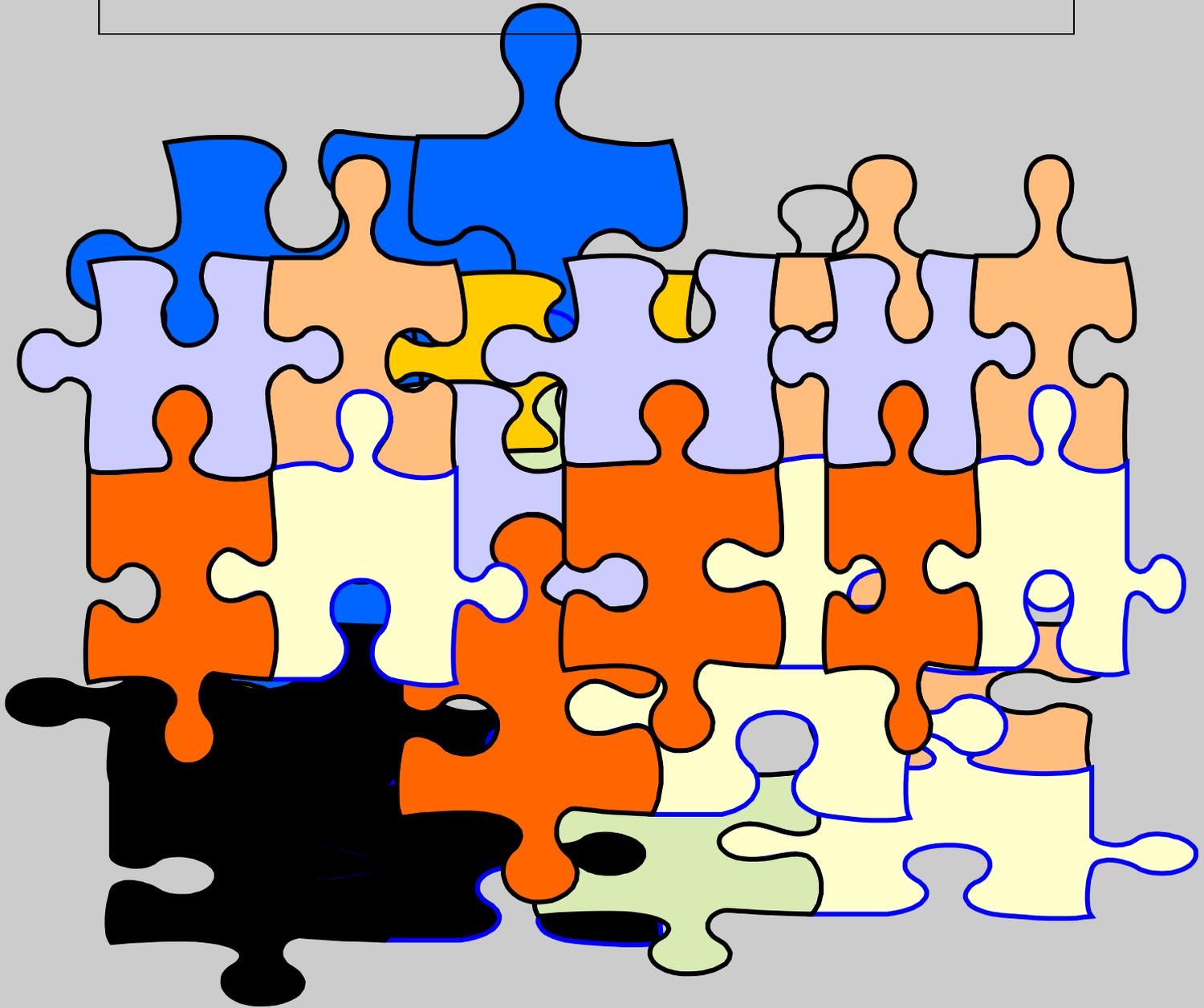


2011 Annual Report
Summary

The Greek Ombudsman →



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Annual Report 2011

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Introduction

We are currently experiencing a period of tectonic upheaval. The crisis is eliminating the certainties we had, at least during the post-dictatorial period. Overwhelming changes can be seen not only in the conditions but also in the regulations affecting our rights and obligations and which now come to negate individual and collective plans for the future. Successive legislative interventions subvert the rights and expectations founded therein. The drastic adjustments imposed on the Greek economy and society as a whole, have had dramatic consequences on citizens, while vulnerable groups increase and multiply. At the same time, social rights

are restricted and financial obligations often become unsustainable.

