

Annual Report 2006

Summary

 THE GREEK OMBUDSMAN

This is a summarized presentation
of the *2006 Annual Report*
of the Greek Ombudsman.

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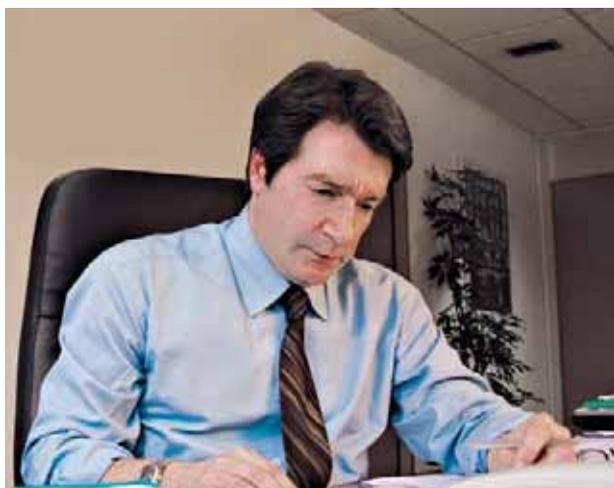
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The complete electronic version
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PREFACE

THE GREEK OMBUDSMAN'S INTERVENTION, according to statistical data publicized every year, has a fruitful outcome in 80% of the cases in which citizen complaints are well founded. This



percentage is nothing but negligible; nevertheless, it is still lagging compared to the almost 100% percentage reached by Ombudsmen in the EU, especially in northwestern Europe, as these are long lived institutions with embedded prestige in their countries. Above all, however, an important factor for their performance is the fact that they are cooperating with a public administration that has long ago absorbed the principles of rule of law and fair administration. Unfortunately, the level of Greek public administration is clearly not that high and as a consequence the Greek Ombudsman has undertaken a much more complicated mission.

The role of the Greek Ombudsman in upgrading public administration

As by its establishing law, the Greek Ombudsman should contribute in "fighting maladministration". Its mission is not limited to the day-to-day dealing with individual complaints filed by citizens, but it aims at intervening when public administration demonstrates the symptoms of a systemic pathogenesis. The Ombudsman is called upon to participate in the reform of the public administration in a decisive way; this is achieved by the processing and synthesis of its experience which stems from its everyday contact with the citizens' problems and complaints. The Ombudsman aims at transferring its experience to the public administration through a series of actions:

- Special reports, especially since its second term of office, when the major problematic areas of public administration had emerged through the increasing number of complaints. The Ombudsman has elaborated ten special reports, such as the report on the restrictions to property based on findings from 388 complaints; the report for public sector recruitment not authorized by the competent independent authority, the Supreme Council for Public Sector Personnel Selection, based on 648 complaints; the report for disciplinary charges against police officers based on 180 complaints; the report on the system for compulsory employment in the private and public sector for people with disability, people with large families, etc. based on 204 complaints. In these reports, the Ombudsman does not only record instances of malfunctioning, but it also addresses specific proposals to the public administration.
- A paedagogical role towards the public administration undertaken by the Greek Ombudsman in person, the Deputy Ombudsmen and all members of expert staff, either through their participation in seminars, conferences, one-day seminars and other activities addressed to public administration executives, or by offering classes and presentations in the public administration schools, such as the Police Academies and the National School for Public Administration.
- Closer contact with public administration executives. Groups of investigators in units, often

headed by the Greek Ombudsman himself, visit different regions of the country in order to meet with the people who wish to file complaints. Also, they meet with local public services' representatives to jointly seek solutions to the problems that have already been brought to the attention of the Ombudsman through the citizens' complaints. In general, the personal contact of Office of the Ombudsman's officials with representatives of the public services in Athens or in the region favours dialogue and promotes mutual understanding. Especially with the elected members of local government, this practice is dictated by its unfailingly high percentage of maladministration.

The Greek Ombudsman as a mechanism for the public administration's accountability

When the Ombudsman exercises its mediating role between citizens and public services, it acts as an institutional guarantee for a right of the individual: the citizen's right to "report to the authorities in writing" (article 10 of the Constitution). However, before the Ombudsman draws the conclusion that the citizen's claim is a well-founded one, and hence it assumes its role as "advocate", that is, as the citizen's aid and help, it is obligated to ask for the opinion of the public service involved in each particular case. At this stage, the Ombudsman is already acting as an accountability mechanism since it pushes the public administration to justify its actions, or omissions against the citizen who has found recourse in the Ombudsman. From this point of view, the Ombudsman is a deeply democratic institution as it sheds light to the public administration for each citizen to see its workings.

The Ombudsman often expands this accountability forum: using the means provided for by the law – such as the annual report, special reports, findings papers – it brings to the surface and publicizes the most important instances of maladministration. Adding to the transparency, the Ombudsman is also promoting the public administration's accountability before the Parliament and the public opinion by publicizing its findings papers at its webpage and through the mass media.

Important areas of state security do not fall within the Ombudsman's competences as these are set by the law: the Ombudsman does not undertake cases on state security, nor is entitled to handle cases related to the National Intelligence Service and the military services and which refer to national defence and security. Such exceptions should not come as a surprise as these form the state's hard core which is by definition intolerant to any kind of independent control.

However, the Ombudsman is not able to undertake even complaints that pertain to the service status of civil servants. For reasons obviously dictated by the domestic culture of political party transactions and the analogous governmental control over promotions, transfers, etc. of civil servants, the law took extra care not to let the Ombudsman enter the *interna corporis* of public administration.

In any case, these exceptions are choices designated by the law, and hence the public administration is not able to add more or expand the existing ones with its own favourable interpretations. It is not negligible, however, that this has been the case with correctional institutions, an area of state repression which operates traditionally in our country behind a curtain of lack of transparency. The Ombudsman cannot waive its right to have access to correctional institutions, to all their premises and not only the administration offices as the Ministry of Justice purports.

In many cases, the Ombudsman's interventions are received with manifested discontent on behalf of the heads of the public administration, either these are elected – mayors, university deans, professional chamber and association boards –, or appointed by the government. This discomfort is more often than not due to the fact that, because of the Ombudsman's independence, its credibility is hard to question. Also, since the Ombudsman does not belong to the traditional means in which the public administration has been demonstrating its accountability, the administration cannot categorize the control carried out on the experience it had accumulated before the Ombudsman was established. The Ombudsman's control is completely different from parliamentary control, which is articulated around political expediency, namely counter governmental, and therefore political party engaged. Neither is it judicial: free from the strict judicial formulations of a trial, the Ombudsman intervenes directly, in a flexible and direct way, and it is possible to make remarks on the way the public service under control is organized and operates.

This is not to say that the Ombudsman does abide to law provisions. On the contrary, the Ombudsman is bound by the legal provisions that delineate its competences and way of operation, as well as the general legal principles, such as *auditor et altera pars*, hearing all parties involved.

Finally, the control over public administration that the Ombudsman carries out is always well documented and scientifically credible. Hence, it is a compound control that defends citizens' rights while at the same time takes public interest into account, on the hard and fast rules of the Constitution commands.

Due to the majority of these reasons, the Greek Ombudsman, as a mechanism promoting the accountability of public administration, is dramatically differentiated from the similar role assumed lately in the country by many mass media – particularly radio and television. The Ombudsman's public discourse is well grounded as to its content, sober in its style, though constant and persistent; it consciously chooses to take a place opposite to the single minded and futile denunciation attitude that is dominating a large part of national broadcasting mass media.



YORGOS V. KAMINIS

MARCH 2007



LEGAL FRAMEWORK AND OPERATION OF THE INSTITUTION

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

The Greek Ombudsman is a constitutionally established independent authority. It started operations on 1st October 1998 and it provides its services to all citizens free of charge.

Its organization, staffing and operation are defined in Law 3094/2003, and by the Operating Regulations (Presidential Decree 273/1999), in the context laid out by the provisions of the Constitution, following its revision in 2001. The complete texts of these laws can be found on the Greek Ombudsman's website: www.synigoros.gr.



The mission of the Greek Ombudsman is to mediate between the public administration and private individuals, in order to protect the latter's rights, to ensure the former's compliance with the rule of law, and to combat maladministration. The Ombudsman also deals with the protection and the promotion of the rights of children. In 2004, the new institution of Ombudsman of Health and Social Solidarity was included in the office of the Ombudsman. Also, as of the enactment of Law 3304/2005 concerning "the application of the principle of equal treatment regardless of ethnic origin, religious or other convictions, disability, age or sexual orientation", the Ombudsman's role

was extended to cover the promotion of equal treatment by public administration services. As mediator, the Ombudsman addresses recommendations and proposals to the public administration, but it does not impose sanctions on, or annul the illegal actions of the public administration.

Any Greek or foreign citizen living in Greece or abroad and having dealings with the Greek public sector may have recourse to the Greek Ombudsman. Specifically regarding infringements of the rights of children, the child directly concerned, a parent or relative, as well as third parties who are directly aware of an infringement of children's rights may have recourse to the Ombudsman. This also holds for legal entities or associations.

The Ombudsman intervenes in problems faced by citizens in their transactions with the public administration, such as, for example, insufficient provision of, or refusal to provide, information; excessive delay in the processing of requests; the infringement of laws, or the use of illegal procedures; unfair discrimination against citizens.

The Greek Ombudsman has competence in cases where citizens have differences with the services of:

- The public administration;
- Primary and secondary level local government authorities (communities, municipalities – prefectures);
- Other public law entities;
- Private law corporate entities; the enterprises and organizations which are controlled by the state, or by public law entities.

Exceptionally, in cases of violation of children's rights and of the principle of equal treatment in employment, the Ombudsman has also jurisdiction over the acts of individuals, and of natural and legal entities.

The Greek Ombudsman:

- ✳ Cannot intervene if more than six months have elapsed from the time the complainant initially learned of the public administration's illegal action, or failure to act.
- ✳ Does not provide general information, or legal advice.
- ✳ Does not have jurisdiction over disputes between private individuals.

Nor does the Greek Ombudsman have jurisdiction over:

- ✳ Cases related to the service status of civil servants (unless such cases pertain to the unequal treatment of civil servants, falling within the scope of Law 3304/2005 and Law 3488/2006), to national defence, to foreign policy and international relations, to state security;
- ✳ Cases pending before the courts;
- ✳ Actions taken by the courts, the Legal Counsels of the State, independent authorities, or religious public law entities;
- ✳ Actions taken by ministers and deputy ministers regarding the administration of political life.

Filing of complaints and the investigation process

The Ombudsman undertakes any matter which falls within its jurisdiction, following the filing of a complaint in writing by any individual, legal entity or association, directly concerned by the matter. Complaints must be submitted in person, by mail or by fax. They must contain: full and accurate details of the complainant; a brief description of the problem; the complainant's demand; the public service involved or, in the case of a children's right infringement, the individual involved; the steps which have already been taken and their outcome; any supporting documentation or information which might help in the investigation of the matter.

Complaints are assigned to one of five office Departments: Human Rights; Social Protection; Quality of Life; State – Citizen Relations; Children's Rights. The investigation of each case is allocated to a senior investigator specialized in the relevant area.

The complainant is kept informed in writing, or by telephone at each stage of the process. The investigation is completed with the drafting of a document, which the Ombudsman addresses to the relevant authority. If, however, the nature of the case calls for it, the Ombudsman can instigate the institutional competences foreseen under Law 3094/2003, and proceed to an on-site investigation, or refer the case to a prosecutorial/disciplinary examination. Finally, where necessary, the investigation is completed with the drafting of a findings paper, which is also copied to the competent minister.

The complainant is also informed in writing when the complaint cannot be investigated by the Ombudsman, either because the Ombudsman does not have jurisdiction over the matter, or because the complaint is too vague, unfounded, or exercised in an abusive fashion.

The Greek Ombudsman can:

- ✳ Request from the public services any piece of information, document, or other element concerning the case; examine persons; carry out on-site investigations and call for expert opinions.
- ✳ Set a time limit within which the public services concerned should inform the Ombudsman either on the steps taken to comply with its recommendations, or of the reasons for which these recommendations cannot be applied.

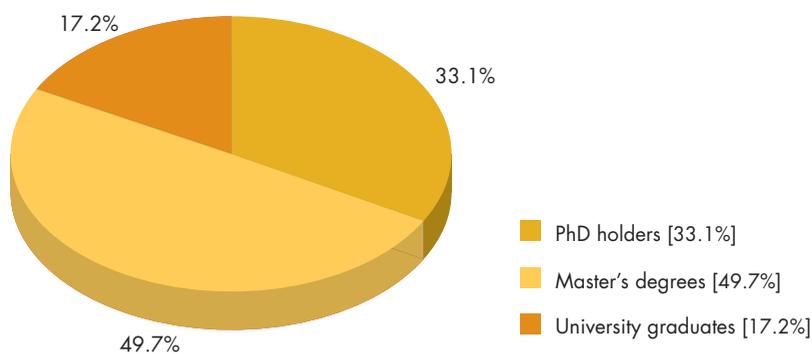


If an official, an employee, or member of the public administration refuses to cooperate with the Ombudsman in the course of an investigation, this may constitute, depending on the case, a breach of duty or a cause for replacement. If it can be deduced from the Ombudsman's reports that an administration official or civil servant obstructs for a second time within a three-year period an investigation, or refuses without any serious reason to cooperate in solving a problem, he/she may be punished with dismissal. Finally, if there are sufficient indications of criminal acts by an official, employee or civil servant, the Ombudsman sends its report to the prosecutor in charge.

Organization and personnel

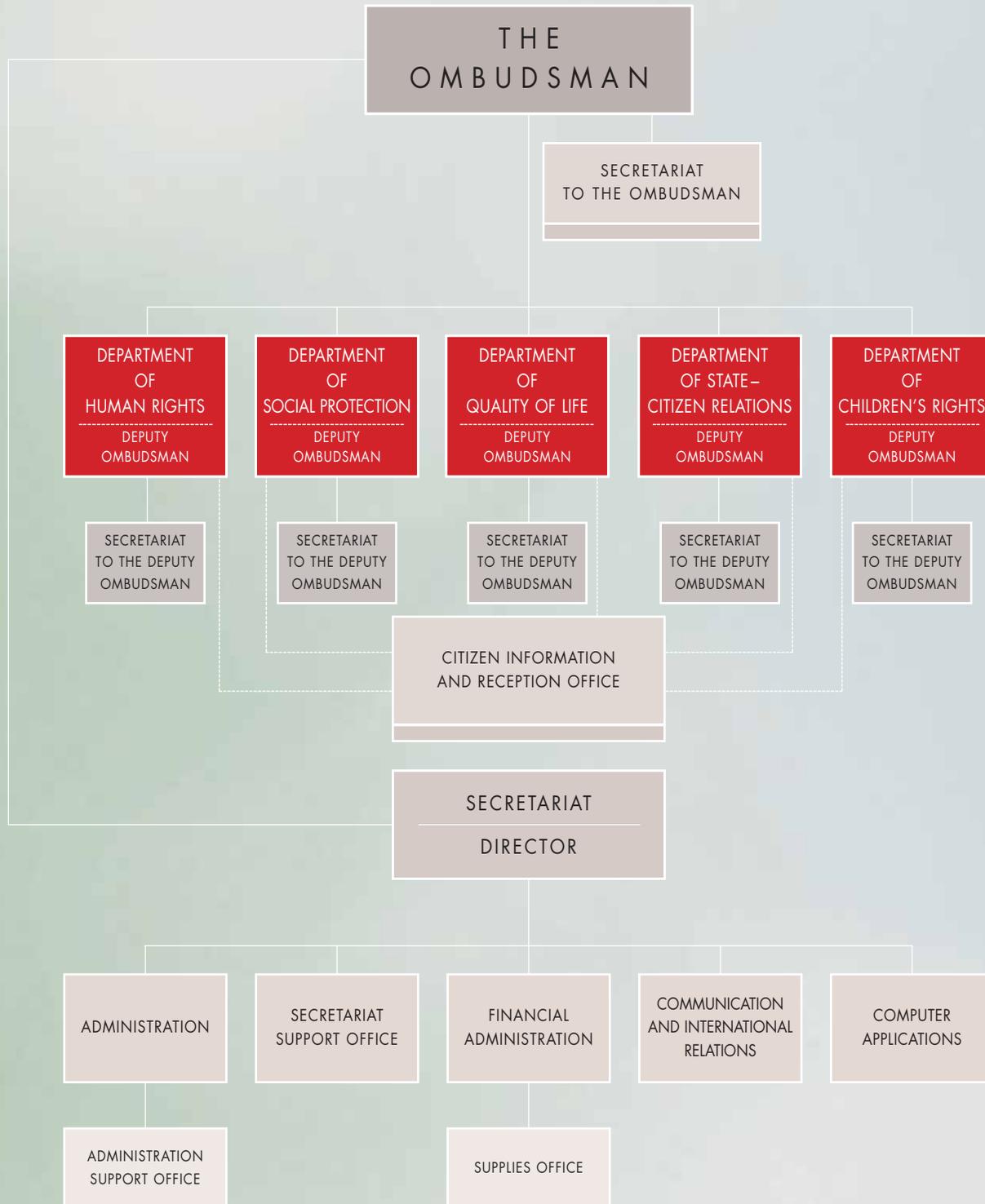
On 31st December 2006, the total of employees at the Office of the Greek Ombudsman, the Ombudsman and the five Deputy Ombudsmen included, was 189 people, 58 of whom were men and 131 were women.

The expert personnel consists of 48 PhD holders (33.1%), 72 holders of Master's degrees (49.7%), and 25 university (domestic or foreign) graduates (17.2%).



The expert and administrative personnel come from a wide range of backgrounds, as shown in their degrees:

	Number of people	Percentage %		Number of people	Percentage %
Law	81	50.00	Chemistry	3	1.85
Political science	13	8.03	Journalism	2	1.23
Language and literature	12	7.43	Civil engineering	2	1.23
Sociology	9	5.56	Education	2	1.23
Economical theory	9	5.56	Administration	1	0.62
Archaeology	7	4.33	Mechanical engineering	1	0.62
Urban planning-architecture	4	2.46	Statistics and insurance	1	0.62
Psychology	4	2.46	Medicine	1	0.62
Geology	3	1.85	Translation	1	0.62
Oceanography	3	1.85	Topography	1	0.62





OVERALL ASSESSMENT FOR THE YEAR 2006

From the beginning of its operation on 1st October 1998 to 31st December 2006, the Office of the Ombudsman has received 82,535 complaints.

In 2006, the Office of the Ombudsman received 9,162 new complaints, a total accounting to a decrease by 9.17% compared to 2005. Out of these 9,162 complaints filed in 2006, 2,636 were closed and archived as not falling within the Ombudsman's mandate (accounting for 28.8% of the total of complaints filed).

Conclusions

The public administration responded to the Ombudsman's mediation for 2006 in almost as many cases as the previous year, demonstrating thus a steady attitude towards the Ombudsman.

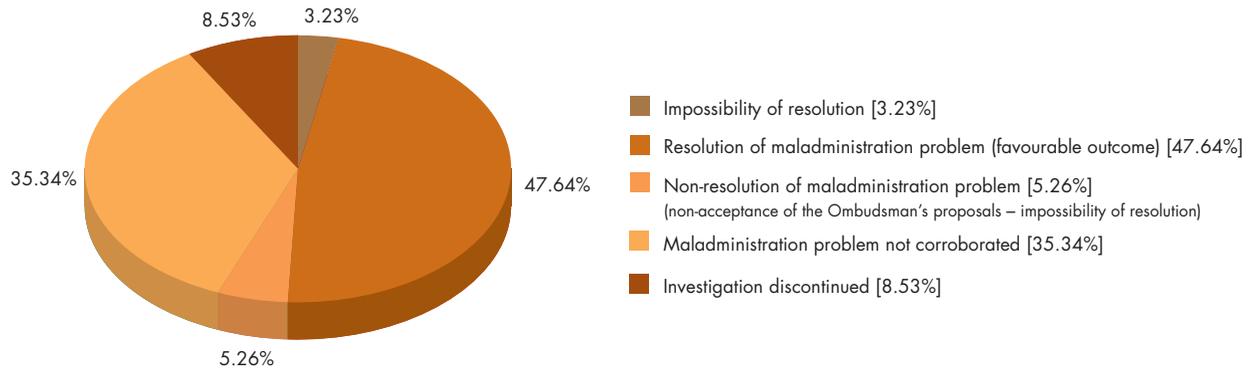
The number of complaints not falling within the Ombudsman's mandate was significantly reduced, showing that citizens have learnt more about the Ombudsman's role and competences. In addition, this is possibly the reason why the total number of complaints filed fell in 2006 in comparison to the previous year.

In 2006, instances of maladministration were found mainly in municipalities (20.66%), prefectures (8.98%), Regions (12.08%), the Social Security Organization (6.19%), the Cross-Disciplinary Organization for the Recognition of Academic and Information Technology Diplomas (previously DIKATSA) (5.15%), the Ministry of Economy and Finance (4.74%) and the Ministry of Public Order (4.41%).

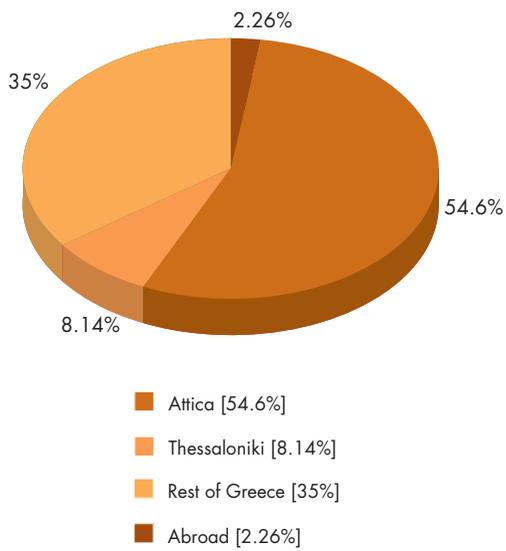
The most important forms of maladministration by public services was: not observing the time limits set by the law for processing citizens' matters (often due to absolute inertia in the public service involved), lacking information to citizens on their rights and respective obligations, as well as the infringement of provisions of the law or regulatory acts.



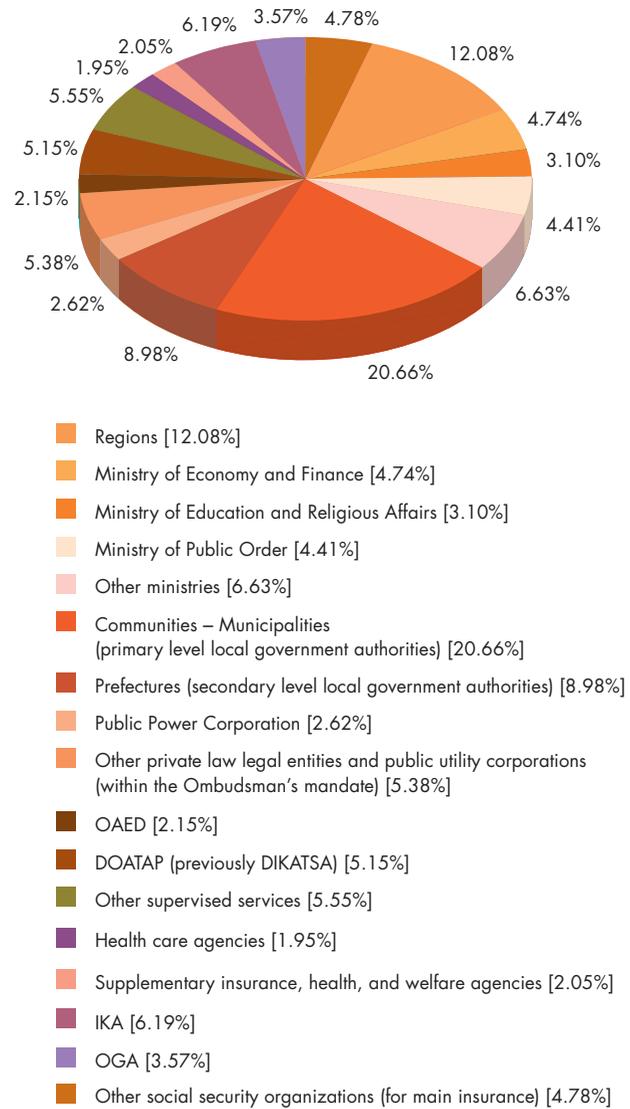
GENERAL CATEGORIES OF OUTCOME OF THE CASES INVESTIGATED IN 2006*



PLACE OF RESIDENCE OF THE COMPLAINANTS



DISTRIBUTION OF MALADMINISTRATION CASES BY AGENCY



* Complaints within the Ombudsman's mandate which concern violations of children's rights by private individuals are not included in the mentioned categories.



DEPARTMENT OF HUMAN RIGHTS

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

This annual report marks the end of the second term of office of the Ombudsman. In the field of human rights during this period the Department aimed at investigating individual complaints, and at the same time establishing relations of cooperation with the authorities supervising those services that provoke the majority of complaints. The intent was to eliminate any reticence or animosity often reserved by the public administration for the Ombudsman and its proposals. As a result of this strategy a systematic contact with the Hellenic Police and its political headship was established in dealing with instances of deficient investigation (and impunity) in cases of infringement of individual rights.

NEW COMPLAINTS, 2006	2,098
PERCENTAGE ON THE TOTAL OF NEW COMPLAINTS	22.90%
NEW COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE	1,731

COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE PROCESSED IN 2006	1,216
MALADMINISTRATION PROBLEM CORROBORATED	799
Problem resolved (favourable outcome)	711
Non-resolution of maladministration problem (Ombudsman's recommendations were not accepted)	57
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	31
MALADMINISTRATION PROBLEM NOT CORROBORATED	327
INVESTIGATIONS DISCONTINUED	90



ANDREAS TAKIS
Deputy Ombudsman

The Department of Human Rights cooperated closely with:

- The Regions of Greece and the Ministry of the Interior, Public Administration and Decentralization on issues related to immigrants and citizenship;
- The Cross-Disciplinary Organization for the Recognition of Academic and Information Technology Diplomas (DOATAP) for monitoring cases for university degree recognition;
- The Hellenic Police for monitoring the reception of asylum seekers;
- Municipalities, recruitment offices, Ministry of Education departments, police directorates, mortgage registrars.

