

Annual Report 2016

Executive Summary

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INTRODUCTION

While reading this Annual Report and studying some of the most characteristic cases of interventions and investigations carried out by the Greek Ombudsman within each field of its competence and action, the reader acquires an objective, evidence-based and actual depiction of the degree of capacity of the public administration to respond— within, of course, the context of an extended as well as extensive financial crisis – in the provision of services which is expected of an administrative system of a modern European state. S/he can also, clearly and plainly identify the key problems and sources of anxiety of all those residing in Greece, as they have been highlighted through their complaints asking for the Ombudsman's protection and mediation.

2016 was undoubtedly another year of crisis management. The intensity and density of third-country nationals' inflows in 2015 brought about, in an imperative way, the need for solutions to difficult problems within the existing state and social structures. In comparison to its reflexes to the 2015 inflows of third-country nationals, public administration was, over the past year, held accountable for the management of measurable and controllable inflows, the provision of living conditions appropriate to a State underpinned by the principle of rule of law, as well as to a State which respects fundamental human rights and cares for the enhancement and, in some cases, restoration of social cohesion and coexistence. The State structures are judged according to their adequacy and adaptability to the new challenges, as well as their effectiveness, while society is judged according to its level of cohesion, maturity and culture.

The concise presentation of the Ombudsman's ac-

tivities in the year 2016 for the management of migration and refugee flows, enables a dispassionate and objective evaluation of both the functioning of state structures responsible for their management, and the institutional interventions which took place. At the same time, it reveals the degree of readiness of our society, on local and national level, to deal, in conditions of economic and financial distress, with a predominantly humanitarian crisis, on top of its own predicaments of eight consecutive years of economic recession, income reduction and rights restriction, which also have acquired the distinctive features of a deeply humanitarian crisis. In other words, an international humanitarian crisis in the midst of a domestic humanitarian crisis...

The Ombudsman's findings confirm the transformation of the prolonged financial crisis to a broader social hardship, bearing the characteristics of a humanitarian crisis. Social security and solidarity services, welfare structures and policies, tax authorities and public utility companies were for yet another year at the forefront of the Ombudsman's interest and mediation mission, hand in hand with local government, public transport companies, regional and urban planning agencies, and licensing offices. The Ombudsman notes the shortcomings and weaknesses and observes the limits in operation and efficiency of the existing structures and service mechanisms, as well as the weakened endurance margins of the citizens. It is frequently upheld that the inability to introduce more flexible policies, strategies, measures and decisions at a regulatory level, is due to the strict objectives and commitments in the framework of budgetary surveillance, which prevent a more efficient management of the citizens' needs on an individual basis. The



current situation gets in the way of policy adaptation, focusing and commitment to the needs of the most vulnerable groups of the population. This Report shows that the Ombudsman is, and will continue to be, a reliable institutional interlocutor, proposing the necessary legislative initiatives within the wide range of its competences. The Ombudsman is always present, with critical, meaningful and evidence-based proposals, recommendations and statements, taking advantage of our capacity to be close to the individual issue, and by combining the individual parts, we can safely compose the broader image, in order to put forward realistic and feasible solutions. The high quality of its discourse as well as its institutional independence highlight the Ombudsman's crucial role, not only as a privileged interlocutor but also co-formulator, the most appropriate institution for monitoring, promoting and observing the implementation and compliance with the principles of meritocracy and transparency, particularly regarding the executive structures of public administration, with the goal of combating maladministration, bureaucracy, corruption and arbitrariness and furthering consolidation of the principles of social justice, equal treatment and non-discrimination, both in the public and private sector, enhancing fundamental rights, as well as special care and protection of children's rights.

Challenges are many, diverse and multifaceted. The Ombudsman has succeeded, even in the difficult conditions of the extended financial crisis, in maintaining the highest levels of trust, acceptance and recognition by both citizens and public administration. In 2016 the citizens' complaints increased and contained new parameters with more dimensions, higher complexity and difficulty in solving them. Nevertheless, the percentage of cases resolved following the Ombudsman's mediation remained very high (above 83%). Moreover, a large number of recommendations, proposals and remarks submitted by the Ombudsman in view of regulatory intervention and institutional initiatives were implemented.

To further armour the Ombudsman's profile and enhance the efficiency and effectiveness of its intermediatory mission, targeted institutional interventions were adopted in 2016. New ones will have to follow. The Ombudsman has to respond to the ever changing and growing demands, as a dynamic institution of the State, open to new challenges, alert and confident of its mission and competences, determined to win the bet. The Ombudsman takes active part in the European and international milieu with substantial positions and proposals. Being predominately an institution of democratic legality, the Ombudsman seeks an enhanced relation with the Hellenic Parliament, through regular reporting and cooperation to the benefit of the political and institutional dialogue within and outside the parliament, with a view to fulfilling the relevant Constitutional requisitions. With the aim of establishing the appropriate conditions and settings to ensure a more substantial and effective intervention in the ever growing web of its competences, both in administrative and in private disputes, the Ombudsman seeks to strengthen and further consolidate mediation as a tool, in order to broaden its contribution in the work of the administration tackling the various and complicated problems, with due respect for the principle of good administration, and, in the same time decongest the courts and relieve the judiciary, enabling its mission. The Greek Ombudsman will remain consistent with the strategic objectives of safeguarding the respect for civil, political and social rights, of defending the fundamental constitutional guarantees, enhancing the rule of law and of strengthening the democratic governance principles and mechanisms.

Andreas I. Pottakis, Ombudsman
February 2017

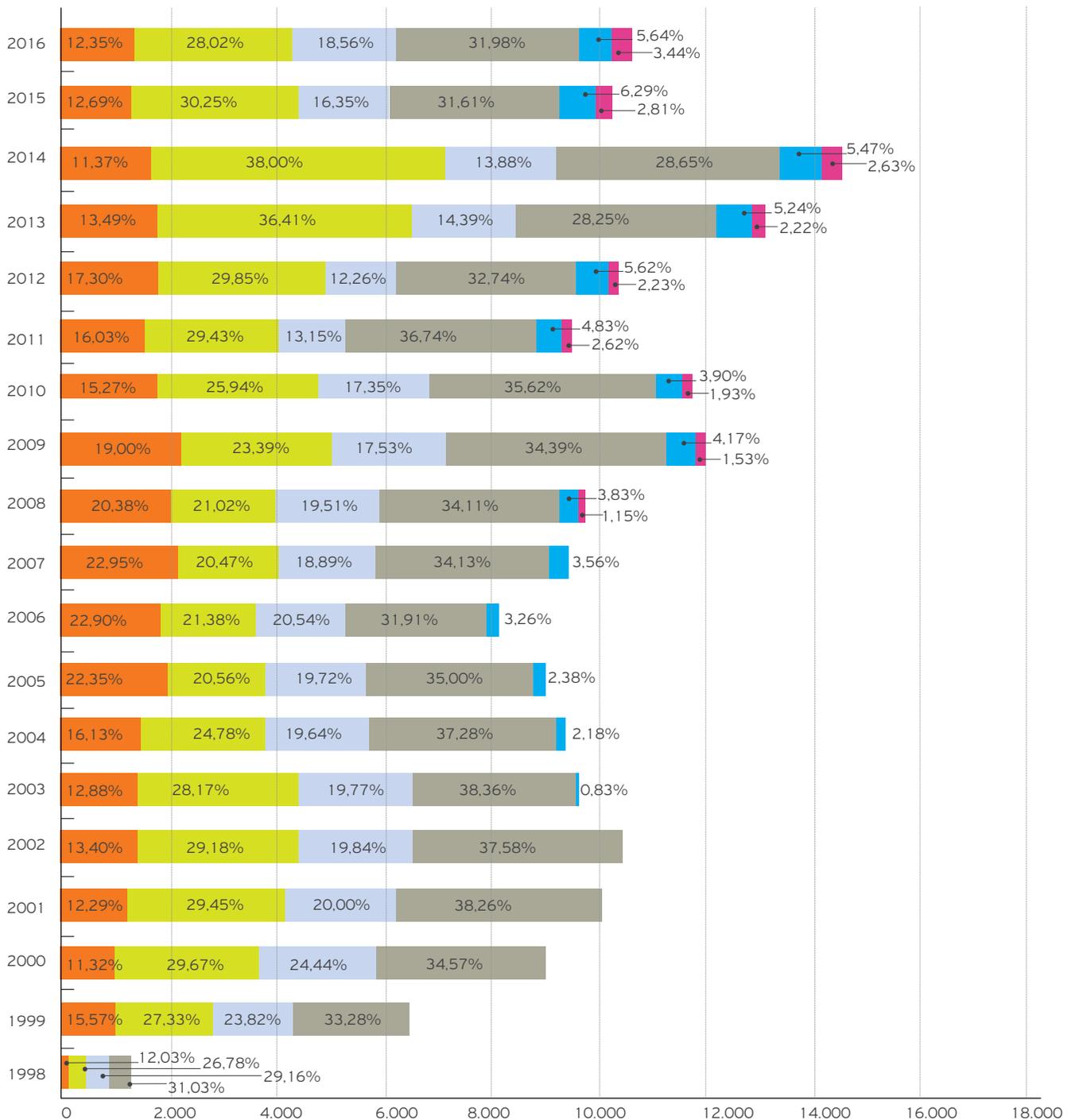
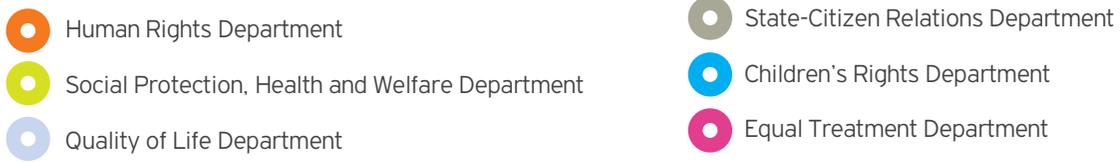
Andreas Pottakis was elected Ombudsperson by the Conference of Presidents of the Parliament on 20 July 2016.

STATISTICS

Graph 1

New complaints 1998-2016

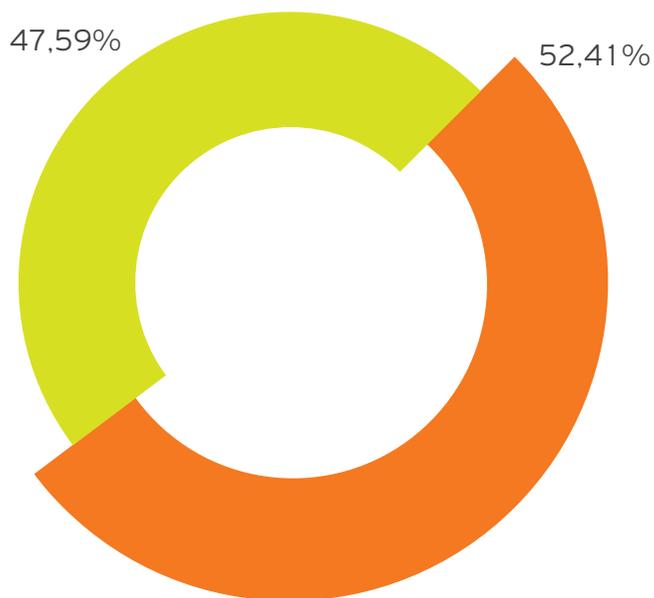
Year	New complaints
1998	1.430
1999	7.284
2000	10.107
2001	11.282
2002	11.762
2003	10.850
2004	10.571
2005	10.087
2006	9.162
2007	10.611
2008	10.954
2009	13.433
2010	13.179
2011	10.706
2012	11.702
2013	14.738
2014	16.339
2015	11.502
2016	11.915
TOTAL	207.614



Graph 2

Allocation of complaints submitted during the year 2016 as regards the Ombudsman's competence

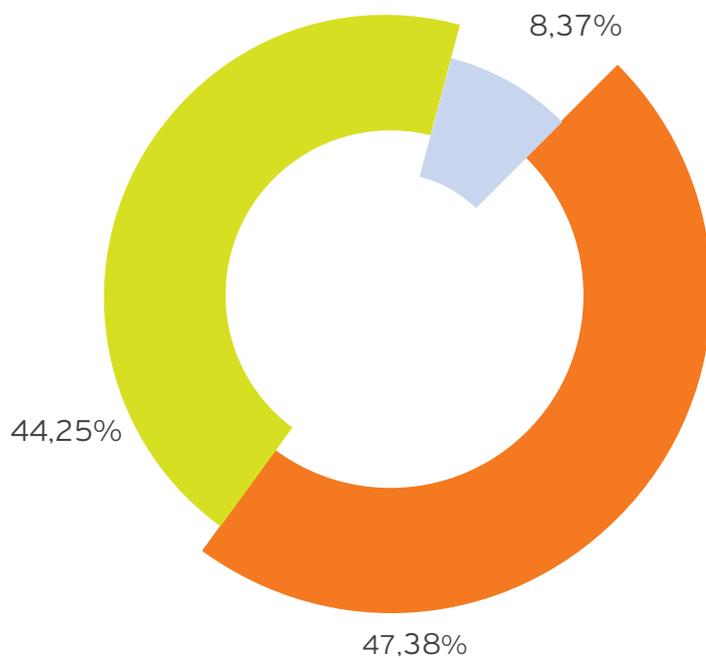
- Complaints within the Ombudsman's competence
- Complaints outside the Ombudsman's competence



Graph 3

Allocation of complaints within the Ombudsman's competence, handled during the year 2016