The Greek Ombudsman provides an institutional way out to the obvious displeasure expressed in society, regarding not only the quality of administration-citizen relations, as was the case to date, but also the problems which currently exceed anything already known. The Ombudsman seeks to support citizens and lends a voice to those less able to articulate and defend their rights. As an institution focused on advancing good governance at all levels of Greek administration, we seek pragmatic solutions and concrete recommendations. The Greek Ombudsman firmly believes that the challenging conditions currently prevailing in our country should not be used as an excuse for the setback of valuable but fragile achievements in the rule of law and democracy. Respect of these two principles is now more essential than ever, as the stakes are higher for citizens in times of deepening economic and social crisis.

In short, the crisis changes dramatically the terms of administration-citizen relations. Despite its deficits, the operation of the administration had started, particularly the latter years, to gradually integrate the requirements of "good governance". The Greek Ombudsman's activities contributed to the promotion of the principles and practices of good governance, albeit at a slower pace than hoped.

Under the current circumstances, citizens doubt that the state and administration can support them. The administration itself has been seriously affected and its members are in a constant state of uncertainty while at the same time, they are called on to function more efficiently and respond to increased demands. This is reflected in the new difficulties met by the independent authority in its mediatory interventions. It is now extremely urgent to find a new point of balance which will allow the administration to fulfil its role effectively, to the benefit of Greek society and citizens. In this respect, the Greek Ombudsman has both the experience and determination to contribute and assist in this endeavour.

The Ombudsman finds itself facing the following paradox: whereas its mission is facilitated under normal circumstances, its intervention is even more imperative under these difficult conditions. Thus it tries to uphold clarity of thought and correct judgment in a social and economic environment that is rocked by violent upheavals and is anything but favourable. In an environment of financial and institutional crisis, when the end of a political model and its relations with society is in sight, while a new era has not yet emerged, the independent authority seeks to contribute to the establishment of a new social contract in Greek society. Only strong institutions adhering to their mission requirements can support the country and

its citizens in the difficult phase we are currently experiencing, in the hope of a future recovery.

At times like this, citizens approach the Greek Ombudsman in search of support and assistance even in matters outside the institution's jurisdiction. The pressure in which citizens find themselves became apparent in the internal thematic redistribution of complaints. There is a noticeable increase in complaints related to the crisis and how it is managed, i.e. issues of social and economic policy, a significant part of which is included in this year's annual report.

In 2011, the Greek Ombudsman carried out a series of interventions on matters which occupied and continue to occupy citizens, in search of constructive and realistic solutions. These are illustrated in the various chapters of the annual report. The Ombudsman consciously chose to be more open in its communication with citizens and visited other parts of the country; Agrinion, Thessaloniki, Rhodes, Komotini etc. It has introduced extended working hours. It plans new, economic ways of communicating with citizens across Greece. In addition, the Ombudsman sought financial support from European Programmes (e.g. "Progress", the "Iris" programme against discrimination) in order to make up for the abrupt cutbacks to its budget and thus support various segments of its mission. Within the framework of cutbacks and streamlining of expenses, over and above the drastically reduced cost of publications, emphasis was placed on in-house productions. In the field of publications for example, the electronic version of reports was used extensively, with the involvement of Ombudsman staff. The redesigned website of the Ombudsman's office, with the accelerated transfer of data, is available since mid 2011 and managed on a no-cost basis by office staff.

The annual report at hand also underlines two innovations. For one, we attempt to present in a more coherent and comprehensive manner the activities and conclusions that arise from the investigation of complaints. In consequence, we adopt a more thematic synthesis while in other sections of the annual report horizontal issues that occupied the Authority are presented. I am certain that this approach simplifies and facilitates the utilization of recommendations put forward.

At the same time, the 2011 edition includes special annual reports which the Institution has to submit based on specific requirements. These thematic reports address issues such as discrimination and gender equality issues. This format aims at rationalising and coordinating the timing of special annual reports. Moreover, such an approach must also be seen in the broader context of saving human resources and reducing material expenses that arise in the course of preparing the annual reports.