The Ombudsman has important influence on issues related to the rights of immigrants

and asylum seekers. The Hellenic Police has entirely incorporated in some cases the proposals by the Ombudsman in its regulatory decisions and circulars, especially in regard to the way police officers treat citizens. Nevertheless, the complaints submitted often bring to the surface an unwarranted behaviour on behalf of police officers, particularly in cases of arrest or use of coercion, as well as poor investigation of related complaints by the head of units.

Although the Ombudsman has close cooperation with specific correctional facilities, the Ministry of Justice delineates its good relation with the Ombudsman to issues of family violence, an important albeit politically indifferent issue. In addition, the Ministry of Justice keeps on hindering the Ombudsman's access to correctional facilities in order to investigate specific complaints; this constitutes an illegal act demonstrating a democratic deficit, and it ignores the respective opinion issued by the Supreme Civil Court Prosecutor.

The Ombudsman comes across similar systematic attempts to preserve a non-monitored pocket in the administration in other cases too, such as the Citizenship Department of the Ministry of the Interior, the Ministry of Education in relation to religious education and the heterodox, various municipalities, tertiary education institutions (i.e. universities and technological educational institutions), and the professional registries of the Ministry for the Environment.

Finally, as concerns the normalization of the status of immigrants in our country, despite the systematic cooperation with specific Regions and the central offices of the Ministry of the Interior, as well as the belated adoption of regulatory proposals formulated by the Ombudsman, the necessary administrative arrangements – such as the recruitment of staff, the expansion of the existing services and the establishment of new ones – have not yet materialized. Similar cases of lack of planning and coordination of actions among the responsible ministries can be found in the management of vulnerable groups, such as the Greek Roma and aliens seeking political asylum.

Favourable outcome

The Head of the Hellenic Police issued a circular which follows the Ombudsman’s interventions, and by which he sets the preconditions according to the law for a citizen to be arrested.

The Police

More complaints were filed by citizens on unwarranted search by feeling and arrests. In general, these cases call for an administrative examination, initial or under oath, which, as it has already been noted, should be complete, full and objective.

Correctional process

Detainees’ transfer

The administration does not respond satisfactorily to its obligation to offer complete,

well-founded and individual justification when a claim for transfer is rejected. The Ombudsman has repeatedly emphasized the need to abide with the principle of proportionality when applying measures of detention.

Detention conditions

The Ombudsman confirmed the problem of overcrowded prisons and the shortages related to covering the detainees’ basic needs, leading to violating the Penitentiary Code and the European Convention on Human Rights. However, in many cases the administration showed respect to the relative corrective principles. Progress has been noted in specific issues, such as the cleanliness of the premises, the hygiene of the detainees, their communication with the social environment, etc.

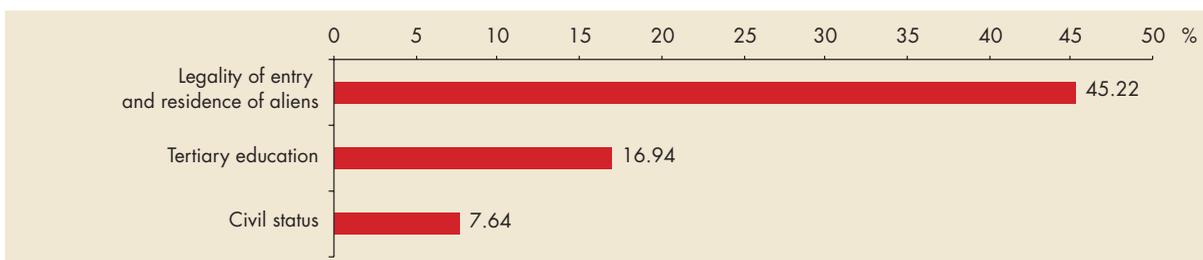
Personal data

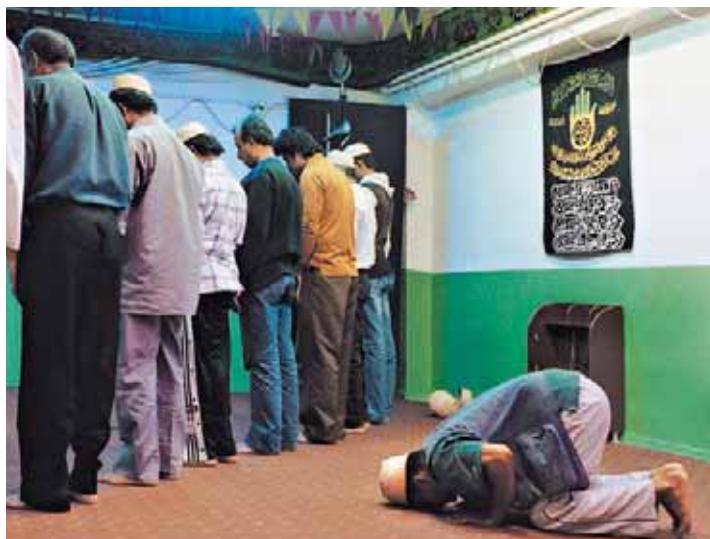
As the Ombudsman has noted in the past, the administration is making use of personal data protection more often than it should in order to prevent citizens from accessing administrative information. However, the same sensitivity towards personal data is not demonstrated in all cases.

The Ombudsman has researched the way in which public services deal with personal data included in:

- Military certificates;
- Transcripts;
- Certificates requested by advertisements for vacancies in education, only for those applicants who have been excluded from enlistment for health reasons;
- Announcements regarding fuel retail companies involved in illegal activities.

MAIN SUBJECTS OF THE COMPLAINTS HANDLED BY THE DEPARTMENT





Confidentiality of correspondence

An incident of violation of the communication confidentiality is high probable to take place in the premises of a public service, especially because heads of units either are not aware of the law, or wish to exercise total control over the employees. On the occasion of a complaint by an officer in service, the Ombudsman investigated the issue of managing military correspondence and noted that

the term “confidentiality” refers to the content of the communication, as well as to the incident of communication itself, the means employed, and the time it takes place.

Freedom of religious conscience

Regarding the arrest of citizens because they disseminated printed matter of their religion, the Ombudsman noted that offering printed material and inviting people to discuss cannot be considered actions of conversion. In order to prevent similar incidents, the Ombudsman proposed to the Head of the Hellenic Police to issue a detailed circular, whereby will be clarified all provisions related to conversion and its meaning.

On the reasonable claim of conscientious objectors to limit the competence military authorities have over alternative ser-

vice, the Ombudsman has been insisting since 1999 that “recruitment monitoring” over those who serve an alternative military service has nothing to do with setting which duties are to be carried out, or under which conditions.

Favourable outcome

The Ministry of Health, which supervises the majority of employment organizations, acknowledged in a circular its sole responsibility for the conditions under which all forms of alternative service are carried out.

Education

Access to tertiary education

The Ombudsman has been examining the issue of Greek nationals who have graduated from Greek schools abroad and their entry in tertiary education institutions in Greece, and, more specifically, children of Greeks employed abroad in Greek public services, or international organizations on an employment status other than seconded public servant. The Ombudsman emphasized to the Ministry of Education that excluding these students from the special entry process constitutes a violation of the principle of equal treatment.

Teaching staff – Members of university teaching and research staff

In regard to the selection process of “non-teaching and research staff” in university education institutions, the Ombudsman has noted that the existing legal framework gives rise to insecurity and vagueness. During 2006, the Ombudsman investigated cases where no justification was provided for the selection, or errors and omissions had taken place at the candidates’ eligibility assessment and evaluation.

Student transfers

From a large number of complains filed with the Office of the Ombudsman regarding tertiary education student transfers, two major issues surfaced:

- The question of listing on time the correspondence of university and technical university departments, that is a precondition for fulfilling the transfer applications;
- Setting the specific health conditions either of the students or their parents which constitute a reason for a transfer.

As to the second issue, the Ombudsman noted that many health conditions are excluded (e.g. mental illnesses, HIV/AIDS) although they often produce the same results as those health conditions that are provided for in the legislation. The relative proposals by the Ombudsman have not been accepted.

Right to employment – Access to the labour market

Recognition of education degrees from abroad

The DOATAP has responded positively to the proposal by the Ombudsman to recognize degrees awarded by education institutions under the Open University, distance learning, and extramural studies (External Degrees) framework as from abroad.

The Council for the Professional Recognition of Training and Vocational Training Diplomas, responsible for recognizing pro-

fessional rights to holders of degrees from abroad who have studied for less than three years, has made significant progress in its operations.

Professional rights to holders of university, technical university, and vocational training school degrees

There is no significant progress in granting professional rights to holders of degrees issued by Vocational Training Schools, Technological Educational Institutes, or even universities. As the Technical Education Institute has been abolished, and only a part of its competences have been assigned to the DOATAP, recognizing national higher institution (i.e. university) degrees as equal to degrees of the Technological Educational Institutes is still pending.

Favourable outcome

Following a findings paper issued by the Ombudsman, the professional licence for tax accountants has been upgraded by a legislative adjustment that abolishes the previous system of examinations, and replaces it with a series of training seminars on accounting and tax issues, carried out by the Economic Chamber of Greece.



Registration on municipal rolls

The Ombudsman noted that, according to the law, data of register office documents and of the municipal registries in general can be corrected either *ex officio*, or following a warrant by the competent Prosecutor of the Court of First Instance without a court decision being necessary.

Also, EU member states' nationals who are registered indicatively in a family register as married to Greek nationals are in a disadvantageous position for recruitment as municipal employees, as, in this case, being a permanent resident is a matter of essence, and they are not registered as citizens of the municipalities in question. In order to lift this discriminatory treatment

The Ombudsman proposed

that, combined with additional proof of permanent residence, either the indicative registration on the municipality roll, or the local government electoral roll for European nationals should constitute adequate means of verification of residence.

The Ministry of the Interior, Public Administration and Decentralization adopted these proposals and called the municipal authorities to correct the lists of people selected for employment.

Citizenship – Aliens of Greek ethnic origin

The main problem in the procedure of acquiring the Greek citizenship is the long, undue delays. As the Ombudsman emphasizes, there is no set deadline in these procedures, hence:

- ⊗ The services involved have the impression that in all cases they abide with the law, even if these undue delays are not justified by any prevailing circumstances.
- ⊗ The individuals involved are under the impression that the competent services act on their own without any legal pretext.

From the complaints filed, the Ombudsman drew the conclusion that the individuals involved:

- ⊗ More often than not have no knowledge of the pertinent legislation and procedures;
- ⊗ Have a vague idea regarding the concept of "citizenship" (i.e. nationality), "national origin", and "alien of Greek ethnic origin".

Economic immigrants

The new institutional framework

One year after the enforcement of the new legislation on aliens, the Ombudsman proposed to the Ministry of the Interior, Public Administration and Decentralization a series of improvements and amendments. According to its announcement, the ministry is bound to proceed to such an amendment, adopting in this way a large number of the Ombudsman's proposals.

In the meantime, important issues have been settled, namely:

- ⊗ The process for the initial legalization of the residence permit expiring on 31 December 2006 for the young aliens who are attending, or have attended for a period of time a public educational institution in Greece – the Ombudsman has been for long pressing for this arrangement;
- ⊗ The unification of the residence and the work permits into one, and the assignment of its issuing to the aliens' departments of the Regions and the municipalities in the country.

Issues arising during the aliens' legalization

The Ombudsman noted the following operational problems of the services involved:

- ⊗ The number and the specialization of the members of staff in the aliens' departments at the municipalities and Regions of the country is not enough or appropriate.
- ⊗ The computerized system is insufficient.
- ⊗ The parties involved do not receive information on their case and the stage this is in.
- ⊗ The files and archives of certain municipalities are not organized.



fixed procedure for legal residence permit on the grounds of the serious bonds one may have with this country.

A large number of the complaints filed with the Office of the Ombudsman are related to the mistrustful and negative attitude of the Greek consulates when it comes to validating a short visit visa to family members of immigrant residents in Greece. While measures to prevent illegal immigration should be taken, at the same time, this does not negate the obligation of the Greek state to set a procedure for a short visit invitation for immigrants, ensuring that this visit will not be turned to illegal residence.

- ⊗ The municipalities do not keep a copy of the data included in the application submitted by the alien.
- ⊗ Municipalities and Regions do not communicate efficiently.

The problem of unjustified long delays in examining the applications for residence permit and family reunification remains unsolved, despite the fact that a new legislation has been set into force.

Regarding the renewal of the residence-work permits to immigrants, the Ombudsman has identified problems in relation mainly to:

- ⊗ The requirement of insurance coverage and the frequent change in the minimum number of insurance stamps necessary;
- ⊗ The requirement to be employed under only one form of employment (payroll employee, commissioned work, or service) for the total validity period of the permit, which limits significantly the right to free economic enterprise;
- ⊗ The high cost (60,000€) of the initial issuance of permit for independent economic activity.

The Ombudsman has repeatedly remarked that the relevant legislation does not provide a flexible and efficient procedure for legitimizing those aliens who have developed strong ties with this country.

The Ombudsman has proposed, instead of applying once-off programmes of legitimization which are advertised each time as a “last chance”, to set a

The aliens’ service departments refused to refund the amount deposited for the application for a permit of indefinite duration when a two-year permit was issued. Following the intervention by the Ombudsman, the Ministry of the Interior, Public Administration and Decentralization accepted that in this case the amount of 900€ that was unduly paid is not refunded, but is calculated towards any future renewals of the permit in question. However, this arrangement does not solve the problem of a disproportionate cost of the permit issued.

Deportation issues – National list of undesirable aliens

The Ombudsman has turned again its attention to a case of refusing to remove a name from the list of undesirable aliens for whom the court has decided to be deported because of illegal entry to the country, residence and work. The situation is far complicated when successive deportation decisions have been issued for the same person.

Refugees

Although more interviews are carried out each day (with the help of advanced tech-

nology fingerprinting, more police officers engaged in this process), it has not been made possible to receive all applications for asylum in order to be able to abide to national and international legal obligations. The Ombudsman believes that, if the state keeps on receiving applications without being able to examine them, the actual protection to refugees, or asylum seekers is essentially undermined.

Adoption by the administration

The Aliens' Department of the Ministry of Public Order issued a directive according to which all asylum applications of persons who had waived their request for asylum in order to be included in the legalization programme addressed to economic immigrants should be submitted anew, and they are to be examined from the stage where these were left before the asylum seekers waived the aforementioned request.



ly done by name giving, a procedure which is necessary even if baptism is going to take place at a later stage; also, both parents should declare their agreement to name giving, and in case one of them is not present, a legal authorization should be presented. On the other hand, baptism aims only at registering the religion of the individual. However, the Ombudsman noted that more often than not the difference between the two acts is not understood by public administration services, nor is the mandatory character of name giving.

Indicative cases

- Parents who visited the Registry of Amaraousio for a name giving declaration of their already baptized child were informed that, according to the registrar's office, once the child has been baptized the name giving declaration is not accepted, and only the baptism is registered.
- A father baptized his child without the mother knowing it, and registered the baptism at the Registry of Karditsa where the name of the child was registered exactly as shown on the baptism registration without, however, the consent of the mother. When this came to the mother's attention, and she expressed her disagreement for the name declared, she was informed that she only had recourse to justice.

SPECIAL THEMATIC GROUP I

Secularization of the administration and human rights

A large number of issues related to religious freedom in Greece are mainly due to inflexibility and misunderstandings demonstrated by the public administration as to the religious neutrality of the state. Although the legislator has, a few decades since, decided for the total secularization of the state, the public administration either trapped by inertia or by other obstacles, or simply following societal prejudice still maintains some active remnants of power of the Church.

Name giving and baptism

According to the pertinent legislation, name giving and baptism constitute separate and independent acts. Acquiring a name is sole-



Favourable outcome

Responding to relative remarks by the Ombudsman, the Ministry of Education and Religious Affairs issued a circular according to which “the act of confession ... does not form part of the learning process nor is it a discrete activity of religious education ... it presupposes discreteness, a calm environment and the appropriate psychological preparation ... the student should attend on his or her own will and conscious choice ... it should not be carried out within the school premises”.

The Ombudsman proposed to the Ministry of the Interior, Public Administration and Decentralization to issue guidelines addressed to the registry offices. In order to examine the possibility of issuing a special circular, the ministry asked the opinion of the Legal Counsels of the State. The circular was finally issued in October 2006, and is in total agreement with the views of the Ombudsman.

Religious education

Following a complaint on the act of confession within high school premises in the prefecture of Aitolokarnania, the Ombudsman intervened, and the issue was particularly emphasized in the mass media.

Taking into account the aims of education as these are set in the Constitution, the Ombudsman noted that:

- ⊗ Affecting the development of religious conscience is allowed only when it respects the personality of the individual, the student in this case, and allows for conscious and actual acceptance of religious commands.
- ⊗ Even when the act of confession is not presented as compulsory, inviting members of the clergy at schools to carry out confessions in the school premises and during the school timetable may be perceived by the students as an obligation, an act through which they will be approved by

the principal as individuals, and they will fulfill their emotional need of participating in the school community.

Similarly constructive was the Ombudsman’s intervention following a complaint by a religious community which protested about the way it is presented in the religion book taught in the 1st high school grade. The Ombudsman noted that state education should demonstrate respect to the recognized religions and abstain from any act that can be perceived as demeaning their value, the honour and personality of their followers. As a response, the Ministry of Education and Religious Affairs ordered the examination of the book’s content. In addition, the Hellenic Paedagogical Institute identified which specific paragraphs should be amended.

The Ombudsman was not so effective in its intervention on the conditions under which a student is exempt from religious education. The Ombudsman commented on the circular issued by the Ministry of Education, according to which “the exemption should be documented by a student’s declaration that he/she is not a Greek Orthodox”, and purported that religious freedom includes the right to be exempted from religious education; the Ombudsman also proposed that a declaration of the parents on their wish that the child is exempt from religious education should suffice.

Parish cemeteries

A less frequent yet extremely vivid example of parts of the public administration being stuck to traditional arrangements or habits, despite their having been abolished by the law, is the old parish cemeteries. On the occasion of a complaint filed with the Office of the Ombudsman, it was discovered that when a citizen wondering about the condition of his family tomb addressed this question to the Municipality of Patra, he received an answer mentioning that the cemetery in which the grave in question laid “does not belong to the municipality but to the parish, and its management belongs to the Holy Trinity Church of the area”. Despite the intervention by the Ombudsman, the Ministry of the Interior and the clear opinion of the Holy Synod of the Church of Greece that “the administration and the management of cemeteries and all kinds of annexes fall solely under the competence of the municipalities”, the municipality itself insisted on its prior position on its “ages long” lack of competence on the issue.

SPECIAL THEMATIC GROUP II

Military recruitment

Following the new military service law, the Ombudsman had to deal mainly with issues on enlistment deferment, reduced military service eligibility, interpretation of the transitory provisions, as well as definition of critical notions so as to implement the respective provisions of the law. During the investigation of complaints, the Ombudsman noted that the competent authorities tend to limit the application field of the law.

Reduced military service

Recruitment offices, when checking the pre-conditions for reduced military service (six-month service), follow practices that make it difficult for those interested to make use of the relevant provisions.

According to the law, reduced military service can be served by privates both parents of whom “are either incapable to work or diseased”. So, it would be reasonable, and completely justified for privates who have one diseased parent and the surviving one is incapable to work, to make use of this provision. However, recruitment offices reject these applications because such a case is not explicitly provided for in the law.

According to the Ombudsman, the legislation’s aim is to facilitate military service when a recruit is facing family, or socioeconomic hardships. As it is obvious, similar care should be taken for individuals who have one parent diseased and the other incapable to work. Despite the constant efforts by the Ombudsman to encourage the broad interpretation of relative provisions, recruitment offices and the Recruitment Directorate of the National Defence General Staff insist on their view.

Permanent residents abroad and military service

Investigating an important number of complaints on the arrangements for permanent residents abroad as far as their military ser-



vice obligation is concerned, the Ombudsman has come across issues arising from the definition of critical concepts in the relative provisions.

In relation to the concept of the seven-year “residency for work reasons”, the consulates, applying the directives issued by the National Defence General Staff,

- Ask for proof of regular professional activity and certificates by employers, social security organizations and tax offices.
- Exempt depended employment at the university where the individual was also a student at the same time.
- Do not set a uniform minimum income which would be considered as a proof of “work” activity.

In regard to the concept of the 11-year “permanent residency”, the National Defence General Staff asks for retrospective proof of the “aim of permanency” for the whole 11 years, and the provision is thus rendered impossible to apply.

However, in their largest part, these issues still remain opportunities for tension between individuals liable to recruitment and consulates, or recruitment offices.

Following persistent intervention by the Ombudsman:

- A circular was issued by the National Defence General Staff making clarifications that being a student is not by definition contradictory to being a permanent resident abroad.
- It was acknowledged that the consulate in the place of last residence is the competent authority to certify the total duration of residency in a single certificate.

Lifting of consequences of draft-evasion

The Ombudsman, following a relative complaint, examined the issue of lifting the con-

sequences of draft-evasion after the complainant has been enlisted and finally exempt. The National Defence General Staff purported that, according to the Military Penal Code and the relative ministerial decree, both in force when the complaint in question was filed, lifting the consequences is possible for those cases of draft-evasion that are to be heard at the competent military court, and not those on which irrevocable court rulings have been issued.

The Ombudsman had the opinion that, after the complainant’s legal exemption from military service, his draft-evasion is no longer punishable even if irrevocable court rulings had been issued at a time earlier to his legal exemption; therefore, there is no reason why the consequences should not be lifted. Then, the Ombudsman asked the military authorities to correct the data on the complainant’s military entry, and to notify the authorities responsible for the penal registry on these corrections. The competent authorities did not abide to the prescribed actions, and the Ombudsman advised the complainant to file a complaint with the Hellenic Data Protection Authority; using the same arguments as the Ombudsman, the Hellenic Data Protection Authority found the complaint justified.

Personal data on military status certificates

The Ombudsman revisited the issue of selective deletion of expressions included in the type “A” military status certificate. According to complaints, the expression “to be enlisted at security corps – holding a public or private post” refers only to applicants who have been identified as having reduced physical or psychological capacity, referring thus indirectly to sensitive personal data. The Ombudsman made a note of this to the Recruitment Directorate of the National Defence General Staff, which denied any intention to publicize personal data, sent however a clarifying circular to all recruitment offices.



The Department of Social Protection examines complaints related to the protection of citizen's social rights, and, more specifically, cases linked to the areas of social policy, health, social security and welfare. This Department includes also the Ombudsman of Health and Social Solidarity, established by Law 3293/2004, and is offering its services to all citizens/users of public health services. The Department of Social Protection focuses its mediatory and supervisory efforts on the protection of the rights of vulnerable social groups, such as the elderly, people with disabilities, the Roma, refugees, aliens, etc.

NEW COMPLAINTS, 2006	1,959
PERCENTAGE ON THE TOTAL OF NEW COMPLAINTS	21.38%
NEW COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE	1,529

COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE PROCESSED IN 2006	1,286
MALADMINISTRATION PROBLEM CORROBORATED	669
Problem resolved (favourable outcome)	600
Non-resolution of maladministration problem (Ombudsman's recommendations were not accepted)	43
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	26
MALADMINISTRATION PROBLEM NOT CORROBORATED	519
INVESTIGATIONS DISCONTINUED	98



PATRINA PAPARRIGOPOULOU
Deputy Ombudsman

Social security issues

Applying general legal principles

The Ombudsman, in order to formulate legally solid views and proposals, makes often mention to the general principles of social security legislation, such as the principle of equity to the benefit of the insured and the principle of capital protection, as well as the principles of administrative law, such as the principle of fair administration and the principle of safeguarding the trust of the insured.

Applying these principles requires estimates which the social security agents are not willing to perform either because they believe them to exceed their competences, or because they are not familiar with them.

Insurance funds often demonstrate their

reluctance even if administrative court decisions clarify the content and delineate the application field of the general principles. As a general rule, in practice, a solution might be found only if it is sought for by higher executives of an insurance organization, or the competent committees, or the supervising ministry wishing to intervene, or all the above in a joint endeavor. In these cases, solving the problem and satisfying the insured's claim becomes a time consuming process. As an additional result, a great number of cases are being piled at the higher level and the central administration; had it been a decentralized system, the administration should be mainly occupied with the strategic planning of the social security system, its monitoring and assessment.

Administrative procedure issues

Although the legislation on social security considers information very important, a large number of complaints investigated by the Ombudsman refer to lack of, or inadequate information provided to citizens regarding their insurance rights and their obligations towards insurance organizations.

Indicative case

The Ombudsman investigated the complaint of an insured with the Social Security Organization—Unified Insurance Fund for Employees (IKA—ETAM) who in his application,

in 1997, for pension had declared that he will continue to work while being a pensioner. Law 2676/1999 was passed later on providing that "... following completion of the 55th year of age, the amount of pension paid, or the total of pensions in case these exceed the amount of 250,000drchs per month is paid reduced by 70%". The citizen had not received any information on the change in the pertinent legislation regarding his case, although the IKA-ETAM had issued a circular to all its offices dictating their obligation to do so. When the complainant informed in writing the local branch office of the IKA-ETAM on the discontinuation of his employment, the IKA-ETAM office reduced retrospectively the amount of the pension paid from 2001 to 2004, and asked him to return the amount of 18,980€.

The citizen protested to the Ombudsman because he had not received any relative information, claiming that had he been informed he would not have been employed since the amount deducted by the IKA-ETAM from his pension would have been much greater than the salary he would have been receiving as employed. According to the Ombudsman, neglecting to inform the citizen on the change of his insurance status is illegal as it contradicts to the provisions of the Code of Administrative Procedure, the principle of safeguarding the citizen's trust, and the principle of fair administration. The Ombudsman proposed that the amount of 18,980€ should not be returned to the IKA-ETAM, and this proposal was finally adopted.