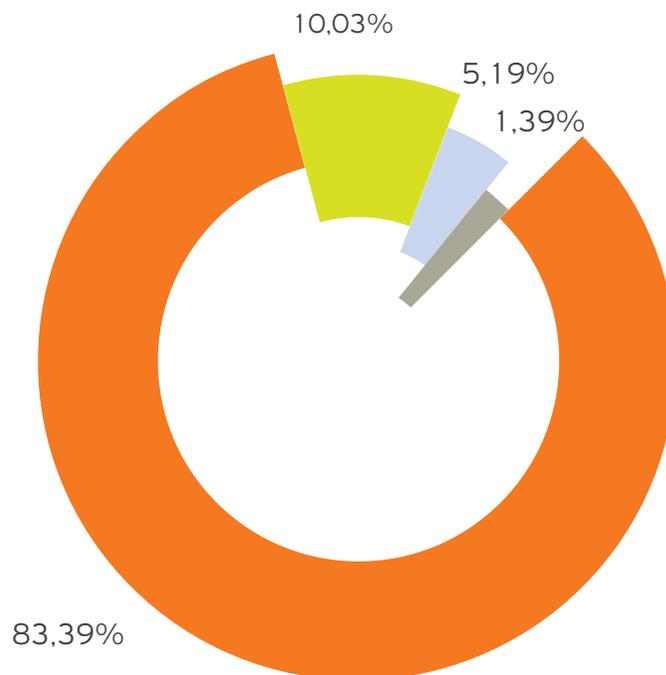
- Complaints establishing maladministration
- Complaints without maladministration
- Interruption of the investigation



Graph 4

Outcome of substantiated complaints

- Resolution of the problem of maladministration following the Ombudsman's intervention
- Inability to resolve the problem (legal vacuum, organizational malfunctions)
- Failure to resolve the problem of maladministration - non acceptance of the Ombudsman's recommendations
- Resolution of the problem without the Ombudsman's intervention



Graph 5

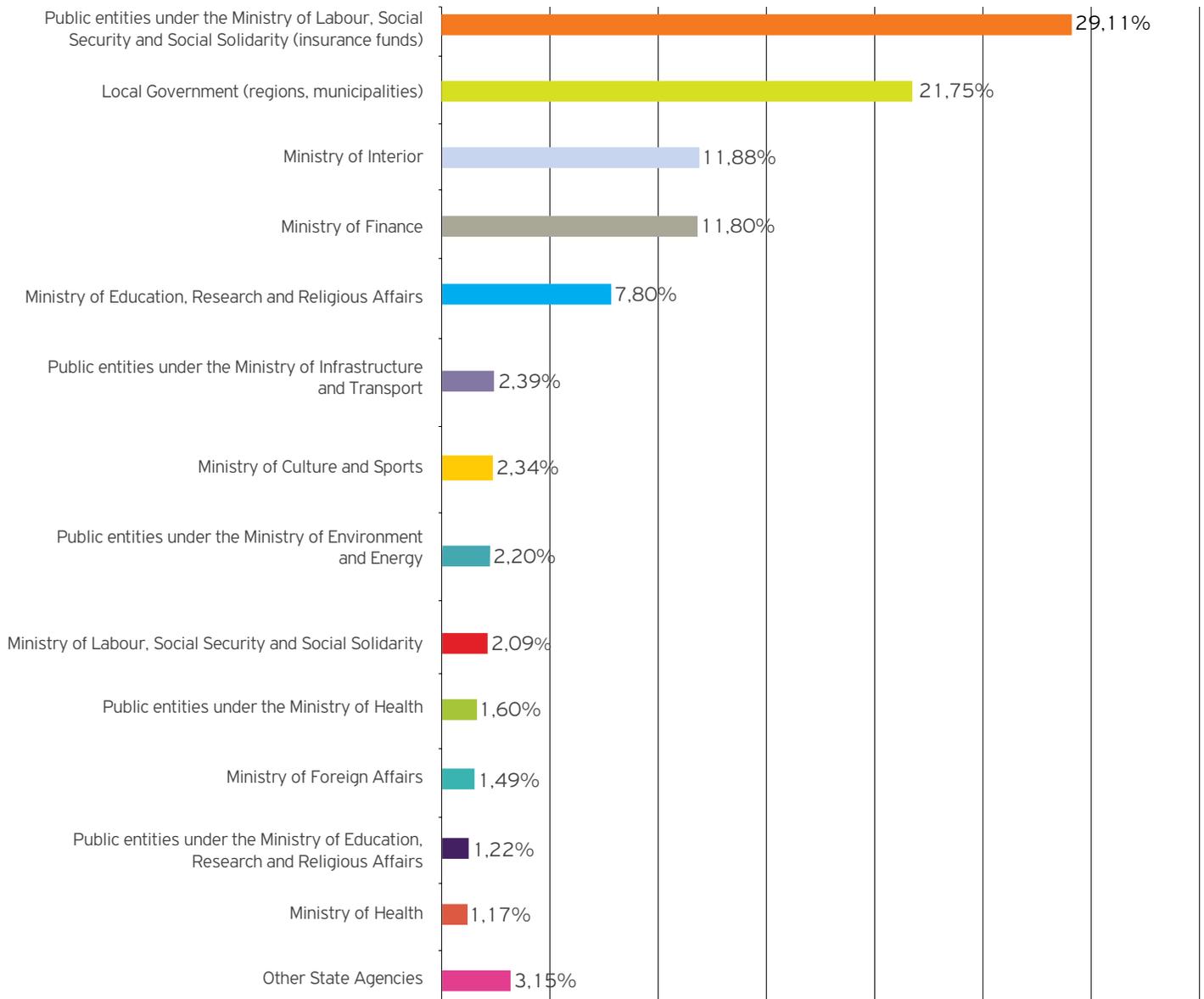
Number of complaints per 10000 residents, per Region and percentage of all complaints

Source of population figures: Hellenic Statistical Authority – 2011 Population Census

Region	Number of complaints per 10.000 residents	Percentage of all complaints
Eastern Macedonia and Thrace	4,66	2,74%
Central Macedonia	7,44	12,30%
Western Macedonia	5,56	1,65%
Epirus	6,11	2,19%
Thessaly	5,71	4,15%
Stereia Ellada	6,01	3,27%
Western Greece	6,20	4,31%
Attica	19,72	55,61%
Ionian Islands	8,95	1,78%
Peloponnese	6,79	3,98%
Northern Aegean	8,06	1,52%
Southern Aegean	10,20	2,85%
Crete	6,63	3,65%

Graph 6

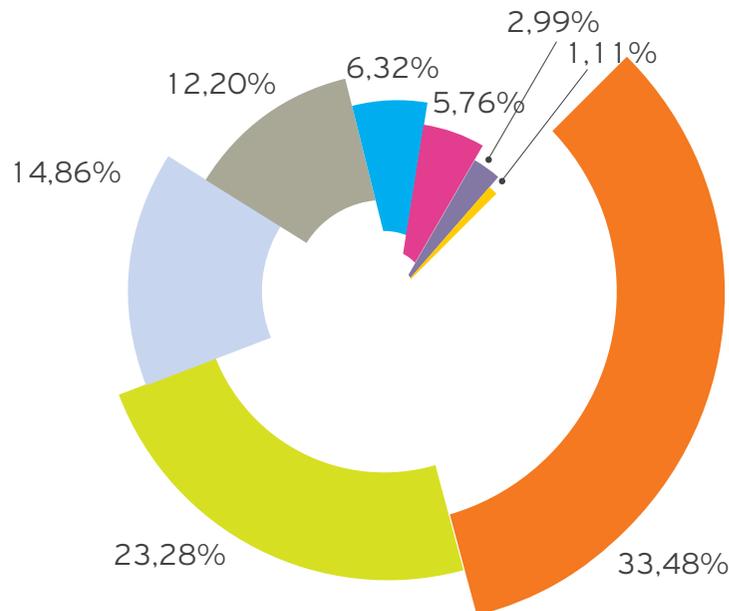
Distribution of substantiated complaints per public body



Graph 7

Human Rights Issues

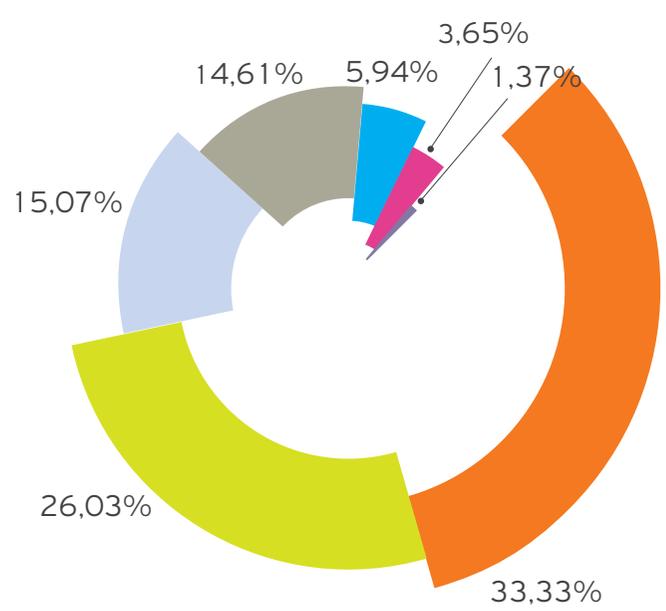
- Entry and residence of aliens
- Civil rights and obligations
- Higher Education
- Economic freedom
- Legal Protection
- Personal freedom
- Privacy and personality
- Morale and self-determination – intellectual movement



Graph 8

Issues of discrimination per type of discrimination

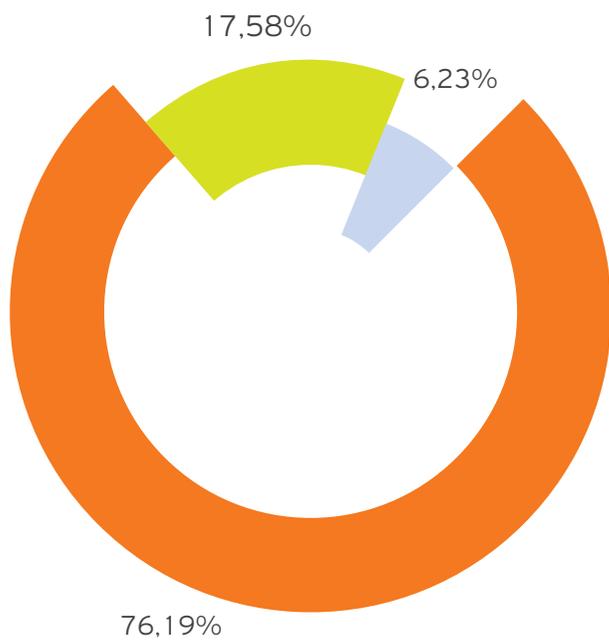
- Disability discrimination
- Discrimination against Roma
- Discrimination on grounds of religion or belief
- Age discrimination
- Discrimination on grounds of racial or ethnic origin
- Discrimination on grounds of sexual orientation
- Discrimination on grounds of gender identity



Graph 9

Issues of social protection

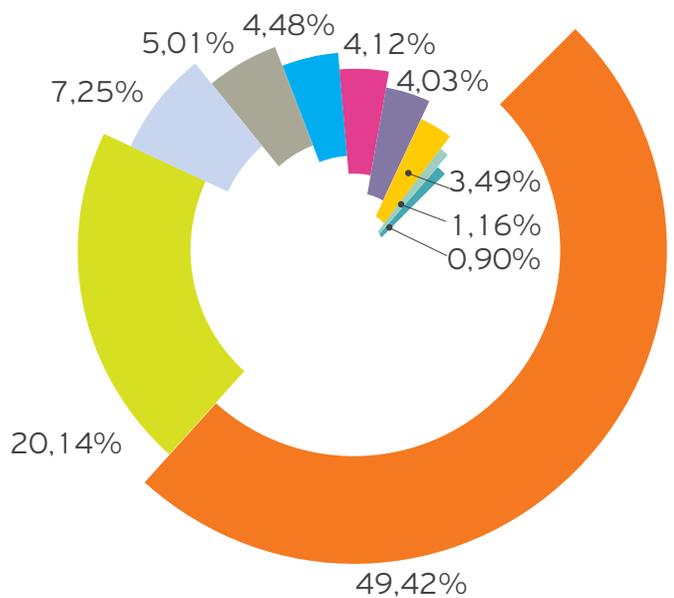
- Social security
- Welfare
- Health



Graph 10

Issues of quality of life

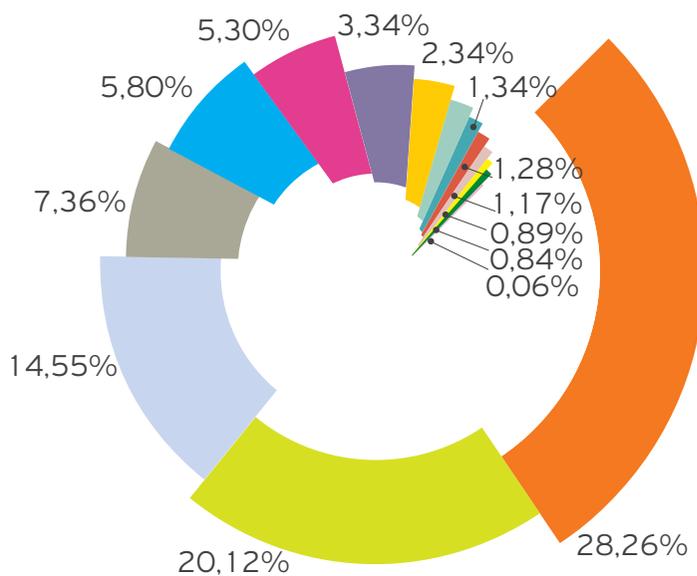
- Planning, licensing and monitoring of works
- Construction activity- urban planning – illegal constructions
- Natural Environment
- Expropriation
- Planning and licensing of facilities and activities
- Nuisance and pollution within urban areas
- Traffic arrangements
- Activities related to food & beverage premises
- Cultural Environment
- Public land