With these on-going changes in mind, we hope that the 2011 edition of the annual report provides a more comprehensive and coherent overview of the Greek Ombudsman's activities throughout the past year.

Calliope Spanou
Ombudsman

January 2012

Legal Framework and Operation of the Ombudsman Institution

LEGAL FRAMEWORK

The Ombudsman is an independent authority sanctioned by the Constitution. It began operations on October 1, 1998 and provides services to all citizens free of charge.

The organization, staffing and operation of the Ombudsman are governed by law 3094/2003 and the rules of operation (PD 273/1999), within the framework set by the Constitution after its revision in 2001. The full texts governing the functioning of the Ombudsman are published on the website: www.synigoros.gr.

The Ombudsman's mission is to mediate between the public administration and citizens to protect their rights, to ensure the former's compliance with the rule of law and to combat maladministration. The Ombudsman also deals with the protection and promotion of children's rights.

In 2004, the Ombudsman of Health and Welfare became part of the Ombudsman. With the enactment of law 3304/2005 for the "enforcement of the principle of equal treatment irrespective of ethnic origin, religion or belief, disability, age or sexual orientation", the Ombudsman's mission included the promotion of equal treatment in public services.

Law 3488/2006 tasked the Ombudsman with monitoring the implementation, in the private and public sector, of the principle of equal treatment of men and women as regards to access to employment, vocational training and promotion, working terms and conditions. Law 3769/2009 (Articles 11 & 14) added to the responsibilities of the Ombudsman to monitor and promote implementation of the principle of equal treatment of men and women in accessing goods and services in the public sector.

Law 3896/2010 was posted on 8.12.2010 (Official Gazette A 207) and removed the

legislation hitherto in force (law 3488/2006, PD105/2003 and PD87/2002) on gender equality in employment; a single coherent legislative text was codified in the spirit and provisions of Directive 2006/54/EC.

Under Article 25 of this law, the Ombudsman's mission is expanded specifically to include promoting the principle of equal treatment of men and women in employment and labour. Also, the Ombudsman's mission is now extended to monitoring and promoting the implementation of the principle of equal opportunities for men and women in labour issues. In paragraph 7 of that article there is a change in the legal framework governing the Ombudsman (law 3094/2003), as it provides that, specifically when there is a violation of the principle of equal opportunities and equal treatment of men and women in employment, the Ombudsman has the right to "deal with matters pending before courts, judges or prosecutors, up to the first hearing, or the prosecution, or until the court or competent judicial authority has ruled on the request for interim relief".

Law 3772/2009, published on July 10 2009, explicitly confirmed that the Ombudsman has access to penal institutions. In this way there are no longer obstacles to Ombudsman visits to these institutions due to misinterpretations.

Law 3839/2010 on the "Evaluation system for head management positions - Establishment of Special Selection Board for Head Managers (EISEP)", requests for a Deputy Ombudsman as member of the established Board (EISEP).

The Greek Ombudsman has been entrusted by law 3907/2011 with the monitoring of the forced return of third country nationals. The Greek Ombudsman is working with international organizations and NGOs in order to establish a functional monitoring system on returns and to apply the principles deriving from

Directive 2008/115/EC and/or relevant legislation on illegally residing third country nationals.

The Ombudsman makes recommendations and suggestions to the administration but may not impose sanctions nor annul the illegal acts of public administration.

Any Greek or foreign citizen dealing with the Greek administration may appeal to the Ombudsman. Especially with regard to violations of children's rights, the concerned child, parent or relative, and any third person that has direct knowledge of a violation of children's rights may refer the matter directly to the Ombudsman. The same applies to legal entities or associations.

The Ombudsman is responsible for citizens' issues with services of:

- the public administration
- local authorities (municipalities, regions)
- other public law legal entities (public entities - NPDD)
- legal entities of private law (private entities - NPID), businesses and organizations controlled by the state or by public entities

Especially in cases of violation of children's rights and of the principle of equal treatment in employment, the Ombudsman has jurisdiction over acts of private persons, as well as natural and legal entities.

The Ombudsman is not empowered to act:

- if more than six months have elapsed since the citizen was informed of the unlawful act or omission of the public administration that concerns him
- in private disputes
- in cases involving the status of the staff of public services (except for unequal treatment of employees under law 3304/2005 and law 3488/2006), national defence, foreign policy and international relations, state security.
- in cases pending before the courts, except, as noted above, in matters

concerning the principle of equal opportunities and equal treatment of men and women.

