal entities, for instance, corporations” (note: In Greece such a penalization is not yet foreseen expressly by the legal system; however, Greece has already ratified international legal instruments inviting countries to take measures in this direction⁷ and, as a result, it should comply respectively).

6. Regarding the enforcement of this anti-corruption legislation, it is true what is said in the aforementioned GRECO’s Evaluation Report⁸, that Greece should “carry out a proper assessment of the effectiveness of the provisions concerning bribery and trading in influence”. Nevertheless, during the last decade there have been intensive efforts on the part of the police, judicial, and other public authorities to discover and bring before justice persons who have been allegedly engaged in acts of bribery, irrespective of the level of their socioeconomic position.

Consequently, there have been cases where judges and their accomplices, were sentenced to many years of incarceration⁹. Furthermore, control measures and penalties have been applied to a general director of the Committee on Competition (i.e. the Independent Anti-Collusion Committee of Greece), and his colleagues, who attempted to compel the owners of a dairy company to a monetary bribe, in order to dissuade the Committee from imposing a huge fine on the company¹⁰. Moreover, there is a plethora of ongoing investigations and -in some cases- penal prosecutions, against highly ranked officials of Siemens Hellas S.A. (Siemens in Greece), and C-

⁷ For example Article 28 the U.N. Convention against Corruption

⁸ Page 25

⁹ www.grreporter.info/en-2.2.2010-The-court-cut-the-sentences-of-judicial-officers-to-favourable-attitude-towards-defendants-against-payment

¹⁰ www.ekathimerini.com-25.11.2008:New-revelation-in-Mevgal-case

level employees of the Hellenic Telecommunications Organization (OTE)¹¹, against legal entities that ordered submarines from the German company Ferrostaal¹², and also against those persons, who have allegedly fixed football games¹³.

7. These *investigations* are mainly conducted:

- By senior ranked and competent prosecutors (Recently a vice-prosecutor of the Greek Supreme Court [i.e. 'Areios Pagos'] was nominated as the special prosecutor responsible for Economic Crime)
- By the Greek Police (There is a special division, charged with the prosecution of economic crimes)
- By the so-called S.D.O.E. (i.e. Σ.Δ.Ο.Ε, also known as the Corps for the Prosecution of Economic Crime¹⁴)
- By the Corps of Inspectors and Auditors of Public Administration
- By the General Inspector of Public Administration
- By the Police Bureau of Internal Affairs (tasked to investigate cases of intrinsic department corruption, i.e. amongst functionaries of the police), et cetera.

8. As a consequence of the competent efforts of the foregoing authorities (while combating corruption on various levels and sectors of the Greek society), in recent years, there seems to be a widespread perception that these efforts are intense and -to a certain degree- effective. This tendency

¹¹ www.greekreporter.com-25.1.2011: Greece seeks restitution from Siemens' bribes scandal, 30.3.2011: Greek Minister claims German firms encouraged corruption

¹² www.ekathimerini.com-30.3.2011: Submarine bribes reached 100 million euros, report says/
www.athensnews.gr-20.2.2011: Submarine scandal resurfaces

¹³ www.goal.com-12.3.2011: The Greek Government backs fighting corruptions in the Super League

¹⁴ Cf. the Greek newspaper "Kathimerini" of 6.3.2011, page 12, mentioning close to ten cases of corruption which are currently being investigated by S.D.O.E.

will, most probably, be augmented in the coming months as a part of the Government's strategic plan to combat corruption, and also in an effort to preemptively counterbalance, the probable multiplication of corruption-related cases in the future, which may come to bear, as a result of the existing economic recession.

However, it is evident that an efficient fight against corruption depends not only on the intensification of its prosecution, but also on other *preventive strategies*, meant to focus on and tackle directly the *principal factors* which provoke, facilitate, or enable this ubiquitous phenomenon. In the remainder of this paper, I shall try to focus on these factors and afterwards, to outline some concrete and mainly costless measures, which in their greater part are already materialized in Greece, in order to diminish the influence of these negative factors. Evidently, this analysis can be also useful on a more general level, i.e. on *how* to combat corruption in a developed Mediterranean Country.