Graph 11

Issues of State-Citizen Relations

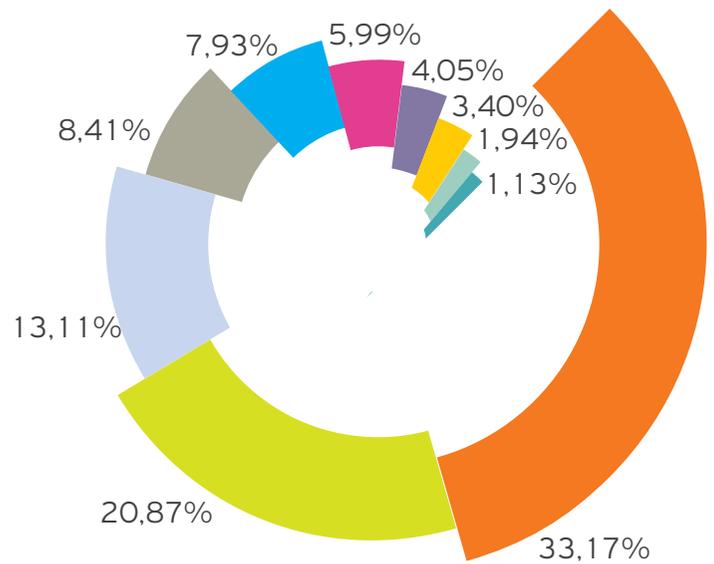
- Taxation
- Transport
- Functioning of the Public Administration
- Local Government
- Hiring processes
- Public utility services
- Labour and Employment
- Agriculture, farming, fisheries
- Liability of the Public Sector (except for public procurement)
- Loans
- Professional Training
- Financial activities and development
- Public procurement
- Other issues of state-citizen relations (postal services, civil protection)
- Social housing



Graph 12

Children's rights issues

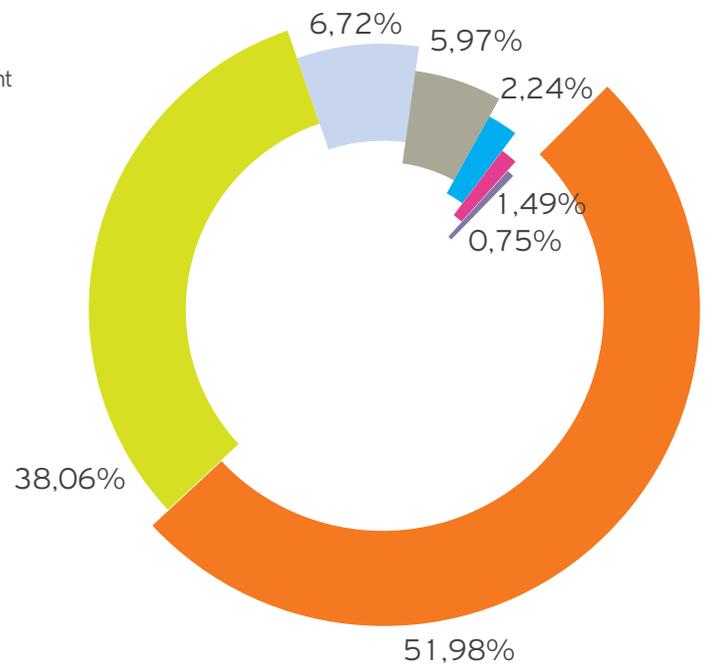
- Education
- Health-Welfare-Social Security
- Family-Substitute care
- Minor Aliens
- Identity
- Corporal punishment – abuse-exploitation
- Social participation – entertainment
- Standard of living
- Means of communication
- Justice – Penalties



Graph 13

Gender Equality issues

- Unequal treatment in the terms and conditions of employment
- Unequal treatment in the termination of employment
- Sexual or other harassment as a form of unequal treatment
- Unequal treatment on pay
- Unequal treatment in the access to employment
- Benefits
- Unequal treatment in the career development



THE CITIZENS' PROBLEMS THROUGH THE COMPLAINTS

Qualitative characteristics

The number of complaints submitted to the Ombudsman in 2016 was increased in comparison to the previous year (from 11.502 to 11.915), which confirms the upward trend in the recent years of crisis. As a result, the complaints submitted to the Ombudsman during the period 2010-2016 constitute 43,4% of all the complaints submitted since the establishment of the Independent Authority. Moreover, the average annual number of complaints in the period 2010-2016 is stabilised at a significantly higher level than in the period 1999-2009. In particular, the first decade of the Ombudsman's operation, the average annual number of complaints was approximately 10.500 complaints while in the last seven years (2010-16) this number rocketed to 13.000.

It is particularly important to assess the "systematic recurrence" of the problems, as they appear from the examination of the thematic fields into which the complaints are classified. The long-standing problems in the structure and function of the administration and the ailments of legal proliferation and competence overlapping – remnants from the post-war Greek State – are supplemented by the recent phenomenon of 'institutional vertigo', i.e. the failure of both citizens and administration to keep up with the constant and rapid developments in the various regulatory tools of the State.

This is confirmed by the fact that 10% of the citizens' complaints which remained unresolved in 2016 were due to legal lacunae or other structural malfunctions (see graph 4). It is also found that often neither the citizens nor the administration are aware of the changes in the legal framework governing crucial fields of everyday life. Therefore, the Ombudsman's intervention acts as a catalyst in order to clarify the rules in force without necessarily establishing maladministration (see graph 3). However, the majority of the Ombudsman's interventions (47,38 % of the examined complaints), finish by establishing maladministration, the largest part of which (83,39 %) are resolved thanks to the Authority's intervention. These data indicate on one hand the Ombudsman's efficiency and on the other hand the administration's responsiveness to its recommendations (see graphs 9, 10, 11).

As expected, the main part of complaints in 2016 predominantly focused on areas relevant to fiscal, insurance and welfare policy measures, as they continue to transform structures and relations within the State and its agencies. The citizens' daily problems are depicted on the quantitative data produced during

the Ombudsman's activity in 2016. Thus, the largest part of the 2016 complaints concerned tax and social insurance issues, while the complaints relating to urban and regional planning, licensing and monitoring works and activities showed increasing trends once again (see graphs 9, 10, 11). In the current year, the main public agencies- recipients of the Ombudsman's mediation, were the Ministry of Labour (Social Insurance Funds), the Ministry of Interior and the Local Government Agencies (first and second degree L.A.), with which the citizens have direct contact most frequently in order to tackle the problems exacerbated by the financial and humanitarian crisis.

The geographical distribution of the citizens' complaints reflects the concentration of the crisis in the large urban centres of the country: most of the complaints derive from Attica (Athens) and Central Macedonia (Thessaloniki). However, it is remarkable that the geographical distribution of complaints submitted in 2016 (per 10.000 inhabitants) shows a constantly high number coming from island regions of the country (North and South Aegean, Ionian Islands). This is an indicator that the spatial and social-financial exclusion of these areas has had a cumulative effect over the recent years.

In the context of human rights issues, in 2016, the main part of the Ombudsman's actions was clearly destined to the refugees, because of the unceasing flows. In the field of social protection, the predominant cases concerned social security, where defective law implementation is further aggravated by the citizens' lack of information. With regard to environmental issues, prevalent are the complaints concerning regional and urban planning, licensing and monitoring of works. Among the complaints concerning the State – citizens' relations, the principal issues are taxes, transport and support to the unemployed, the latter being of particular sensitivity in context of the humanitarian crisis. Complaints concerning children's rights deal mainly with education, minors' care and family life.

With regard to refugees and migrants, the Ombudsman continued mediating, controlling and advising administration in order to tackle current challenges. Very important was the initiative of the Greek Ombudsman to cooperate with its counterparts in the broader region in view of establishing a joint action plan for safeguarding the fundamental rights of people crossing the borders, as well as with local authorities, in order to raise public awareness and participation in reception, settlement and social integration of the refugees. The Ombudsman stressed out the

lack in staff and coordination of public agencies responsible for accommodation structures, care for unaccompanied minors and educational programmes for refugee children. The Ombudsman also called attention to the outstanding issues in current immigration policy, following a number of complaints which requested its intervention in cases such as issue of residence permits for exceptional reasons, issue of work permits and the integration of minor aliens.

In the social security field, once again the Ombudsman came up against the usual persistent problems of legal fragmentation and arbitrary administrative practices. Problems in the exercise of insurance rights are caused by delays, structural malfunctions of social insurance services and the infringement of procedural guarantees when it comes to debts charging and collection. In particular, interventions concerned, inter alia, the recognition of "notional working time", social insurance for part-time workers or during work stoppage, settlement for payment of contribution arrears, delays in processing pension applications due to existing debts, hearing of the pensioner prior to initiating enforcement proceedings, as well as the information regarding pension deductions, social security rights of people with insurance periods abroad and a series of specific cases concerning pensions of public sector employees.

In the fields of health and welfare, in 2016, the Ombudsman had to deal with crisis situations. Limitations of the State's logistical and financial capacity in the establishment and function of the network of primary, secondary and tertiary degree of health care are understandable; however, complete absence of healthcare units cannot be justified. The problems, which have been raised repeatedly, include understaffing and lack of infrastructure, with multiple consequences on the degradation of health services quality and eradication of the minimum standards of safe health care. Even less justified is the perpetuation of problems not connected with financial hardship, such as the infringement of the patients' rights regarding access to their medical files or concerning proper investigation of their complaints, as well as the failure of the mental health system to safeguard the rights of the mentally ill. Moreover, citizens continued to complain regarding failures in the implementation of the programme for combating the humanitarian crisis, in granting of the so-called "social dividend" and "Pensioners' Social Solidarity Allowance" (EKAS), while specific cases of inequality appeared in the award of allowances for households with more than three children. In the field of juvenile care, the Ombudsman had to deal with

infringement of children rights in childcare institutions and malfunctions in the implementation of the programme "Work-Life balance".

The Ombudsman's findings and interventions regarding the right to employment focus on the increasing unemployment, the risk of long-term exclusion from the labour market, the prerequisites for unemployment benefit becoming stricter all the time and in general practices of restrictive interpretation of the relevant provisions. Employment policies concentrate on the efforts to integrate more groups of the population in the labour market, especially through community programmes or through subsidising companies to recruit unemployed people. Nevertheless, even in these cases the fundamental labour and insurance rights of those employees are not always guaranteed. Infringement of the principles of transparency and good administration was also found by the Ombudsman while investigating staff selection procedures for the State or the wider public sector. Moreover, in cases of professional rights recognition, public administration appears unable to incorporate European regulation.

Taxation was a field of tension in 2016 too: the primary goal to maximise and accelerate collection of public revenue, even though quite legitimate, leads to maladministration when if not combined with simultaneous protection of the taxpayer. The Ombudsman observed failures and malfunctions in the Taxisnet computerised system, which lead to double taxation or loss of income for the citizens and called on the administration to comply with legal ruling, suspend debt certification in case of insufficient evidence and, more generally, restore tax fairness. Unfortunately, as a rule, tax authorities refuse to make amends, on the contrary treat with mistrust any request for lifting confiscation orders or tax exemption and weaken the citizens' right of rebuttal. Specific interventions of the Greek Ombudsman referred to, inter alia, inheritance tax on expropriated real estate, handing over uncollected rents to the State, reimbursement of withheld taxes, road taxes, municipal property taxes and bank accounts protected from confiscation.

The Greek Ombudsman after examining cases concerning public utility companies, such as electricity, water, transport and use of public infrastructures, observed multiple degradation with regard to their quality, their social character and the protection of the citizen as a customer. Quality of life has deteriorated further for vulnerable social groups; while safeguarding the social character of all public utilities, as well as the balance

between conflicting attitudes of corporate governance, remains a major goal. Regarding power supply, most complaints refer to its social character and are summarized in the citizens' inability to pay their arrears, settlement requests, transfer of debts from the real consumer to the contractual one (i.e. from the tenant to the owner of the real estate), citizens' concerns about an imminent or accomplished power cut, as well as their inclusion in the Social Residential Tariff. A particularly highlighted issue was the PPC regulated charges, which further weigh down on the already burdened household consumers. Similar cases were observed in the field of water supply, concerning both the Athens Water Supply and Sewerage Company (EYDAP S.A.), as well as the Municipal Companies of Water Supply and Sewerage (DEYA), which try to maintain equilibrium between their private and public nature.

Similar problems were observed both in public transport, where the otherwise private companies are called to implement social policies of the State in favour of the unemployed or students, as well as concerning the tolls in highways, in which case the legal status of collecting mechanisms puts limits to the Ombudsman's intervention. In 2016 the Greek Ombudsman put special emphasis on interventions concerning the urban and peri-urban environment, aiming primarily at the improvement of quality of life, respect for legality but also understanding for the harsh reality experienced by the administration, while insisting on mediation as the way of resolving citizens' complaints.

The use of public space came to light as an issue of major importance, firstly because of the need to be enjoyed by society and be financially beneficial for the State at the same time, secondly because an end must be put to the lack of specific conditions, which leads to ambiguity and infringement, arbitrary and unregulated expansion, loss of public property, transformation of urban space and distortion of the landscape. Day to day life in modern cities requires an alert State ready to create the appropriate conditions as well as to regulate the use of public spaces and citizens' moving around in terms of safety, along with respect for public property. In cases of illegal constructions, the Ombudsman is invited to intervene either following other residents' complaints asking for the demolition or removal of illegal constructions or following the complaints of the owners of the illegal buildings themselves asking for the lifting of imposed sanctions.