- on acts by judicial authorities, the State Legal Council, independent authorities, religious public entities.
- on acts of ministers and deputy ministers on policy function management.

The Ombudsman does not provide general information or legal advice.

COMPLAINT SUBMISSION AND INVESTIGATION

The Ombudsman office undertakes any matter within its competence, after a signed complaint is submitted by any directly concerned individual, legal entity, or association of individuals. Complaints can be submitted in person, by mail or by fax.

Complaints are processed in thematic sections that are organized into six departments: Human rights, Social protection, Quality of life, State-citizen relations, Children's rights and Gender equality. Investigation is assigned to a specialized investigator from the relevant department.

The citizen is informed in writing and by telephone at each stage of the process. The investigation concludes with the preparation of a document which the Ombudsman submits to the relevant service.

If, however, it is required by the nature of the case, the Ombudsman may proceed to conduct a survey, or refer the case for prosecutorial or disciplinary action.

Finally, where appropriate, an investigation may result in a finding which is brought to the attention of the relevant minister.

The citizen is informed in writing when it is not feasible to investigate his complaint because it falls outside the Ombudsman's jurisdiction, or the complaint is vague, unfounded or presented in an abusive manner.

The Ombudsman may:

- ask public services for any information, document or other facts pertaining to the case, examine persons, conduct a survey and commission an expert's opinion.
- set a deadline for the services in which they must inform him of their actions for the implementation of his recommendations, or the reasons why they cannot be accepted.

Refusal by a state officer or public service employee to cooperate with the Ombudsman in the conduct of research may amount, where appropriate, to disciplinary misconduct or breach of duty, or cause for replacement. If it is demonstrated by the Ombudsman's reports that a state officer or public service employee hampers the investigation process for the second time in three years, or refuses without good cause to join in resolving the problem, the individual may suffer the penalty of permanent dismissal. Finally, if there is sufficient evidence of an offense, the Ombudsman forwards a report to the prosecutor in charge.

ORGANIZATION AND STAFFING OF THE OMBUDSMAN'S OFFICE

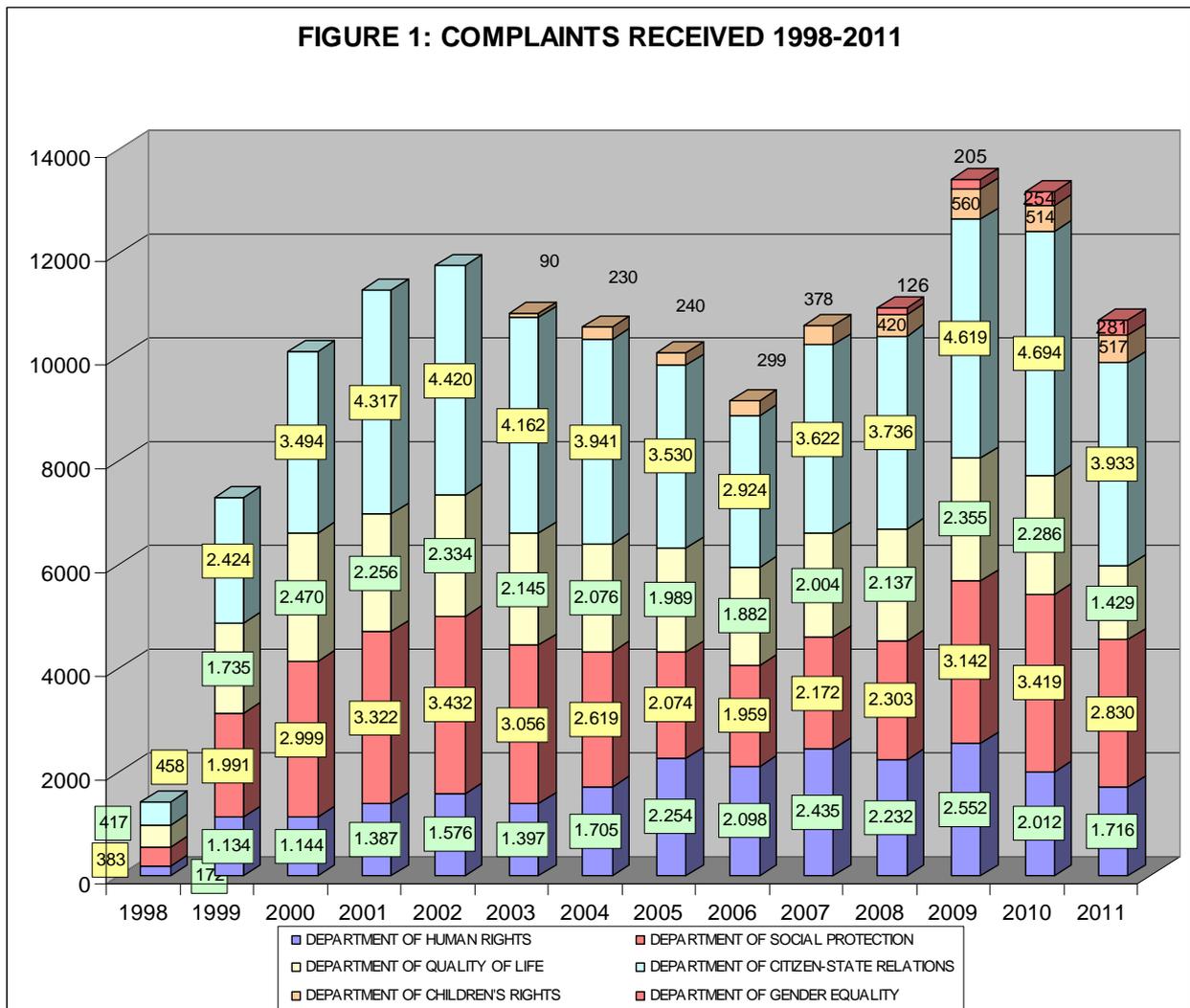
On 31.12.2011 the total number of employees, including six Deputy Ombudsmen, was 190, consisting of 57 men and 133 women. The scientific staff numbers 141 persons and the administrative and secretarial support 49 persons.