IV. An Overview of the Causes of Corruption in Greece

9. Concerning the *causes of corruption* and taking into account that corruption implies violation of duties by functionaries, it is evident that it can be favoured or facilitated especially in societies and countries where:

a. There exists in society a more general "climate" of tolerance towards corruption, as a result of an individualistic mentality and materialist orientation which gives priority to consumer goods and underestimates social or moral values.

b. There are legal provisions which are complicated and need to be interpreted by functionaries or provisions which are unnecessary and create delays when they are applied. Furthermore, functionaries in certain

areas of policy domains, have a wide field of discretionary power to interpret legal provisions.

c. Functionaries in certain areas of policy domains are not the ones solely responsible to take decisions and to sign an act, so that they can sometimes feel free to ask for direct or indirect economic benefits in order to interpret these legal provisions in favor of the applicant (for example, to issue a license), interpret them (for instance, in order to issue a license) in accordance to and in favor of their own specific objectives and interests.

d. Functionaries have been appointed and/or promoted to a position of the public sector not on the basis of a meritocratic system of selection, but according to criteria of nepotism and favoritism, being therefore dependent on politicians and on clientele-relations and having, consequently, a predisposition for trading in influence and even for corruption.

e. There is direct contact between functionaries and private persons involved which facilitates clientele-like practices.

f. There is lack of transparency on the level of formulation of administrative acts, so that it is not easy to find out which ones are being promoted by the government; this situation can evidently favor an atmosphere of arbitrariness and immunity and arbitrariness on the part of the functionaries and can offer, as a result, occasions for corruption.

g. There is lack of trustworthy and well-coordinated mechanisms of control and of law-enforcement, and as a result, legal provisions are ineffectively applied.

V. Some measures to tackle with Corruption in Greece

10. Now, it would be interesting to know in *what way* and with *what measures* Greece has tried (or might try harder in the future) to reduce the

negative influence of these seven main factors, which give rise and/or growth to corruption:

(a) Concerning the more general climate of tolerance towards corruption, which appears mainly in individualistic and consumer-oriented societies, it can be said that such a climate is not unknown in modern Greece¹⁵. In particular, common citizens of Greece do frequently tolerate situations of corruption in the belief that, promoting their own personal interests can be a priority. As a consequence, some Greeks may purport that, in order to achieve this egocentric objective, it is indispensable to have good relations (i.e. 'investive corruption') with politicians, and even more so to enable trafficking with functionaries. Surely this mentality is not only a Greek phenomenon; it is widely spread all over developed countries. The cardinal difference is that in Greece, the climate of implicit rather than explicit tolerance towards corruption is fomented by a strong bureaucratic system, which causes serious hardships to citizens and dominates almost every domain and facet of their life. To overturn this negative climate, that affects citizens, politicians and functionaries alike, is something which requires considerable effort on various levels. Specifically:

- In schools, in order that children may learn at a formative stage the perennial adage of the "Importance of being honest" (There are already schoolbooks prepared by the Transparency International Hellas-Greek Branch, aiming at sensitizing schoolchildren against corruption)
- In society, in general, with campaigns promoted by the Government (for example advertisements in the mass media)

¹⁵ This fact is also corroborated by the results of the Transparency International Global Corruption Barometer (GCB) http://www.transparency.org/policy_research/surveys_indices/gcb/2010

- By Non-Governmental Organizations (NGOs) and by volunteers who would make a campaign and relay messages against corruption through social networks, such as Twitter and Facebook
- Finally on a political level, by means of the clear and steadfast *example* that the Prime Minister, Ministers, Parties, Members of Parliament, Municipal Officials (i.e. of villages, towns, and prefectures, where according to research, the corruption is deep-rooted and all-encompassing) and others in power would provide to society. In other words, the good example that these persons in power should give that they inexorably condemn corruption not only verbally, but also through actions in their public and private life.

(b) Regarding the problem of complicated legal provisions and excessive formalism in law, which leave to Functionaries a wide field of discretionary power for interpretation, according to the 'needs' and 'wants' of each specific transaction, it can be noted that this also is a more general problem, i.e. it affects, not only Greece, but also every developed country which tries to cope, by means of its legislation, with complicated social and economic situations in a global yet also detailed way. Concerning Greece, in many cases of existing legislation there are provisions which are contradictory, or cover the same material in a different way, and are thus, in need of interpretation (This happens in particular, when tax legislation and town-planning legislation must be enforced). A solution could be the promulgation of concrete and clear directives, by means of circulars, through the internet and printed materials, as to how a solid interpretation of these provisions can be attained for all cases (for instance, there already exists legislation which provides 'objective criteria' or a commonly-accepted formula, on *how* to justly estimate the value of a real estate, in

order to juxtapose the analogous tax levy in certain areas of policy domains, instead of leaving to the competent functionary a wide field of discretionary power to interpret the legal provisions.¹⁶). Similarly, concrete legislation could be enacted, with an aim to accelerate and simplify some sluggish bureaucratic procedures and to clarify the rights and entitlements of citizens. Such an undeviating legislation would additionally specify more transparently and accurately, the proper conditions for public tenders. However, apart from these solutions, which could be manipulated on occasion, by a shrewd functionary capable of finding a way to exploit the Law's weaknesses and loopholes, it would be equally advisable, as it is mentioned below [Cf. (v)], to clearly separate the functionaries from the implicated private persons, in order to abolish the opportunity to trade influence and/or to enact illicit transactions through this contact.