In cases of flood prevention works, the Greek Ombudsman is

called to intervene both in a preventive way, when the citizens protest about the absence or inadequacy of protection as well as in a restorative way, when the citizens claim compensation for damage sustained by their property. Steady degradation of the quality of life is revealed through complaints about professional activities disturbing the peace either inside or outside the residential areas, cases in which it is not always clear which of the parties the administration tries to protect. In its Special Report "Business activities and environmental protection", the Ombudsman points out the problems in the process of planning, licensing and operation of enterprises of the secondary sector and the primary production, summarizing points of legislative distortion by energy businesses and outlining the problems in the operation of vehicle repair garages and other relevant activities within urban areas.

In the education sector, administration does not show the necessary flexibility and it is additionally obstructed by bureaucratic barriers, fixations and malfunctions, with a direct impact on pedagogical goals. The Ombudsman examined a large number of complaints referring to primary and secondary education, and more specifically to school understaffing, the condition of school buildings, students' enrolment, transfer from one school to another, school attendance and transportation, school life and bullying incidents, teachers' behaviour, information to parents, support to children with special educational needs, enrolment and schooling of Roma children and refugee and migrant children, as well as all those who necessarily reside in Greece until their application for international protection is examined. A significant number of complaints concerned school life and bullying incidents inside school units, while several problems in special education still remain the same. In higher education, the Ombudsman handled complaints about students' transfers and financial aid.

The administrative attitude towards issues of personality protection, such as nationality, civil and municipal status, personal data and the protection of family and minors, is associated with great sensitivity. However, this sensitivity; instead of urging administration to take action and find effective solutions, leads to a rather conservative and phobic attitude. In 2016, the Ombudsman was once again met with serious complications in citizenship acquisition and nationality definitions, reaching the rather frustrating conclusion that the new procedure of citizenship acquisition has in fact lost its nerve before even being put in practice because of the preconditions

of birth and schooling in Greece. Furthermore the Ombudsman intervened in several cases of administrative rigidity in rolls registration or issue of certificates and expresses satisfaction for the positive outcome of spelling surnames and forenames in identity cards and passports after a long-term mediation. Also, this year the Ombudsman activated its intermediary role in cases of minors facing problems in their family or social environment, sought meetings with the parties involved, set relevant agencies and services in motion and sought solutions in the best interest of the child. The Ombudsman also intervened in cases dealing with minors' personal data protection.

The main object of the Greek Ombudsman is by definition maladministration phenomena, therefore mentioning special parameters or generalized phenomena is only indicative and based on current developments. New and administratively independent revenue collection practices have become an endemic characteristic of the era of tight budgeting. The overall inelastic target of covering revenue gaps pushes aside individual targets of a different nature, as it is intensely illustrated in cases of Traffic Code infringements and relevant statutes of limitation. The creative practices of the administration in order to prevent citizens access to their data continue to be surprising, while a new problem has emerged; the assignment of public duties of the consulates to private agencies.

Developing its action as an Independent Authority with specific competencies, the Greek Ombudsman fulfils the obligation of drafting special annual reports undertaken according to relevant provisions of international, European and domestic law. As far as combating discrimination is concerned (L.3304/2005 and as of 2016 L.4443/2016), the Ombudsman confirmed the all-time observation that real equality goes beyond the individual complaint and acquires a systemic dimension, since suspicion residues towards the otherness are illustrated not only on the attitude of the administration but even in legislation. Discrimination issues that the Ombudsman had to deal with mainly concerned Roma housing, restrictions of professional rights due to nationality, measures of reasonable accommodation for the disabled, justification of age limits in hiring processes, the legal status of children in same sex families.

As far as gender equality in employment is concerned (L.3896/2010), the Ombudsman notes once again that, despite the existing rich and dynamic legislation – due to the transposition and implementation of European law – diffusion and consolidation

of the relevant legislation, the European case law and of the relevant implementation practices remain limited. In the private sector, employers continue to treat pregnancy, maternity and family as negative factors, while uninsured work, low-paid labour and part-time or rotation jobs are frequent practices. The public sector is relatively more consistent with the implementation of the legislation, particularly when it comes to permanent civil servants, mainly due to the Ombudsman's proposals which have been partially or totally accepted, after long efforts.

Exercising its competence to monitor all stages of foreign nationals' forced returns to their country of origin (L.3907/2011), the Ombudsman attended the readmission operations, conducting sampling in over 45% of coastal shipping and air transportations from the islands, for which the Ombudsman had been notified in advance, while it continued the visits in pre-removal detention centres. The Greek Ombudsman received a positive evaluation from the European Commission Delegation in the context of Greece's regular assessment with regard to the 'Schengen acquis'.

As a "National Mechanism for the Prevention of Torture and Ill-treatment" in detention centres (L.4228/2014), the Ombudsman visited detention facilities focusing on problems such as old and unsuitable facilities, absence of programmes for creative occupation and entertainment, deficiencies in health and medical care and problems in the procedures of disability certification. In addition to that, the Ombudsman signed a Memorandum of Cooperation with the Ministry of Justice aiming at developing common actions for protecting the prisoners' rights. Moreover, the Ombudsman visited police cells, detention centres for refugees, places of psychiatric care and social care.

Finally, in the context of its specific competence for the protection and promotion of the rights of the child (Art. 1, para. 1 subpara b', L.3094/2003), in 2016, the Ombudsman gave special attention to the enhancement of the democratic nature of school, to the improvement of the legislative and administrative framework of child protection in combination with the training of professionals and volunteers working with children, as well as to monitoring closely the refugee issue and putting forward proposals for the protection of rights of children on the move. Also various activities for and with children took place, as well as networking and cooperation with the jointly responsible ministries, public agencies and non- governmental organisations.

Numerical data

In 2016 the Ombudsman received 11.915 new complaints. According to 2016 data, (see chart 3) 47,38% of the complaints were substantiated, which means that the citizen's complaint was justified and maladministration was found; 44,25% of the complaints were unsubstantiated, meaning that there was no maladministration; and 8,37% of the complaints were revoked for several reasons. 83,39% of the substantiated complaints (see chart 4), were solved by the Ombudsman, 1,39%, the complaints were solved without the Ombudsman's mediation (by the agency itself or following the intervention of another agency), for 10,03% of the cases, solution was impossible due to legal voids or structural failures and malfunctions of the administration – either permanent or circumstantial - while for a 5,19% of the cases, the Ombudsman's proposals were not accepted by the administration. The largest percentage (29,11%) of maladministration appears in social insurance funds and legal entities of public law, supervised by the Ministry of Labour, followed by local authorities with 21,75%, the Ministry of Interior with 11,88% and the Ministry of Finance with 11,80% (for more details see graph 6). The Ombudsman's website had 1.163.095 visitors and 6.137.611 page views, while its public profile on the Facebook at the end of 2016 had 15.444 members and 4.983 followers on Twitter.

Conferences

- The Ombudsman held a conference on January 20 on "Economic and humanitarian crisis in the neighbourhoods of the city", in which the Ombudsman presented the results of a research conducted in 2015 on everyday problems in some neighbourhoods of Athens, Perama and the Municipality of Nikea - Rentis. The Mayors of these municipalities were present in the conference, as well as officials from the ministries involved, officials from The Region of Attica and from other public agents, as well as executives from the counterpart Authorities of Ireland, the Netherlands and the Basque Country, and specialized scientists. The Ombudsman's positions and the survey results were presented by the Alternate Ombudsman, Prof. Vassilis Karidis and the Deputy Ombudsman, Prof. Ioannis Sajas¹.
- In an event held on February 9, the Ombudsman presented the "Guide of rights and benefits for vulnerable groups" issued at the end of 2015, as well as the specialized website (www.synigoros-solidarity.gr). Both the Guide and the website were created in the context of the European Economic Area for Solidarity and Social Inclusion programme in Greece (2009-2014). On March 7, the Ombudsman and the General Confederation of Greek Workers (GSEE) co-signed a cooperation agreement for the promotion and diffusion of the Guide with the assistance of regional and local trade unions².
- The significance of Equality Bodies in combating hate speech and discrimination, the new challenges for the legal context, issues concerning freedom of speech and the mass media practices, were debated in a conference held by the Ombudsman on 12 April. Officials of the Council of Europe, from the counterpart Authorities in Albania and Turkey, as well as speakers from the press and legal world participated in the conference³.
- On May 19, the Ministry of Justice and the Greek Ombudsman co-hosted a conference on "Prisons, rights, transparency and accountability - The role of supervisory mechanisms⁴". In the context of the conference the Ministry and the Ombudsman, as the "National Preventive Mechanism for Torture and Ill treatment", co-signed a Memorandum of Cooperation for the efficient monitoring of living conditions in detention centres and the protection of prisoners' rights⁵ (see "Prevention of torture and ill treatment").
- On December 8, the Ombudsman held the presentation of a special report on the subject "Business activity and environmental protection", in the presence of representatives of the government, local authorities and professional bodies⁶.
- On December 16 the Ombudsman, in cooperation with the Minister of State, Christoforos Bernardakis held a debate aiming at the legislative establishment of mediation as an alternative dispute resolution procedure between citizens and the administration. The debate focused on the administrative

1 <http://www.synigoros.gr/?i=kdet.el.news.340216>

2 <http://www.synigoros.gr/?i=kdet.el.news.345902>

<http://www.synigoros.gr/?i=kdet.el.news.353414>

3 <http://www.synigoros.gr/?i=human-rights.el.danews.361020>

4 <http://www.synigoros.gr/?i=kdet.el.news.367790>

5 <http://www.synigoros.gr/?i=kdet.el.news.369782>

<http://www.synigoros.gr/?i=quality-of-life.el.pznews.400869>

6 <http://www.synigoros.gr/?i=kdet.el.news.349254>

procedures where mediation could produce results, cases that should be exempted, the possible need for establishing mediation as mandatory, the process of creating a registry of mediators, the risks of failure of institutional mediation and the ways of preventing them.

Working meetings

- On January 15 the Alternate Ombudsman Vasilis Karidis met the new Director of the EU Fundamental Rights Agency (FRA), Michael O'Flaherty, during his visit to Athens and discussed current issues of the immigrant/refugee crisis.
- During the visit of the Ombudsman to the Island of Lesbos on January 27, the Ombudsman organised a meeting for the exchange of views and the coordination of actions between the agencies and groups, which take action in the field of protection of unaccompanied and accompanied refugee and immigrant minors. The meeting was attended by 55 representatives from 26 governmental and non-governmental organisations and agencies (see "Promoting the rights of the child").
- In a working meeting, held on February 19 in Thessaloniki, the Ombudsmen of Greece, Turkey, FYROM, Albania, Serbia, Slovenia, Croatia, Kosovo, Italy and Austria, decided on a Joint Action Plan following the Ombudsman's initiative. The plan aims at cross-border cooperation, communication and best practices exchange among the Ombudsmen on five thematic axes: asylum, vulnerable groups, hate speech, ill treatment, returns, local communities).
- The Special Representative of the Secretary General on Migration and Refugees of the Council of Europe, Tomas Bocek, with his colleagues, had a meeting with members of the Ombudsman on March 7 and 21⁷. The two sides discussed the problems created by the increased number of arrivals of refugees and immigrants in Greece, the problems in the reception procedure, the issue of unaccompanied minors, as well as the Ombudsman's initiative to establish networks of cooperation with the counterpart Authorities in other countries in order to enhance the protection of refugee and immigrants rights.
- On May 14 the Alternate Ombudsman, Vasilis Karidis, had a meeting with the UN Special Rapporteur on the human rights of immigrants, François Crépeau, during his visit to Greece.
- On July 5, the Commissioner of Human Rights of the Council of Europe, Niels Muznieks, had a meeting with the Deputy Ombudsman, George Moschos, and officials from the Authority, in order to exchange information and views on the situation of human rights in the country, particularly with regard to issues of discrimination and hate speech, freedom restrictions and ill treatment of refugees, migrants and unaccompanied minors.
- In the context of their visits to Greece, the Council of Europe Committee for the Prevention of Torture (CPT) visited the premises of the Ombudsman on July 18 and discussed the situation in detention centres, as well as the treatment of unaccompanied minors.
- Members of the Petitions Committee of the Parliament of Hesse visited the Greek Ombudsman on September 23 in order to be informed about its activities, especially in the field of refugee and immigrant flows. The MPs and officials of the Bundesland were welcomed by the Greek Ombudsman, Andreas Pottakis and the Deputy Ombudsman, Vassilis Karidis, who informed the delegation about the Authority's initiatives and interventions.
- On October 3, the Greek Ombudsman, Andreas Pottakis, had a meeting with a delegation of the counterpart Authority in Azerbaijan. Their visit, which focused on issues relevant to the Torture Prevention Mechanism, was held in the context of the twinning programme with the Ombudsman of Azerbaijan, established by the Ministry of Foreign Affairs of Germany and the Ombudsman of Poland. In the context of the programme, the Greek Ombudsman provided information and expertise in the organisation and promotion of Torture Prevention Mechanism.

International activities

The Greek Ombudsman, Andreas Pottakis, participated in :

- the General Meeting of Equinet (Brussels, September 29-30), in which national bodies responsible for the promotion of the principle of equal treatment concluded in common standards, basic conditions and guarantees that must be met in order to cope with impartiality, adequacy and efficiency with their work

7 <http://www.synigoros.gr/?i=kdet.el.news.353962>

- the meeting of the Ombudsmen of South East Europe countries members of the Network of National Torture Prevention Mechanisms (Belgrade, December 13-14)
- the conference of the Council of Europe on the subject "Freedom of expression - The role and power of National Human Rights Organisations and other national mechanisms (Strasbourg, December 15).