Interpreting the rules of social security law

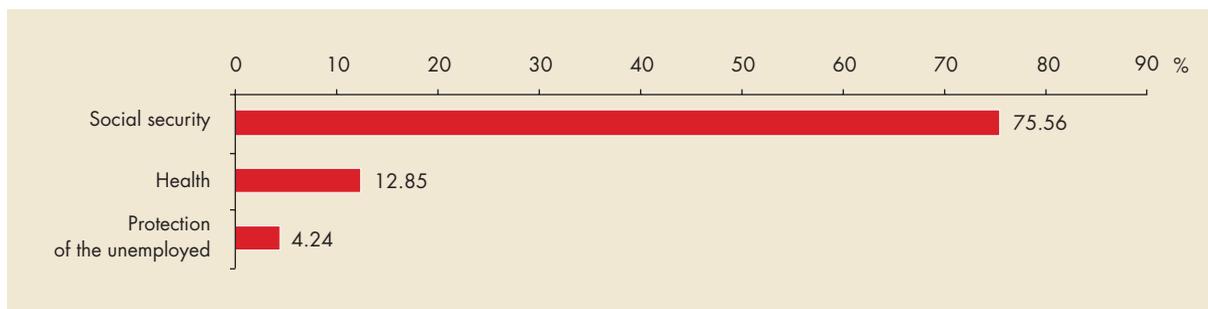
In many complaints investigated by the Department of Social Protection, mediation was focused on interpreting the provisions of law that should be applied on the basis of social security and administrative legislation principles, and the valid interpretative methods.

Indicative case

The Ombudsman investigated the case of a newborn that was born on a bank holiday, and due to a respiratory problem was immediately transferred to an intensive-care unit. On the first working day following the birth of the child, the father registered the child with the registry office and the next day visited the responsible health-care service for civil servants to register the child as member of his family. The health-care service did not approve the application to cover retrospectively the hospitalization expenses of the child offering coverage for the days before the child's health booklet was issued.

The Ombudsman claimed that the right of an insured's child to insurance protection, and therefore to health care, is based on the child's membership in the insured's family and is proved by the issuance of the health booklet. Consequently, the starting point for the right to insurance protection of the child does not coincide with the issuance of the health booklet. Also, it is not logical to deny health care to an insured's child born on a bank holiday when another insured's child that happened to be born on a working day enjoys this right and is being issued the book-

MAIN SUBJECTS OF THE COMPLAINTS HANDLED BY THE DEPARTMENT



let on the same day it was born. The Board of Directors of the Health Care Organization for Civil Servants adopted the Ombudsman's views and covered the health-care expenses for the newly born.

Health and welfare issues

Health committees

The Ombudsman was called upon this year too to mediate in cases related to disability pensions or sickness allowances, issues related to the operation of the health committees.

One of the major issues related to the health committees is the grounding of their experts' opinion, which are often extremely

short and therefore lacking, without specific criteria for the decisions, while both legislation and legal precedent prescribe that:

- ✦ The health committees' opinions are binding for the administrative courts only when these are based on legislation and have adequate justification.
- ✦ A decision by a social security organization based on non-legally justified medical opinion is faulting and can be void.
- ✦ Administrative courts must consider insufficiently justified all opinions that do not offer justification for being significantly diverging from respective earlier ones.

Indicative case

A cancer patient asked the Sailor's House to be granted a monthly benefit for house care, submitting with his application the relevant public hospital certificates where he had received treatment, and whereby his condition was described as non-reversible and palliative care was suggested.

The Board of Directors of the Sailor's House rejected this application based on the opinion of the competent health committee that this is not a case of terminal cancer and therefore it does not fall under the relative provisions for a monthly house-care allowance.

The Ombudsman, following a relevant complaint, purported that the health committee of the insurance fund should be in a position to explain on which criteria it decided whether the patient is at the terminal stage of his illness and to provide justification for its opinion and rejection of the application.

Finally, the health committee, following a document by the chairman of the Sailor's House, re-examined the application and granted the allowance in question.

Medical errors

Complicated issues come to surface in pursuance of citizens' complaints on controlling public health services regarding their responsibility for medical actions or omissions.



Three types of complaints can be distinguished:

- ⊗ Complaints referring to practicing medicine in accordance with the rules and dictates of science;
- ⊗ Complaints related to violations of the obligations set by the law, and especially the Code of Medical Ethics for the protection of the rights of the patients and in general of the users of medical services, such as omitting to provide appropriate information to the patients, not respecting medical confidentiality, etc.
- ⊗ Complaints where the inadequate organization and operation of public health services is linked to medical errors, and ends in violation of the rights of the public health services' users.

Indicative case

The incision of ureter during a hysterectomy with the complications it incurred to the patient had as a result the loss of kidney function. On the patient's dispatch papers it was mentioned that this injury was not intended and happened during a control check following the hysterectomy. However, from the administrative investigation under oath that took place, it emerges that the incision was made by the urologist in order to investigate an extension of the ureter that had come to his attention during the operation.

The Ombudsman marked these discrepancies and emphasized that it was either a medical act that was not properly executed (unwanted injury and obligatory operation), or a medical act that took place without the prior agreement of the patient (incision of the ureter). On this ground, the Ombudsman proposed to examine the possibility for compensation for the loss of kidney function. The Ombudsman's proposal was not adopted, but the Secretary General for Welfare of the Ministry of Health and Social Solidarity answered that the examination of this incident will be assigned to the Health and Welfare Services Inspectors' Body.

Organizational problems – Legal framework vagueness

In a large number of the cases that came to the Ombudsman's attention, the majority of the problems are due to the vagueness of the legal framework and the organizational malfunctions of the agencies involved.

Indicative case

Two nurses reported that in the Hospital of Kefallonia, in the exclusive nurses list for 2005 which patients consult to choose a nurse, an unfair discrimination was made between ordinary and substitutes; as a result, "ordinary" nurses are called upon to work double or triple shift, while "substitutes" are not employed at all.

Despite the vagueness of the criteria set in the relative ministerial decision, an investigation was carried out, and it was found that: a) the names of the exclusive nurses should be written in the list in hierarchical order, b) nurses should be ranked according to their qualifications, their experience, and their financial and family situation, c) there can be no distinction between "ordinary" and "substitute" nurses.

The Ombudsman asked that the criteria set in the ministerial decision be applied, and this suggestion was adopted by the hospital.



SPECIAL THEMATIC GROUPS

In the 2004 Annual Report, the Department of Social Protection presented two thematic groups: one on the protection of families with many children, and another regarding persons with special needs, aiming at supporting the initiatives undertaken in national legislation and at facilitating the materialization of EU recommendations and directives for the protection of persons with special needs and vulnerable population groups in general.

The proposals by the Ombudsman, that had been formulated in the annual report and later in a special report, for the access to employment of persons with special needs, of people with many children, and of fighters of the national resistance were to a large extent accepted and incorporated in legislative provisions.

In 2005, the Department of Social Protection presented in the annual report two thematic groups on the right to health protection. This was dictated by the need to present the work of the newly established at the time Ombudsman of Health and Social Sol-

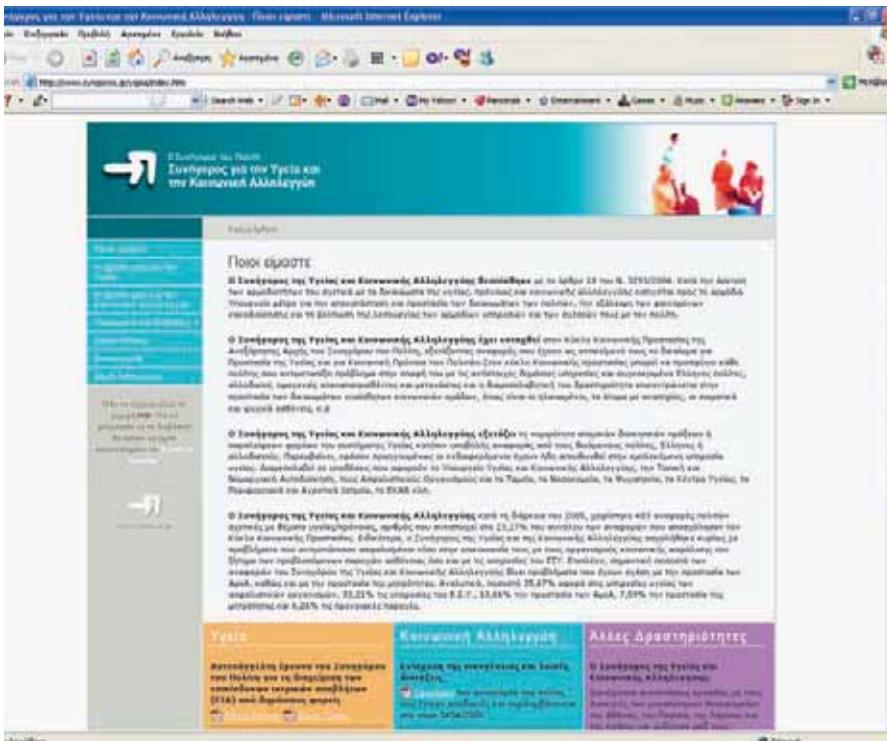
idarity, which had just been incorporated to the Ombudsman.

In this year's report, the Department focuses on social security. According to statistical data kept at the Ombudsman, the number of complaints regarding social security is far larger than any other groups of complaints. Among other reasons, this happens because:

- ✳ The social security legislation is scattered and complicated, and insurance organizations are far too many.
- ✳ There are shortages in infrastructure and human resources.
- ✳ The measures taken in order to deal with the challenges faced by social security systems in EU – namely the demographic problem and that of ensuring viable social security organizations while at the same time preserving at least the existing level of insurance protection – were belated.

The first thematic group examines problems arising at the enrolment to social security and the duration of insurance. Relevant cases show that the most important problem is the lack of timely checks for enrolment to social security organizations, payment of contributions, fulfilling insurable time prerequisites, etc.

The second group examines the social security of civil servants, including among others non-permanent civilian staff, civil servants on open-end employment contract appointed until 18 September 1984.



SPECIAL THEMATIC GROUP I

Issues of social security inclusion

The issues of the social security inclusion, either at the enrollment, or as long as this inclusion is in force, are due above all to the lack of checks that, as a rule, take place shortly before, or when the insurance risk

occurs in order to identify whether all legal preconditions are met and benefits can be granted. At that point, more often than not, it is found that several problems originated from the time the individual initially enrolled for social security, and, since a long time has passed, it is very difficult, if possible at all, to rectify or provide proof.

Council of State's jurisprudence has formulated principles for the social security legislation, such as the formal insurance, to deal with problems arising for the insured due to erroneous inclusion. Acknowledging in an indirect way several problems, the law provides for arrangements for the buying out of an insurance period. However, as mentioned above, insurance organizations apply legal principles quite reluctantly and after having exhausted all available administrative means, or even judicial recourse.

The major issues identified in regard to social security inclusion are:

- ⊗ The appropriate inclusion to insurance;
- ⊗ Carrying out the professional activity for which the individual should be insured;
- ⊗ The correct insurance ranking;
- ⊗ Vagueness and gaps in the legislation.



Inclusion and continuation of social security

The complaints dealt with by the Ombudsman drive to the conclusion that the legislative framework should be rationalized, the competences of all agencies involved should be clearly delineated, and regular and close cooperation among them should be sought for. In this way, public services will gain more time, and citizens will avoid toil and trouble.

Indicative case

A number of issues arise with the insurance of translators/interpreters, who should be insured with the Social Security Organization for the Self-employed—Professionals' and Craftsmen Insurance Fund (OAEE—TEVE) as self employed. However, translators are among the professional specializations that are compulsorily insured with the IKA—ETAM when employed in show business. As a result, an insured with the OAEE—TEVE as a translator was supposed to be also insured in the IKA-ETAM for a session of interpreting in a National Theatre event.

The Ombudsman noted that the important element for insurance inclusion is the nature of the professional activity that the insured delivered in essence, and not the employer's field of activity. Those insured with the IKA—ETAM are those who have been directly involved in producing a cultural product. Consequently, the Ombudsman asked for the re-examination of the case as the work delivered by the complainant to the National Theatre falls under his main activity as self employed translator/interpreter for which he is insured with the OAEE—TEVE.

Following intervention by the Ombudsman, the IKA—ETAM agreed to the proposed view. It is obvious that had the two funds coordinated their actions to set specific criteria regarding the insurance agency for interpreters, such problems would not have arisen.

Choosing social security organization

Individuals, who were insured for the first time after 1 January 1993, often face problems when choosing in which social security organization to be included. Similar problems arise in case someone was employed at two posts at the same time, one insured to the IKA and the other to the OAEE-TEVE. In this case, one has to choose which organization will cover one's health insurance.

Indicative case

A citizen was insured with the IKA-ETAM as professor at an hourly remuneration working at a private college in October 1997. Two years later, due to his parallel employment as self employed, he should enrol to the TEVE too. Using his right to choose social security organization for his insurance, he opted for the IKA.

However, as his payroll employment is interrupted every year for the summer months, due to the employment contract termination by his employer, the complainant asked to be re-enrolled to the OAEE-TEVE. On this occasion, the OAEE-TEVE decided that the complainant should be insured in retrospect for retirement pension and health insurance for his professional activity as self employed starting from the first three-month interruption of his insurance with the IKA-ETAM. Without examining in detail the real facts of this case, the OAEE-TEVE imposed to the insured to pay contributions for the period that he had already paid his contributions to the IKA-ETAM.

The Ombudsman noted that the complainant:

- Had observed the legal procedure of choosing social security organization for his exemption from the insurance of the OAEE-TEVE.
- Was obviously acting in *bona fidae* and, was he appropriately informed, he would have been insured to the OAEE-TEVE for those periods of time during which he was not insured with the IKA-ETAM.

The Ombudsman stressed, also, that the social security inclusion and deletion procedure for periods of two or three months each time has financial cost to the insured and administrative cost for the services involved.

Finally, the competent local administrative committee of the OAEE-TEVE imposed payable contributions for the time periods during which there had been no IKA-ETAM insurance.

Solemn declaration for loss of social security booklet

Citizens often file complaints to the Ombudsman for delayed responses to their declaration for loss of social security booklet.

Indicatively

Two solemn declarations for loss of social security booklets were pending since 18 July 1997 and 19 May 2000, respectively. The Ombudsman had to put repeatedly pressure for a decision to be issued on 25 October 2006, that is, nine years since the first declaration was submitted and seven since the second one. In this case, an extreme, yet not isolated instance of maladministration was recorded.

Insurance for the unemployed

The Office of the Ombudsman receives often complaints by employed third country nationals who face problems with social security as unemployed.

Indicative case

A Pakistani insured, when his employment in construction works was terminated, submitted an application to the Manpower Employment Organization (OAED) for unemployment benefit. The complainant had visited the competent OAED branch office on time to submit his application with all the necessary certificates and supporting documents in order to renew his work permit in the competent prefectural government service. Despite this, the employees of the OAED



did not accept this application because they considered it should be accompanied by a valid work permit. The work permit was finally issued after the deadline for the unemployment benefit had expired. The complainant visited the OAED without any delay and submitted his application anew along with his work permit. This time the OAED rejected his application as overdue.

The Ombudsman purported that this was not the complainant's fault. On the contrary, the OAED suggested that the work permit of the insured was retrospectively valid, however, when the complainant visited the OAED office for the first time he was not a holder of a work permit, and therefore it was not possible to be included to the lists of unemployed. The OAED did not accept to re-examine the case.

The Ombudsman in its findings paper addressed to the Minister of Employment and Social Protection and the Governor of the OAED noted that:

- ⊗ The complainant, according to the correct interpretation of the relevant law provisions, could submit an unemployment benefit application accompanied by the receipt for having submitted the supporting documents for work permit renewal, with the reservation to bring the work permit as soon as it was issued.
- ⊗ The Regional Directorate and the Board of Directors of the OAED did not answer to the allegation of the complainant that although

he visited the OAED on time, the competent employee refused to file his application and give him a reference number.

- ⊗ The competent agents did not take into account that, although the work permit was issued in 12 February 2003, it covered the required period of 60 days since the day of dismissal, as its retrospective starting date was 26 April 2002.
- ⊗ In this specific case, refusing social benefits is not in reasonable proportion with the desired objective which is legal residence and employment for aliens; nor does it comply with the principle of equity that governs social security legislation.

Until this moment no answer has been received to the aforementioned findings paper.

SPECIAL THEMATIC GROUP II

Civil servants' social security

This thematic group aims at shedding light to issues provoked by certain parts of the legislation, as well as those related to the operation of the competent services and organizations.

It is the case of a special legislation that is often being interpreted by the State General Accounting Office (GLK) in a strict way attached to the letter of the law rather to its essence. It is possible that this happens because of the impact it has since it has been in force before 1992: Civil servants did not pay their contributions for their retirement pension, so the "single social security legislation" was significantly different compared to that applied for civil servants.

Public sector pensioners, on the principle of equality and, more specifically, on the principle of equal pay for work of equal value, present their right to assimilate their pensionable remunerations to other categories of insured or pensioners.

Social security organizations' lack of coordination

The Ombudsman has recorded a series of problems in the coordination of social se-

curity organizations (main and supplementary, as well as welfare) when these are called to act together in order to pay social benefit and insurance allowances. For instance, an exceptionally long period of time lapses from the date an application is submitted at the GLK until the Civil Employees' Pension Fund pays the dividend, and until the Civil Servants Welfare Fund and the Supplementary Pension and Insurance Fund for Civil Servants pay the lump sum.

In order for these funds to proceed with examining the preconditions for pension eligibility, they should have first received the pension attribution act from the GLK. It takes one year for this procedure to complete. More specifically:

- Within three months after the application for pension has been submitted to the GLK, the competent department issues a pension attribution act which is then electronically sent to the aforementioned funds.
- Within four months, according to the relevant joint ministerial decision, after receiving the pension attribution act, the supplementary funds should have proceeded to approval of the pension benefit (lump sum, supplementary pension allowance).
- Another three months lapse until the amount approved is finally paid.

As social security organizations exhaust all time limits the law provides for and every procedure is therefore time consuming, it is

necessary to find new ways to examine more quickly the applications submitted by the insured, not to exhaust the already long time limits, and, if possible, to set shorter ones.

Delays in pension attribution acts

Processing cases for pension allowances demonstrated significant delays which are due partly to the long time limits provided for by the law to this purpose. The joint ministerial decision on these issues provides that the time limit for the re-examination and the adjustment of pension allowance is one year and three months, due to the large number of cases handled.

The GLK examines all appeals by public sector pensioners with chronological order (according to the appeal reference number), but these appeals are far too many, and as a result the time limit of 15 months is good for just the examination and rewriting of the appeals.

An Ombudsman team visited the GLK and observed the problem caused by the large number of applications and appeals submitted combined with the shortage in adequate and appropriately trained ordinary personnel. This is the reason why the Ombudsman asked the competent department to be staffed with the necessary personnel so that applications and appeals when submitted by citizens are being examined the soonest possible.



Contributions – Allowances calculated towards pension

When public services and social security organizations are not able to verify the duration of insured employment and the total amount of contributions paid because the payrolls' archives are either lost, or destroyed by an act of God (e.g. fire or earthquake), this leads to the loss of the duration of insured employment for the insured, as organizations require a certificate in order to recognize insured employment towards the pension allowance.

The Ombudsman proposes that:

- ✿ A computerized archive should be compiled.
- ✿ Everyone insured should at regular intervals receive information on the contributions paid, so that they have reasonable time at their disposal to have recourse to the administration or the courts.
- ✿ Social security organizations should seek on time, as they are obliged to do, any insurance contributions that have not been paid.

Indicative case

Since 2002, pensioners of the military file complaints with the Ombudsman asking for their pension allowance to be readjusted according to Law 2838/2000 and Law 3016/2002. Granting salary increase to a certain category of new pensioners of the military and establishing at the same time the right to a pension allowance raise gave rise to claims for pension readjustment by pensioners of the military who either fulfilled the same preconditions, or had already started receiving their pension allowance in the past and had not received the same increase in salary and promotion in rank.

In re-examining the legal nature of these readjustments, there is no provision in the legislation for retrospective salary readjustment to pensioners of the military who had started receiving their pension before the aforementioned laws entered into force; nor did the legislation equate all groups of pensioners of the military on the basis of the

principle of the Constitution for equal pay for work of equal value.

In 2005, a relevant law was passed according to which the pensions received by pensioners of the military who exited the service until 30 June 2005 should be readjusted from October 2005 onwards. As this readjustment proved to be time consuming, due to the large number of applications submitted, as a preliminary measure a single amount was granted to all pensioners of the military fulfilling the preconditions set by the law. This amount will be granted for as long as it takes, until the amount of the pension allowance to which each pensioner is eligible is calculated exactly.

The Ombudsman noted that not granting the prescribed readjustment amount itself within the time limit set by the law gives rise to issues of legality, as well as questions as to whether the legislation takes into account the real capacity of the social security organizations to meet their obligations.

Questions also rise by the fact that the readjustment has been provided only for a specific group of pensioners who had found recourse to the courts for salary increase and rank promotion. This arrangement provokes feelings of injustice and inequality to the rest of the pensioners and pushes them to submit appeals to the GLK which, in its turn, finds it difficult to examine these within the prescribed time limit due to their large number.



DEPARTMENT OF QUALITY OF LIFE

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

The Department of Quality of Life deals with a wide range of issues, which touch upon the protection of natural, residential, and cultural environment. Common ground for these thematic categories is ensuring the protection of the environment, as this is conceived through the principles of viable and sustainable development. At the same time, the Ombudsman faces a variety of issues referring to every day life but are bound to the human factor as actor of the ecosystem, such as the protection and the best possible use of communal spaces, the lack of green spaces in big cities, traffic issues, urban waste management, air and drinkable water quality.



CHRYSI HATZI
Deputy Ombudsman

Liens on property

The Ombudsman:

- Managed to have a positive outcome for individual cases, such as indemnity for a piece of land in the archaeological site of Aptera in Apokoronos, Hania, Crete, which had been bound for 11 years.
- Based on the relevant 2005 special report, presented in a systematic way the criteria on which the state can carry out expropriations, indemnity, or disengagement of properties which were attached for many years.

Protection of forest ecosystems

The Ombudsman organized a one-day conference on the protection of forest ecosystems with the participation of representatives from competent public services, universities, as well as jurists and members of NGO's,

NEW COMPLAINTS, 2006	1,882
PERCENTAGE ON THE TOTAL OF NEW COMPLAINTS	20.54%
NEW COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE	1,208

COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE PROCESSED IN 2006	879
MALADMINISTRATION PROBLEM CORROBORATED	460
Problem resolved (favourable outcome)	391
Non-resolution of maladministration problem (Ombudsman's recommendations were not accepted)	47
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	22
MALADMINISTRATION PROBLEM NOT CORROBORATED	302
INVESTIGATIONS DISCONTINUED	177

and proposed to the competent minister that a forest registry be compiled immediately and the forest maps should be completed as two necessary preconditions for the effective protection of forests and forested lands.

Cultural environment protection

The Ombudsman intervened again so that the administration abides to court decisions for the protection of cultural environment.

Indicative case

The Municipality of Pireus, following the Ombudsman interventions, executed the Council of State's decisions to remove chairs and tables, and to demolish illegal constructions in the archaeological site of the Cononian wall on the coast of Peiraiki.

Residential environment protection

The Ombudsman noted that illegal construction activity and lack of controls bring additional burden for the water supply and sewage networks, the required parking space, the road network, the other residential infrastructure, and the environment in general. The problems which occur usually in times of crisis (flooded houses, ruined roads, etc.) are dealt with in isolation, and the public administration is not yet ready to face in a comprehensive way the issue of illegal construction activity.

Important findings papers

■ It was found that the Autonomous Power Production Plant of the Public Power Corporation on the island of Syros was operating for two years without the approved environmental terms and without a permit for waste disposal. Following the Ombudsman’s intervention, the necessary permits for waste disposal were issued, but the EU law standards have not yet been fully incorporated into the approved environmental clauses.

■ On the occasion of issuing a permit for a coffee shop in the vicinity of an elementary school and a preschool facility in the Municipality of Peristeri, the Ombudsman proposed to take specific measures for the safe access of students to their schools and to examine the issue of the operation of establishments subject to sanitary controls not closer than 50m. from buildings for special use. The Ministry of Education is already working on relevant arrangements and the Municipality of Peristeri modified the permit for the use of the pavement, restricting thus the designated seating area.

■ In the findings paper on the violation of limits of the wetland in Agios Ioannis Porto in the island of Tinos, the Ombudsman proposed that:

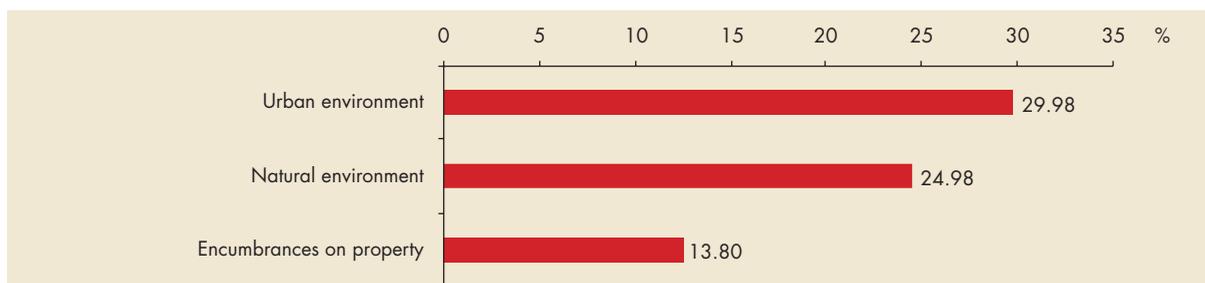
- ⊗ The reserve should be listed as such and its limits set by a presidential decree, and that a special environmental study should be carried out;

- ⊗ The limits of the settlement should be redefined so that parts of the reserve are not included in it;
- ⊗ That an urban planning study should be carried out for the areas included in the urban plan so as to protect the existing streambeds.

■ The Ombudsman submitted proposals for the upgrading of the free communal space and the quality of pavements, noting also the necessary adjustments so that people with disabilities can circulate without problems.



