

Hellenic Court of Audit – Judges’ Charter of Ethics

HCA Plenum’s Decision No. FG/55595/2020

(Government Gazette, Issue B’ No. 4942/9.11.2020)

as amended by Decision No FG/16812/2022

(Government Gazette, Issue B’ No.

Charter of Ethics of the Judges of the Hellenic Court of Audit.

THE PLENUM OF THE COURT OF AUDIT

Held a session at its premises on 2 November with the participation of (...)

Having regard to:

1. Articles 26, 88 and 89 of the Constitution, enshrining the judges’ institutional and functional independence, an inherent element of which are the ethical principles governing them, along with the obligations provided for by the legislature,
2. Article 22 (1) of Decision No. FG8/65456/24.9.2014, approving the Hellenic Court of Audit’s Rules of Procedure (Government Gazette, Issue B’ No. 3139), illustrating the perception of the Court’s Plenum, as to the contents of the “Court’s Charter of Ethics”, in which “guidelines addressing specific issues arising in the performance of the judges’ duties” are adopted,
3. Article 348 (1) and (2) of Law No. 4700/2020 (Government Gazette, Issue A’ No. 127), in conjunction with the provisions of Article 82 (A9), (B7) of the Code on the Organisation of Courts and Status of Judges (Law No. 1756/1988, Government

Gazette, Issue A' No. 35) and the fact that, following the adoption, by Law No. 4700/2020, of a new Code of Procedures of the Court of Audit, priority is given to guaranteeing all parties' rights to judicial protection and, in particular, the right to a reasonable duration of proceedings, it is imperative that ethical principles pertaining to judges be articulated in the light of the above fundamental approach,

4. The affirmation reiterated in the preamble, articles and clarifications of this Charter that neither rules of law are laid down via its text, nor does it introduce obligations or recognise rights, but rather lists assertions on the values and principles which govern the conduct of judges, proclaims those values and principles in society and formulates directions to the judiciary with a view to resolving their dilemmas regarding the respect for those values and principles,
5. The fact that, even though they are not explicitly pronounced, the judges' rules on the ethics, as set out below, are inherent to their function and thus deemed to appear in a text, in line with the universal best practice of judicial institutions with a organisation and structure similar to the Hellenic Court of Audit's one,
6. The Bangalore Principles of Judicial Conduct, drawn up by a UN Working Group, as revised in 2002 in the Hague and adopted by the European Network of Councils for the Judiciary (ENCJ),
7. The Court's President's proposition, included in the minutes of the Plenum's sessions (.....) ,
8. The minutes of the Working Group established by the Court's President in order to elaborate a Charter of Ethics and chaired by the Court's Vice-President (...).
9. The opinion of the Athens Bar Association (...), the opinion of the Administrative Board of the Hellenic Court of Audit's Judges Association (...) the opinion of the Administrative Board of the Hellenic Court of Audit's Judicial Employees Union (...) and the opinion of the Plenum's Secretary (...)
10. The opinion of the Prosecutor General at the Hellenic Court of Audit, (...),

according to which the Charter of Ethics is adopted by the judges of the
Prosecutor General's Office,

11. The need for a Code of Ethics pertaining to the judges of the Hellenic Court of
Audit,
[...]

Approves the Charter of Ethics of the Judges of the Hellenic Court of Audit, which
reads as follows:

PREAMBLE

The answer to the ethical dilemmas the judges have to respond to, falls into their
own individual responsibility. In order to make the specific choice, judges seek a
balance between the requirements of their office and their legitimate prerogative to
develop their own personality and to protect their privacy. This Charter of Ethics
assists in achieving this balance, as it guides the judges when they have to respond to
serious ethical issues, helps citizens recognize the nature and role of the
jurisdictional function and highlights the importance of this function to the bodies of
the other powers.

Part A

SCOPE OF IMPLEMENTATION OF THE CHARTER

Article 1

Subjective scope of implementation

The Charter applies to all judges of the Hellenic Court of Audit.