The Deputy Ombudsman, Vassilis Karidis (as Alternate Ombudsman until 27.7.2016) participated in:

- a roundtable with regard to refugee /immigrant issues in the context of a workshop held by the International Ombudsman Institute (IOI) on the subject of "Human Rights Challenges Now: The Ombudsman facing threats" hosted by the Catalan Ombudsman (Barcelona, April 26-27)
- the annual conference of the Commission against Racism and Intolerance (ECRI) of the Council of Europe on the subject "The consulting role of National Equality Bodies towards the legislative and executive authorities and other stakeholders" (Strasbourg, May 26-27)
- the conference on the subject "Refugees - Rule of Law - Lobbying transparency: Is Europe rising to the challenges?" organised by the European Ombudsman (Brussels, June 13-14)
- the 2016 Forum on Fundamental Rights, with central subject the refugee protection and social inclusion organised by the EU Fundamental Rights Agency - FRA (Vienna, June 20-23)
- the European conference of Statewatch, "Statewatching Europe: Civil Liberties, the State and the EU" and the Workshop "The refugee crisis in the Med and the EU" (London June 25)
- the international workshop "Challenges posed for the Ombudsman institution by immigrant flows in Europe" organised by the Association of the Mediterranean Ombudsmen and the International Ombudsmen Institute - IOI, (Tirana, September 6-8)
- in the seminar of "European judges for democracy and freedoms" on the subject of "Basic rights of migrants: The guarantor judge?" (Paris, October 21).

The Deputy Ombudsman George Moschos participated in:

- the European Conference "Children's Rights behind bars: Human Rights of children deprived of liberty - Improving monitoring mechanisms", organised by the association "Defence For Children" on the presentation of the first European Practical Guide for monitoring places of deprivation of freedom (Brussels, February 15)
- the conference of the Council of Europe "Reaching the Heights for the rights of the child", in the context of which the new Strategy of the Council for the period 2016-2021 was presented (Sofia, April 5-6)
- a conference of experts on issues of school violence and bullying, organised by the Charge d' Affaires of the UN Secretary-General (Florence, May 10-11)
- a seminar of the European Network of Ombudsmen for Children on the subject of "Equal opportunities in education for all children and young people" (Dublin, June 7-8)
- the dialogue meeting on the protection of Children refugees and immigrants, organised by the EU Commissioner for Justice (Brussels, June 13)
- the Fundamental Rights Forum "Rights, Respect, Reality: the Europe of Values in Today's World", held by FRA (Vienna June 20-23)
- the international conference "Protection and future of the children on the move: A challenge for Europe" organised by the Ombudsman of France, the Council of Europe and the European Network of Ombudsmen for Children (Paris, June 28)
- the 20th Annual Conference on the subject of 'Equal opportunities in education for all children' and the General Assembly of the European Network of Ombudsmen for Children (Vilnius, September 20-22).

INDIVIDUAL FIELDS OF INTERVENTION

- Refugees/Immigrants
- Social Security
- Health and Welfare
- Employment
- Taxation
- Utility services: quality of life
- Urban & suburban environment: protection and development
- Education
- Personality Protection
- Procedural maladministration phenomena
- Combating discrimination
- Gender & employment relations
- Returns of third-country nationals
- Prevention of torture & ill-treatment
- Promoting the rights of the child

REFUGEES/IMMIGRANTS

Following the exacerbation of the refugees/immigrants crisis of the previous year, in 2016 the Greek administration was faced with two major challenges: on the one hand the closure of borders in the so-called “Western Balkans Corridor”, which resulted in caging refugee and migrant populations in mainland Greece and on the other hand the EU-Turkey Joint Statement of 18 March, following which the hotspots in five islands (Lesvos, Chios, Samos, Kos and Leros) were obliged to carry the burden of detention of all irregular entrants from sea borders, for rapid readmission to Turkey after their identification.

Topics included in the Annual Report:

Refugees and immigrants management

- Temporary accommodation areas;
- Hotspots
- Unaccompanied minors in temporary supervised accommodation shelters
- Establishment of minority in the reception and Identification Centres

Political Asylum

- Access to asylum
- Delays in the examination of past asylum applications
- Work and employment permits for asylum seekers and holders of residence permits for humanitarian reasons

Migration

- Examination of applications for residence permit for exceptional reasons
- Direct renewal of residence permit with access to employment for a third country national family member
- Integration of minor aliens and family environment

Examples for illustration

Unaccompanied minors in temporary supervised accommodation shelters

Following visits to accommodation structures, and reports by non-governmental organisations, the Ombudsman pointed out that detention of unaccompanied minors for the purposes of protective custody, should be replaced by placing them in supervised accommodation shelters, which have been created inside facilities for the general population of refugees and migrants. The long stay of minors in detention places, police stations, Pre-Removal Centres etc., poses a risk to their mental and physical development and is in direct conflict with the best interests of the child. The Ombudsman has also made a relevant intervention for the education of children refugees, especially in cases of refusal or delay in enrolling children hosted in hostels or residing with their families autonomously, due to lack of reception classes in schools.

Examination of residence permit applications for exceptional reasons

Aliens requested the Ombudsman's mediation for faster examinations of their residence permit applications for exceptional reasons. The Ombudsman assisted in managing the situation and improving the organisation of the Directorate for Migration Policy. However, in spite of the efforts made by the ministry, the whole process of submission and examination of these types of residence permits remains too lengthy, fact which acts as a deterrent for the submission of such requests.

SOCIAL SECURITY

Social security rights have been affected over time by fragmentary lawmaking, incorrect law and often illegal administrative practices. Pensions were inevitably reduced by legislative interventions made due to the poor financial conditions. Insured pensioners complain about lack of information on those interventions and their consequences. Delays, lack of coordination and organisational malfunctions of the social insurance authorities continue to cause problems in the exercise of social rights. Finally, compliance with the procedural guarantees during certification and collection of debts is very important for the protection of the rights of insured pensioners. Also important, both for the protection of debtors and for the budgetary recovery of insurance funds, is the rationalisation of regulations regarding the collection of debts.

Topics included in the Annual Report:

Requirements for Social Security

- Revocation of a decision recognizing notional insurance period
- Calculation of days of insurance for part-time workers
- Insurance of workers during work stoppage

Contributions and debts

- Calculation and collection
- Certification and enforcement

Malfunctions

- Information on deductions from pension amounts
- Delays in pensions award for insured persons with periods of social security abroad
- Award of a lifelong pension to a mother of a large family

Pensions of public sector employees

- Suspension of pensions granted to unmarried daughters
- Pension decisions for uniformed services personnel
- Award of pension to mayors and community presidents

Insured individuals excluded from maternity allowance granted by OAEE (Social Insurance Organisation of Freelance Professionals)

Maternity allowance is granted by OAEE to insured individuals who are fully consistent and are up to date with their contributions of child delivery. This condition aims to exclude from the allowance insured persons who have not paid their contributions. However, its strict application may lead to the exclusion of the insured who were fully consistent during pregnancy and after giving birth and only missed one or two instalments for obvious reasons.

OAEE refused maternity allowance to an insured mother for delaying the payment of the last instalment of her contributions. The Ombudsman considered that the Organisation should take into account i) the insured's twin pregnancy and oncoming birth, due to which she was not in a position to pay the final instalment, ii) the fact that she rushed to pay her contributions to the fund immediately after discharge from hospital, just a few days after the deadline. After the Ombudsman's intervention, OAEE held as admissible the objection filed by the insured against its refusal to pay the allowance.

Old age pensions of insured individuals with periods of social security abroad

An insured member of the Social Insurance Institute (IKA-TEAM) suffering from Alzheimer's disease for the last six years, lodged a claim for old age pension at the Australian National Insurance Institution in November 2008, according to the provisions of the Social Security Agreement between Australia and Greece. In October 2015 she was informed that she was entitled to an old age pension from Greece's IKA-TEAM. However, IKA failed to inform her relatives about the actions they had to take in order to get the pension. Following the Ombudsman's intervention, the pension was granted retroactively to the pensioner, in August 2016.

Examples for illustration

HEALTH AND WELFARE

Health and welfare are the areas of the administrative action that are affected the most by the financial crisis. They are, at the same time, a shelter for citizens belonging to vulnerable social groups, as they ensure the minimum standard of living. They are also extremely affected by the cash-strapped national budget. So, in those areas, the already known administrative weaknesses together with the new financial problems create an explosive mixture. The Ombudsman is often perplexed as its interventions must be, not only legally convincing, but also financially imaginative

Topics included in the Annual Report:

Health

- Operational problems of Health Units
- Patients' rights
- Mental Health
- Specific health issues of minors

Welfare

- Measures to combat humanitarian crisis
- Social dividend
- Pensioners' Social Solidarity allowance
- Large families
- Care of minors

Examples for illustration

Healthcare operational problems

A patient complained that the hospital was three months late in issuing an opinion on the existence or not of cancer cells after a thyroid surgery. As a result of this delay, the type of treatment that the patient should follow could not be decided and started. The hospital administration blamed the understaffing of the pathology laboratory. Following the Ombudsman's intervention, the Ministry of Health approved an additional post for a specialist in pathology at this hospital and two more posts for the same specialty in other hospitals.

The Ombudsman also investigated a complaint on another hospital that issued an instruction giving priority to the treatment of its staff and patients indicated by the staff. Patients holding a priority number were served subsequently. The hospital administration claimed that the hospital staff are also citizens entitled to health services and that if they are treated with priority, they will then have time to get back to their work for the hospital. After the Ombudsman's intervention, these instructions were withdrawn and the heads of Regional Health Units proceeded with consolidating professional ethics.

Large families

The Ombudsman constantly receives complaints regarding the child support allowance and the special allowance granted to large families by the Agricultural Insurance Organization (O.G.A). However, there is a very significant obstacle to the access to this benefit: if the father, who is liable for submitting the tax return, does not fulfil the requirements, there is no provision for checking if the requirements are fulfilled by the mother.

For example, according to a complaint, the family received the allowance for as long as the father was alive, but after his death, the child was deprived of the allowance because the legal requirements (the ten-year residence in Greece) were not fulfilled by the mother. In another case, a family consisting of the mother and the children, all EU citizens, could not receive the allowance because the father was a third country national and the children did not have the Greek citizenship. On the contrary, if the mother was a third country national, and the father an EU Member State citizen, they would get the allowance, regardless of the nationality of the children. Moreover, if the mother was divorced, she would be entitled to the allowance. However she wouldn't receive it as a single parent.

EMPLOYMENT

As observed by the Ombudsman, the granting of ordinary or extraordinary unemployment benefits as well as other social benefits is subject to increasingly stricter conditions, although an ever increasing proportion of the population is in great need of them. The administration, on the other hand, directing the State's intervention towards partial or temporary cover of income loss for the unemployed and other groups requiring special protection, unjustifiably adopts an excessively restrictive interpretation of the legislative provisions for granting benefits.

Issues contained in the Annual Report

Unemployment and training

- Employer's insolvency benefit
- Self-employed unemployment benefit
- Manpower Employment Agency (OAED) public benefit programmes
- Business subsidy programmes for hiring unemployed
- Delay in training allowance payment

Employment for the State

- Entry in the Hellenic Statistical Authority Partners registry
- Sudden change of requirement in a hiring process for special categories of supply teachers
- Erroneous interpretation and implementation of a judgment with regard to staff hiring in ATEI (Athens Technological Educational Institute)

Professional rights

- Certificates of Able Seamen
- Exercise of the profession of swimming coaches
- The principle of good administration and control of professional requirements

Examples for illustration

Sudden change of requirement in a hiring process for special categories of supply teachers

In State hiring processes, a sudden change of requirement which existed for years and candidates were confident that it would continue to exist, constitutes a serious form of maladministra-

tion. Below we make reference to a characteristic case of special category supply teachers. Up to 2015 candidates suffering from thalassemia or multiple sclerosis, who are prioritised in the hiring process, because of their condition, were supposed to file the disability certificate, after their recruitment. In 2016, totally unexpectedly, the Ministry of Education has requested the submission of the disability certificate at the point of filing their application, which is extremely difficult because the Disability Examination Centres have very long waiting time. The Ombudsman recommended return to the previous situation, stating that a) the illnesses had already been diagnosed and were incurable b) the disability certificate shows only the percentage of the patient's disability, which is not a criterion for prioritisation. The Ombudsman's proposal was accepted and resulted in the suspension of the previous procedure.

Certificates of Able Seamen

The delay in harmonisation of the Greek legislation to the amendments made by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, which lay down new conditions for obtaining certificates of Able Seamen, caused a problem for holders of TEI diplomas, specialised in Mechanical Engineering, who were excluded from obtaining Engineer C' Class diploma and their applications were referred to a special committee of the Ministry of Shipping, with a view to assess their expertise in comparison with that of the graduates of Merchant Marine Academies, under the new regulatory status. The Ombudsman, in application of the general principle of protection of the right to justified trust of the citizen to the administration, requested a legislative amendment allowing them to be granted the certificate without having to comply with the additional requirements, which came to force after they had already started their training.

The Ombudsman's mediation proved successful and in April 2016 those who had completed the seagoing service and had successfully graduated from the respective training of the Merchant Marine Training Centre, were entitled to obtain Engineer C' Class diploma no later than 31.12.2016.

TAXATION

The maximisation and the speeding up of the collection of public revenue, which is the main, yet legitimate, target of the tax collection mechanism, leads to maladministration when not combined with the provision of guarantees in order to protect the tax payer but also the public sense of justice. The Ombudsman notes that the provisions of tax law are not always correctly interpreted. On the contrary interpretation often deviates from the will of the legislator. Financial services act in a manner inconsistent with the fundamental principles of administrative law, such as those of good administration, legitimate expectations and proportionality. The discretion provided by the law for the officials of the tax authorities may not always operate in favour of the tax payer. The administration tends to focus on the literal interpretation of the law and does not take into account the citizens' specificity, needs and overall ability to pay.