MAIN SUBJECTS OF THE COMPLAINTS HANDLED BY THE DEPARTMENT





MOBILE PHONE ANTENNAS

Although the new legislation for electronic telecommunications has adopted some of the Ombudsman's proposals on mobile phone antennas and has included a series of prevention and protection measures, there are still some problems regarding its effective application. The Ombudsman kept on systematically dealing with the issue and noted, among others, that:

- ⊗ Setting "three speed" mobile telephone base stations, for which there will be a different operation status, lead to confusion in the competent for the issuance of permits authorities and to the mobile telephony companies.
- ⊗ Not recording the existing mobile telephony base stations makes it difficult to define the time need to set an antenna, a crucial element for the application of the new favourable provisions of the law.
- ⊗ The favourable provisions of the law in relation to the *ex ante* legalization, from an environmental point of view, of the mobile telephony base stations, cannot be applied in the absence of specific preconditions, that is, a construction permit by the National Telecommunications and Post Commission and the competent urban planning authority.

ENVIRONMENTAL PROBLEMS CAUSED BY THE OPERATION OF THE AIRPORT AT IRAKLEIO, CRETE

The Ombudsman noted that:

- ⊗ Urban waste and rainwater waste from the airport are shed to the sea through the conduct of the Industrial Area of the city of Irakleio, without any prior processing.
- ⊗ There is no immediate recording and monitoring system for the noise caused by the airplanes.
- ⊗ The construction of the new taxi lane in the airport was carried out without the necessary environmental permit by the Ministry for the Environment, Physical Planning and Public Works.

Following the intervention by the Ombudsman, the Civil Aviation Service committed to carry out the necessary works until 2008 the latest; however, later it seemed to recede as far as the noise pollution measures. The Ombudsman keeps on noting that the inertia demonstrated by the authorities in taking the appropriate measures for reducing the noise produced violates article 8 of the European Convention on Human Rights.

ENVIRONMENTAL PROBLEMS CAUSED BY THE ATHENS INTERNATIONAL AIRPORT OPERATION

The Ombudsman noted that:

- ⊗ The control for reducing noise is inadequate, especially during the night, and that the residences in the area are not equipped with noise reduction protection. The Ombudsman proposed that the control becomes stricter and new measures be taken, such as setting lower noise limits, levying a duty for making noise, etc.

The Ombudsman noted the lack of:

- ⊗ A water waste processing and disposal study;
- ⊗ A preprocessing unit for industrial waste at the technical base of Olympic Airways;
- ⊗ An adequate network – through surface sewage – of processed water waste at the Athens International Airport;
- ⊗ An approved receiver of rainwater.

Following the beneficial cooperation of the Ombudsman with the Airport's Environmental Department, studies for the processing and disposal of water and industrial waste were carried out, as well as for flood works. Also, the respective preprocessing units and the waste disposal networks have been, or are being built.

ENVIRONMENTAL PROBLEMS CAUSED BY HYDROPLANES' FLIGHTS IN PAMVOTIDA LAKE, IOANNINA

The Ombudsman noted that:

- ⊗ The hydroplanes effectuate their flights to and from the protected area of the lake violating the relevant provisions.
- ⊗ The operating licence for an airport on water surface had been issued without prior approval of environmental impact assessments and environmental terms, despite the fact that this area has been included in the Natura 2000 Network.

Following the intervention by the Ombudsman, the relevant environmental impact assessments were submitted *ex post* to the Region of Epirus, which did not carry out to the end the approval process alleging as reason the temporary airport operating licence.

NATURAL ENVIRONMENT DETERIORATION

In some cases of land formation works, by private individuals or during public works, the morphology and the character of an area undergoes significant changes.

Indicative case

In the area of Kini on the island of Syros, during the construction of buildings, extensive work had been done for the formation of the ground and the paving of private streets which resulted to the deterioration of the morphology of the ground and the scenery in general. These interventions are been dealt with by the Prefectural Government of the Cyclades as short term formations for gaining access.

In cases of vulnerable and/or protected areas, the Ombudsman had always to deal with the problems of illegal excavations and backfilling works. More specifically, following the intervention by the Ombudsman:

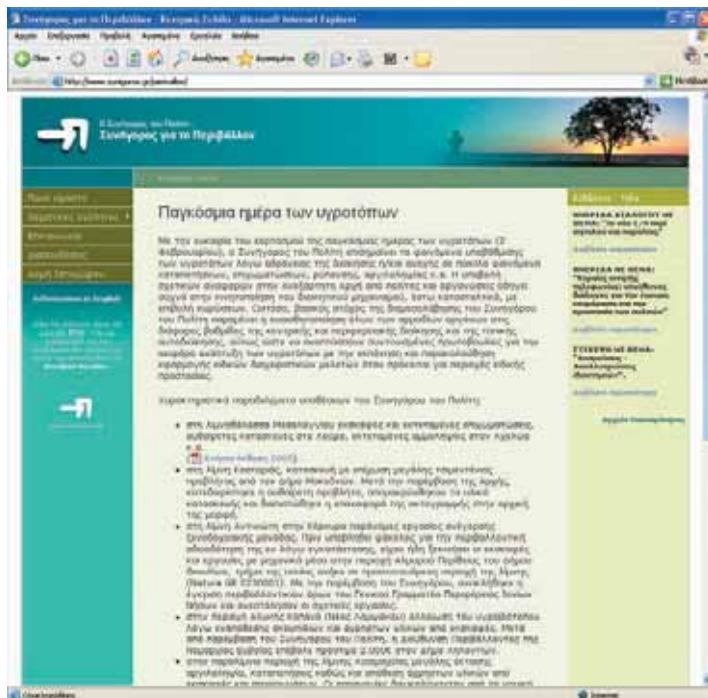
- ⊗ In the Lake of Kastoria an illegal concrete pier was demolished and the beach regained its original form.
- ⊗ In the protected area of the Lake Antinioti on the island of Kerkyra (Corfu), protected by the Natura Network, the approval of environmental terms was retracted and then the illegal construction of a hotel unit stopped.
- ⊗ The Environment Department of the Prefecture of Evoia imposed a fine of 2,000€ to the Municipality of Lilantas for disposing solid waste in the area of Alyki–Kopana in Nea Lampsakos.
- ⊗ In the area around Lake Lysimacheia there were signs of trespassing, extended clay removal and waste disposal. The Urban Planning Office of Agrinio imposed a fine for clay removal.

The Ombudsman contributes to the information of citizens, and materializes the obligation of the administration to provide environmental information. Significant cases regarding environmental issues which have been processed by the Ombudsman are presented at www.synigoros.gr/perivallon.

SPECIAL THEMATIC GROUP I

Information on the environment

Full access to information on the environment has not yet been uniformly applied by the Greek public administration. A good example is the delay in which Directive 2003/4/EC was incorporated in national legislation in 2006 regarding the access of the public to information on the environment. The new Directive covers a wider area, is more detailed and incorporates the Aarhus Convention as to the access to information on environmental issues.



The concept of environmental information

Environmental information is “any kind of information in written, visual, audio, electronic, or other material form related to the situation of the elements of the environment, such as the air, the atmosphere, the water, ... agents, such as the substances, the energy, the noise, ... measures, such as poli-

cies, legislation, projects, programmes, ... reports for the application of environmental legislation, cost-benefit analyses and other economic analyses ... the situation of human health and security, ... the locations and buildings of cultural interest to the extent that these are affected, or may be affected by the situation of the elements of the environment ...” (Joint Ministerial Decision ΗΠ 11764/ 653/2006).

Access to environmental information

- The Directive 2003/4/EC:
- ✳ Sets the limits, clauses, definitions and way of exercising the right to access, electronic or other, to environmental information.
 - ✳ Provides for exemptions to the general rule of publicizing environmental information among which is the case of royalties.
 - ✳ Allows a reasonable fee to be imposed for the provision of environmental information.

Indicative case

The Mayor of Korinthos refused to hand in a copy of the study that had been carried out in view of building an underground parking lot. The Ombudsman investigated the case before the incorporation of the above Directive in the Greek legislation.

The Ombudsman taking into account:

- ✳ The direct effect of the Directive starting from 14 February 2005;
- ✳ The link of the parking and traffic measures to air and noise pollution;
- ✳ The opinion by the Supreme Court that the access to administrative documents includes all documents in the file that was used and was taken into consideration for forming an opinion or judgment, and the relative provisions of the Code of Administrative Procedure;

It concluded that the Municipality of Korinthos should allow access to the specific document, even within the premises of the department. The municipality finally accepted this proposal.



Public participation and information

In the case of water which is unsuitable for human consumption, it is compulsory for the public services, according to special provisions (Joint Ministerial Decision Y2/2600/2001) to provide all interested consumers with information, to take the necessary protection measures, and to offer guidance. The legislation for environmental information can work additionally in this case and is autonomous for *continuous access* to the relevant information, despite the degree of danger.

Indicative case

Citizens filed a complaint on the pollution of drinking water with bacteria in the Municipality of Moursi in Magnisia, due to uncontrolled disposal of urban waste. A basic component of the complaint was that the municipality purported holding the certification for the water suitability for consumption. However, during the investigation of the complaint by the Ombudsman, it was proved that the drinkable water in tanks and outlets in certain municipal sections (Tsagarada and Ai-Yannis) did not meet the quality standards set in the relevant provisions.

The Ombudsman noted that the Municipality of Moursi:

- Had not reported the problem to the competent health and hygiene services, as it should have;
- Did not provide, as responsible for the water network, correct information to the citizens regarding the quality of the network's water.

The Ombudsman considered the issue as dangerous for public health and notified the Secretary General of the Region of Thessalia. The administration responded positively.

In case there is a risk for the citizens' health by *the degrading of the quality of the environmental elements, or due to technological risks*, the public authorities have the obligation to inform the citizens.

Indicative case

Urban waste in the Municipality of Pelekanos in southwestern Crete were collected in a central sewage conduit and were shed into the sea in Palaiohora without any prior processing in a biological waste processing unit as designated in the relevant legislation. The administration provided information to the public, along with data that proved the existence of a high risk for pollution. Despite this, it was only reasonable to question the fact that the same water had been found suitable to swim in and to this effect it had been awarded a "Blue flag". The Ombudsman asked the issue to be investigated, and, as a result, a study was carried out by the Hellenic Centre for Marine Research for the pollution of the wider sea area of Palaiohora and the environmental terms to be approved for the project of biological processing for the Municipality of Pelekanos.

In order to have access to environmental information it is not necessary to have *legal interest* in the issue (Directives 90/313/EEC and 2003/4/EC).

Indicative case

An ecological group's claim for information for the quality of drinkable water by the Municipality of Ierapetra in Crete was refused. Following the intervention by the Ombudsman, the Municipal Water Supply and Sewerage Company of Ierapetra answered the questions of the interested parties and publicized the results of the drinkable water chemical analysis. Nevertheless, until summer 2005, the municipality questioned the right of citizens, or groups of citizens to have access to such data.

Ways to have access to information

According to the joint ministerial decision that incorporated Directive 2003/4/EC in the Greek legislation, public authorities have the obligation to:

- Answer in writing to any claims of citizens.
- Provide all information the authorities hold

themselves, or other agents hold on their behalf within one month the latest after the claim has been received, or two in case the pieces of information requested are complicated, or great in number.

- ✦ Justify in writing any refusal to satisfy such a claim (see also ECJ C-186/04, 21-4-2005).

Indicative case

The Development Company of the Prefectural Government of Kavala refused to provide data collected on its behalf, mentioning in an oral communication the protection of royalties.

During the investigation of the case, the Ombudsman noted that:

- ✦ The refusal should be in writing, on time and fully justified.
- ✦ The holder of the information of environmental interest has no legal right to demand from the citizens to report the reasons they ask for access to the relevant data.
- ✦ The way in which environmental information will be assessed, or the professional activity and the scientific specialization of the claimant do not constitute a valid reason for refusing to provide information.
- ✦ Environmental data collected is not a product subjected to royalties, nor does it constitute personal data.

Conclusions

The Ombudsman remarks that:

- ✦ Applying the legislation has not brought about the necessary preconditions so that it is possible to exercise one's right to information effectively and transparency is ensured for all actions related to the environment.
- ✦ The public administration should develop relations of trust with citizens, to ensure their information and to facilitate their participation in the decision making process in relation to the environment and the quality of life.

SPECIAL THEMATIC GROUP II

Building listing for the protection of cultural heritage

In 2001, the revision of the Constitution (article 24) established the protection of cultural goods "in perpetuity" and at the same time the individual right to their protection. In this way, protecting architectural wealth is also considered an expression of protecting the value of human being as this is set in the Constitution. Any damage to buildings, residential compounds, traditional buildings and settlements is not only harmful to public interest, but to the rights of the individual as well.

Investigating complaints regarding the protection of listed buildings has brought to the surface the following issues:

- ✦ Inadequate institutional framework of protection and inadequate application of the legislation;
- ✦ Assignment of parallel competences to more than one agents and lack of their coordination thereafter;
- ✦ Inadequate cultural training;
- ✦ Long term absence of substantial cultural policy.

Legal and institutional framework

Until the moment the new archaeological law was passed (Law 3028/2002), the Greek state attempted through isolated legal provisions to protect modern architectural heritage and monuments dated after 1830. However, and despite the constitutional provision (1975) for the protection of monuments and traditional settlements, the preservation of such buildings and compounds was not effective. A major reason for this was the parallel involvement of the Ministry of Culture and the Ministry for the Environment, Physical Planning and Public Works in applying the relative provisions, along with the Ministry of Macedonia–Thrace and the Min-



istry of the Aegean and Island Policy in the areas of their competence respectively. The new legislation aims at the organization and classification of the legislation in force, its adjustment to the decision of the Greek courts and the demands set in European and international treaties, as well as the best possible protection of listed buildings.

Parallel provisions and listings – Differentiated criteria

The listing of significant buildings is now effectuated either through the Building Code of 1985 (as this was amended and is in force), or on the basis of the new archaeological legislation. The urban planning provisions are applied by the Ministry for the Environment, the Ministry of Macedonia–Thrace and the Ministry of the Aegean in regard to buildings or parts of buildings, settlements or compounds that are of a special historical, urban planning, architectural, folklore or social character. The provisions applied by the Ministry of Culture refer to buildings or places that are considered to have a special artistic or historical value. Apart the different objectives and criteria, multiple listings of buildings, compounds or settlements aim at reinforcing the attempts to preserve them.

However, the Ombudsman noted that

undertaking parallel actions by various agents makes protection extremely difficult in the end, since the various services and the citizens addressing them become confused as to the degree of protection available and the extent of involvement demonstrated. It is interesting to see the cases where urban planning arrangements, such as construction restrictions in traditional settlements, are being transferred from one ministry to the other, having as a result non-competent agents issuing administrative acts.

Indicative case

In 1999, the owner of a ruined building in the protected settlement of Oia on the island of Santorini, and near the listed as historic site Goulas tower, received the approval for restoration through a ministerial decision by the Ministry for the Environment, while it was the responsibility of the Ministry of the Aegean to issue such a decision.

Lack of coordination of the agencies involved

Contradicting actions by co-competent departments and the inability to coordinate has as a result contradicting decisions, with harmful impact on monuments, the trouble of citizens and the administrative cost for the departments involved.

Indicative case

In November 2003, the Urban Planning Directorate of the Prefectural Government of Thessaloniki issued a protocol for the demolition of a listed building, based on urban planning orders for the dangerous frail structures, without taking into account that this building had been listed in 1994 by the Ministry of Macedonia–Thrace. The owner of the building submitted an application for reprieve of the decision for demolition.

Building listing, delays, and affected property rights

The Ombudsman often notes long overdue completion, or even inertia on behalf of the

competent agencies for the listing of a building, despite the fact that all the reports the law requires have been drafted. It is possible that such delays prevent citizens from being eligible for financing projects.

Indicative case

Listing a soap factory building in Kastelli in the Prefecture of Hania in Crete took two years. After the necessary report was drafted, the Ministry for the Environment delayed the final decision limiting in this way for approximately two years the right of use and exploitation of the citizen's property. Finally, the Ministry for the Environment rejected the report and interrupted the listing process. As noted by the Ombudsman, the usual practice of the administration to include buildings in financing projects on the basis of the report and just before the listing act is issued – which is this case too – gives rise to justified expectations, and for this reason the listing process should be completed within a short time.

Significant delays are noted in issuing other administrative acts as well in relation to listing, or under listing monuments, as can be seen in the cases below:

- The Council of Settlement Zoning and the Environment of the Region of South Aegean delayed for ten months the examination of the construction permit file for the repair of a house roof within a listed traditional settlement on the island of Tinos.
- A citizen was kept in the waiting for ten years, although all legal preconditions set by the Building Code were met, until the demolition of a non-listed building within the characterized historical centre of Piraeus was approved.

Restoration cost for listed buildings

According to the new archaeological law, the public administration should recompense immediately citizens who are deprived from their right to use their property and should,

under specific conditions, contribute in the expenses for restoration works on listed buildings. The cultural policy and the protection of modern Greek culture buildings is acknowledged as a costly enterprise, that should be undertaken at least in part by the state itself.

Indicative case

The 4th Ephorate of Modern Monuments refused to subsidize restoration works on a collapsing building characterized by the Ministry of Culture as "a work of art" in the Prefecture of Kilikis, due to the financial hardship of the department.

The Ombudsman noted that:

- Relevant provisions render "urgent restoration and consolidating works" and "collapsing monuments protection" an obligation of the department.
- The vague wording of the law in relation to who pays the cost is not of any help in dealing with the preservation of modern monuments.

Although the Ombudsman undertook the task to intervene at administrative level, as well as at political leadership level, these works did not receive any subsidy after all.

Providing information and sensitizing the public

Providing continuously information to the public and offering adequate cultural training will help in restricting the unfortunate instances when listed monuments are destroyed by their own owners. An indicative case of lack of sensitivity for the preservation of listed buildings is the illegal demolition of the historic listed house of Grigoris Lambrakis in the Municipality of Tegea in Arkadia, Peloponnese, that was discovered by the Urban Planning Office of Tripoli. The Ombudsman is waiting for information by the prosecutor's office in relation to the criminal prosecution procedure.

Conclusions – Proposals

- ✿ Due to the large number of provisions the departments are not able to adequately supervise the application of legislation.
- ✿ Attempting to renew the obsolete legislation by introducing new provisions, without at the same time abolishing parallel competences, does not always favour the protected cultural goods.
- ✿ The coordination of the competent departments is expected to be reinforced by the recent publication on the Internet of the database held by the Ministry for the Environment, which includes all acts of listings issued so far, and the pending publication of the database held by the Ministry of Culture. These data bases include information on the type of listing, the property status, the number of the Government Gazette and/or the text itself offer the option of geographical information search; access to these databases is available to the public administration, as well as to the citizens themselves.

For the protection of listed buildings and residential compounds, the Ombudsman proposes that:

- ✿ The legislation should be codified and systematized.
- ✿ The administrative procedure should be simplified and the department issuing the final permit should have the right to seek on its own right all necessary approvals.
- ✿ The favouring measures of the state should increase, such as tax exemptions for the owners of listed buildings, additional contribution in the financing of traditional buildings' restoration works, participation of the administration in the construction permit cost for listed buildings' restoration.
- ✿ Issuance of the provided for presidential decree on the procedure, the preconditions and clauses for subsidy grant and other financial motives, as well as for the definition of the subsidy for the preservation and restoration of a listed building.
- ✿ An exclusive deadline of one year should be set for the completion of the listing process based on the provisions by the Building Code.
- ✿ Support of cultural training in all education levels.
- ✿ Providing information to the public for the ways to make the best possible use of the cultural heritage resources and the promotion of cultural tourism.
- ✿ Issuance of directives on the rights and obligations of the owners of listed buildings.
- ✿ Establishment of a single agency for the protection of listed buildings.



DEPARTMENT OF STATE – CITIZEN RELATIONS

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

The Department of State – Citizen Relations dealt with 32% of the total of complaints filed with the Office of the Ombudsman, a percentage that is still high and relatively stable ever since the establishment of the institution. It is also worth noting that a large number of complaints fall outside the Ombudsman’s mandate as they are filed by civil servants and refer to their service status. It should be stressed that the Ministry of the Interior, Public Administration and Decentralization, in response to the Ombudsman’s observation on this issue, issued a circular for the application of the Code of Administrative Procedure by the public services when these face questions and claims by their employees.

NEW COMPLAINTS, 2006	2,924
PERCENTAGE ON THE TOTAL OF NEW COMPLAINTS	31.91%
NEW COMPLAINTS WITHIN THE OMBUDSMAN’S MANDATE	1,156

COMPLAINTS WITHIN THE OMBUDSMAN’S MANDATE PROCESSED IN 2006	1,805
MALADMINISTRATION PROBLEM CORROBORATED	982
Problem resolved (favourable outcome)	772
Non-resolution of maladministration problem (Ombudsman’s recommendations were not accepted)	131
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	79
MALADMINISTRATION PROBLEM NOT CORROBORATED	686
INVESTIGATIONS DISCONTINUED	137



KALLIOPE SPANO
Deputy Ombudsman

The cooperation of public services with the Ombudsman

The public administration has by now accepted the mediating role of the Ombudsman and has realized that it is assigned with accountability and the provision of adequate and convincing documentation for each of its acts in all cases. The picture is pretty much different when the Ombudsman comes into contact with local government agencies, or other services that do not have the appropriate infrastructure or know-how. The situation is also quite different when it comes to politically sensitive issues. In such cases, the public administration is not always willing and ready to give account of its actions. For instance, although the same concept of public administration lays the principle of the continuity of the state, the change of political executives in the higher ranks of public administration causes the erroneous impression that they are not bound by the procedures and decisions taken by their predecessors. This view is usually, though not exclusively, to be found in primary level local government authorities (communities, municipalities), usually in relation to debts to third parties.

The role of local elected or appointed heads of organizations is thereby misinterpreted, and this is usually expressed against

In the *2005 Annual Report*, the Ombudsman had noted the absence of an effective control and monitoring mechanism for the observation of contractual obligations undertaken by local government authorities. This occurs more frequently when local governments have concluded loans with the Deposit and Loans Fund in order to pay debts to individuals. The Ministry of Economy and Finance, in its overall briefing to the Ombudsman after receiving its proposals, noted that responsible for abiding to the provisions of the law is the Municipal Treasurer. On the contrary, according to the law, the Deposit and Loans Fund is not responsible for checking whether the local government entering into contract is not violating its contractual obligations.

the citizens as maladministration in many forms: unequal treatment, violation of the principle of fair administration up to obvious violation of the law. It is not a coincidence that such incidents are frequently to be found in employment opportunities. In this area, the political leadership of each organization wishes to have “their hands untied” from any restriction despite the rationalization attempts undertaken, especially with the Supreme Council for Public Sector Personnel Selection, the independent authority taking over the process of controlling and monitoring personnel selection.

The Ombudsman considers the OAED a typical example. Although the cooperation with the OAED seems to be visibly improved lately as far as the essence of the work that the organization should be doing, in the politically sensitive area of personnel selection the OAED demonstrated an unexpected defensive attitude when the Ombudsman posed questions as to the recruitment status, or the employment mode in Employment Promotion Centres through work contacts.

by the administration contradicts to the applicable EU law and is therefore illegal. The Directorate of Transport finally granted the permit, and the Ministry of Transport and Communications amended the provision in question adding that Greek citizens, or citizens of EU member states can be granted permits for the establishment and operation of fuel stations.

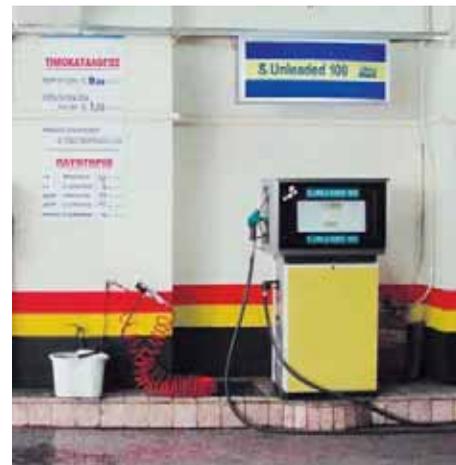
■ Persons with disability can buy a private passenger car of up to 1,650 cc with total exemption from the classification fee. People illegible to this benefit who had bought private passenger cars of 2,000 cc paid for the remaining percentage the respective classification fee. Their inheritors, in order to acquire ownership of the cars, were called upon by the competent customs office to pay both the amount of the original tax exemption and the fee that would correspond to the difference between 1,650 to 2,000 cc that the deceased had already paid. The Ombudsman identified an inconsistent adjust-

Rationalizing administrative action

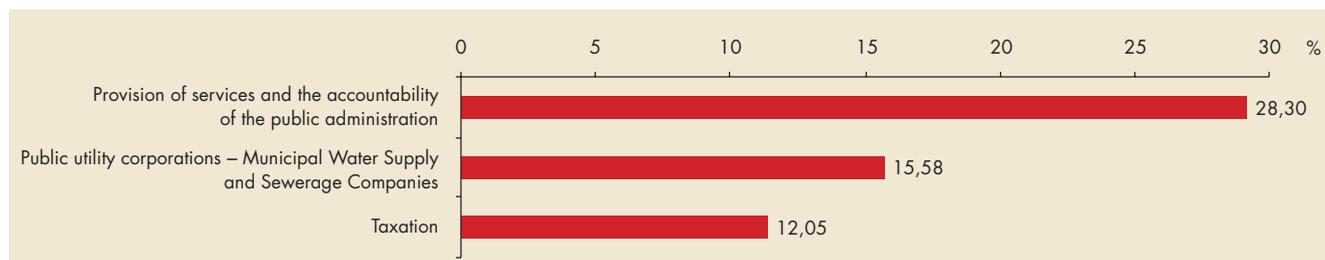
Indicative cases

■ The Directorate of Transport of the Prefectural Government of Magnisia refused to grant an operating licence for fuel station to an unlimited partnership in which one partner was a French citizen, on the grounds that he was not a holder of the Greek citizenship. This is an example of inertia of the Greek legislation to adjust to EU law.