Article 2

Objective scope of implementation

1. The Charter is applicable to the Hellenic Court of Audit judges' jurisdictional functions, either in or outside the Court, as well as their other activities allowed by the Constitution [Article 89 (2) and (3)] and the relevant laws.
2. The provisions of the Charter also apply to the judges' personal conduct, to the extent strictly necessary to ensure that the judge respects the principles and values of Part B hereof.

Article 3

Relationship between the Charter and the legislation in force

1. What is predicted in the Charter specifies the provisions of Article 22 of the Hellenic Court of Audit's Rules of Procedure. As stipulated in the Preamble, their implementation is supplementary to the constitutional, supra-legislative and legislative provisions defining the judges' competences and obligations and do not impinge upon the effect of the restrictions they introduce.
2. The specification of responsibilities by the provisions of this Charter does not predispose the interpretation and application of the relevant legislative provisions. On the contrary, the provisions of the Charter are interpreted in accordance with the legislative regulations in force.

PART B

VALUES AND PRINCIPLES

Article 4

Integrity

1. The judge performs his/her duties with honesty and ethics in the best interest of justice and the public interest in general. The citizens' faith in the integrity of justice is consolidated by the judge's conduct, who ensures that his/her behaviour, while carrying out his/her duties, is deemed above and beyond reproach in the view of the average citizen.
2. The judge does not seek intervention in order to obtain an appointment, a promotion, the delegation of administrative duties or the selection to a post beyond the Court. In addition, the judge, in this capacity, does not act with a view to advancing his/her personal interests or the one of third parties. Nor does he/she invoke his/her professional status or capacity in his/her private life to improperly obtain preferential treatment towards him/her or to a member of his/her family.
3. In the course of or in connection with the performance of his/her duties, the judge does not accept presents, benefits or advantages neither for himself/herself nor for members of their family, as such an action would constitute an attempt to influence his/her judgement or to gain his/her favour. A judge may accept a courtesy present offered to him/her when representing the Court in public events. Presents of a symbolic nature or awards are accepted only in so far as this gesture is not interpreted as an attempt to influence the judge while carrying out his/her duties or likely to give rise to a suspicion of bias.

Article 5

Independence

1. The judge exercises his/her jurisdictional function in accordance with law and the dictates of his/her conscience. The judge assesses the facts of each individual case, free of any extraneous influence and must be seen to be immune to all external sources of influence, intervention, pressure and dependence.
2. In addition to complying with the restrictions laid down by law, the judge pays particular attention to refrain from participating in legal entities, associations as well as activities, events and any situation which may call his/her independence into question.
3. The judge repels all improper attempts directed at influencing him/her and safeguards judicial independence both on personal and collective level, reporting, if necessary, such incidents to the competent authorities.
4. The judge preserves his/her independence with respect to litigants, lawyers, the legal community, the Executive and the Legislative, as well as society in general.

Article 6

Impartiality

1. Impartiality is demonstrated and guaranteed both in the decision-making process and the procedures leading to this process. It is confirmed both by the judge's conduct in general, whether on duty or not.
2. The judge avoids any situation which may lead to a conflict of interests or can be reasonably perceived as such.
3. In public hearings, the judge avoids making comments which could be interpreted as approval, disapproval, or annoyance for what takes place or is said in his/her presence and seeks to keep his/her temper with respect to unprocedural, abusive, offensive or insulting behaviour directed towards him/her as well as anyone who is involved in the administration of justice, without, however, allowing such deviations from deemed jurisdictional behaviour, in their capacity of directing the proceedings. The judge does not address questions to

the litigants or their legal representatives and witnesses in a manner showing an opinion on the case heard which may have been already established.