(c) As regards the problems deriving from the diffusion of responsibilities, it is evident that it would be necessary for the state to establish a clear job-description for each functionary and in particular, to empower a designated functionary as responsible for having to sign a license or a certificate (Obviously division of labour *and* of responsibility is necessary and useful - the director of a public agency should hence sign *only the most important* documents). In Greece there exist 'Regulations of Services' for each public agency, which however fail to describe the clear-cut duties of each functionary in detail, except for those who are heads of units. Additionally, there are also steps being taken to reduce the necessary signatures needed for the enforcement of an administrative act. Needless to say that such a restriction of responsibilities and consequent reduction of signatures would

¹⁶ Cf. art. 41 of Law-Number 1249/1982 and art. 14 of Law-Number 1473/1984

also diminish the delays of any bureaucratic procedure, which behooves system and citizens alike.

(d) Concerning the case of functionaries being appointed and/or promoted to a public position as an eventual result of nepotism and/or of political clientele favouritism, it must be said that since 1994 (Law Number 2190/1994) initial access and appointments to public service in Greece are mainly realized according to a system of written competition, also known as A.S.E.P. (i.e. Α.Σ.Ε.Π.) for a number of administrative positions. By virtue of this system, the names of the candidates on their essays are concealed, so that the examiners and evaluators are not in a position to know the identity of each candidate and to thenceforth, illicitly promote some of them (by giving them better marks for example). More recently, the system of written examinations was supplemented by the provision (Law-Number 3320/2205) of a verbal interview assessing the personal capabilities of each candidate; that addendum however, made room for subjective, preferential, and thus unsustainable evaluations. Most probably that was the reason that the above provision was later abolished (cf. Law-Number 3812/2009). From a general point of view, the A.S.E.P. System has been credited as meritocratic as far as access to the civil service is concerned and no serious complaints against it have been raised until now. On the other hand, the system of promotions to a higher position in the public sector has sufficient formal guarantees to be considered as one which is based on objective evaluations. For example, the evaluation committee for high-ranked functionaries, in particular for General Directors of Ministries, until recently was presided by an ex-judge. Recently, in accordance to Law-Number 3839/2010, the system was further improved, as it was placed under the responsibility of ASEP and Ombudsman. Both systems, however,

suffer from formalism, and thus, cannot be considered to be a sufficient guarantee against corruption.

(e) Concerning the problem of direct contacts between functionaries and implicated private persons, it is noteworthy that since 2002 there have existed offices of the State and of Municipalities which are called “Centres for Serving Citizens” (I.e. K.E.Π, or K.E.P. in English), and which function as intermediaries between public services and citizens. So, if a citizen needs a certificate, he can directly address the request to a K.E.P. which is in near proximity, instead of going to the competent public service division. In this way, there is no contact between a citizen and a public functionary who might ask for a bribe in order for instance to ‘accelerate’ the issuance of the certificate. It is evident that this system could be expanded to, also, cover cases of issuing a license from a town-planning agency, or to cases of making an arrangement with a tax-agency on pendent claims of taxes, given that these cases (together with the cases of bribe-money in hospitals) are the main categories of petty-corruption in modern Greece.

(f) Regarding the need for transparency in administrative acts, the case is clear, as transparency is a kind of self-evident ‘antidote’, or even guarantee against corruption in the sense that the more transparency gains ground in public life, the less corruption can be developed there. An important step towards this direction has been made by the recent introduction of the “Transparency” project by the Greek Government (Law Number 3861/2010). According to this project, no state-act bearing any cost to the budget can be valid or executable, unless first, it has been made public knowledge, via the internet site of “Transparency¹⁷”, and has received a code number (as evidence that it has been publicly announced through the

¹⁷ et.diavgeia.gov.gr

internet). Thanks to this project, any citizen, with access to a personal computer, can have good appreciation, of what is going on in the public sector and consequently, quickly gain a fair knowledge of how to act to and also to react against control illicit administrative actions, stemming from such as appointments and from promotions of functionaries, as well as from or the signing of inappropriate or illegal contracts.