The Ombudsman noted that this refusal



MAIN SUBJECTS OF THE COMPLAINTS HANDLED BY THE DEPARTMENT



ment to the provisions of customs legislation. The interpretation the ministry gave was contradictory to the law that does not discriminate between original owners and their inheritors, with the consequence of paying the same fee to the state twice. The Legal Counsels of the State gave an opinion on this matter triggered by the Ombudsman's intervention, and this was identical to the Ombudsman's position.

■ The Municipality of Amarousio charged a citizen with the construction of a sewage conduit, although when the works were taking place the owner of the building was not himself but the building constructor who later sold the apartment to him.

The Ombudsman noted that the owner of the property is the bearer of all responsibilities during the sewage construction time, that is, the building constructor and not its successor as to the ownership of the apartment after its completion. The Directorate for Local Government Authorities of the Ministry of the Interior, Public Administration and Decentralization adopted the Ombudsman's position on the matter.

Issues arising when citizens come into contact with the public administration

The issues exposed here refer to the organization of providing services to citizens, on the one hand, and the interpersonal contact between civil servants and citizens, on the other. As to the first category, it should be noted that significant progress has been made ever since the establishment of Citizen Service Centres (KEP). There is, however, still a question whether all the KEP are able to provide all services in a unified manner for the whole country. As to the second category of problems, there is a moral and operational issue posed by the impolite behaviour of civil servants, or wider public service employees in general.

Citizen Service Centres

According to public opinion the establish-

ment of the KEP was one of the most successful initiatives of the public administration. Without being a systemic intervention, the KEP manage to establish an inside communication and cooperation of several services and departments, contribute in transcending a series of failures of the Greek public administration and give to the citizens a sense of simplified procedures.

Examining complaints related to the KEP, the Ombudsman identified the need to formulate a single operational framework so that all the KEP in the country offer the same services. As to the operation of the seven KEP in the Municipality of Athens, the Ombudsman noted that they operate in a way



that is not totally compatible with the system used by the KEP in the rest of the country. As a result, the Athens KEP offer differentiated services compared to those offered in others and are not identical to the description of the services offered provided in the website of the KEP (www.kep.gov.gr), or at the webpage of the City of Athens (www.cityofathens.gr).

Citizens filed complaints with the Office of the Ombudsman because they could not carry out at the Municipality of Athens KEP procedures that according to the information on the web fall under their competence. Indicatively, these cases include the ownership transfer of a private passenger car through the KEP and the provision of information leaflets and applications for social

tourism with the Greek National Tourism Organization programmes for eight-day holiday trips in 2006.

The Ombudsman asked the Ministry of the Interior, Public Administration and Decentralization:

- To give immediate priority to the incorporation of the Municipality of Athens' KEP to the system of the KEP in the rest of the country.
- To make clear mention in the KEP website when a procedure cannot be followed in all the KEP of the country for a specific technical reason.
- To include a respective clarification in the circulars, or other information material disseminated by public services and agents cooperating with the KEP.

The Ministry of the Interior called upon the Municipality of Athens to incorporate the KEP under its jurisdiction to the "Ariadne" system used in the KEP in the rest of the country. Until this link is completed, a relevant indication will be placed in the web portal www.kep.gov.gr and a recorded message in the citizens' help line 1564 which will let anyone interested know which procedures are carried out at the Municipality of Athens' KEP.

Issues of inappropriate behaviour

Inappropriate behaviour by civil servants has been often the object of investigation. This is due to the incompatibility of verbal communication, during which inappropriate behaviour is mostly visible, and written communication, which is the mode of communication presenting administrative action and, namely, public administration internal control. It is difficult to prove what was really exchanged in an instance of verbal communication as this area is governed by subjectivity; also, citizens usually express their discontent in oral speech; and, finally, public administration refuses to accept that instances of inappropriate behaviour really occur and to deal with them in a drastic way.

Simply accepting the current definition of inappropriate behaviour is not enough for the Ombudsman. On the other hand, this concept might be oversimplified if we attempt a definition to be put in a specific provision of the criminal or penal law. Having this double restriction in mind, the Ombudsman seeks to delineate this concept, with its legal ramifications if possible, which will render any mediatory intervention safe and predictable.

The instances of inappropriate behaviour in which the Ombudsman was invited to intervene are not exhausted in those set by the penal and disciplinary law. The main criterion is the *Civil Servants' Guide to Good Behaviour* for that the Ombudsman elaborated in cooperation with the Ministry of the Interior, Public Administration and Decentralization.

The complaints on this issue deal with behaviour issues solely, or in combination with lacking service, lack of answer, or general difficulty in accessing the provided service. A complaint may refer to the attitude by the civil servant, or the accuracy of the information offered, humiliating attitude, etc. In any case, even its "lighter" version, that is, when it is not a case of misconduct, inappropriate behaviour is an element of reality that predefines the conditions in which citizens exercise their rights; therefore, behavioural issues, although they are not of major importance in the relation between public administration and citizens, they, nevertheless, affect its core.

The main issue arising is the lack of monitoring and control of civil servants in regard to the way in which they behave and carry out their duties. It is easy to identify the unwillingness of departments and heads of departments to deal with the problem at its start, allowing in this way the building of an "almighty" image for civil servants along with an impression of impunity.

In order to demonstrate how difficult it is to define the concept of "inappropriate behaviour", two examples are given below:

■ A citizen protested about the conditions in the Athens–Piraeus Electric Trolley Buses SA, giving specific details. The company’s Department of Passengers Communication claimed that it was not possible to investigate the situation to which the complainant referred to because the complaint was not specific and a long time had passed since its occurrence.

The Ombudsman noted that:

- ⊗ In order to investigate complaints on lacking service offered to passengers it is necessary to have an internal control mechanism that will constantly keep an eye on the observation of the Means’ of Transport Charter regarding their obligations and responsibilities against citizens.
- ⊗ Transportation companies should inform passengers which is the competent department for the examination of complaints, as well as how long this takes and the process that will be applied.

■ A citizen complained for the inappropriate behaviour by an employee in the Health Care Organization for Civil Servants who, according to the complainant, did not return her greeting him, was smoking, when asked

what his name was refused to let her know of his name, gave an inappropriate answer, etc. According to the complainant, neither the employee’s colleagues, nor his boss were willing to give her his name and other details.

The boss claimed that the employee did not say his name because the complainant did not submit her claim in writing. The Board of Directors of the Health Care Organization for Civil Servants decided that an administrative investigation under oath should be carried out; this concluded that the employee was not liable of misconduct.

SPECIAL THEMATIC GROUP I

Teachers’ appointments

For years, the Ombudsman has been identifying problems arising in the appointing of teaching staff (appointment of ordinary staff, employment of substitutes and employees at an hourly remuneration), as well as to all stages in the process of employment (call for tenders, necessary preconditions, selection, placement of teachers at schools). The Ministry of Education, the Organization for Professional Education and Training and the Institute for Adult Continuing Education (IDEKE) are competent for the placement of personnel at schools (primary and secondary education).

The practices followed cause damage to the credibility, transparency and objectivity of the appointment system. At the same time, the rights and legal interests of the candidates are affected.

Incomplete preparation of the call for tender

The Ombudsman has found that the Ministry of Education systematically attempts to offer a legal base for earlier choices and decisions. This is a way to cover *ex post* sudden changes in various aspects in the personnel placement process, which would normally demand an amendment of the respective legislation. In this way, it is attempted to solve problems that resulted from unscheduled or



incomplete arrangements. More often than not, however, the new intervention gives rise in its turn to a series of new problems. This practice, although of questionable legality, seems to persist through the years. Finally, the numerous remarks the Ombudsman has made until now seem to be fruitless.

Indicative cases

■ Many professionals of education of division ΠΕ 11 (Physical education) complained because the Ministry of Education refused to employ them as substitutes, or at an hourly remuneration for school year 2005–2006. The Ministry of Education purported that these posts had been already covered by colleagues of the complainants who, although they had not applied to be employed as substitutes, or at an hourly remuneration, they had asked to be re-employed in the Olympic Education Programme. Although there was no law providing that this programme was to be extended, the Ministry of Education in a circular lead to this assumption. So, this action on behalf of the ministry had as a result either not to activate the list of substitutes in many Regions of the country, or of those employed at an hourly rate, or, wherever this

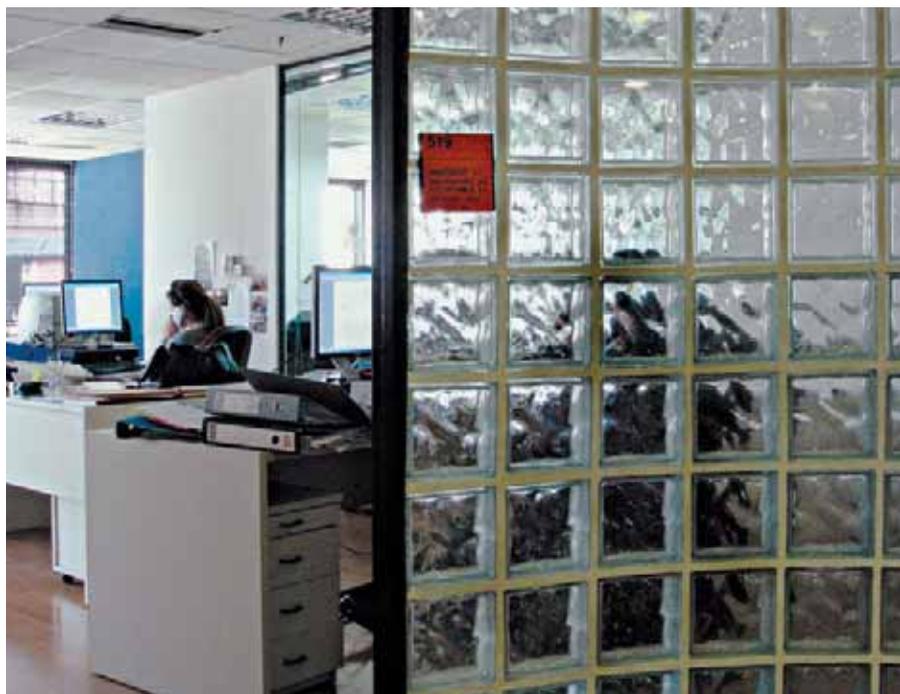
list was activated, the professionals employed held lower places in the single ranking list. Indeed, the Ministry of Education did not inform the professionals in the Olympic Education Programme on the programme's termination and encouraged them to apply for re-employment; these applications were examined as applications for placements as substitutes, or at an hourly rate.

■ A citizen, university graduate of the Department of Education and Sport Science, and of the Department of Philology, was employed for years as a substitute teacher of physical education; at one point he wished to transfer this employment time to the division of philology. The competent directorate informed him that, based on a relevant circular, the right to transfer employment time was attributed only to those who had employment time to more than one division.

Law 3391/2005 followed then (with retrospect validity from 31 August 2005), which included a provision according to which, as an exception, employment time until the end of teaching year 2004–2005 in one or more divisions can be calculated in one division only, that of the candidate's choice. With this change in legislation, the complainant had the option to transfer the employment time as teacher of physical education to the division of philology, but the application deadline had expired. His appeal was rejected.

Personnel selection for the education programmes of the Institute for Adult Continuing Education

The issues that were brought to the surface by complaints filed by candidates for employment at an hourly rate, or under works contract in the IDEKE programmes refer to basic principles in the employment process for public administration personnel, such as the principle of transparency, objectivity, meritocracy and equal opportunities to participation.



Indicative cases

■ A candidate for the post of career advisor in a Second Chance School was exempt from the selection process because he submitted his application after the expiry date. The call for tenders set as a deadline the date the applications were received by the IDEKE and not, as was proposed by the Ombudsman, the post date as shown on the post stamp. The IDEKE is still ignoring the Ombudsman's recommendations.

■ In two advertisements for the cultural aesthetic education and psychologist posts in Second Chance Schools of the IDEKE it was expectedly provided for that candidates are to be interviewed. When the interested parties submitted appeals because they were not called to be interviewed, the IDEKE answered that in the first case the interview was not necessary because the candidates were already members of university teaching staff and the selection was effectuated on the basis of the candidates' profile; in the second case that candidates were invited to interview orally in a telephone communication and the complainant was not reached on the telephone.

Incomplete examination of appeals

Indicative case

A teacher of Informatics, holder of a permanent post, participated in a selection process for employment in an adult training programme by the General Secretariat for Adult Education. Later he was informed that his application was excluded because he was not typically qualified for this specialization and the appeal committee which he addressed claimed that his postgraduate degree was not in Informatics.

The Ombudsman remarked that:

- ⊗ Since the invitation was addressed to permanent teachers of Informatics, it was not legal to exclude the complainant from the selection process.

- ⊗ The IDEKE selection committee is not competent to assign correspondence of the complainant's postgraduate degree.

Although the invitation did not make reference to specialized degrees, the IDEKE had violated the legislation and insisted on its position that more specialized qualifications were necessary to meet the programme's standards.

Conclusions – Proposals

The Ombudsman identifies as major causes for problems the following:

- ⊗ The complicated institutional framework;
- ⊗ The lack of a single system and employment criteria for all education units of the Ministry of Education, combined with the lack of codification;
- ⊗ The lack of an institutional non-judicial mechanism to monitor and check the personnel selection process;
- ⊗ The lack of trained personnel at the central department of the Ministry of Education;
- ⊗ The discrepancies in dealing with similar issues from the regional departments of the Ministry of Education due to lack of coordination;
- ⊗ The frequent and important errors by the Ministry of Education departments in interpreting the law, formulating calls for tender, required qualifications, etc.

The Ombudsman proposes that:

- ⊗ The existing legislation should be codified immediately and, to the extent this is possible, it should be stabilized.
- ⊗ A new single personnel selection process should be established for all educational units of the Ministry of Education.
- ⊗ The ministry should be staffed with specialized administrative personnel.

SPECIAL THEMATIC GROUP II

Administrative action issues at Municipal Water Supply and Sewerage Companies

The Ombudsman has received a large number of complaints for the Municipal Water Supply and Sewerage Companies' (DEYA) action. These enterprises operate with private sector economic criteria since there is no other provision in the legislation; however, they offer public utility services that are included in the core competences of local government. Their decisions, according to jurisdiction, are simple suggestions to the municipal or community councils.

Citizens are usually complaining for:

- The sudden increase in water supply and sewage fees;
- Setting into force readjustments retrospectively;
- The amount of water supply fee which is not always calculated on the basis of the principle of proportionality.

Another cause for problems is the application variable tariffs, the fee for compulsory minimum water consumption regardless of the actual consumption, the vague calculation of the fixed charge, as well as the differentiation of the consumption periods. Moreover, the operation regulations do not set issues of responsibility in case of unauthorized water supply, disconnection and reconnection to the supply network, leaks and network expansion.

The Ombudsman considers that the DEYA should take into serious consideration the rights of citizens/consumers. In many cases, the solutions chosen are nothing but sudden improvisations, without solid background and respective information of the public. These problems are often caused by the lack of know-how and infrastructure in the DEYA.

Setting the tariffs

The municipal and communal councils approve the price for water supply and sewerage services following decision by the Board of Directors of the DEYA. All proceeds should necessarily cover the expenses for salaries, operation costs and network maintenance and any other financial obligations undertaken by the DEYA. Finding resources to finance works is provided for in the respective provisions.

The fees provided for are compensative. This means that the DEYA decision that sets the amount of these fees – and is approved by the local government – must aim at revenue input with all anticipated expenses. In order to identify the necessary proportional relation between revenue and expenses of the water supply department, specific updated data should be given. As far as revenue is concerned, information that should be given include the number of consumers, in total and in groups (houses, shops, hotels, etc.) and the available volume of water in a specified time period, in total and per consumer category. As far as expenses are concerned, exact information should be provided on the partial necessary expenses for water supply and sewerage.

If the above data is not included in the DEYA decisions, the local government decisions approving the charges in question raise the issue of legality due to lack of justification. Moreover, the additional charge that is imposed to consumers and presented as



taxation is not explicitly provided for by the law and derogates from all constitutional guarantees.

Minimum compulsory fee

The majority of the DEYA adopt the system of compulsory fee of minimum consumption. All real estate with water supply bears this minimum consumption fee per consumption period, regardless of the real consumption recorded by the water meter. The fee of 80% stipulated in Law 1069/1980 is calculated on the basis of this fictitious water consumption. In this way, the DEYA ensure a fixed amount of revenue in order to cover their operational expenses.

The Ombudsman notes that:

- ⊗ Legality issues are raised by the obligation of consumers to pay the predefined fee regardless of the water consumption.

The Ombudsman proposes that:

- ⊗ The DEYA should calculate water supply bills on the basis of real consumption. The DEYA until now do not seem to share the Ombudsman's views so as to seek another way to cover their financial objectives.

Owner of a property in debt towards the DEYA instead of the lessee

Owners of properties are often called upon to pay the water supply fees for bills which have not been paid by the previous lessee. This solution makes it easier for the DEYA to collect the amounts due, but it can be considered improper for the owners as in this way they undertake obligations of third parties for which they have no responsibility in the first place.

The Ombudsman proposes a change in

this practice and a provision of adequate protection of the rights of property owners.

Sewerage dues

A group of 12 citizens filed a complaint because, on the basis of the Water Supply Regulation of the DEYA on the island of Karpathos, they were charged with sewerage fees although the property was not connected to the sewerage network; however, the owners had to pay on their own for the water meters, although they had already paid their share at the time of the connection with the water supply network.

Following the intervention of the Ombudsman, the DEYA Regulation was amended and the water meter rent was abolished. Another provision was also added according to which properties not linked to the sewerage system of the Karpathos DEYA are not eligible for sewerage fee.

Conclusions

The Ombudsman notes that it is necessary to:

- ⊗ Organize in a systematic and standardized way the principles of operation for the DEYA.
- ⊗ Define the exact amounts of water supply and sewerage fees.
- ⊗ Provide timely and pertinent information to consumers through the "Special Consumer Issues".

The Ombudsman cooperates regularly with the Union of the DEYA and the Central Union of Municipalities and Communities of Greece in order to have legal and credible decisions by the competent bodies.



DEPARTMENT OF CHILDREN'S RIGHTS

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

The Department of Children's Rights has undertaken since 2003 the role of Children's Ombudsman within the Greek Ombudsman (Law 3094/2003). Its mission is to protect and promote the rights of children, that is, of all individuals who have not reached the 18th year of age. Both the public and private sector are in the jurisdiction of the Children's Ombudsman. However, the institutional intervention of the Children's Ombudsman is mainly on the state's responsibilities for children, under the light of the application of the Constitution, the United Nations' International Convention on the Rights of the Child and other national laws.

NEW COMPLAINTS, 2006	
concerning public administration	299
NEW COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE	253

COMPLAINTS WITHIN THE OMBUDSMAN'S MANDATE PROCESSED IN 2006	114
MALADMINISTRATION PROBLEM CORROBORATED	65
Problem resolved (favourable outcome)	51
Non-resolution of maladministration problem (Ombudsman's recommendations were not accepted)	1
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	13
MALADMINISTRATION PROBLEM NOT CORROBORATED	39
INVESTIGATIONS DISCONTINUED	10



GEORGIOS MOSCHOS
Deputy Ombudsman

The Children's Ombudsman, after three and a half years of operation, has a well-documented view on the implementation of the rights of children in Greece and the materialization of the International Convention on the Rights of the Child (ICRC). Several of the Children's Ombudsman's proposals for adjusting administrative practices and legislation to the ICRC have already been adopted. This is not the case, however, when such proposals mean financing from the state annual budget. The insufficiency of the available resources and the lacking organization of children protection services constitute a major policy issue as far as the demands of the ICRC in Greece. The Greek state has the obligation to invest more in organization, appropriate personnel, training and moni-

toring of all services and departments that are responsible for children, as well as the sensitization of the society as a whole on issues regarding the protection of children's rights.

The Ombudsman, representatives from the public sector and NGO's that work on this field, as well as the Council of Europe head of the programme "Building a Europe for and with children" had stressed that in Greece there is no national action plan for children based on intergovernmental coordination, inter political party cooperation and participation of civil society. In December 2006, the Minister of Health and Social Solidarity announced to the public the preparation of such an action plan.

Communication with children

Taking into consideration the fact that minors do not file complaints to the Ombudsman as easily as adults, the Department of Children's Rights organizes a large number of visits in schools, institutions and departments for children. The Department comes into contact with children and the professionals who work with them and records their views and needs. The Children's Ombudsman visited a large number of child protection units and institutions, refugee reception sites, correctional premises, hospitals; also the Children's Ombudsman met with 33 groups of minors in various schools and youth centres, providing information to chil-

NEW COMPLAINTS, 2006 concerning private individuals	66
COMPLAINTS PROCESSED	76
CORROBORATION OF VIOLATION OF CHILDREN'S RIGHTS	39
Handled or resolved without mediation by the Ombudsman	4
Handled through Ombudsman's actions	33
Impossibility of resolution (e.g. gap in legislation, organizational malfunctions)	2
NON CORROBORATION OF VIOLATION OF CHILDREN'S RIGHTS	15
INVESTIGATIONS DISCONTINUED	22

children for their rights. In addition, the Deputy Ombudsman and the senior investigators in this Department visited 20 cities and met with representatives of various services, participated in a significant number of meetings or other events, and contacted professionals and citizens on issues relevant to the rights of the child.

For its communication with children, the Children's Ombudsman

- Enriched the content of its web page www.0-18.gr
- Designed a new printed leaflet addressed to children of elementary school and graphic page markers addressed to adolescents.
- Sent an important number of these leaflets to schools, organizations and youth groups.
- Collaborated with children and elaborated a radio spot which was approved as a raising awareness spot by the Greek National Council for Radio and Television and was broadcast in radio stations in the country.

Mass media and minors

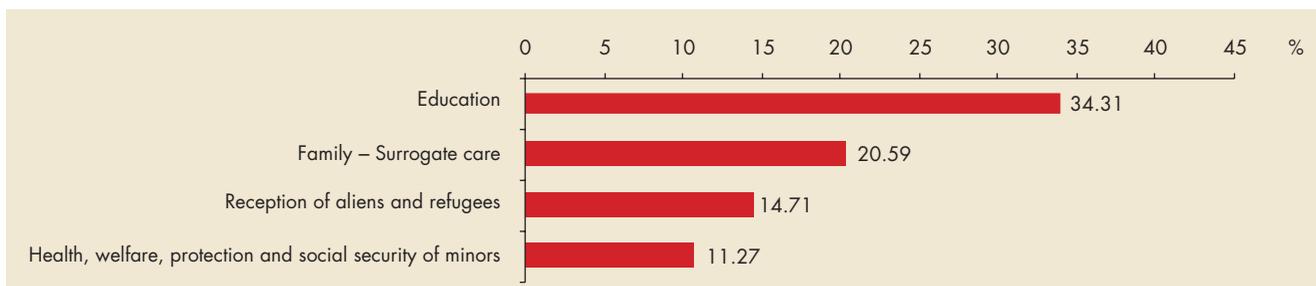
Mass media placed special emphasis and promoted instances of violence where minors were involved either inflicting it themselves, or suffering from it. The way in which mass media, and television especially handled these instances made a public intervention by the Children's Ombudsman necessary. The Ombudsman appealed for the observance of the code of ethics imposed by the legislation on the mass media in relation to any mention to cases of minors, the monitoring of mass media by the state, as well as the self restriction of all parties involved so that the rights of minors are protected. It also made recourse to the competent independent authority, that is, the Greek National Council for Radio and Television, in order for the necessary measures to be taken and limits to be set in providing information and preventing practices that violate the rights of the minors involved.

The Ombudsman believes that it is necessary for all actors, representing the state, the journalists and the business, to cooperate for the elaboration and the observation of a binding framework so that the right to information does not offend other fundamental rights.

Network for the Prevention and Combating of Corporal Punishment of Children

A special emphasis was put by the Children's Ombudsman in promoting the objectives of the Network for the Prevention and Combating of Corporal Punishment of Children.

MAIN SUBJECTS OF THE COMPLAINTS HANDLED BY THE DEPARTMENT





Following proposals by the Ombudsman and the network, in the law for combating domestic violence an article was included dictating the prohibition of corporal punishment as a means of children upbringing. Also, on behalf of the network the Ombudsman undertook the creation of a special web page (www.somatikitimoria.gr) and the elaboration of a television spot which will be broadcast as an awareness raising message.

Initiatives – Findings

Decentralized child protection services

The Ombudsman has identified major insufficiencies in the child protection system, mostly in the decentralized welfare services and then to the mental health services. Welfare directorates at prefectural level are understaffed compared to the permanent posts

provided for; besides, the existing personnel is not specialized on child protection issues and, on the other hand, it has been assigned many additional competences especially in benefit grants.

Consequently, the prefectural welfare directorates:

- ✳ Are not in any position to carry out preventive work.
- ✳ Are not able to apply the procedures of foster care and adoption.
- ✳ Often carry out their work with a time lag when they are activated by the Ombudsman, or when they are ordered by the prosecution to investigate cases of minors' victimization.

The Children's Ombudsman believes that:

- ✳ The legislation and the organization framework of welfare should be redesigned.
- ✳ Child and family protection services should be autonomous, should be described in detail and their competences should be redistributed.
- ✳ The personnel should be adequate, with special training and monitoring by specialized professionals in the field so that they can intervene efficiently in all stages of child protection (prevention, diagnosis, support, rehabilitation) and cooperate with other competent agencies.

The mental health services for children and adolescents in hospitals and specialized centres are extremely useful for diagnosis, but, above all, for support and treatment of minors and their families. However, in many cases the waiting list is too long and these services cannot cover efficiently the needs of regional areas.

First-line professionals in incidents of abuse

The Children's Ombudsman has noted that often:

- ✳ Adolescents are unwilling to report to adults incidents of violence against them.
- ✳ First-line professionals (infant care givers, teachers, social workers, doctors, etc.) do

not have the specific knowledge, or guidance on how to handle such incidents with signs of child abuse.