Article 7

Dignity

1. The judge, through his/her proper and decent public and private behaviour, contributes to building citizens' trust in the judiciary's integrity. In this context, the judge voluntarily accepts more personal restrictions than the ordinary citizen and behaves in a manner consistent with the dignity of the judicial office he/she hold.
2. The judge, like any citizen, has the right to freedom of speech, religious beliefs, assembly and association; however, he exercises these rights in such a way so as to safeguard the dignity of their judicial office.
3. The judge prevents persons of his/her social circle from influencing their professional conduct and judgement inappropriately.
4. The judge does not take advantage of his/her judicial office to advance his/her personal interest or his family members' ones or those of a third party for that matter; nor does he/she convey the impression or permit others to convey the impression that he/she may be influenced in the exercise of his/her jurisdictional duties.
5. The judge respects the dignity of his/her colleagues at all times and does not challenge their integrity, except for cases of submitting a formal complaint.
6. The judge describes in an appropriate manner his/her judicial status in business cards and letters.
7. He/She ensures that relations with his/her colleagues, judicial employees, lawyers, litigants, society in general and the media are characterised by courtesy and sincerity.

8. The judge fully respects the judicial employees' personality and professional dignity.

Article 8

Self – retainment

1. The judge, like any citizen, has the right to a political opinion. However, by exercising self – retainment, the judge ensures that citizens maintain confidence in justice, without worrying about its officials' political convictions. For this reason, he/she abstains from any public statements or hostile manifestations against the State's legitimate government and the legally operating political parties. The judge also abstains from any demonstrations of political nature when the latter are incompatible with the self-restraint imposed by his/her office.
2. The judge abstains from commenting on his/her own decisions even when these come under criticism by the media or academics or are subjected to appeal. The only way of defending his/her legal judgment lies in the reasoning of his/her decisions. If the judge becomes the centre of personal attacks or criticism, he/she defends his/her position with restraint and moderation.
3. Without prejudice to scientific or academic freedom, the judge abstains from commenting on decisions of the Court in public, either negatively or positively, when these are subject to appeal, upon which he/she may be called to adjudicate.
4. In view of the obligation of self – retainment, the judge is neither excluded from interpreting the law in public, nor is he prevented from assuming an educational / trainer's role while interpreting the law.
5. The fact that the judge is bound by professional top secret does not preclude his/her collaboration with colleagues to the extent necessary.
6. The judge does not disclose confidential information of which they become aware in the course of their duties, neither anonymously nor as if it were a joke. Nor does he/she make use of information obtained while carrying out their duties for purposes alien to their jurisdictional functions.

7. The judge does not become member of or participates in any association, group or organisation whose principles are incompatible with the his/her public status.
8. Membership of any association or any kind of participation therein which requires a promise of allegiance from its members or which does not ensure thorough transparency of such membership is incompatible with the judicial office.
9. The judge exercises self – retainment and discretion while using social media networks, especially those with free, unencoded access, since these — as they do not address a closed circle of persons — entail risks of time unlimited data archiving and the possibility of name-based search, eventually resulting in the disclosure of relationships or considerations that could cast doubts on citizens as to the judge’s impartiality.

Article 9

Effectiveness

1. The judge contributes to the diligent and prompt delivery of justice by the Court. He/She shares his/her knowledge with colleagues and assists his/her collaborators, albeit ensuring that this does not come at the expense of his/her duties. The judge also fosters the spirit of teamwork and collaboration.
2. In order to contribute to the diligent and prompt delivery of justice by the Court and to consolidate society’s faith in justice, the judge performs his/her duties in a scientifically competent manner, meticulously and consistently, taking all the necessary steps towards his/her constant scientific evolution, continuous expansion of his/her knowledge, beyond the technical field of law, as well as the acquisition of novel professional skills, essential to meet the challenges contemporary justice is faced with.
3. The judge keeps himself/herself constantly up-to-date on the latest evolution in legislation and jurisprudence with respect to both national and E.U. law including case law pertaining to human rights.
4. The judge seeks lifelong learning, in a way that is beneficial to the discharge of their jurisdictional function, taking due care to adapt to the evolution of

technology, to the extent necessary for the performance of their duties.