In addition, frequently the tax authorities treat the tax payers' requests relevant to stopping confiscation or exemption from tax burdens with negativity or mistrust. They even take enforcement measures on incomes, necessary for the decent living of the debtor or they confiscate allowances granted to cover important needs. They try to recover old debts, sometimes one or two decades old, a practice that weakens the tax payers' right to submit counter-evidence.

However, a necessary condition for the formulation of tax conscience is the creation and preservation of a relationship of trust between the citizen and the tax administration, which is a two-way effort. The Ombudsman notes that the way the tax administration often treats the Greek tax-payer does not contribute in this direction. On the contrary it undermines it.

Topics included in the Annual Report

Calculation and imposition of taxes

- Inheritance tax for expropriated properties
- Inheritance Tax Refund
- Rejection of inheritance by a minor
- Allocation of uncollectible rents to the State
- Offsetting of withheld tax in the case of late submission of a tax declaration

Malfunctions of the TAXISNET

- Stolen vehicle included in the assets of the beneficiary
- Double imposition of the Extraordinary Special Fee on Immovable Properties
- Business Tax

Road taxes

- Administrative appeal against the imposition of road taxes
- Imposition of a fine for late payment of road taxes during detention

Confiscations

Municipal Taxes

- Real Estate Tax on building under construction
- Real Estate Tax on common use areas
- Retroactive municipal taxes and fines on surfaces without electricity

TAXATION

Examples for illustration

Confiscation of assets

According to the Code for the Collection of Public Revenue, salaries, pensions and allowances paid periodically, are exempt from confiscation up to a specific amount. The legislators' aim was to ensure an acceptable standard of living for all citizens and the best and durable protection for the debtor, regardless of the source of the amount. However, the Ombudsman found that this aim was not well achieved, as confiscation of assets, necessary for the debtor's living, still take place. There was a major problem relating to confiscation of salaries, pensions and allowances paid into joint bank accounts. For instance, part of the disability allowance granted to a mentally disabled child was confiscated due to his parent's debt to the municipality. In other cases, there were confiscations of special welfare allowances, which are protected from confiscation according to the law, such as the education allowance and the allowance for people living in less-favoured and mountainous regions. The Ombudsman notes that the legislative framework on confiscation does not provide enough protection for debtors and should be reviewed. In particular, there is a need for special regulations prohibiting confiscation of welfare allowances.

Inheritance Tax refund

The tax administration often delays to rule within a reasonable time on the tax-payers' applications. Indicative is the case of a citizen who inherited full ownership of a property, submitted a declaration of acceptance of the inheritance and paid the corresponding tax. However, later he asked for a refund of the amount paid, as other heirs claimed a legal share of the estate following a court's judgment which changed his percentage of ownership to the estate. The Ombudsman contacted the tax office, which delayed the refund and stressed that the publication of the court's judgment constitutes a new fact, which justifies the claim for refund of the tax paid. The Ombudsman's position was accepted and part of the inheritance tax was refunded to the citizen.

UTILITY SERVICES: QUALITY OF LIFE

Services offered by public utilities, such as energy, water, transport and use of public infrastructure, have worsened in recent years in relation to their quality, their social character and protection of the citizen as consumer. In times of crisis, society seems to worry less and less about quality of life, placing it at a very low level in the hierarchy of values and needs compared with other everyday issues.

Issues included in the Annual Report

Electricity supply

- The social character of energy
- Recording and pricing
- Imposing debts on third parties
- Stealing electricity
- Claiming debts

Water supply

- Athens Water Supply and Sewerage Company
- Municipal Water Supply and Sewage Enterprises

Transport

- Free movement or reduced ticket price in Public Transport
- Toll payment in highways

Examples for illustration

The social character of energy

Most of the complaints on energy issues in the year 2016 reflect its social character. These complaints mainly concern debts, settlement requests, transfer of debts from the actual consumer to the owner, worries for cutting-off power due to arrears, and entry in social residential tariff, which applies to vulnerable groups. In particular, PPC regulated charges, which in essence constitute taxes to third parties, because they are not fixed, i.e. their cost depends on the final consumption, become exorbitant after a certain consumption limit, at the expense of already burdened household consumers. The Ombudsman's mediation was firmly geared to convince companies to implement further arrears settlement.

Travelling free of charge or at reduced fares on public transport

The State entered a law in 2015, allowing unemployed individuals, registered in the relevant records of OAED, to use public transport free of charge. Moreover, the law provided for cancellation of relevant fines imposed on those unemployed individuals for a period of five years prior to the entry into force of the law. The Ombudsman was requested to mediate for cancellation of those fines. However, several fines had already been sent to the competent tax office increased tenfold. The Ombudsman found that the public transport companies do not implement the law in the same way; The metro company STASY complies with the law and cancels the fines, while the buses company OSY refuses to process cancellation applications, while awaiting instructions from the Ministry of Transport. The Ombudsman has asked the Ministry to find a definitive solution and has received confirmation they are trying to have a single practice of addressing the issue.

URBAN & SUBURBAN ENVIRONMENT: PROTECTION AND DEVELOPMENT

The development and expansion of large urban centres, often uncontrollable, render part of the natural environment into a suburban one and/or purely urban in many cases. This results into its destruction, which, in turn, intensifies the problems of inhabiting urban spaces. Consequently, the Ombudsman's interventions have been consistently focused on the improvement of quality of life and the observance of the rule of law.

Topics included in the annual report

Communal areas

- Food & beverage premises
- Pets
- Facilities' management by local authorities

Life in the city

- Arbitrary expansion of pedestrian ways
- Playgrounds: problems & proposals
- Students' transport safety
- Land & cash contribution: The competence of the Municipal Council

Illegal constructions

- Establishment of photovoltaic systems in traditional settlements
- Reimbursing money spent for the regularization of illegal buildings
- Changes in land uses

Flood protection works

- Lack of prevention
- Lack of restoration

Environmentally intrusive establishments

- Intrusive activities within urban areas: a difficult balance
- Dangerous spatial impacts: the case of the Thriasion plain

Examples for illustration

Intrusive activities within urban areas

The unlawful siting of intrusive activities (e.g. industrial workshops, warehouses, dyers etc.) within the urban web is a phenomenon appearing on a regular basis. Even when the authorities impose the corresponding sanctions, there is confusion as to which public body has the competency to examine their application. The Ombudsman stipulates that, in cases where there is a violation of urban legislation, the administration is bound by law to impose the relative sanctions and a refusal to do so may constitute a breach of duty.

Dangerous spatial impacts: the case of the Thriasion plain

In the case of the Thriasion plain, where a large number of highly intrusive establishments and facilities are gathered, the Ombudsman intervened for speeding up the removal of illegally stocked waste within the premises of a unit for storing flammable, toxic and corrosive substances. In the same area, the premises of a private centre for recycling material were on fire for several days, thus polluting the whole of Attica region with a toxic smog.

The Ombudsman focused its attention on the course of restoring the environmental damage and the gathering of large quantities of solid waste within the area, as a result of illegal trafficking. It also stressed out that the authorities' action must focus more on dealing with the danger and less on taking restoration measures, because what is needed is preventive measures, such as the removal of burned waste and/or inhibiting free access in the Thriasion plain.

EDUCATION

Education is a field where administrative function should be in the service of the prevailing educational purpose. The educational process in all levels should not only facilitate but also contribute, inasmuch as possible, to the optimisation of the performance of all factors involved (both human factors and logistical and financial resources).

However, the administrative practices adopted in education do not serve these objectives when they remain strictly attached to formalities without taking into consideration social, cultural and other particular features. The Ombudsman notes that, often, the administrative function in education is not characterized by flexibility; on the contrary, it is hampered by bureaucratic obstacles, fixations and dysfunctions with direct impact on the educational purpose.

Topics included in the full report

School

- Access of minor aliens to education
- Education of Roma children
- Attendance of students with special educational needs in mainstream schools
- Establishment and operation of Special Vocational Lyceums (senior high schools)
- Insulting teacher's behaviour towards pupils

Higher education

- Access to higher education
- Students' transfer issues
- Diploma Supplements for graduates of the Technological Educational Institute of Athens
- Students' financial aid

Illustrative examples

Access of minor aliens to education

The Ombudsman investigated complaints with regard to the lack of legal documents for registration as well as the lack of knowledge of the procedures or the indecision of educational institutions, especially after the establishment and progressive introduction of reception structures for the refugee populations within the Greek educational system. In some cases refusal of registration or significant delay of integration of foreign children was recorded, due to lack of reception classes in the competent schools. Problems were solved through mediation and information to the involved services as to the applicable framework. In particular, as regards the enrolment and promotion to the next class of minor aliens with incomplete documents, the Ministry of Education accepted the Ombudsman's proposals stating that schooling should continue, regardless of any parallel actions for the submission of all necessary documents.

Non-acceptance of candidates to Postgraduate Courses of the Hellenic Open University

The Ombudsman investigated complaints with regard to the non-acceptance of electronic applications to a Postgraduate Course of the Hellenic Open University for the academic year 2016-2017. Although the application deadline had not expired, the applications were refused on the ground of completion of the adequate number of applications. The Ombudsman stated the absence of any legal basis for the non-acceptance of timely submitted applications. Afterwards we were informed that a short new deadline was given around the end of August. Nevertheless it is not certain that such a short deadline was sufficient for all those who were prevented from submitting their application online within the original deadline.

PERSONALITY PROTECTION

Nationality, civil and municipal status, personal data, protection of the family and minors, are areas of administrative action characterized by special sensitivity, national in the former cases and social in the latter. However the fact that this sensitivity, instead of urging the administration to take responsibility and find effective solutions, leads to a more conservative and apprehensive stance, is considered by the Ombudsman as maladministration.

Topics included in the Annual report

Citizenship

- Naturalisation: Delays and complications
- Acquisition of citizenship by birth and school attendance
- Citizenship determination
- Nationality determination of underage alien

Civil and municipal status

- Failure to provide a birth certificate in case of lack of father's name
- Inactive records in municipal rolls
- Entries of minor aliens in municipal rolls
- Issue of death certificate after burial
- Name spelling issues
- Cooperation with the Ombudsman of Turkey concerning children of dual nationality

Family and minors

- Student's referral to counselling service
- Difficult living conditions and care of school girls
- Contact between parents and children in nurseries

Personal data of minors

- Surveillance cameras at school courtyard
- Parent access to psychosocial report concerning his child

Illustrative examples

Entries of minor aliens in municipal rolls

The increase of children born to parents who don't have legal residence is related to problems in entering those minors in the municipal rolls.

Although registration in civil records does not fall into the prohibition of public services' transactions with non-EU citizens who don't have legal residence, the fact that the parents are unable to issue Social Security Number (SSN) and Tax Identification Number (TIN) has led some registry offices to refuse the issue of birth certificate of the child, due to insufficient data, and others to refuse to grant copies.

The lack of legal documents and the unspecified marital status of the mother was the cause for the refusal of a maternity hospital to issue a birth certificate. A birth certificate was issued 10 years after the birth, following a series of communications with the hospital and the competent registry office.

Names spelling on official documents

Following the introduction and implementation of "ELOT 743" standard, citizens' names on the identity cards and passports were spelled either in Latin, as foreseen by the standard, or in dual display, as they appeared in documents, which the citizens had already issued abroad. However this caused identification problems especially with foreign authorities. The Ombudsman had repeatedly recommended that this practice should be simplified, but the competent Ministry, based on Opinions issued by the Legal Council of State, interpreted the law in a different way. With a recent decision, however, the Ministry reinstated the simple procedure, i.e. removed the dual display of the name on the ID and, at the request of the interested party, the name is spelled in Latin in the same way it appears in documents which the citizens had already issued.

This practice, however, has been met with resistance from the Translations Service of the Ministry of Foreign Affairs, which insists in using the ELOT 743" standard without exception. The Ombudsman has recommended the use of names as they are spelled in the citizens' passports, even when this involves different spelling from the ELOT standard. The answer of the Translation Service is anticipated.

PROCEDURAL MALADMINISTRATION PHENOMENA

The development and strengthening of tax collection practices emerges as an end in itself in times of budgetary constraints, as the inflexible general goal of covering cash flow gaps supersedes the relevant specific goals of fees, duties or fines and hinders prospects of coming to an understanding with the administration.

Topics included in the Annual report

Money collection practices

- Fines for traffic violations
- Statutes of Limitations
- Cost of police services
- Interest imposed on debts due to delayed information by the Worker's Housing Organization (OEK)

Implementation of the Code of Administrative Procedure

- Documents' registration
- Confusion regarding competence
- Obligation to provide information
- Delay in referral to health committee
- Access to data/information

Inherent malfunctions

- Consulates allocating public services in private offices
- Non-cooperation of municipalities with the Ombudsman

Illustrative examples

Statute of limitations for local authorities' claims from fees, rights and contributions

The Ombudsman investigated complaints with regard to the expiry of the 5-year statute of limitations within which local authorities must establish claims from fees, rights and contributions. The investigation indicated that several local authorities interpret differently the provision and prolong the statute of limitations from five to twenty years, especially in cases when the interested parties have not submitted the necessary data for the certification of the claim, or the information is inaccurate or the certification of the claim is incorrect.

Indicatively, a citizen received notice claiming municipal real estate tax for the past 18 years. The Ombudsman stated that claims cannot be certified after the expiry of the 5-year statute of limitations. The municipality did not accept that argument and the Ombudsman asked the Ministry of Interior to provide relevant guidance to local authorities. After the Ministry's response, the municipality's reaction is anticipated.