Although in the legislation passed recently against domestic violence it is explicitly mentioned that infant care givers and teachers are obligated to report to the authorities any incidents of violence which come to their attention during their work duties, the Ombudsman points out that in order to apply the law it is necessary to train all first-line professionals on issues of abusive treatment of minors.

The Ombudsman emphasizes the compelling need for:

- Carrying out epidemiological research on the extend of phenomenon of child abuse in Greece;
- Setting a public reference centre for child abuse issues.

Supporting unprotected children

The right of children to survival, to development, to wellbeing and to the appropriate living conditions is being violated for many minors the parents of whom do not have the resources to provide them with the necessary goods. It is the duty of the state to help in these cases the parents, or the guardians of these children as provided for in the ICRC, as well as in the Constitution, for the protection of family and childhood.

The Ombudsman has repeatedly noted that it is necessary to adjust the unprotected children benefit to contemporary financial and social conditions so that it will work as a base for the financially weak family, and to materialize the basic elements of the right of children for an appropriate standard of living.

Roma children attending school

As for school attendance of Roma children, the Ombudsman believes that special support actions at schools should be combined with the improvement of living conditions and the constant social support of these families, through regular visits by social service

representatives in the places where they live, so that interruptions of school attendance and early dropping out is prevented.

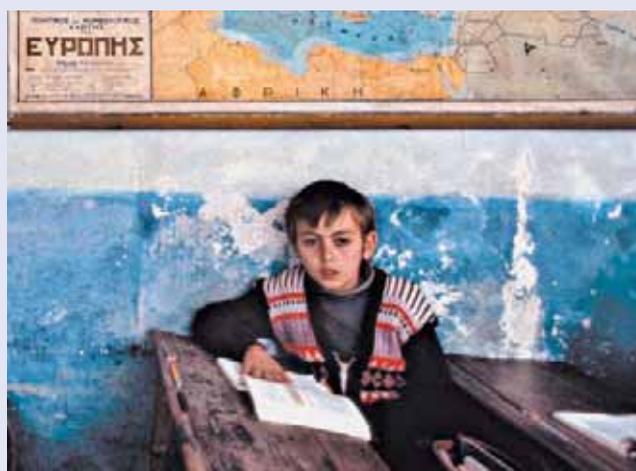
Family courts of justice

A significant number of complaints filed refer to issues of guardianship of minors and their communication with the parent with whom they do not live with.

The Ombudsman identified two major institutional shortages:

- That of family courts of justice, that is, special units at Courts of First Instance that deal with issues of guardianship, an institution introduced in 1996 but never put to practice;
- That of family mediation services to monitor the application of court decisions on guardianship and communication of the children with the parent they do not live with.

The Children's Ombudsman believes that regional organization and assigning to social services the relative competences by a law would prove beneficial for minors; these services would monitor the application of court decisions and would be able to present well-documented proposals for their amendment.



Minors' prosecutors and social services at the Courts of First Instance

The Ombudsman, applying the relative law, communicates to the competent prosecutor reports, and further remarks the need for the role of the prosecuting authorities' responsible for minors to be institutionally reinforced. According to the law, minors' prosecutors are responsible for offences carried out by minors, on the one hand, and for guardianship issues, on the other, especially when parents do not fulfill their duties. However, Greek law does not provide for special prosecutors for minor victims, and as a result relevant cases are often examined by prosecutors with general competences who are not specialized in approaching and dealing with minors.

According to the Children's Ombudsman, it is absolutely necessary for the state to proceed with examining these institutional and practical shortcomings.

Child protection institutions

The Children's Ombudsman systematically notes:

- ⊗ Significant shortages in specialized personnel in public institutions;
- ⊗ The lack of a system for standardization, certification and quality control both in the public and private sectors.

The Ombudsman proposes that legislative measures be taken so that:

- ⊗ All public hosting units for minors have adequate personnel and social workers, psychologists and educators;
- ⊗ The necessary posts for specialized personnel are provided for in the institutions' operating regulation;
- ⊗ Possible vacancies are covered immediately with seconded personnel from other services, or with special contracts until the posts are covered with the legal procedure;
- ⊗ Institutions and child protection units operate under specific standards, receive financial help aid, are monitored and controlled regularly by the competent services;

- ⊗ Minors living in institutions are informed of their rights, and it is ensured that they participate in education and social life as other individuals of the same age do.

Finally, the Children's Ombudsman remarks that the private non-profit child protection units should promote best practices, receive support, but also they should be monitored by the state and they should in no case replace the state as to its responsibility for those minors who do not enjoy the protection of their parents.

Children with physical and mental health problems

The Ombudsman has noted in a findings paper in 2005 the compelling need to create hosting structures for children and adolescents with emotional difficulties or behavioural problems, victims of abuse, trafficking, substance addiction, etc. The Ombudsman has not received yet an official response by the Ministry of Health and Social Solidarity to this findings paper. On the contrary, complaints keep on arriving at the Office of the Ombudsman referring to minors who do not receive the care or the treatment they need.



Foster care and public adoption

The Children's Ombudsman notes that:

- The presidential decrees for the organization of services that will undertake at national level the promotion and the carrying out of foster care are still pending, although their issuance has been provided for in Law 2447/1996.
- This competence has not been assigned, as it is provided for, to decentralized services; as a result, foster care is not properly functioning and it is supported only by three public institutions that are based in Athens and do not have the necessary personnel for the expanded application of the foster care scheme.

The Children's Ombudsman addressed a relevant question to the Ministry of Health and Social Solidarity in 2005; this question remains unanswered.

Similar problems occur in the application of the public adoption scheme, which is extremely time consuming, and, as a result, citizens turn usually to private adoption which is, in its turn, allowing for economic transactions between the parties involved and perpetuates the trading of infants. The Children's Ombudsman has expressed the view that the public adoption scheme should be speeded up.

Unaccompanied alien minors

The proposals addressed to the Prime Minister and the competent ministries in the special report on the "Administrative detention and deportation of minors", in 2005, have not provoked yet an official response. In a findings paper publicized by the Ombudsman on the treatment of unaccompanied minors in Pagani, on the island of Lesbos, it is underlined that it is absolutely necessary to improve welfare services and to implement the scheme of guardianship for such minors. Instead of treating them as delinquents having violated the migration legislation, it is imposing to elaborate alternative options to detention and deportation, as well as measures for welfare care.

The Ombudsman proposes that:

- The administrative detention of minors should be abolished and in its place alternative measures of hosting and/or protection should be introduced.
- A system of locating, identifying and registering unaccompanied minors should be established.
- Acceptable living conditions should be ensured for unaccompanied minors at their reception.
- Social services by specialized professionals at reception should be offered, including: individual assessment, access to health services, information on the minor's rights and options, representation, seeking of family environment, and investigation of possibility for family reunification, or, in case repatriation is not possible, further provision for the minor's future.
- A temporary legal guardian should be appointed for all unaccompanied minors and not only asylum seekers, as is the case today.

The Ombudsman considers necessary and compelling to take measures for social protection and care of unaccompanied alien minors after their initial detention. At no stage is it acceptable to be left without care provisions, when the state is aware of the situation minors are in.

When repatriation, or family reunification is not possible, the state should provide for:

- Housing and subsistence means to live in special hosting structures, that should be designed and organized according to the needs this special population group has;

The public stand/declaration of the European Network of Ombudspople for Children on this issue constitutes an additional reason for the Greek legislation and administrative practice to adjust to internationally acceptable principles of law for the treatment of unaccompanied minors.

- ✳ Alternative legal guardianship with the appointment of a final guardian;
- ✳ Access to education;
- ✳ Adequate information, interpretation and legal representation, as well as the possibility to be granted a residence permit on special or humanitarian grounds.

Children with special educational needs

From relevant complaints, but also from school visits, the Children’s Ombudsman noted that:

- ✳ The Greek educational system is still not covering adequately the educational needs of children with special needs.
- ✳ Parallel support, or special integration classes are either left immaterialized, especially in secondary education, or are incomplete, with delays and are taught by non-specialized educators.
- ✳ In many regions of the country, Technical and Professional Schools for Special Education (1st level) have not been established, and there is no provision on how to treat students with special education needs at ordinary schools.
- ✳ School units for special education, such as the Workshops of Special Professional

Education and Training, do not fulfill the set standards as far as premises, equipment and suitability of personnel is concerned.

During 2006, the Children’s Ombudsman issued a findings paper for students of secondary education with Asperger syndrome. In this paper, the Children’s Ombudsman records the need for a legislative arrangement regarding the assessment of school performance of students with developmental disorders.

Educational system and students’ participation

Educating students on the rights of the child, and the consolidation of these rights through modern participative and experiential learning techniques remain major aims of the Children’s Ombudsman.

To achieve this goal, it is necessary to reform the content of school curriculum, as well as the educators’ training on relevant subjects.

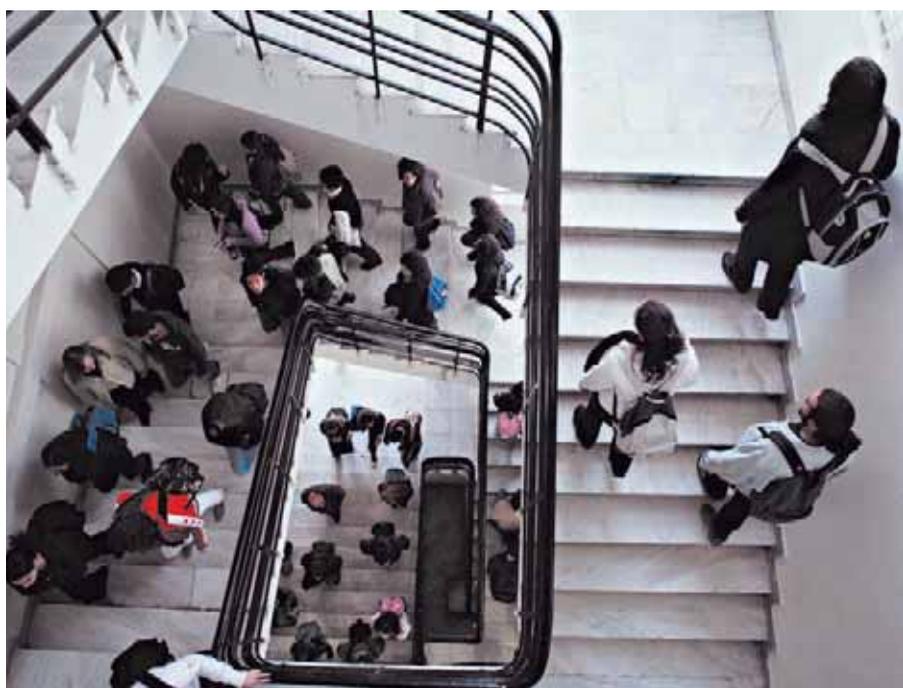
On the occasion of school elections for school community’s representatives, the Children’s Ombudsman published a press release inviting all members of school community to give a meaning to the set procedures and make democracy in schools an everyday practice.

On the occasion of the discussion on using mobile phones at school, the Ombudsman addressed a letter to the Minister of Education proposing the best possible use of dialogue at secondary education for the promotion of information, self binding rules and self protection of students from the possibly harmful use of mobile phones.

Preventing and fighting violence at schools

The Children’s Ombudsman believes that fighting violence at schools goes hand in hand with:

- ✳ Supporting the work done by educators with professionals specialized in crisis management and dealing with students’ personal problems;



- ✿ Promoting democracy at schools and introducing dialogue, communication, responsibility undertaking and development of new roles by the members of the school community

On the occasion of the beginning of the school year, the Children's Ombudsman published a press release entitled "Let's take violence out of our schools", proposing the activation and cooperation of all members of school communities in order to achieve this goal.

Child care institution in Neapoli, Lasithi, Crete ('Paidopoli')

The Ombudsman decided to carry out an investigation on its own initiative at the child care institution in Neapoli, Lasithi, in Crete. Important shortages in personnel were identified, in facilities used and in covering everyday needs of the children guests (board, cleanliness, hygiene conditions, education, recreation, socialization, and counseling).

From the beginning of the investigation to the publication of the findings paper, the Ombudsman:

- ✿ Reported its observations and its proposals to the competent ministry and the Administration of the Health Region of Crete.
- ✿ Monitored the changes effectuated and the measures taken following this visit in order to face the problems.
- ✿ Visited the unit three times more, keeping contact with the administration, the members of staff and the children guests.

Although partial improvement was indeed noted, as well as temporary solutions and well meant efforts put forth by the administration and the members of staff, the institution is still in an extremely problematic situation due to the lack of personnel. The expectation that some posts would be covered through the ASEP process remained un-

fortunately unfulfilled. For instance, since after December 2006, only four persons were employed for 27 minor guests with many personal and social problems. It should be noted that out of these four people no one was a specialized professional (educator, social worker or psychologist) and that although the provided for posts are 49 in total, 45 of them remain vacant.

The Ombudsman proposed, among others:

- ✿ In order to face this lack of personnel, employees should be seconded from other services, or the posts of the Welfare Section should be covered as an exception.
- ✿ A special legislative arrangement should be elaborated for all child protection units, according to which vacancies that are considered necessary for the operation of the units should be covered immediately until these are covered through the ASEP process.
- ✿ Provided services should be improved immediately (an environment suitable for childhood, clean premises, adequate clothing, etc.).
- ✿ The recreation, animation and training programme should be improved.
- ✿ The institution should be under constant monitoring.
- ✿ The foster care for minor guests should be studied and promoted.

Children's employment and exploitation

On the occasion of complaints referring to children begging, or working in the streets, possibly victims of neglect or exploitation, the Ombudsman has asked for:

- ✿ The regular presence of specialized workers in places where such phenomena are frequent;
- ✿ The cooperation of local agents and NGO's;

in order to prevent children's employment and exploitation and to combine this effort with supporting these children and their families, as well as with their attending school.



Juvenile delinquency

The Children's Ombudsman is deeply involved with the issue of juvenile delinquency as far as prevention measures and support to minors who are exposed to types of delinquent behaviour that violate the criminal law; also, the Children's Ombudsman is activated for the rights of those minors who are sentenced and placed in detention, or on whom correctional measures are applied.

The Ombudsman visited the only correctional school for minors in Greece, in the area of Volos, where problems were identified related to the education of its minor guests. Significant shortages were also identified in general in correctional measures, among which the understaffed of the minors probation officers' services and the non-issuance of standards and directives for the application of the new correctional measures introduced by Law 3189/2003.

Presentation of significant cases

Integration of Roma children in compulsory education

Children living in the Roma encampment of Agios Sostis in the Municipality of Tegea (Αρκαδία) did not attend school because the Mayor of Tegea refused to make the necessary restoration works and assignment of

adjacent deserted school buildings.

On the basis of the relevant complaint, an Office of the Ombudsman's team:

- Carried out an on-site investigation to examine the possibility any of these buildings being reused;
- Participated in a meeting with the Prefect of Arkadia and the heads of the Directorate of Primary Education of Arkadia, of the Scientific and Paedagogical Guidance of the Region of the Peloponnese, and of the social services of the prefecture;
- Informed the Vice Prosecutor of the Court of First Instance in Arkadia on this issue.

The services involved chose, as the most appropriate solution to avoid marginalization of this minority population group, to scatter these children in more than one school.

After the Ombudsman intervened, the people responsible for primary education in Arkadia took record of the children living in the encampment according to their age group, and elaborated an integration scheme for schools in the town of Tripoli.

During school year 2005–2006, 37 children enrolled to school for the first time and 28 more re-enrolled. More children joined them during the school year.

A child with disability not attending compulsory education

A complaint was filed with the Office of the Ombudsman by a special education professional on the case of a 14 year old blind girl who was not attending compulsory education. The minor had lost her sight at the end of the 3rd grade of primary school and ever since then she was, for most part of the school year, not attending school. In the beginning of 2005, after a suggestion by the competent Diagnostic Assessment and Support Centre, she attended for a short time classes at the Special Primary School for the Blind in Thessaloniki. Then, her parents decided she would not continue with the excuse that the transport to and from school was very tiring for her and that she faced difficulties.

After the intervention by the Children's Ombudsman, the head of the competent Primary Education Office contacted the minor's parents, the director of the primary school in the area of the girl's residence, the competent Diagnostic Assessment and Support Centre and the Special Education School Consultant, and it was decided that she would attend the regular primary school and, for a limited period of time, an integration class. At the same time, a request was submitted to the Special Education Directorate of the Ministry of Education for parallel support and the appointment of a special education teacher who would be able to communicate in Braille system of writing.

The minor's reintegration in the school environment is moving smoothly, but the request for parallel support is still pending (December 2006).

Minor's school refusal and social withdrawal

Health professionals addressed the Office of the Ombudsman reporting that for more than two years a 14 year old boy did not attend school because of his being afraid to leave his house. During the investigation of this case, in cooperation with the competent social service, it was found that the minor was living in hardship.

After the intervention of the Ombudsman, the paediatrician and the child psychologist who visited the minor's house confirmed that immediate action should be taken because the boy's physical and psychological health was at risk.

The Ombudsman met repeatedly with the boy's parents to convince them to agree for their son to be temporarily removed from the house and then transferred him to the child psychiatric clinic of the "Agia Sofia" Children's Hospital. Almost immediately, the boy's behaviour demonstrated significant improvement, he begun to move around, even going out in the yard, and he begun attending the hospital school. Finally, the minor was transferred to a special home for adolescents.



Domestic violence

A 16 year old girl, victim of domestic violence, filed a complaint with the Office of the Ombudsman, asking for mediation. The minor addressed the Ombudsman with the help from her teacher and the support of a fellow student who had addressed herself to the Ombudsman in the past. According to the teacher, the minor had demonstrated a dramatic change in her behaviour, was frequently absent from class and her performance had deteriorated.

The minor came from a single parent family and her mother had multiple psychological and emotional problems and demonstrated unexpectedly aggressive behaviour towards her daughter and third parties as well. Assessing the information provided, it was concluded that the minor had been a victim of chronic violent behaviour – physical, verbal and emotional – by her mother.

The Ombudsman referred her to a public mental health centre so that the minor, as well as her mother receive help, and contacted another adult relative of hers who undertook the responsibility to monitor the family status and the support of the minor.

The Ombudsman kept an eye on the cooperation between the minor and the centre, met with a team of specialists at the centre and kept on asking updates on the progress made by the minor and her family status.

Protection of unaccompanied alien minors

The Ombudsman received a complaint by the Greek Council for Refugees on the existence of a large number of unaccompanied minors of Afghani origin at the detention centre for aliens who have illegally entered the country at Pagani, on the island of Lesbos. The Greek Council for Refugees had repeatedly informed the Ombudsman that unaccompanied minors rush to its offices when they are released from administrative detention. The lack of any help, or monitoring

from the state to the benefit of minors constitutes desertion. This practice is employed even in extremely young minors, as demonstrated in the case of an unaccompanied minor of Afghani origin, just 12 years old, who arrived at the council's offices homeless after being detained at Pagani.

Within the investigation of this complaint, an Ombudsman team carried out two on-site investigations at the Pagani detention centre and met with representatives from the competent agencies of the area. The resulting findings paper was sent to the ministers

of Public Order, of Health and Social Solidarity, of Justice, and of the Interior, Public Administration and Decentralization.

As far as unaccompanied minors arrested in Greece by the Hellenic Police as illegal residents, as well as those arrested in border areas as illegally entering the country are concerned, the same conclusion apply: Being a minor who needs protection according to national legislation and international commitments yields before being a violator of the migration legislation.



THE OMBUDSMAN AS AGENCY PROMOTING THE PRINCIPLE OF EQUAL TREATMENT

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

Law 3304/2005

The ratification of Law 3304/2005 on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age, or sexual orientation” constituted a landmark in the promotion of the principle of equal treatment and the protection of human rights in this country. This law reinforces the role of the Ombudsman by assigning new competences that are expected to help the Ombudsman fulfill its institutional objective more effectively. With the new legislative provisions, the Ombudsman is no longer excluded from investigating complaints that have to do with the service status of civil servants when such complaints touch upon discriminatory treatment governed by the new provisions.

Law 3488/2006

Law 3488/2006 on the “Implementation of the principle of equal treatment of men and women in relation to access to employment and occupation, vocational training and pro-

motion, in the conditions and terms of employment” incorporates EU Directive 2002/73/EC into the Greek legislation.

According to this law, the Ombudsman is responsible for monitoring the application of the principle of equal treatment of men and women in the area of employment; also, it is responsible for acting as a mediator between the person who has been discriminated against and the alleged discriminator. The competences and the field of action of the Ombudsman further include the relations of individuals and legal entities of private law. The Labour Inspectorate undertakes the obligation to inform the Ombudsman on complaints related to violation of the principle of equal treatment and to submit to it the report resulting from their own investigation. Finally, the Ombudsman is assigned the competence to investigate and formulate the final findings paper on the aforementioned reports.



In regard to Law 3488/2006, special attention should be given to the following:

- ⊗ The provisions of the law cover not only those employed, but also those who seek employment or vocational training, under all forms of contract or form of employment, in the private or the public sector, as well as the self employed.
- ⊗ The term “sexual harassment” is for the first time introduced in national legislation; the definitions of the terms “direct discrimination”, “indirect discrimination” and “harassment” are being reformulated.
- ⊗ Trade unions, other legal entities, or associations with a similar legal interest have the right to exercise, under the approval of the person who has been discriminated against, his/her rights before administrative or independent authorities, and to intervene to his/her benefit before the court.
- ⊗ It is provided for that any violation of the principle of equal treatment involves civil or administrative sanctions, and according to the Civil Servants’ Code it constitutes a disciplinary offence.
- ⊗ Penal sanctions are provided for in case of sexual harassment.
- ⊗ A partial shift of the burden of proof is introduced in cases of treatment susceptible for discrimination on grounds of sex.
- ⊗ The less favourable treatment of a woman due to pregnancy or maternity, as well as of a parent making use of parental leave for the child’s upbringing are defined as forms of discrimination on grounds of sex.
- ⊗ It is expressly mentioned that taking new, or preserving special, or positive measures in order to eliminate existing discrimination does not constitute an instance of discrimination.
- ⊗ It is also provided for that a working parent, after the end of the period of maternity or paternal leave, can return to his/her job, or to an equivalent post on terms and conditions which are no less favourable to him/her and should benefit from any improvement in working conditions to which he/she would be entitled during his/her absence.

In 2006, the Ombudsman investigated 51 complaints for unfair discrimination.

- ⊗ 10 had a successful outcome;
- ⊗ 27 are still pending;
- ⊗ 3 were archived because the proposals by the Ombudsman were not accepted;
- ⊗ 9 were archived as unfounded;
- ⊗ 2 were archived because of abeyance, and therefore as falling outside of the Ombudsman’s mandate.

- ⊗ The concept of “remuneration” is expanded so as to include all benefits provided by the employer to the employee because of, or on the occasion of the latter’s employment.
- ⊗ It is now established that trade unions, on the one hand, have the obligation to inform their members on the legislation’s content and on the measures taken for its application, and employers, on the other, have the obligation to promote equality in the workplace in an organized and systematic way.

Discrimination on grounds of ethnic origin

■ A female, foreign born, naturalized Greek citizen, under her capacity as an assistant lawyer (trainee), asked the Ministry of Justice to confirm that the provision in the Code of Attorneys at Law according to which “a foreign born person who has acquired the Greek citizenship through naturalization cannot be appointed as a lawyer until after five years have passed since his/her naturalization” is no longer in force after the publication of Law 3304/2005. The ministry responded that “... the administrative courts of Greece are responsible to verify the constitutionality of legislation ... Therefore ... it is considered that ... promulgation of Law 3304/2005 ... is not suspending the existing legal framework”.

The Ombudsman purported that:

- ⊗ Law 3304/2005 prohibits any direct or

indirect discrimination on grounds of racial or ethnic origin in employment, and in this way a right is exercised and a legal good is enjoyed on equal terms.

- ⊗ The only accepted deviation from equal treatment is the discrimination on grounds of citizenship, which, obviously is not the case here.
- ⊗ In this case, Greek citizens of alien descent, who have become naturalized Greeks, are subjects of unfavourable treatment compared to those who have acquired Greek citizenship either by birth, or by naturalization as aliens of Greek ethnic origin.
- ⊗ The discrimination applied in this case does not seem to have any objective and rightful justification.

The Ombudsman concluded that the specific article of the Code of Attorneys at Law contradicts to the principle of equal treatment independently of racial or ethnic origin, and should be considered as *de jure* abolished without any prior judicial decision, or legislative act for its abolishment.

The Equal Treatment Committee, which was involved in the case, was in total agreement with the point of view of the Ombudsman; the opinion of the Ombudsman was finally accepted.

■ Cypriots and other EU citizens of Greek descent, who were candidates for tertiary education entry exams, filed a complaint with the Office of the Ombudsman because they were exempt from the special group of EU/alien candidates for admission in universities and technical universities. As a result, EU citizens of Greek descent are included in the category of aliens of Greek ethnic origin.

The Ombudsman noted that:

- ⊗ Exempting students of Greek descent but holders of EU member state citizenship from the EU citizens' category for tertiary education admissions constitutes a direct discrimination on grounds of ethnic origin.
- ⊗ The provision in question should have been *de jure* abolished as contradicting to the principle of equal treatment.
- ⊗ Special treatment for people of Greek

descent which is proved by the obligation of the public administration to take care of expatriate Greeks differs from legislative regulation for EU citizens' equal treatment.

The Ombudsman proposed that:

- ⊗ The regulation in question should not be applied and all EU students be under the same status without any mention to their national or ethnic origin.
- ⊗ A legislative regulation should be adopted so that the unfair discrimination on grounds of ethnic origin is lifted; also a more rationalized assessment framework for EU candidates should be obtained.

Discrimination on grounds of racial origin

The Ombudsman has systematically and repeatedly examined the issue of housing recuperation of the Roma and issues having to do with evictions, or demolitions of their makeshift lodgings while they are away, when these are not accompanied by designating an appropriate area for relocation, even if this is temporary. The Ombudsman, as an agency responsible for the application of the law combating discrimination on grounds of racial origin, insists on the cooperation of all competent agencies for:

- ⊗ The housing recuperation of the Roma;
- ⊗ The immediate improvement of the Roma living conditions, especially hygiene and sanitary conditions.