5. The judge approaches and manages his/her tasks methodically, effectively and efficiently. One makes optimal use of their working time and the available resources made available by the Court. The judge also demonstrates self-discipline when working under pressure.
6. In applying their expertise and skills, the judge concludes the cases assigned unto one, taking due care on the one hand to apply the law properly and to ensure the quality of their decisions while on the other to respect the reasonable time of the proceedings, having regard to the workload, the level of complexity of the cases assigned, the adequacy of the resources at one's disposal as well as any task entrusted, other than the jurisdictional ones.
7. In the course of their professional activity, the judge devotes oneself to the performance of their jurisdictional duties. The judge may also engage in writing, giving lectures, teaching and participating in activities pertinent to the law, the legal system, the administration of justice or other related matters provided, however, that this does not affect one's full engagement in their jurisdictional work. Under this condition, the judge may also appear at a public hearing before a state institution on the aforementioned issues, participate, as an active citizen, in activities which do not diminish the dignity of the judicial office or otherwise interfere with the performance of their jurisdictional duties.

Article 10

Fairness

1. Equal treatment of all parties before the courts requires the judge to accord everyone that which one is entitled to under the law, both in the court proceedings and in the delivery of justice.
2. The judge is aware of and understands the variety and diversity within society and opposes any discrimination indicatively with regard to sex, race, colour, language, religion, political or other conviction, national or social origin, disability, both physical and mental, state of health, age, marital status, sexual orientation, identity, features or sex expression. On the contrary, the judge

remains up – to – date on the constantly changing attitudes and values of society on these issues. The judge is aware of both international and national rules of justice which prohibit discrimination against vulnerable groups in society.

3. The judge exercises his/her duties with due respect towards all persons involved in jurisdictional and other court proceedings taking place before one, such as litigants, lawyers, state representatives, witnesses, court staff, other judges, public management officials, as well as representatives of the other branches of power and treats them with equal respect and without undue discrimination. The judge is also aware and takes into consideration that treatment of such persons must not only be fair, but also be perceived by them as such.
4. The judge recognizes the institutional role of lawyers as officials of justice and respects their professional dignity.
5. The judge performs his/her jurisdictional function in a manner that ensures the right of all parties to equal access to justice and fair treatment by the Court. The judge also ensures that the appropriate conditions to a fair trial are guaranteed indiscriminately for all parties and that these are granted the same procedural rights, unless the law provides for a derogation.
6. The judge ensures that the Court staff and any other person subject to their direction treat all those involved in the Court's proceedings with respect and dignity, without undue discrimination.
7. The judge neither tolerates nor remains inactive when persons involved of the proceedings, such as litigants, lawyers, court staff, engage in inappropriate or abusive behaviour against a particular person or group of persons, which could suggest prejudice or bias. On the contrary, the judge goes to great lengths in order to detect, highlight, correct and prevent such behaviour.

PART C
COMPLIANCE WITH THE CHART

Article 11

Nature of compliance

Compliance with the rules of the Charter is at the discretion of each individual judge of the Hellenic Court of Audit.

Article 12

Ethics committee

1. In the event of doubt as to the interpretation and application of ethics arrangements, the judge may address a query to a three-member advisory Committee consisting of judges from the Plenum.
2. The President of the Court shall participate in this Committee, unless he/she is prevented from attending, in which case he/she is substituted for by the most senior Vice-President, and two members of the Plenum with their legal alternates, designated by the Plenum and the Association of Judges of the Hellenic Court of Audit, respectively.
3. The term of office for the members of the Committee is three years.

Article 13

Procedure for declaring and utilising presents

If the judge accepts presents in his/her judicial capacity or from persons who have or may, in the future, have cases before the Court, then these presents are submitted to the President of the Court, who expedites the assessment of their value. The Committee referred to in the previous article decides on their utilisation.

PART D
FINAL PROVISIONS

Article 14

Uploading to the website

The Charter is uploaded to the Court's website.

Article 15

Entry of the Charter into force

This Charter shall enter into force on the date of its publication in the Government Gazette.