Consulates allocating public services in private offices

Although there are difficulties in documents validation in many diplomatic authorities of our country, a particular problem is noted in those countries where consulates are exclusively competent for the validation of foreign documents (Pakistan, Nigeria). In these cases, validation comprises control of both the authenticity of documents and the truth of their content. This leads in the involvement of foreign law firms contracted by the consulate, which carry out the control and make a relevant report to the Consulate.

Equally problematic is the control conducted by these offices concerning the family reunification process for third-country nationals, which constitutes a right under national and European legislation. The problem is particularly intense in the Consulate of Islamabad where the completion of the process may delay up to 7 years. Among the causes of this kind of maladministration are poor cooperation of the authorities involved inside and outside Greece, non-rational organisation of the diplomatic authority and the lack of staff.

COMBATING DISCRIMINATION

Special Report 2016 (Article 20 §3 OF LAW 3304/2005)

Special Report 2016 (Article 20 § 3 OF LAW 3304/2005)
This Report reflects the Ombudsman's work for the year 2016 as an Equality Body responsible for the promotion of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation, according to its responsibility under the Law 3304/2005. The Report also includes the cases examined in the light of the overall competency of the Ombudsman for the protection of rights and the more specific one regarding the principle of equal treatment. They also include cases relating to discrimination on grounds of gender identity.

Contents of the report

Discrimination on the grounds of racial or ethnic origin

- Ethnic origin
- Racial origin: The case of the Roma

Discrimination on the grounds of nationality

- Professional rights of third-country nationals
- Long-term unemployed allowance to third-country nationals
- Participation of students in the Erasmus programmes

Discrimination on the grounds of disability

- Access to employment
- Accessibility in municipal buildings and municipal public spaces
- Assisted reproduction in HIV-positive persons
- Education of children with disabilities and/or with special educational needs

Age discrimination

- Access to work
- Mobility and retirement
- Exercise of professional activity

Discrimination on the grounds of religion or belief

- Conscientious objectors
- Burial and cremation

Discrimination on the grounds of sexual orientation or gender identity

- Securing the rights of children of same-sex families
- Asylum Seekers

Promotion of the principle of equal treatment, awareness and training

Examples for illustration

Nationality as a prerequisite for professional activity

An Albanian, residing legally in Greece for 16 years as the spouse of Greek citizen, holder of a degree from a Greek Technological Educational Institution as well as a postgraduate University diploma and PhD candidate, sought the assistance of the Ombudsman in order to determine whether she was legally denied the right to register in the National Register of Certified Evaluators of the Directorate General for Private Investment. Her application had been rejected on the grounds that "Only Greek citizens or citizens of Member States of the European Union, are entitled to apply to the Register". Although the prerequisite of nationality was not mentioned in the call, it was implied, since holding a valid licence to practice the professions of economist, agricultural engineer and engineer was required to apply to the Register. This indirectly raised the issue of discrimination on grounds of nationality, because Greek or EU nationality is a prerequisite for the licence to practice these professional activities. The case is pending, awaiting the response of the Ministry of Economy to the intervention of the Ombudsman.

Age discrimination: access to employment

In the course of 2016, the Ombudsman investigated an important number of complaints concerning the introduction of an upper age limit (40 years old) for filling in posts of regular staff as Distributors at Hellenic Post. This age limit was established by a Ministerial Decree without the required specific reasoning that would justify the deviation from the general principle of prohibition of age discrimination. The Ombudsman noted that age alone couldn't constitute a precise indication of the person's physical ability or adequate capacity for specific tasks, because each candidate's physical fitness can be individually assessed, regardless of the age group they belong to. The Minister of Digital Policy, Telecommunications and Media addressed a letter to the Hellenic Post, asking them to lift the age limit.

GENDER & EMPLOYMENT RELATIONS

In exercising its special competence for monitoring the implementation and promotion of the principle of equal treatment between women and men in employment, the Ombudsman ascertains a stagnation and repetition of already known problems and phenomena, which tend to grow instead of decrease.

Despite the existence of a rich and dynamic legal framework, the European legislation and case law have not yet been consolidated, and there is a very low degree of diffusion and implementation of its policies and practices.

Topics included in the annual report

Private sector

- Unlawful treatment of pregnancy
- Unlawful treatment of workers returning from maternity & parental leaves
- Manipulation into resignation
- Employers' reaction to employees' complaints

Public sector

- Civil servants
- Uniformed personnel
- Gender equality in retirement

Self-employment

Sexual harassment

- Establishing sexual harassment
- Withdrawal of sexual harassment complaint following a settlement

Promoting equal treatment of men and women

Examples for illustration

Establishing sexual harassment

In one characteristic case, the Ombudsman examined a female employee's complaint who claimed to have been repeatedly harassed, both verbally and physically, by her employer, something that eventually forced her to flee her working place. The employee produced printouts of SMS sent by her employer, outside working hours. The Ombudsman, shifting the burden of proof, as the law provides, asked the employer to present evidence that contradicted the employee's allegations. The employer produced written statements by her fellow employees, in which they stated that the alleged harassment did not take place. The Ombudsman was not convinced and suggested that a fine should be imposed by the Labour Inspectorate.

Assisting a mother single parent in working only morning shift

A mother single parent with a 5-year old child, working as a nurse in a health centre, asked the service to be employed in the morning shift from Monday to Friday, due to increased family obligations. The response received from the service was negative. The Ombudsman asked the Health Centre -if there were no understaffing problems- to take into consideration her family situation and examine the possibility of giving her primarily the morning shift and only exceptionally the afternoon or night shift at Sundays, holidays and public holidays. The hospital responded positively and the request of the worker was satisfied.

RETURNS OF THIRD-COUNTRY NATIONALS

The Ombudsman has a special competence to monitor all stages of foreign nationals' forced returns to their country of origin.

The intensification of the refugee crisis in the course of 2016 and the difficulties in implementing the European Commission's action plan for the reception and relocation of asylum seekers, as well as in putting into place an effective system of forced returns for other populations, landmarked the developments in dealing with returns in 2016.

The present chapter is part of the Ombudsman's special report for 2016.

Topics included in the annual report

The Ombudsman's competence for the external monitoring of forced returns

- Legal framework
- What changed in 2016
- Organization, assessment and contacts
- External monitoring of returns during 2016 at a glance

Facts concerning the application of the law

- Problems in financing returns and their external monitoring
- Dealing with immigrants
- Numerical data
- Qualitative parameters of returns data
- Numbers of detainees due for return

Visits in pre-removal centres – problems in the return process

- Random controls, findings and proposals

External monitoring of removal operations of third country nationals

- Joint European airlifts
- Readmission operations into Turkey
- Conclusions

Examples for illustration

Joint European airlifts

Under its specific competence, the Ombudsman took part, as an observer, in 11 airlifts to Pakistan and Georgia, under the coordination of FRONTEX. During these operations, an improvement of conditions and procedures was recorded, such as the cooperation with police authorities. However, there are some negative points that tend to be consolidated, such as: the lack of previous warning –at least 24 hours ahead- of the eminent returns and their details; the lack of timely access to means of communication (e.g. telephone) with their relatives; the iron handcuffing, as a standard procedure, without individual justification.

Readmission operations into Turkey

The Ombudsman also held an observing role in 12 readmissions to Turkey, during which a series of issues emerged, such as: the lack of timely notification of citizens from Syria and/or other nationals that they were to be included in a readmission operation to Turkey, as well as the lack of individual justification for them to be handcuffed during the operation. Other important issues were supplying those who had recently entered hotspots with evidence that they have undergone medical examination and/or other medical certificates as to their ability to travel, as well as their information about the right to international protection in a language that they can understand.

PREVENTION OF TORTURE & ILL-TREATMENT

The Ombudsman acts as a National Mechanism for the Prevention of Torture & Ill-Treatment according to the UN's General Assembly Optional Protocol to the Convention Against Torture and other forms of cruel, inhuman and degrading treatment or punishment (OPCAT). The present chapter is a synopsis of the Ombudsman's annual special report for 2016, under article 23 of OPCAT.

Topics included in the annual report

Standard detention areas

- Detention centres under the competence of the Ministry of Justice
- Police detention centres

Administrative detention of aliens

Areas of psychiatric care and social welfare

Examples for illustration

Administrative detention of aliens

Under this competence, the Ombudsman made on-site inspections in a number of pre-removal centres around Greece (Tavros in Athens, Corinth and Moria in Lesbos) and various police detention centres in the Attica Region and several Eastern Aegean Islands Police Directorates (Chios, Lesbos, Kos, Samos). During these inspections, it was once again ascertained that the majority of these places are unsuitable and overpopulated.

The Ombudsman has consistently argued that the administrative detention of minors should be banned and the administrative detention of adults in police stations should be avoided due to the unsuitability of their premises. Finally, the Ombudsman suggests that administrative detainees should be held separately from the criminal ones

PROMOTING THE RIGHTS OF THE CHILD

Since 2003, the Ombudsman has been entrusted by specific legislation, with the task of promoting and protecting children's rights. The Ombudsman carries out, on its own initiative, a variety of actions for the promotion of the rights of the child, always respecting the internationally accepted practices and the standards adopted by the European Network of Ombudspersons for Children. It constantly seeks to be close to children, listen to their particular concern, monitors closely the developments in the areas where they live, go to school and socialise, raises public awareness on the rights of the child and cooperates with other competent governmental bodies, organisations and professionals who work with and for children in order to make proposals and promote favourable measures. In addition the Ombudsman creates the framework and procedures that enable children to express their opinion on issues of their concern, highlights them and promotes them to the policy makers. In 2016, the Ombudsman's actions for the promotion of children's rights focused mainly on three areas:

- the strengthening of school's democratic structure
- the improvement of legislative and administrative framework for child protection combined with the training of professionals and volunteers working with children
- the close monitoring of the refugee issue and the submission of proposals for the protection of the rights of displaced children.

The assessment of this year's actions also includes rich experiences with and for children and a strong networking and cooperation with ministries, public services and non-governmental organisations. Thus, the Ombudsman, within the framework of this specific competence, emerges as a significant factor in monitoring and supporting the implementation of the United Nations Convention on the Rights of the Child in the country.

Topics included in the Annual Report

Listening to children - Promoting the right to expression and participation

- Communicating with Children
- Actions with and for children

Intervention, measures and actions for a democratic school

- Rules of Operation of School Communities
- Virtual meeting of high school students
- Dialogue day with the children
- Flexible zone and school activities

Cooperation, initiatives and specific actions

- Participation in committees, workshops, conferences and seminars
- Initiative on child protection
- Volunteerism and rights of the child

Displaced children-refugee children

- Meetings, partnerships, visits and interventions to the administration
- The right to education
- European- Level Action

PROMOTING THE RIGHTS OF THE CHILD

Examples for illustration

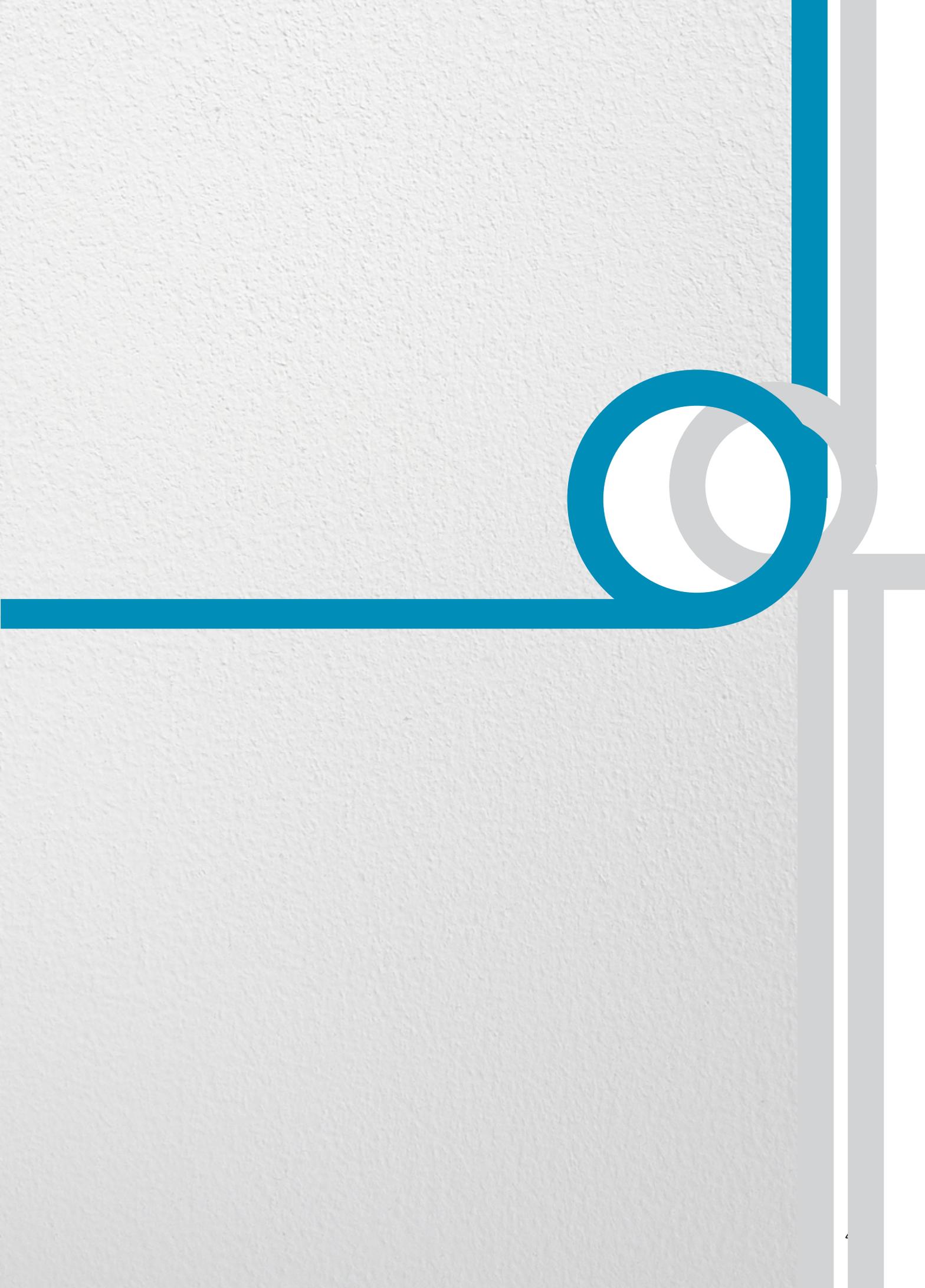
Volunteerism and rights of the child

In 2016, the Ombudsman drew up a practical guide entitled "Volunteerism and rights of the child" for providing voluntary services for children and adolescents. This Guide is a product of the Ombudsman's long-standing effort to design training tools for volunteers and professionals and to raise awareness about the United Nations Convention On the Rights of the Child and its code of ethics. The guide was preceded by an open public consultation of representatives of public bodies and organizations using volunteers to provide services to children. A two-day seminar followed, bringing together representatives of public bodies and NGOs, for the final processing of the proposals and ideas, which emerged from those meetings through relevant questionnaires. The Guide includes, in a brief and practical way, the key procedures, principles and rules concerning the management of voluntary services (how to find, attract and select volunteers, their obligations, training and supervision). It also includes the fields of application of the UNCRC, positive and negative experiences which could serve as examples, control, planning and self-assessment tools, proposals and ideas to exploit.