The Ombudsman has also remarked the dilatory tactics on behalf of the municipalities of Liosia and Zefyri to delaying excessively the real estate tax receipt to citizens to be used in property acquisition contracts, when the buyer is Roma, so that they are discouraged from buying properties in these specific municipalities.

Discrimination on grounds of disability

■ A female bank employee filed a complaint asking the Ombudsman to investigate whether the Labour Inspectorate investigated thoroughly her charge against her employer (i.e. the

bank) for violation of the labour law and, more specifically, for discriminatory treatment on grounds of disability. The complainant had been employed by the bank since 1995 as a person with disability and she had been placed ever since to work at a bank's branch located near her house. In May 2006, she was notified that she was being transferred to another branch, a change she was not able to cope with. The Labour Inspectorate, taking into consideration both sides' arguments, found that mutual arrangement was not possible and suggested that the complainant should seek recourse to the court.

The Ombudsman noted that:

- ⊗ The Labour Inspectorate is a body of inspection and decides upon the soundness of a complaint on violation of labour (or social security) law; it imposes sanctions in case such a violation is identified.
- ⊗ In exercising the right of transferring an employee, an employer is bound by the general provisions of the civil law that forbid abuse of this right.
- ⊗ The exercise of the employer's right may place an employee with a disability to a disadvantageous position compared to other employees with equal qualifications.
- ⊗ This practice may constitute indirect discrimination under Law 3304/2005, unless it is supported by a legitimate aim and constitutes an appropriate and necessary means of achieving that aim; or if all appropriate and necessary measures for reasonable adjustments had been taken by the employee which do not imply disproportionate cost or are equaled by measures taken under the framework of policies for persons with disabilities.

The Ombudsman concluded that the Labour Inspectorate did not strain its competences, and proposed the re-examination of the complaint. The Labour Inspectorate informed the Ombudsman that the issue was resolved with an injunction imposing that the complainant returned to the branch she had been working before being transferred.

- A male student at the Mercantile Marine

Academy filed a complaint with the Office of the Ombudsman because the academy refused to carry out an oral examination, although the complainant is dyslexic, and hence it is not possible for his performance and abilities to be assessed through written examination. More specifically, this student was admitted in the academy through oral examination according to the legislation in force on examination of students with special educational needs. The academy's refusal to proceed with an oral examination makes it impossible for the complainant to continue his studies.

The Ombudsman asked a justification of this refusal, making it clear that a possible refusal by the academy to carry out the appropriate examinations as fits to the possible special educational needs of its students can be considered an indirect discrimination on grounds of disability. The Mercantile Marine Academy responded that:

- ⊗ The provisions for the obligation to implement special education and assessment methods are referring to the primary and secondary education, but no such obligation can be deduced as regards tertiary education.
- ⊗ The exercise of seafaring, according to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers signed in 1978, demands specific ability in written speech – such as keeping the ship's logs, concluding contracts – and in using electronic equipment; dyslexia, if severe, may interfere with the exercise of these activities.
- ⊗ The profession of seafarer falls under the exemption of Law 3304/2005, article 9.

This answer was considered only partially satisfactory, and the Ombudsman intends to come back with remarks on the part having to do with the individual case.

Discrimination on grounds of age

Assistant lawyers ("trainees") filed a complaint because their claims to register at the Patra, Agrinio and Aleksandroupoli lawyers'

bars had been rejected due to age limit as laid down in the Code of Attorneys at Law.

The Ombudsman addressed the Ministry of Justice and noted that since Law 3304/2005 took effect the aforementioned provision is considered to be *de jure* abolished when the set age limit is not adequately justified. In addition, the Ombudsman recommended the amendment of the Code of Attorneys at Law; it further maintained that if the age limit is deemed purposeful it should be justified expressly.

The Ombudsman handled other cases of discriminatory treatment on grounds of age:

- ✿ Rejected candidature for employment in a public sector post due to exceeding the age limit set in the post advertisement;
- ✿ Illegal age limit in scientific staff vacant posts;
- ✿ Age limit set as compulsory retirement age



- for employees of the diplomatic body;
- ✿ Compulsory retirement age although the necessary pensionable employment criterion is not met;
- ✿ Inability to change fixed term to open end contracts due to completion of the age limit for employment in the public sector;
- ✿ Discrimination on grounds of age limit for employment in permanent posts.

Discrimination on grounds of sex

Two female candidates to the Mercantile Marine Academies filed a complaint with the Office of the Ombudsman claiming discriminatory treatment on grounds of sex at the entry examination. Following investigation of the complaint, it was discovered that the Ministry of Mercantile Marine is applying a direct discrimination policy since there is a limit of the number of women to be admitted in its schools, without any legal justification. Applying these gender quotas leads in essence in excluding a large number of women who would be interested in entering the profession as captains or marine engineers. The ministry purports that due to the hard working conditions in this field, even during training, it is of critical importance to determine the number of women to be admitted each year. However, this justification cannot be considered as complying with the law. The relevant legislation dictates that any deviation from the principle of equal treatment of men and women as regards professional activity and access to the training required should be expressly justified and special reference should be made to the factor of gender.

The Ombudsman proposed to the competent ministry to take measures so as:

- ✿ To establish firmly in the relevant legislation and to include in the call to candidates the particular reasons imposing such a deviation from the statutory principle of equality of men and women.
- ✿ To create the necessary infrastructure for the Mercantile Marine Academies to ac-

commodate female students so that gradually a real equality between men and women would be achieved in training and at work.

There has been no response by the ministry.

■ A female candidate for a permanent post as prison guard filed a complaint with the Office of the Ombudsman questioning the legality of a ministerial decision which opens 225 posts, 200 to men and 25 to women. Setting these quotas and allocating posts for women in specific facilities nationwide caused the exclusion of the complainant from the five posts advertised for the Chios prison facility, as these positions were destined for men candidates.

The Ombudsman addressed the Ministry of Justice emphasizing:

- ⊗ The statutory principle of gender equality and the revised provision of article 116, paragraph 2 of the Constitution, according to which deviations from the principle of equality are allowed “on serious grounds in cases provided specifically by the law”.
- ⊗ The Directive 76/207/EC “re: on the implementation of the principle of equal treatment for men and women as regards access to employment and occupation, vocational training and promotion, and working conditions”, according to which exceptions are allowed only under specific conditions and clauses.

The Ombudsman stressed that, even if assigning such duties to members of the same sex with the detainees is sometimes necessary, this precondition in this specific announcement should not be set in a general and abstract way, but it should be specified and should make mention to the particular reasons that make it imposing in relation to the specific duties that the people employed for this posts will be called upon to execute. The Ombudsman asked for the specific justification for deviation from the principle of equal treatment, as well as information on possible differentiations in the advertisements over time due to the developments in the pertaining legislation.

■ A female employee filed a complaint with the Office of the Ombudsman claiming that her employer has wronged her by failure to apply the principle of equality. According to the evidence she submitted, the employer was paying on his own initiative to all men employees – who appear to carry out exactly the same duties as herself – but not to her a benefit for computer use. The complainant had first addressed the Piraeus Social Inspectorate which did not resolve the issue.

The Ombudsman communicated with the head of the Social Inspectorate and requested the re-examination of the case. Indeed, it was agreed that an on-site investigation should take place. The results of this re-examination are pending.

■ A fixed-term female employee at an Attica municipality filed a complaint for being subjected to sexually harassing conduct by her supervisor: SMS’s and calls on her mobile phone, unwelcome visit to her domicile, constant assignment of harsh duties and threats that her contract was not going to be renewed if she did not succumb to his advances.

The Ombudsman called the complainant to its premises in order to examine all evidence that she had purported of having at her disposal and to receive detailed information on the situation. The complainant reported that following the charges she filed with her department and its particularly unfavourable impact on her in and outside her working environment, she does not wish the case to be further investigated by the Ombudsman.

The Ombudsman informed the complainant on what the Ombudsman could do in order to investigate the case, and remarked that according to Law 3488/2006 “Any termination, or in any other way end of an employment relation, as well as any other unfavourable treatment and a) ... c) when this occurs as a reaction on behalf of the employer because the employee was presented as a witness before the court or other authority, touching upon this or other law”. Following this, the complainant finally asked for her complaint to be left pending without

any other action taken until she decides whether she wishes the case to be further investigated or not.

The exception of citizenship

The provision of article 4 of Law 3304/2005 defines that the provisions of this law "... are not applied in cases when a different treatment is provided due to citizenship, and do not touch upon the provisions regulating the entry and the residence of citizens of third countries, or individuals without citizenship in the country, or the treatment which is related to their legal status as citizens of third countries, or individuals without citizenship – stateless". The Ombudsman received complaints which were not possible to investigate exactly for this exception. These complaints were referring to the refusal of the administration to:

- Conclude open-end contracts with third country alien nationals who held works contracts, or fixed-term contracts;
- Issue open air market vendor permit to third country alien nationals;
- Grant student housing benefit to third country alien students living for a long time in this country;
- Issue birth certificates to minors, children of immigrants, born in Greece.

Roma and the promotion of the principle of equal treatment

The stipulation in the Constitution that "The acquisition of a home by the homeless, or those inadequately sheltered shall constitute an object of special state care" (article 21) constitutes the base for shaping the legislative framework and the materialization of this obligation of the state to take care of those citizens who are homeless, or live under inadequate conditions. Including Roma in programmes for housing recuperation and taking measures for their housing in premises

corresponding to basic sanitary and dignity standards is further specialization of this outline obligation set in the law. Additional laws take care first the location of self owned houses for Roma. At the same time, their temporary location is arranged in organized to their needs premises, at least for as long as it is needed for the final solution of their permanent housing.

The basic orientation for the legislation regarding the Roma can be summarized in:

- The desired aim of all provisions is their permanent housing in all parts of the country.
- Illegal settlement of wandering individuals is not allowed.
- Temporary settlement in premises fulfilling specific preconditions is allowed until they are permanently housed.
- As a rule, existing makeshift settlements are preserved, unless it is not possible to ensure such living conditions as the law prescribes, hence the process of relocation to organized premises is set into motion.
- It is not allowed to be removed from the encampments where they have been living for long without being offered an indication of an appropriate area where they can at least temporarily relocate.
- Regardless of any possible difficulties that may occur on the way, all public services involved (central administration or local government) are obligated to solve the problem to the advantage of public interest, to monitor systematically the situation and to collaborate between them.

The Ombudsman remarks that:

- It is necessary to record the Roma population of each area and note any possible particularities of this population (members of the municipality of this area, permanent residents of the area, seasonal workers in the area, passers by, temporary living in the area, etc.).
- It is necessary for local government to take initiatives and to promote solutions so that the social inclusion of the Roma is achieved.

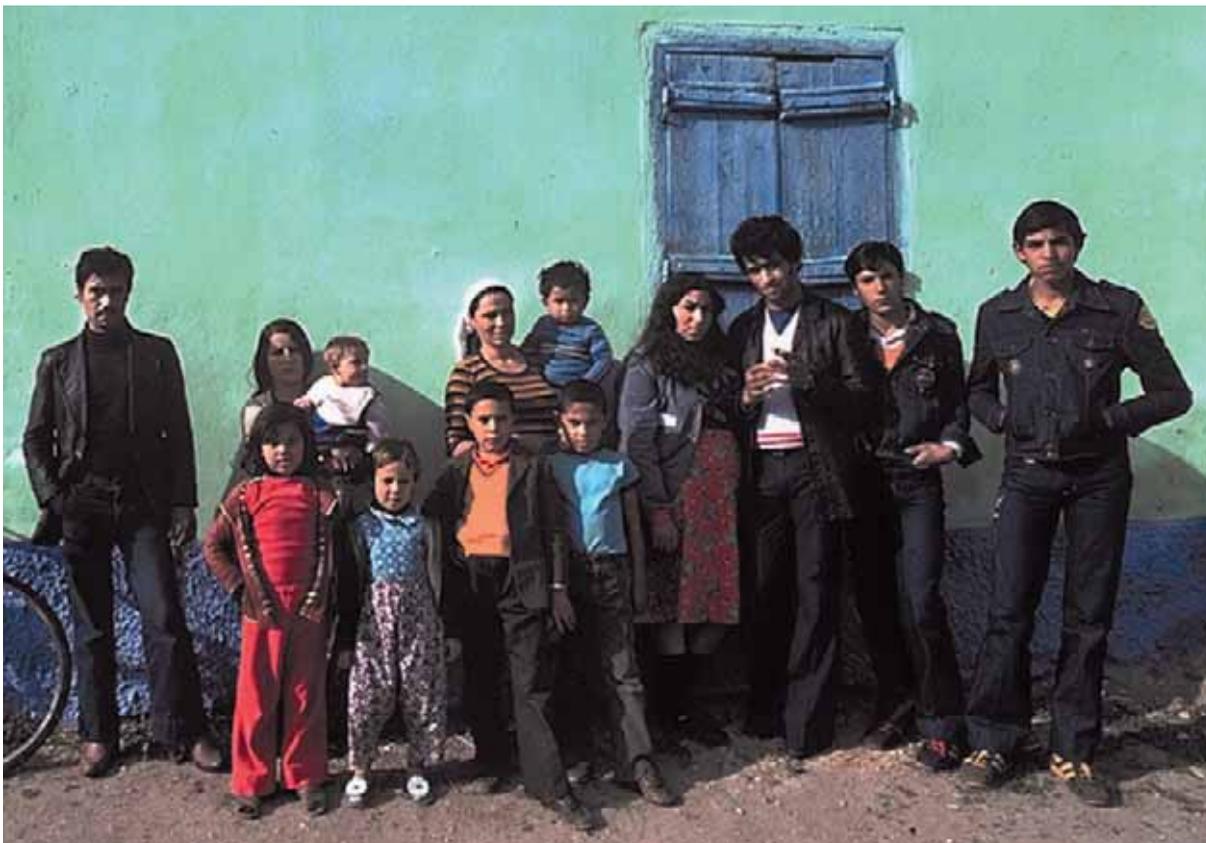
- Possible and attempted solutions locally will prove to be completely fruitless for the total handling of the issue if they are not included in a more central planning scheme and systematic monitoring with the necessary financing for materialization.

The Ombudsman within its competences for the application of Law 3304/2005 and Law 3488/2006:

- Formed a permanent group for handling complaints on issues of discrimination and equal treatment.
- Continued the intensive cooperation and know-how exchange with other organizations in Greece and abroad, activated on issues of applying and promoting the principle of equal treatment.

In addition, the Ombudsman participates:

- In the National Working Group of the EU programme against discrimination;
- The European Equinet network, which links and coordinates official organizations for the materialization of EU Directives against discrimination in the EU member countries, as well as in the accession countries.

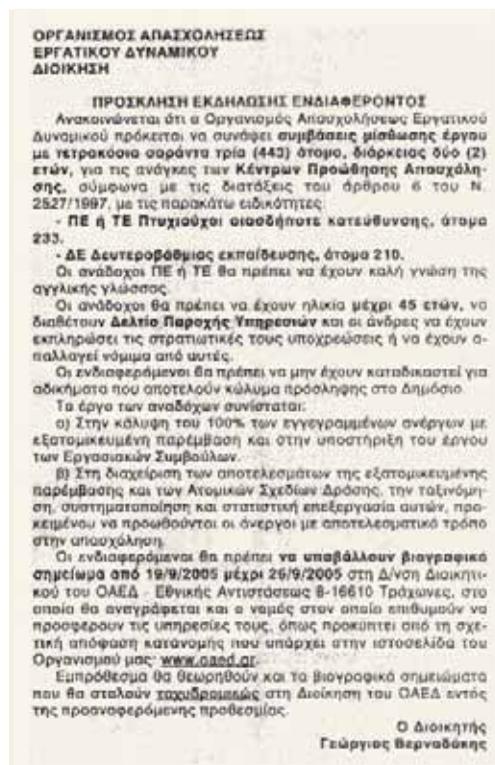


Public sector personnel selection not following the ASEP procedures

Civil servants' selection outside the procedures applied by the ASEP constitutes an important part of personnel appointments in the public sector. From 1998 to 2005, the Ombudsman has investigated 648 complaints on employees' selection, among which issues of works contracts are included, as these may often conceal depended modes of employment and constitute therefore a deviation from the legal procedure for selecting and appointing personnel in the public sector.

The complaints bring to the surface issues, such as:

- ✳ Errors, vagueness, omissions, or lacunae in the structure and the formulation of advertisements for competitions that leave room for arbitrary action and instances of maladministration;
- ✳ The untimely publication of advertisements and the short deadlines for the submission of applications;
- ✳ The provision of sparse information to interested parties;
- ✳ The lack of a set method for the verification and assessment of typical and substantial qualifications, and issues of attributing credits to work experience, which allows for discrimination on behalf of the administration;
- ✳ Vagueness in the formulation of certain important criteria, such as unemployment, locality, etc;
- ✳ Refusal to accept and receive certificates and supporting documents;
- ✳ Issues arising from the recognition and correspondence of university degrees;
- ✳ Non-justification of public administration's decisions;
- ✳ Discrimination on women;
- ✳ Non-application of provisions that foresee favourable preconditions for hiring (distinguished athletes, relatives of deceased on duty, etc.);
- ✳ Assessment of written examination by one marker only and refusal to review papers;
- ✳ Employment of seasonal, or extraordinary personnel at an hourly rate at the full discretion of the head of the service;
- ✳ Selection proceedings that do not contain a sufficient and clear assessment of candidates. Refusal to provide with, or delayed provision of the assessment proceedings to non-selected candidates;
- ✳ Long and unjustified delays in selection lists' publication, to even omission of publication posting;



- ⊗ Lack of information to the public on citizens' constitutional rights, such as the right to report to the administration and the right to information, having as a consequence citizens not to exercise their right to appeal, or not to submit an application for remedy;
- ⊗ Refusal by the competent services to receive and to give reference number to appeals, or applications for remedy;
- ⊗ *Ex post* annulment of competition results by a ministerial decision;
- ⊗ Not carrying out in full the hiring process of successful candidates on behalf of services whose employment procedure is supervised by the ASEP.

The main reasons for the aforementioned issues are:

- ⊗ Omissions and vagueness in the legislation: variety of regulations, lack of general specifications for advertisements and relative procedures, lack of effective scheduling, numerous exceptions from the ASEP procedures and lack of uniformity in the way provisions regarding special hiring conditions are applied.
- ⊗ Abusing the option of works' contracts which, although they do not fall under any provided for procedure, they are used to cover permanent needs.
- ⊗ Not setting from the start specifications and control mechanisms for the selection procedure; as a result, the organizations publicizing the employment advertisements are under the erroneous impression that they are not bound as to the procedure to be applied, or the limits of their discretion.

The Ombudsman proposes that:

- ⊗ The legal framework should be rationalized and minimum specifications should be set in order to ensure objectivity and meritocracy; these specifications should refer to all stages of the procedure for the hiring of personnel in the public sector.
- ⊗ The candidates' assessment criteria should be explicitly and clearly mentioned in the advertisement.
- ⊗ The selection proceeding which is formulated by the competent selection committee should refer to the aforementioned set criteria.
- ⊗ The results should be publicized in a more efficient way.
- ⊗ The examination of appeals should be compulsory.
- ⊗ The way works' contracts are formulated should change.
- ⊗ Vacant post scheduling should be more flexible.
- ⊗ The Ministry of the Interior, Public Administration and Decentralization's supervisory role should be reinforced.

Finally, the Ombudsman proposes that:

All the above measures are included in a "Personnel Selection Code" which will serve as the specifications framework with which all stages of the employment procedure should abide. This code should include and specify the principles that should be employed, such as the principle of publicity, of equal opportunity to participation, of objectivity, of transparency, of meritocracy.

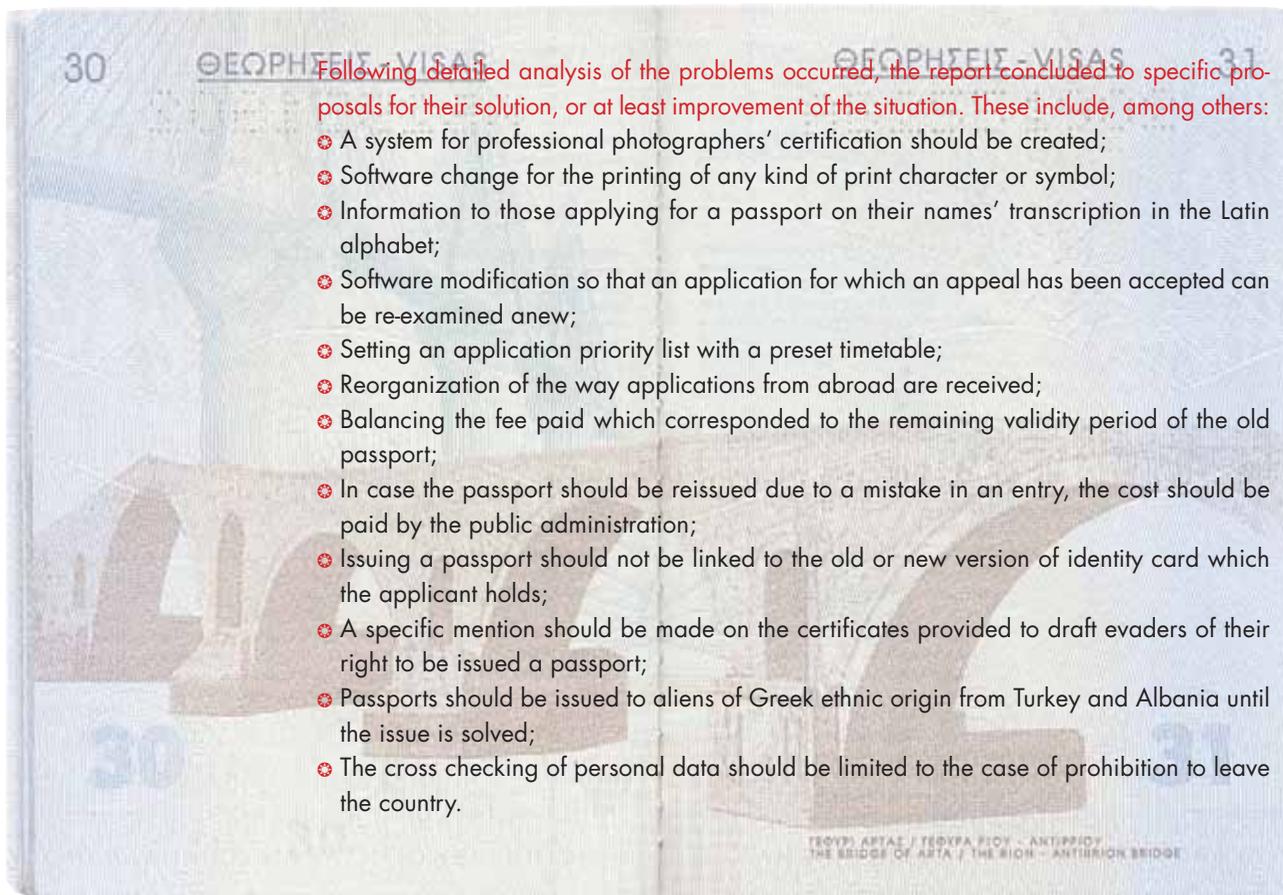
Passport issuing by the Hellenic Police



The complete texts of the special reports are available at www.synigoros.gr.

Since the beginning of 2006, the Ombudsman has received a large number of complaints on the passport issuance process and the Hellenic Police that according to Law 3103/2003 has been assigned with this duty. Making the best possible use of the remarks made during the investigation of these complaints and organizing the resulting conclusions lead to a special report that the Ombudsman publicized and sent to the Minister of Public Order and the co-competent ministers as it is estimated that this issue will have long term repercussions for the total of the country's population.

Despite the coordinated efforts by the Hellenic Police in regard to the technical means and the officers engaged in this process, this new activity for the police brings along incidents of malfunction. This leads to the conclusion that until now greater emphasis has been placed in providing all correct data on this official document and its correspondence to the owner of the passport, and not to the rationalization of the procedure so that citizens are not put into trouble, their rights are guaranteed and the principles of fair administration are applied. At the investigation of the complaints and the on-site investigations it was concluded that problems arising demonstrate similarities of technical or legal nature. Problems also arise from pending legal cases that are not directly linked to the issuance of passports itself, or the particularity of personal status of certain citizen categories.



Following detailed analysis of the problems occurred, the report concluded to specific proposals for their solution, or at least improvement of the situation. These include, among others:

- ✳ A system for professional photographers' certification should be created;
- ✳ Software change for the printing of any kind of print character or symbol;
- ✳ Information to those applying for a passport on their names' transcription in the Latin alphabet;
- ✳ Software modification so that an application for which an appeal has been accepted can be re-examined anew;
- ✳ Setting an application priority list with a preset timetable;
- ✳ Reorganization of the way applications from abroad are received;
- ✳ Balancing the fee paid which corresponded to the remaining validity period of the old passport;
- ✳ In case the passport should be reissued due to a mistake in an entry, the cost should be paid by the public administration;
- ✳ Issuing a passport should not be linked to the old or new version of identity card which the applicant holds;
- ✳ A specific mention should be made on the certificates provided to draft evaders of their right to be issued a passport;
- ✳ Passports should be issued to aliens of Greek ethnic origin from Turkey and Albania until the issue is solved;
- ✳ The cross checking of personal data should be limited to the case of prohibition to leave the country.

LEGISLATIVE, OPERATIONAL, AND ORGANIZATIONAL PROPOSALS OF THE OMBUDSMAN

During 2006, the Ombudsman submitted a series of legislative, operational and organizational proposals to improve the operation of public administration. The Ombudsman formulated these proposals because it deems that the handling of some of the subjects it has investigated calls for either a change to the existing legislative framework, or the restructuring of the organization and operation of the competent services.

Among others, the Ombudsman proposed:

Ministry of Rural Development and Food

- To form and operate three-member Councils for Fishing Appeals' Trial which are assigned with the trials of appeals to decisions imposing fines for breaching rules for fishing.
- To take extra care so the most appropriate solution is found for the long undue delays in the trial of appeals pending for long either at the Fishing Council, or at the Committee for Fishing Appeals' Trial.
- To start soon the prescribed procedures for a forest registry as a necessary precondition for the effective protection of forest ecosystems.