(g) Finally, pertaining to the repression system and the need for trustworthy and coordinated mechanisms of control and law–enforcement, Greece, as was mentioned above (cf. Paragraph 7) has a plethora of such mechanisms functioning at various levels of its Justice System, its Police Administration and of its General Public Administration. Yet, it lacks a coordinating and oversight mechanism which would integrate their various, intertwined and overlapping efforts. A noteworthy solution to this conundrum has recently been the establishment of an *Independent Authority*, which undertakes the role of an ‘upper hand’ in the anti-corruption endeavor. A similar experiment was undertaken successfully in Hong Kong, where the so-called “Independent Committee against Corruption” (ICAC), having been allocated a sizeable budget of more than USD 90 million per annum, and enjoying legal and administrative autonomy (It can proceed to search bank accounts et cetera and must give account only to the Government of Hong Kong), managed to combat corruption efficiently.

Apart from such an Authority which coordinates the anti-corruption fighting on a general level, having also the responsibility for the overall strategy on this issue and for its scientific documentation, it would be equally important to secure a better enforcement of law on various and specific levels, and mainly on the levels of disciplinary and judicial

procedures. According to several reports, produced every year by the General Supervisor of Public Administration in Greece, the Disciplinary Councils are very lenient not severe towards functionaries for whom there is evidence of bribery. Moreover, Greek Courts proceed to the trial of allegedly corrupt functionaries with great delay, and they finally either acquit them (as a result of the difficulties to obtain evidence or to ensure witnesses who could testify against a functionary), or pronounce a light sentence on them, usually suspended with probation, up to five years or convertible up to five years to a fine (articles 100 and 82 of the Greek Criminal Code, as these articles were modified, f.ex. by Law-Nr. 3904/2010). This phenomenon of 'restricted immunity' is even further connected with the criminal sanctions for bribery, which are foreseen by the Criminal Code, and which are indeed not so high (bribery is mainly punished as a misdemeanor). Yet, this problem is not particularly worrying because in serious cases, accusations of bribery are usually combined with other, more severe ones (i.e. for infidelity, money laundering, false ascertainment, fraud, or embezzlement of public money).

Taking into account the abovementioned observations, it would be appropriate to intensify Greek disciplinary and judicial law-enforcement mechanisms, and at the same time, to promote programs of protection for witnesses who would like to testify against corruption, without the fear that this act might have any negative consequences for them (for example, they could to be considered as authors of active bribery¹⁸ or they could to have ramifications with their future administrative transactions).

VI. Petty-Corruption and Grand-Corruption in Greece

¹⁸ Cf. however, Article 236.2 of the Greek Criminal Code

11. The seven anti-corruption measures which were analyzed above refer to all kinds of corruption. Consequently, these measures can be applied not only to cases of *petty-corruption*, i.e. having to do with great numbers of ordinary people and with every-day routine matters, such as licenses from town-planning agencies, dealings with tax-agencies and treating of patients in hospitals, but also to cases of *grand corruption*, i.e. concerning huge (enormous) amounts of money and high-ranked officials, in their transactions with powerful domestic or international enterprises on deals related, among others, to armaments, public works and pharmaceutical products. However, tackling grand corruption in Greece is connected to the following important parameter, which is not usually the case in petty corruption: Indeed, in cases of grand corruption a great proportion of the economic benefit offered to the corrupted functionary, goes finally to the treasury of one or more political parties, mainly the two major ones that exercise governmental duties alternately. As the political philosopher Michael Walzer observed in an article published also in Greece¹⁹: In the U.S.A., and according to him, equally in the whole western world, politicians and electoral mechanisms have become very expensive. This is a rather predictable impact which television and the mass media have on electoral campaigns. The decline of political engagement on local and grassroots levels can also be attributed to the costly entrance fee demanded by the fourth estate. It is necessary for candidates and their teams to maintain high electoral publicity, run many polls, make numerous television appearances, et cetera. This is a matter of strategy and tactics, which is repeated during the whole electoral campaign and also before it. Thus, this multi-faceted effort requires obscene amounts of money and