ANNEX

Clarification to Article 1

The Charter applies, where appropriate to the content of its provisions, to the judges of the General Prosecutor's Office at the Hellenic Court of Audit.

Clarifications to Article 2

The Charter also applies to the jurisdictional functions of the judges of the Hellenic Court of Audit, both within and beyond the Court (such as their membership in the Special Tribunal provided for by Articles 88 and 99 of the Constitution, and also in the Supreme Special Tribunal). It also applies to the other activities permitted by the Constitution [Article 89 (2) and (3)] and the law (participation in the Academy of Athens, Higher Education teaching staff, committees or boards of disciplinary, auditory or jurisdictional nature, law-making committees – including the competent legislative initiative office of the Ministry of Justice – participation in the training of judges, in arbitration, and the country's representation in international organisations).

Judges, like all citizens, are not prevented from exercising their rights and freedoms and can freely develop their personality without being isolated from society. They may engage in any form of social activity which is not prohibited by the existing legislative framework, provided that such activity is in line with the ethical principles of the Charter and does not impinge on the prestige of justice.

Clarification to Article 3

When carrying out audit tasks (supervision, administration or assessment of the quality of audits), the judges of the Hellenic Court of Audit adhere also to the rules of ethics laid down in Chapter 3 of the Audit Manual of the Court (see minutes of the 13th General Session of the Plenum of the Hellenic Court of Audit of 27.6.2016) and the INTOSAI Code of Ethics (ISSAI 130), in so far as these rules do not run contrary to the principles of this Charter and the relevant provisions of the Greek legal order.

Clarification to Article 4

The judge does not accept gifts or other advantages offered by litigants, their representatives or third parties either with a view to exerting continuous or ad hoc influence on their in-service conduct or judgement in proceedings, or as an expression of gratitude for a specific decision taken by the Court.

Clarification to article 5

Independence is defined/interpreted as:

- (a) Independence from the executive and the legislature: The judge is and must be seen to be independent of improper connections and influence from the executive and the legislative branch, as well as of any other form of political power.
- (b) Independence from other members of the judiciary: The judge remains independent of all his/her colleagues regardless of rank and jurisdiction and is solely responsible for his/her own decisions made while carrying out his/her jurisdictional duties.
- (c) Independence of judgement: The judge delivers justice in accordance with the law and their conscience, setting aside personal aspirations, preferences, opinions and private interests. The judge performs his/her duties with an open mind and tries to be alert to the potential influence which their established convictions (political, social, philosophical, religious) may have on the understanding of the facts pertaining to a case and the interpretation of the laws governing it, so that they do not affect his/her free thinking and independent judgment. The judge is aware of the cases in which the expression of political, social, philosophical, religious and other beliefs, both within and beyond the Court, may undermine the image of their independence and behaves in a way that does not impinge on that image.
- (d) Independence vis-à-vis litigants and lawyers: The judge is vigilant with respect to forming relations with lawyers or anyone who is involved in the proceedings and third parties, especially when they have cases pending or when they regularly

- present cases before the Court, so as to avoid conditions that could raise suspicion of favouritism or bias and could undermine trust in their independence.
- (e) Independence from public opinion, the media and various pressure groups: The judge remains immune to the probable effects of publicity, whether favourable or unfavourable, albeit being aware of the consequences which their decisions may have both on a personal level for the litigants and on matters of general interest.

Clarifications to article 6

Except for complying with the provisions of the law in force, which lay down rules and obligations to ensure impartiality, the judge recuses oneself from a case in which a member of their family represents a disputing party or is in any way related to the case. The judge also refrains from providing legal advice in cases where they may be called upon to hear. The judge refrains from expressing, publicly or privately, opinions, comments or criticisms in connection with persons, facts or situations, either directly or indirectly, related to cases pending or likely to be brought before the Court.

The judge refrains from formulating, to the printed and electronic means of communication and social media, comments or replies to public comments pertaining to decisions, acts, minutes and cases of the Court, especially where these are pending. The same applies to any legislative, regulatory provisions and government acts related to the Court's organisation and operation, as this task lies with the leadership of the Court or the relevant judicial association, representing the Court and its judges, respectively.