Displaced children – Refugee Children

The Ombudsman took the initiative to organize many workshops with bodies, organisations and representatives of local authorities and the police but also regular visits and inspections of sites of first reception, detention and accommodation of refugees. The authority organized meetings with the participation of many representatives of public bodies, intergovernmental bodies and NGOs providing services to refugee children and immigrants. Those meetings aimed at coordinating and planning the participants' actions in fields of their common interest. The Ombudsman also worked closely with the competent authorities on the strengthening of communication and the exchange of data and proposals, hoping to create a national network of support for the rights of displaced children. Building on the information gathered during visits to open refugee and immigrant accommodation centres, temporary hostels, hotspots, shelters for unaccompanied minors and police detention centres, the Ombudsman informed the administration of its findings and proposals for specific protection measures regarding the rights of displaced children.

Particular emphasis was given to the need of creation of temporary supervised shelters for children until a more specialized structure is found. Regarding the refugee children's access to education, the Ombudsman had regular cooperation with the Ministry of Education and has publicly intervened to ensure their right to public education and to point out the Media's obligation to protect and respect the image and personality of refugee students. The authority also sent an open letter to parents' associations who were against the education of refugee children in public schools. Finally, the Ombudsman participated, by providing information, to ENOC's relevant report and to a large number of meetings with European officials on the reception, detention, hosting, age determination and education of refugee children .



LEGAL FRAMEWORK OF THE OMBUDSMAN

The Ombudsman was established by Law 2477/1997, started its operation in October 1998 and was endorsed as an independent authority in the Constitution after the 2001 revision. Its organisation, staffing and operation are regulated by laws 3051/2002 and 3094/2003, as well as the Internal Bylaws, as amended and in force. The complete texts are published in Greek at www.synigoros.gr.

Its mission is mediation between public administration and citizens for the protection of rights, establishment of respect for legality and combating maladministration. The Ombudsman's mission also extends to:

- monitoring, defending and promoting the interests and rights of minors
- monitoring the implementation and promotion, in the private and public sector, of the principle of equal treatment, irrespective of race, national or ethnic origin, descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation or gender identity, pursuant to Directives 2000/43/EC, 2000/78/EC and 2014/54/EU
- monitoring the implementation and promotion, in the private and public sector, of the principle of equal treatment and equal opportunities between women and men pursuant to Directive 2006/54/EC as regards: (a) access to employment, including professional advancement, vocational training, including education with a view to employment, b) the circumstances and conditions of employment, including pay, and c) the social security systems.
- monitoring the implementation and promotion, in the private and public sector, of the principle of equal treatment and equal opportunities between women and men in the access to and supply of goods and services, pursuant to Directive 2004/113/EC and in line with the Law 3769/2009
- monitoring the common standards and procedures for returning illegally staying third-country nationals pursuant to Directive 2008/115/EC and in line with the Law 3907/2011
- monitoring, defending and promotion of health, welfare, social rights and solidarity in accordance with Law 3293/2004

- the functions of National Preventive Mechanism against Torture and other Cruel, Inhuman or Degrading Treatment, in accordance with the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment

- the functions of National Mechanism for the investigation of arbitrary behaviour of police officers and Staff of State Penitentiaries, according to Law 3938/2011.

Any Greek national or alien, individual, legal entity or association, dealing with the Greek State or affected by its actions or omissions, can file a complaint with the Ombudsman. Specifically as regards infringements of child rights, the complaint can be filed by a parent or relative of the child, but also any third party who has direct knowledge of the infringement. The Ombudsman investigates all issues falling within its competences, after having received a signed complaint filed by any individual or legal entity. Complaints may be submitted in person, by fax, mail and electronically via the website <http://www.synigoros.gr/?i=yповoli-anaforas.el>

The complaints are classified in thematic areas, destined for the six Department of the Ombudsman: Human Rights, Social Protection, Quality of Life, State-Citizens Relations, Children's Rights and Equal Treatment.

The Ombudsman has competence in matters relating to: the public sector, local authorities and their legal entities (enterprises), other legal entities of public law, public Utility Companies, state legal entities of private law, public undertakings and undertakings where the management is appointed by the State, directly or indirectly, as a shareholder.

The Ombudsman does not have competence in the following matters:

- investigating actions of the private sector or persons (By way of exception, the Ombudsman has competence over the private sector or specific individuals, in case of violation of children's rights and in cases of violation of the principle of equal treatment and anti-discrimination provisions, according to the above Directives)
- the status of civil servants, unless there is unlawful discrimination against a civil servant on the grounds of sex, ethnic origin,

religion or belief, sexual orientation, age and disability

- national defence and security, foreign policy and international relations of the country or state security
- cases already pending in courts
- acts of the judicial authorities, the Legal Council of State, or other Independent Authorities as to their main function and acts of religious legal entities of public law
- acts of ministers and deputy ministers regarding their political function

The main developments since 2003, aimed to strengthen the Ombudsman with specific competences as follows:

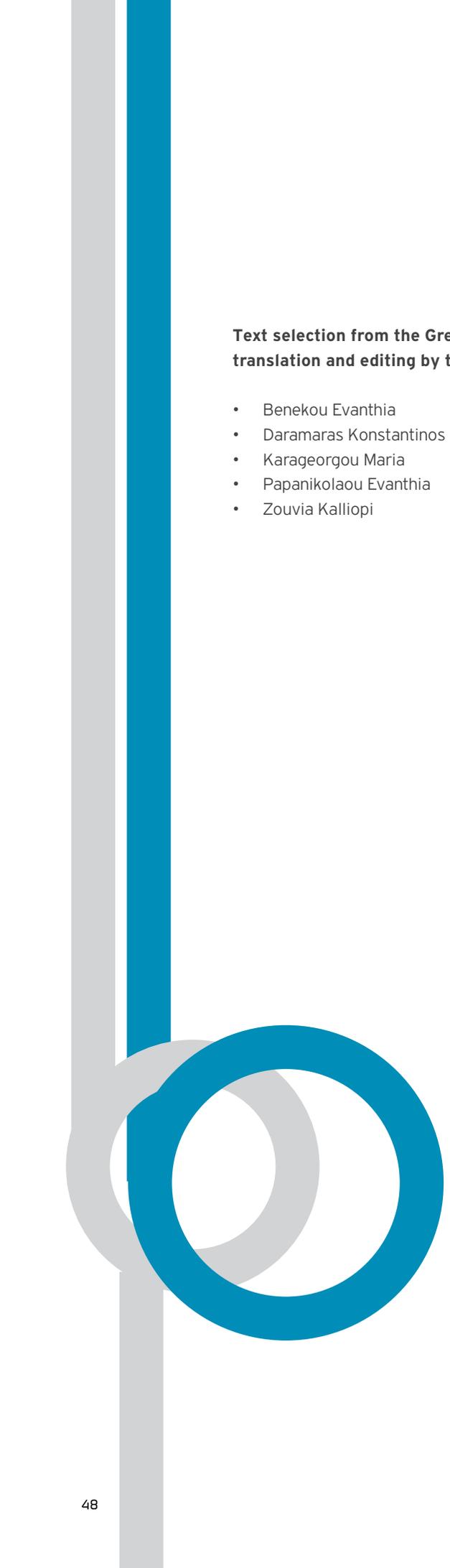
- Law 3293/2004 established the Ombudsman of Health and Social Solidarity.
- Law 3304/2005 established the Ombudsman as Equality Body for combating discrimination (on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation) and promotion of equal treatment where this principle has been violated by public services.
- Law 3488/2006 established the Ombudsman as Equality Body for monitoring the implementation, in the private and public sector, of the principle of equal treatment between women and men and women as regards access to employment, vocational training, professional advancement and working conditions.
- Law 3769/2009 established the Ombudsman as Equality Body for monitoring and promotion of the principle of equal treatment between women and men as regards access to goods and services in the public sector.
- Law 3772/2009 expressly confirmed the possibility of access to State Penitentiaries and Detention Centres.
- Law 3896/2010 recasted and incorporated legislation on gender equality in the labour market.

- Law 3907/2011 established a system of monitoring the common standards and procedures for returning illegally staying third-country nationals, under the supervision of the Ombudsman.
- Law 4048/2012 provided for the cooperation of the Ombudsman with the Legislative Initiative Offices of the Ministries
- Law 4097/2012 established the Ombudsman as Equality Body for monitoring the principle of equal treatment between women and men in self employment.
- Law 4228/2014 ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and the Ombudsman and was assigned the responsibility of National Preventive Mechanism.
- Law 4275/2014 provides that the Ombudsman takes part in the Council of Service Status of Heads of General Directorates, the Special Selection Council of Heads of General Directorates, and the Central Council for Interviews of Heads of General Directorates.
- Law 4305/2014 provides that the Ombudsman takes part in the Central Examinations Board for admission at the National School of Administration and Local Government.
- Law 4320/2015 stipulates that the Secretariat-General for combating corruption will cooperate with the Ombudsman for combating corruption in the public and private sector.
- Law 4325/2015 provides that the Ombudsman takes part in the Scientific Council of the National School of Administration and Local Government.
- Law 4356/2015 provides that the Ombudsman takes part in the meetings of the National Council against Racism and Intolerance.

Regulatory developments in 2016 are as follows:

- By virtue of Article 10, Law 4369/2016, the Ombudsman participates in the Special Selection Council of the Supreme Council for Personnel Selection.

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- By virtue of Articles 4-5, Law 4375/2016 the Ombudsman assumed the responsibility of controlling the reports of the Appeals Authority and participation in the Selection Committee for the director of the central service of the same Authority and members of the Appeal Boards.
 - By virtue of Article 3, Law 4387/2016, the Ombudsman takes part in the National Social Security Council.
 - By virtue of the Decision Φ.28/17184/2016 (OJ 1341(b) /12.5.2016) the Ombudsman established the Task Force for Vulnerable population groups.
 - By virtue of Article 175, Law 4389/2016 the Ombudsman takes part in Assets Control Committee of Law 3213/2003.
 - Article 86 of Law 4399/2016 repealed, prior to its implementation, the provisions of Article 4 of Law 4375/2016 on the Ombudsman controlling the reports of the Appeals Authority.
 - By virtue of Article 48, Law 4430/2016, the Ombudsman takes part in the Board of Experts of the Special Secretariat for the Social Inclusion of the Roma.
 - By virtue of Articles 14 and 18-20 of Law 4443/2016, replacing the repealed Law 3304/2005, the Ombudsman is defined as the Equality Body 'monitoring the implementation and promotion, in the private and public sector, of the principle of equal treatment, irrespective of race, national or ethnic origin, descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation or gender identity, pursuant to Directives 2000/43/EC, 2000/78/EC and 2014/54/EU
 - By virtue of Articles 56-57, Law 4443/2016 (entry into force 9.6.2017), which replaced Article 1 of Law 3938/2011, the Ombudsman is defined as 'National Mechanism for the investigation of arbitrary behaviour with responsibility to collect, record, assess, investigate or refer for further investigation and disciplinary control, complaints about actions of police officers, the Hellenic Coast Guard, the Fire Brigade and Staff of State Penitentiaries, occurring in the performance of their duties, or abuse of their status regarding: torture and other violations of to human dignity within the meaning of Article 137a of the Penal Code, illegal intentional attacks against the life, health, physical integrity, personal or sexual freedom, illegal use of firearms or illegal behaviour for which there is evidence of racist motivation or discriminatory treatment due to characteristics such as colour, race, national or ethnic origin, descent, religion, disability, sexual orientation or gender identity"
 - By the decision no F.10/44405/2016/30.11.2016 (3969b) /12.12.2016) amending the Ombudsman's Internal Bylaws, the Department of Gender Equality was replaced by the Department of Equal Treatment, assuming all competences resulting from Articles 14 and 18-20 of Law 4443/2016.
 - By virtue of Article 12, Law 4445/2016 the Ombudsman takes part in the National Social Protection Committee.



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