¹⁹ Cf. newspaper Kyriakatiki Eleftherotypia, 6.7.2008, page 26

drives the politicians to search for the support of those who control the sources of their financing. It is, therefore, easily understood (this was also a conclusion from the Siemens corruption case in Greece) that political parties are more or less obliged to search and secure 'dirty' money, for example, by ordering unnecessarily expensive -or unnecessary altogether- military equipment. This abundant cash flow and the ensuing monetary kickbacks allow politicians to preserve their 'party-armies' (i.e. 'devoted' party-followers transported around Greece to show 'sincerely fervid' support at a candidate's speech, or at a town hall meeting for the incumbent, or appear as locals, at a far away town in front of the media, always for who work for their party in exchange for a handsome remuneration of course) and to be active players in the jousting for position in this self-aggrandizing and solipsistic political system. However, party expenses in Greece have been so high in the last years, that almost all political parties are indebted. In particular, the two main parties have already cashed in advance all state grants intended for them until the year 2017 (!) and have even mortgaged these grants for loans from banks, amounting to almost €234 million (!). Therefore, there is a need for the politicians to change the rules of engagement in this problematic political system and to agree on a maximum ceiling for their annual expenses, in order for them to be a sincere restriction in competitive practices concerning their electoral expenditures and their media publicity, as well as a bona fide effort to abolish the existence of the anachronistic 'party-armies'. It is a fact that a similar regulation for restricted party expenditures exists in Greece by virtue of Law- Number 3023/2002. Yet, this law is not really respected by anyone, nor seriously applied. Hence, it would be very important that the annual maximum amount of expenses (per politician

and per Party, per annum) become part and parcel of the rules, accepted by the parties, and that every violation of this maximum amount should result in severe and enforceable sanctions.

12. A further problem of the political system in Greece, which harbors and fosters corruption, is that the *control* and *sanctioning mechanisms* for politicians' offences (mainly for ministers and members of Parliament) are *almost non-existent*, thus allowing them to be under the umbrella of a 'scandalous' immunity. In particular, regarding their assets' declarations, according to a law of 1964, MPs and ministers are obliged to submit every year such a declaration since 1964, but in practice there is no further control or verification of it. Yet, according to a new provision, ie. Article 56 of Law-Number 3979/2011, these declarations must henceforth be uploaded on the Internet. On the other hand, in case a politician in Greece commits a crime, even a serious one, beyond their duties, they usually do not have to give account for this to the justice system. This happens primarily because of the existing distinctly short prescriptions and secondly, because the Hellenic Parliament is the only organ which is deemed competent to exercise penal prosecution against its own members. (NB. As a rule, such prosecution is avoided due to a tendency of protecting their own, by opting to favor an "esprit-de-corps"). Nonetheless, this practice has been already condemned by the European Court of Human Rights, as it violates the elemental principle of equal treatment before Justice²⁰ and furthermore, has been disputed repeatedly by GRECO (i.e. The Council of Europe). The Greek Ministry of Justice, in view of these developments, has recently forwarded a draft of law which was promulgated (Law Number

²⁰ Cf. Syngelides v. Greece, 11.2.2010

3961/2011 –see also Law Number 4022/2011 concerning the acceleration of the procedure in cases of state officials and ministers or MP's). This new Law attempts to correct some of these incongruities and extravagances, allocating more responsibilities to the judicial power as concerns the control of politicians' offenses. However, the amendments are very restricted (Article 86 of the Greek Constitution), since the whole issue is regulated directly by the Greek Constitution, which cannot be revised in the near future; besides, its revision is a competence of the ministers and the parliament-members themselves – a case-in-point regarding conflict of interest, or as Juvenal remarked millennia ago: "Who watches the watchers?"²¹

VII. Some conclusions

13. I have the sentiment that, the a.m. observations give an example of how to construct for a country a Multidimensional Corruption Index, taking into account all important parameters of corruption in this country²². On the other hand, if one tries to draw a general *conclusion* from what was opined above, one could say that legislation against corruption in Greece is almost complete, but that there is still a climate of tolerance towards *petty corruption*, due to cumbersome bureaucratic procedures, which almost impel citizens to look for "oblique ways" in order to advance their cases through the bureaucracy. On the other hand, this climate of tolerance is not the case for important cases of *grand corruption*, which have been discussed in recent years in Greece and investigated in depth by the prosecuting authorities. Moreover, in many of these cases, penal prosecutions have been exercised, and even penal convictions have been imposed for serious cases of corruption. Furthermore, important steps

²¹ "Quis custodiet ipsos custodes", Juvenal, Satire VI, lines 347–8

²² Cf. Paragraphs 1 and 2

have been taken towards a more efficient administrative fighting of corruption: A “Transparency” program has been introduced through internet for every state-act; Measures of ‘objectivization’ of criteria have been adopted on different levels (for example appointments and promotions to public services - i.e. ASEP); Measures to disconnect the direct contact between functionaries and private citizens have been further promoted (i.e. KEP). Yet, a main problem which gives rise and growth to *grand-corruption* still remains: The immunity of persons who belong to the so-called "political system", such as ministers and members of Parliament, and who try to ensure the support of those controlling the sources of their financing. In the final analysis, the cost associated with democracy ought not to exceed certain limits, as far as the provision of material resources is concerned. Otherwise, it may very well undermine the value and quality of democracy itself.