The judge abstains from participating in public events, demonstrations or protests, as well as engaging in or associating with natural or legal persons, associations, unions, organisations, as well as events or situations, where the involvement or relationship may, directly or indirectly, affect or appear to affect or call into question the prestige and impartiality of the judge and of the Court itself.

The judge exercises great caution when receiving invitations to participate in social events or conferences by a legal or other relevant professional association or public body or individuals lest they endow private promotional activities with their prestige. The judge avoids close social relations and contacts with lawyers and citizens, who regularly operate at the Court in their capacity of legal or procedural representatives in connection with any case pending before it.

When contacting the litigants, their representatives or proxies the judge exhibits patience and courtesy.

Clarification to Article 7

It has to be reminded that this Charter does not exemplify particular disciplinary offences, like indecent behaviour or misconduct. Similar Charters of Ethics from other States may indeed specify disciplinary offences or contain provisions of hard law corresponding to the national ones related to “Asset Declarations” and “Declarations of Interest” or grounds for the judges’ recusal. The introduction of such provisions is not the object of the present Charter.

Clarification to article 8

The reserve exercised by the judge maintains the necessary balance in the relationship between their rights as a citizen and the limits imposed on by their office.

The judge is free to express his/her views, but within the limits imposed by the public office they hold. In particular, in his/her public manifest, a judge exhibits moderation lest he/she undermine the impartiality of the judiciary, which is essential for society’s trust in the institution of justice.

The judge makes proper use of the media, with the sole aim of improving citizens’ understanding of the mission of justice and promoting the institution itself, without undermining either the Court or his/her colleagues, even anonymously, without

seeking to advance his/her own personal interests, and ultimately without appearing, in the name of freedom of expression, biased or prejudiced.

The judge does not comment on cases likely to be assigned to one in the future, let alone publicly disclose information on the cases they handle.

The judge always respects the secrecy and confidentiality of the deliberations when posting on the internet or commenting on other people's messages, as social networking sites are in principle considered to be a public domain, regardless of the type of website, its configuration or the user's number of contacts. The judge exercises caution and consternation when using social media by refraining from posting comments or opinions or approving or disapproving other people's views and comments, in so far as such actions may affect or call into question one's impartiality and citizens' trust in the independence of the Court. The judge also avoids the expression, either in print or electronic means of communication and social media, of comments on political, economic, social and other sensitive issues.

Posting on these accounts is not regarded as private correspondence, unless the judge has taken care of in advance (with the proper configuration) to restrict access to their social network account to a limited and reliable circle of contacts, and to prevent their profile from surfacing in the results of internet search engines.

The judge present on digital networks avoids highlighting their judicial capacity when participating in online conversations and exercises caution as to the content of one's postings and messages to other users.

The judge avoids expressing any opinion, comment or criticism, either in public or in private, pertaining to persons, facts or situations directly or indirectly related to cases pending or likely to be brought before the Court, even if he/she do not participate or are not going to participate in their hearing.

Clarification to article 9

It has to be recognised that effectiveness is inextricably linked to: (a) the recognition to the judge's sufficient resting time per year, (b) the provision of appropriate secretarial and logistical support, (c) the provision of training and learning opportunities, and (d) recognition of the importance of quality work alongside the prompt conclusion of cases.

Clarification to article 10

The judge, in the course of proceedings, adjudicates without prejudice, complying with the principles of fair trial and the applicable rules of procedure and accords respect and equal treatment towards all parties and their legal representatives. The judge performs his/her duties without any pressure or influence, either external or internal, and embraces an objective stance on all the issues called upon to address.

Clarification to article 11

Albeit self-evident, in the light of what has been stated in the Preamble and in the clarifications, it was considered useful to reiterate hereto this important statement.

Clarifications to articles 12 and 13

These are internal measures. Submitting presents is a strong recommendation, without any provision for penalty.