Ministry of Education and Religious Affairs

For students with developmental disorders

- An experts' committee should be set to investigate the formulation of an appropriate procedure and criteria so to offer these students a differentiated examination and assessment that would facilitate their entry to tertiary education institutions (i.e. universities and technological educational institutions).
- The possibility of assigning their assessment to Diagnostic Assessment and Support Centres instead of health committees.
- Detailed directions should be given to health committees as to what should be mentioned on the medical opinions for school examinations and tertiary education examinations. Also, a single opinion should be required for both school and tertiary education entry exams.

For "physically disabled" students

- To clearly define persons with a permanent movement disability by 67% at least from those with a temporary moving disability of more than 67%.
- When it is deemed necessary to issue a medical opinion of limited duration, the time for which this is valid should be defined and written clearly on the health committee opinion.
- Health committees should offer well-documented justification to their opinions, on the basis of medical opinions submitted by the applicants, and they should examine each case as to its consequences and not only as to the type of disease.

Ministry of Education and Religious Affairs – Ministry of the Interior, Public Administration and Decentralization

No licence should be issued for establishments subject to sanitary controls operating close to schools; in addition, the public administration should not exercise its discretionary power in these cases.

Ministry of Transport and Communications

- Exemptions should be provided for from the penalty of revocation of driving licence when the health committee opinion decides on temporary or curable disease.
- Citizens who apply for a new driving licence because the previous one has been revoked due to health reasons no longer valid (according to recent opinion by the competent health committee) should be explicitly exempt from the compulsory lessons in order to sit for the theoretical and practical examination.

Ministry for the Environment, Physical Planning and Public Works

An exclusive deadline of one year should be set from the date the report on the listing of a building is publicized until the whole procedure has been completed either by a ministerial decision on the listing, or by notification to the competent urban planning service that the listing procedure is being discontinued.

Ministry for the Environment,
Physical Planning and
Public Works
Ministry of Transport
and Communications
Ministry of Tourist
Development

A legislative regulation should be adopted that will explicitly set parking spaces for business a) selling cars, b) selling used cars (outdoors), and c) car repairs (repair workshops) within their premises, or in an adjacent space and for the total number of cars they are supposed to cater for on a daily basis. As for car rental enterprises, the parking lots provided for by the law should be within their area of activity and, in any case, in the municipality where they operate.

Ministry of the Interior,
Public Administration
and Decentralization
Municipality of Athens

- ⊗ Strict controls should be applied to building constructors of the municipality for applying standards in constructing and repairing pavements; fines should be imposed systematically for illegal occupation of pavements; measures should be taken for facilitating people with disabilities in moving around.
- ⊗ Permanent personnel (gardeners, cleaners, guards, etc.) should be placed in order to safeguard the forest-suburban character of the Gialouros Park in the area of Ano Polygono – Kypseli, and, in general, of all the green spaces in the Municipality of Athens.

Ministry of Transport
and Communications
Civil Aviation Service

All airports near towns and cities should be equipped with automated systems for noise recording and control, and fines should be imposed to deal effectively with the airport noise issue.

Ministry of Culture

The possibility of establishing a permanent special cleaners' unit for the archaeological parks should be examined, in case there is no such unit, in cooperation with the responsible municipalities in each case.

Acceptance of previous years' Ombudsman proposals

In 2006, solutions were achieved to a number of issues, following proposals formulated by the Ombudsman previously.

Indicatively

Ministry of Employment
and Social Protection

- ⊗ A legislative regulation was made following proposals by the Ombudsman, hence the members of the family of someone whose death has been presumed have the right to pension; this pension is to be attributed in retrospect from the date of the presumption of death as mentioned in the final court decision, provided the application for pension has been submitted within the prescribed time limit.
- ⊗ The General Secretariat of Insurance Services of the IKA-ETAM accepted the Ombudsman's proposals according to which the deterioration of the insured's situation is a prerequisite only in case the disease or injury or weakening has occurred before the pensioner was included in the insurance scheme, and not in those cases that it occurred during the insurance time of the pensioner.

Ministry of Public Order
Ministry of Justice

The Ministry of Justice decided to proceed to a special provision for reasonable compensation to citizens who underwent some damage from legal actions of the public sector's agents during their duty. This compensation:

- Will aim at first at reparation of real damage, unless the object of damage is the main source of income in which case reparation of consequential damage is also provided.
- Will refer to material actions of the public sector agents in carrying out the public administration's objectives (e.g. policing) and not in legal acts.
- Will be paid only in case there is no offence on behalf of the injured.

The co-competent Ministry of Public Order informed the Ombudsman that it will examine the possibility of issuing a legislative regulation.

**Ministry of Education
and Religious Affairs**

- ⊗ A proposal by the Ombudsman was accepted and regulated with law on the need to define and distinguish the specializations included under branch ΠΕ 04 of educators, as well as the competition for educators per specialization (ΠΕ 04.01 Physicists, ΠΕ 04.02 Chemists, ΠΕ 04.05 Biologists, PE 04.05 Geologists) and in percentages corresponding to the real teaching needs of each lesson per specialization.
- ⊗ A legislative regulation abolished one of the preconditions for establishing a temple, and especially, the one requiring “the opinion of the local church authority”, that is, of the archbishop of the region. The remaining preconditions are still in force. It should be reminded that the Ombudsman had proposed that all competences be removed from the granting permit authority in regard to the “real need” assessment for building a chapel and these should be subject only to the regulations pertaining to building constructions.

**Ministry of the Interior, Public Administration
and Decentralization**

The Ombudsman’s proposal was accepted and a legislative regulation was issued on the optional cremation regardless of religious beliefs, under the condition that such a wish had been explicitly declared while the deceased was still alive.

**Ministry of Health
and Social Protection**

According to the provisions by the law on “Reinforcement of family and other provisions”, the following proposals by Ombudsman have been accepted for solving issues regarding the protection of families with many children:

- ⊗ Acknowledged political refugees are acknowledged as members of families with many children;
- ⊗ Citizens of other countries who are parents of many children holders of the Greek citizenship are acknowledged as members of families with many children;
- ⊗ The right to appeal before the Ministry of Health and Social Protection against the decision by the Higher Confederation of Families with Many Children of Greece on the property of family with many children attributed or not;
- ⊗ Parents of a family with many children retain this property of theirs for life;
- ⊗ Codification of the scattered legislation in relation to families with many children.



ON-SITE INVESTIGATIONS

In the course of investigating complaints, the Ombudsman is entitled to carry out on-site investigations in order to gain a first-hand view on each case. In 2006, the Ombudsman carried out 40 on-site investigations among which those in prefectures and municipalities, in Roma settlements, in hospitals, social security organizations, municipal child care centres and a detention area for alien women.



As an indication, on-site investigations were carried out to ascertain and investigate:

- ✦ *The hospital waste management at the Regional University General Hospital of Irakleio and the General Hospital of Rethymno, within the framework of an own-initiative (ex officio) investigation carried out on the issue by the Ombudsman since 2005;*
- ✦ *The living conditions and the social inclusion issues faced by the Roma in the municipalities of Ano Liosia, Kalamata and Larisa;*
- ✦ *The organization and operation conditions for the health services of the IKA-ETAM at the Prefecture of Pireus Health Unit, as well as the Local Health Units of Amarousio, Kallithea, Kerameikos, Peristeri, Ilion, Patisia and Nikaia;*
- ✦ *The procedure of involuntary admittance and the conditions of stay and medical care at the Attiki Psychiatric Hospital;*
- ✦ *The complaints for chairs' and tables' placement by establishments subject to sanitary controls in the archaeological premises of the Acropolis and the archaeological park of Akadimia Platonos;*
- ✦ *The complaints for landfill, waste shedding and road construction on the wetland of Yourkari in the Municipality of Megara;*
- ✦ *The sanitary conditions at the living area for mothers, their children and the expecting women, such as the complaints for the lack of access of infants to the child-care centre, and the general lack of social care for children at the mothers' section at the women Korydallos prison;*
- ✦ *The complaints on the building premises of three child-care centres at the Municipality of Ilioupoli.*
- ✦ *The complaints for garbage collection in the area of Plaka in Athens.*

THE OMBUDSMAN AT THE PARLIAMENT

The Ombudsman visited the Greek Parliament to inform:

- ✦ *The Equality and Human Rights Special Permanent Commission on the action and findings under its capacity as Children's Ombudsman;*
- ✦ *The Immigration Policy Monitoring Inter-Party Commission on the Ombudsman's action in relation to the way immigrant problems are dealt with, as well as the detailed proposals formulated during the last years on immigration policy.*

WORKING MEETINGS – VISITS

The Ombudsman carried out working meetings with:

- ✦ *The Minister of Education and Religious Affairs on the solution of problems that citizens have placed at the Ombudsman's attention;*

- ◉ The head of the Municipality of Athens on regulated parking;
- ◉ The head of the Cross-Disciplinary Organization for the Recognition of Academic and Information Technology Diplomas on the reinforcement of bilateral cooperation;
- ◉ Executives from the Ministry of Economy and Finance, and the Ministry of Health and Social Protection on tax exemption due to post-traumatic paraplegia and the characterization of post-traumatic paraplegia as grave mobility disability;
- ◉ The Governor of the Manpower Employment Organization to discuss issues that citizens have placed at the Ombudsman's attention;
- ◉ The head of the Passport Directorate at the Hellenic Police in relation to the procedure of issuing the new passports;
- ◉ The General Inspector of the Health and Welfare Services Inspectors' Body in order to develop its cooperation with the Ombudsman;
- ◉ The Director for Training of the Social Security Organization on the cooperation of organization with the Department of Social Protection for the training of the personnel of both institutions on issues of shared competence;
- ◉ Representatives of the Municipal Water Supply and Sewerage Companies on water waste management and the quality of drinking water;
- ◉ Representatives of the ministries of Finance and Foreign Affairs in relation to the preconditions for importing and clearing through the customs of personal items in cases of migration;
- ◉ Executives of the Organization against Drugs in relation to problems noted by the Ombudsman in the personnel hiring procedure.

We visited:

- ◉ Schools all over Greece to discuss with students and teachers children's rights and their promotion, as well as the competences and the activity of the Department of Children's Rights;
- ◉ Reception centres for immigrants, detention areas and hospitality units for unaccompanied alien minors;
- ◉ The Civil Status Directorate and the Aliens and Immigrants Directorate of the Region of Central Macedonia within the framework of investigating complaints on the way these operate;
- ◉ Roma settlements in Dendropotamos of Thessaloniki, in Agia Sofia at the Municipality of Echedoros, as well as individual encampments of Roma in the Municipality of Evosmos;
- ◉ The Mortgage Registrar of Pireus in order to receive information on the problems noted in a series of complaints on its operation.



REFERRAL TO DISCIPLINARY INVESTIGATION

In cases where, during the course of an investigation, the illegal behaviour of a civil servant is ascertained, the Ombudsman draws up a report which is submitted to the body responsible for the disciplinary examination of the individual in question.

In 2006, the Ombudsman requested:

- ◉ From the Ministry of Economy and Finance, the Region of the Peloponnese and the Prefectural

Government of Argolida to take care for the promotion of the monitoring procedures for illegal construction and for the delineation of the seashore in various areas of Argolida, as well as to monitor the competent civil servants at the Public Land Service of Argolida and the Region of the Peloponnese. The Ministry of Economy and Finance started the monitoring process.

- *From the Secretary General of the Region of Attica to take care for monitoring the Municipality of Aigina that failed to promote the procedure for opening a road so that neighbours and fire brigade cars regain access, as the Ombudsman, during the investigation of a relevant complaint, noted contradictions in the municipality's replies and omissions in its actions.*

The cooperation of the Ombudsman with the Region services that are competent for supervising local government authorities ensured, in the majority of cases, their even late response to the letters by the Ombudsman and the respective claims by citizens. This cooperation is very important because of the positive solution on the partial claims, on the one hand, and because it contributes to the consolidation of legality and the closely related concept of accountability, on the other.

In six cases the Ombudsman asked the local Region to proceed to disciplinary investigation against local government authorities that had refused to cooperate with the Ombudsman, leaving a series of documents without reply beyond any reasonable time limit.

The following did not respond to the Ombudsman's request:

- *The Region of the Ionian Islands on the disciplinary investigation to the Mayor of Apollonio on the island of Lefkada, as he had refused to cooperate with the Ombudsman on a case for the opening of a community road;*
- *The Region of Sterea Ellada, that acquitted the Mayor of Tithorea.*

The Ombudsman asked from the Region a special justification for this case so that there is no impression left for covering disciplinary offences.

REFERRAL TO THE PUBLIC PROSECUTOR

If in the course of an investigation there is sufficient evidence of the perpetration of a criminal act by a civil servant, employee, or member of the public administration, the Ombudsman has the right to refer the relevant reports to the competent public prosecutor.

In 2006, the Ombudsman referred two cases to the competent public prosecutor:

- *One to the Public Prosecutor of the Athens Court of First Instance in regard to copies of a construction permit which were different as to the object of the permit issued. Responsible for the issuance was at the time the Prefecture of Pireus, competence that now belongs to the Urban Planning Directorate of the Athens–Pireus Prefectural Government.*
- *And the other to the Public Prosecutor of the Kavala Court of First Instance in regard to a case of not sealing to close a refreshment shop in the Municipality of Thasos. The municipality failed systematically to fulfill its obligation to seal to close the refreshment shop in question although the police had confirmed that within the same year the shop had seven violations of the law.*

OWN-INITIATIVE INVESTIGATION

The Ombudsman has the right to carry out investigations on its own initiative (*ex officio*) on cases that fall within its competences, when the seriousness of the case dictates it. In 2006, the Ombudsman decided to carry out investigations on its own initiative on involuntary hospitalization of mentally ill patients. Under the framework of this case, on-site investigations were carried out in the Attica psychiatric hospitals "Dromokaiteio" and "Dafni".



OUTREACH ACTIVITIES

THE GREEK OMBUDSMAN THE GREEK OMBUDSMAN

In Greece

We visited

- The city of Pyrgos at the Prefecture of Ilia in order to receive information on, among others, the quality of drinking water, the property binding and expropriation procedures, the pending construction permits, the recording of illegal constructions, the legality of operation of certain industrial facilities.
- The city of Katerini in order to discuss with local agents issues of water waste disposal management, drinking water quality and the situation of the existing water supply and sewerage networks in the Prefecture of Pieria.
- Crete so as to inform citizens and civil servants on the mission and work of the Ombudsman, and also to facilitate solving pending cases on, among others, interventions on the natural environment and the existing road networks, issues of sanitary interest, independent acts of applying the urban plan for the city of Irakleio and the seashore protection.
- The city of Ermoupoli, Syros, in order to meet with local agents to discuss issues, such as the protection of the wetland in Agios Ioannis–Porto, the boundary designation of a beach on the island of Mykonos, the monitoring of the opening of private roads, and in specific in the gully in Kini, Syros.



We organized one-day conferences

- In the premises of the Ombudsman, entitled “The Tree and the Forest: Rules and Procedures for Forest Ecosystems Efficient Protection”, with the participation of the Chairman of the 5th Section of the Council of State, jurists, university professors, representatives from environmentalist NGO’s and scientific associations, etc.
- At the Pasteur Institute, entitled “Medical Confidentiality, Information on Personal Data, Electronic Medical File and Hospital Archives”, with the participation of officials from the Ministry of Health, of the Regional Health Administrations, hospitals of Athens and Thessaloniki, insurance funds, the Hellenic Data Protection Authority, the National Bioethics Commission, as well as many private practitioners and jurists.
- In Athens, entitled “Transparency and Local Government. Monitoring Procedures and Efficiency”, in cooperation with the Central Union of Municipalities and Communities of Greece and the Local Government Institute, and the participation of the Minister of the Interior, Public Administration and Decentralization, the Chairman of the Court of Auditors, the Chairman of the Central Union of Municipalities and Communities of Greece and the Local Government Institute.

We participated in teaching activities

- Of police officers at the Athens Police Academy, the Police Constable Schools in Amygdaleza, Didimoteicho, Ksanthi and Komotini on issues related to investigation and disciplinary investigation of complaints against police officers.
- Of newly appointed civil servants at the IKA-ETAM in cooperation with the National Centre for Public Administration and Local Government and the Training Institute, on issues related to pension schemes and other insurance benefits granted by the IKA-ETAM.
- Of students at the National School for Public Administration on issues related to the improvement of public administration operation.
- Of postgraduate students of Criminology at the Department of Sociology, Pandeio University, and at the Penal Sciences Section, Law School, University of Thessaloniki.
- Of students of the interdepartmental postgraduate programme on “Architecture – Space Planning” at the National Technical University of Athens.

We also participated in

- ⊗ A one-day training session entitled “Policies for Equality of Men and Women”, and organized by the Training Institute of the National Centre for Public Administration and Local Government.
- ⊗ A training seminar on “Working with the Roma Community” organized by the intramunicipal company “Efsini Poli”.
- ⊗ A conference on “Job Market and Employment: Equality of Men and Women” organized by the Patra Regional Training Institute of the National Centre for Public Administration and Local Government.
- ⊗ A seminar of inspectors of the Inspectors’ Body of the Ministry of Transport and Communications.

We published

- ⊗ *Medical Confidentiality*. This book contains information on personal data, electronic personal file and hospital archives (proceedings of a one-day seminar organized by the Ombudsman on the subject).
- ⊗ An information leaflet in English regarding the Children’s Ombudsman.
- ⊗ The personnel of the Ombudsman inaugurated their cooperation with Ant. N. Sakkoulas publications with the first issue of the scientific journal *Independent Authority*.



We also circulated

- ⊗ 60,000 page markers with the children’s rights and Children’s Ombudsman contact details which we also sent to high schools all over the country.
- ⊗ A poster on the competences of the Ombudsman which was sent to all Citizen Service Centres all over the country.



Electronic publication

- ⊗ Since May 2005, the Ombudsman has been publishing an electronic newsletter three times a year presenting a summary of its activities (findings papers, proposals, investigations, on-site investigations, working meetings, one-day seminars, international relations, etc.). The Ombudsman aims at expanding its range of cooperation and establishing a constant, direct and interactive dialogue with citizens.

www.synigoros.gr/newsletter.htm



At international level

We visited

- ✳ London and Dublin to participate in the meetings of the European Network of Ombudspersons for Children. Deputy Ombudsman for Children's Rights, Yorgos Moshos, held the Chairmanship of the network for 2006.



Students from the 1st and the 2nd junior high schools of Pallini and Keratsini respectively expressing their views in the International Conference "Ombudswork for Children's Rights".

- ✳ Nicosia in order to hold discussions with the Administration and Legislation Commissioners on the establishment of Children's Ombudsman in Cyprus.
- ✳ Kiev in order to hold discussions with members of the parliament, public organizations' officials, intergovernmental and non-governmental organizations and the Human Rights Ombudsman in an attempt to examine the prospects for establishing Children's Ombudsman in Ukraine.
- ✳ Brussels to participate in the annual meeting of the Equinet Network on discrimination.
- ✳ Strasbourg to act as experts on the preparation of the 22nd meeting of the permanent conference of European Ministers of Education that is to be held in Istanbul on May 2007.

We were visited by

- ✳ The Special Representative of the Organization for Security and Cooperation in Europe (OSCE) to discuss issues of illegal trafficking.
- ✳ The minister for Political Development and Parliamentary Affairs of Jordan, who asked Greece for its contribution in establishing Citizens' Ombudsman in Jordan.
- ✳ A delegation of the Citizens' Ombudsman from Sudan within the developmental cooperation programme "Training of experts for fair administration in Sudan".
- ✳ A delegation of the Korean government in order to receive information on how Europe handles issues of corruption.
- ✳ A 15-member group from the Boston College Graduate School of Social Work to receive information on the role, the operation and the competences of the Ombudsman, with special emphasis on the operation of the Children's Rights Department.

We organized

- ✳ The annual meeting of the European Network of Ombudspersons for Children in Athens with the participation of the network's members and observers. A statement on unaccompanied minors in Europe was adopted during the meeting.
- ✳ An international conference in Athens on "Ombudswork for Children's Rights" in cooperation with the Council of Europe's Human Rights Commissioner and the Russian Ombudsman and the cooperation of Children's Ombudsmen from various European countries, representatives of international and Greek organizations and NGO's.

We participated in

- ✳ A seminar on racism organized in Strasbourg by the European Commission against Racism and Intolerance.

- A conference organized in Madrid by the Universidad Autónoma de Madrid on “30 Years of Democracy in Greece and Spain”.
- The Conference of the Ombudsman of the Black Sea Economic Cooperation member states on “The Role of Ombudsman Institutions in Consolidating Democracy”, that took place in Istanbul.
- The European Meeting of Ombudsmen organized by the International Ombudsmen Institute in Vienna on the competences and the role of Ombudsmen in applying human rights in Europe.
- A seminar organized by the European Commission on “European Legislation and Practices against Discrimination” in Riga (Latvia).

Twining of the Ombudsman with its counterpart in Kazakhstan

In December 2006, the twinning programme for the training of the personnel and the promotion of the institution of the Ombudsman in Kazakhstan was concluded. Senior partner of the European Commission sponsored programme was the Ombudsman of Spain with the Ombudsman of Greece as the junior partner. Under this programme, experts by the Greek Office of the Ombudsman made a series of visits to Kazakhstan. In cooperation with the Ombudsman of Spain we published books in English, Russian and Kazakh, on the consolidation of democracy and the role of the Ombudsman in the country.



EUNOMIA programme

The EUNOMIA programme operates under the auspices of the Office of the Council of Europe’s Commissioner for Human Rights with special funding from the Greek Ministry of Foreign Affairs; it acts on the decisions of a three-member coordinating committee comprising the Commissioner for Human Rights, the European Ombudsman and the Greek Ombudsman who also supervises the programme. Decisions are carried out by the programme’s planning unit, which is housed in the Greek Ombudsman’s premises and directs the 30-member panel of experts that take part in the activities. The aim of the programme is to contribute to the establishment and to support the recently established Ombudsman institutions in the countries of Southeastern Europe.



We organized seminars

✿ On the island of Syros, on “The Ombudsman Supervising the Police”, with the participation of the Ombudsmen of Albania, Austria, Bosnia–Herzegovina, Bulgaria, FYROM, Kosovo, Montenegro, the Netherlands, representatives of the office of the Council of Europe’s Commissioner for Human Rights, the European Court for Human Rights, the Kennedy School of Government of Harvard University, the Aristotle University of Thessaloniki, the Head of the Hellenic Police General Staff and other experts from many countries.

During the first two days of the seminar, discussions held focused on the international experience on the accountability of the police to the Ombudsman and the disciplinary procedures within the police.

The seminar was very interesting as it was the first time that the Hellenic Police participated in a public deliberation on its own accountability mechanism inside and outside the corps.

✿ In Ochrid (FYROM), on «The Ombudsman as an Agent of Administrative Reform”, with the participation of a delegation from the European Ombudsman, and representatives from Ombudsmen offices from Albania, Austria, Bosnia–Herzegovina, Bulgaria, Kosovo, Montenegro, the Netherlands, Serbia and Slovenia; also European Commission and OSCE’s representatives.

The seminar was articulated around two main themes:

- Identifying best practices in handling individual complaints on access to public and personal data, and the Ombudsman mediation in cases of administrative delays, as is the case of pension benefits’ delays and expropriations.
- Bringing into the light the role of the Ombudsman in promoting a strategy for comprehensive administrative reform.





- In Pristina in order to inform officials of the Kosovo Ombudsman. The aim of this training seminar was the exploitation of Ombudsman's knowledge and experience in handling complaints on environmental issues.

We were visited by the counterpart delegations of

- Russia, headed by the Russian Ombudsman Vladimir Lukin, in order to discuss future cooperation. The delegation received information on the operation and the activities of the Ombudsman. The Greek Ombudsman also visited the Russian Ombudsman's office in Moscow.
- Georgia, headed by the Ombudsman of Georgia Sozar Subari, with the aim of familiarizing themselves with the experience of the Greek Ombudsman on issues of shared interest, as well as of understanding the different civic roles assigned to the institutions in each country.
- Bulgaria, headed by the Ombudsman of Bulgaria Ginyo Ganev, within the framework of the systematic cooperation and know-how exchange inaugurated following the establishment of the Bulgarian Ombudsman.



Acronyms

Most of the acronyms used in the present edition are transcriptions of the Greek acronyms.

ASEP	Anotato Symvoulío Epilogis Prosopikou (Supreme Council for Public Sector Personnel Selection)	ICRC	International Convention for the Rights of the Child
DEYA	Dimosia Epiheirisi Ydrefsis kai Apochetefsis (Municipal Water Supply and Sewerage Company)	IDEKE	Institouto Diarkous Ekpaidefsis Enilikon (Institute for Adult Continuing Education)
DOATAP	Diepistimonikos Organismos Anagnorisis Titlon Akadimaikon kai Pliroforisis (Cross-Disciplinary Organization for the Recognition of Academic and Information Technology Diplomas)	IKA	Idryma Koinonikon Asfaliseon (Social Security Organization)
DIKATSA	Diapanepistimiako Kentro Anagnorisis Titlon Spoudon Allodapis (Inter-University Centre for the Recognition of Foreign Academic Titles)	KEP	Kendra Eksypiretisis Politon (Citizen Service Centres)
ECJ	European Court of Justice	NGO	Non-Governmental Organization
ETAM	Eniaio Tameio Asfalisis Misthoton (Unified Insurance Fund for Employees)	OAED	Organismos Apasholisis Ergatikou Dynamikou (Manpower Employment Organization)
EU	European Union	OAEE	Organismos Asfalisis Eleftheron Epaggelmaton (Social Security Organization for the Self-employed)
GLK	Geniko Logistirio tou Kratous (State General Accounting Office)	OGA	Organismos Georgikon Asfaliseon (Agricultural Insurance Fund)
		TEVE	Tameio Epaggelmaton kai Viotehnon Elladas (Professionals' and Craftsmen Insurance Fund)

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