STAFFING OF THE OMBUDSMAN'S OFFICE**PERSONNEL CATEGORIES ON 31.12.2011**

1. Ombudsman (elected on 19.5.2011 and on duty since 13.7.2011): 1
 2. Deputy Ombudsman: 6
 3. Head of Secretariat: -
 4. Senior investigators (scientific staff) (seconded): 22
 5. Senior investigators (scientific staff with a private law contract of indefinite duration): 111
 6. Assistant investigators (under private law contracts of indefinite duration): 1
 7. Ombudsman's and Assistant Ombudsmen's Office Staff: 7
 8. Secretariat: 42
- Total: 190

Graph 1: Complaints received 1998-2011

Year	Complaints received
1998	1.430
1999	7.284
2000	10.107
2001	11.282
2002	11.762
2003	10.850
2004	10.571
2005	10.087
2006	9.162
2007	10.611
2008	10.954
2009	13.433
2010	13.179
2011	10.706
Total	141.418



The year at a glance

STATISTICAL EVALUATION

In 2011, the Ombudsman received 10,706 new complaints (see Graph 1). The total number of citizens who asked for the Ombudsman's help through their complaint is greater, as hundreds of complaints derive from groups of people. They are "collective complaints", signed by 2 to 10 citizens, or even bigger groups – i.e. one complaint was filed by 176 citizens and another one by 155 citizens.

The number of complaints filed with the Ombudsman was reduced in 2011 compared to 2010 and 2009, but the trend over the last 14 years continues to increase steadily (Figure 1). The reduction noted in 2011 could be attributed to the conditions of unprecedented economic crisis in Greece. Due to the crisis, people give priority to financial problems which fall outside the Ombudsman's jurisdiction. However, it could also be attributed to the sense of confusion from the constant changes that affect the public administration and ultimately people's lives, but also the uncertainty and confusion impacting people's rights.

In 2011 the Ombudsman served more than 8,500 people who visited the reception office in Athens seeking help, while the call centre served 33,146 people who needed advice.

Of the complaints within the Ombudsman's competence handled during 2011, 61.6% were found to be valid, i.e. the citizen's complaint was justified and there was evidence of maladministration.

The founded complaints were largely successful in outcome. Specifically:

- Resolved cases, that is, the problem facing an individual was eliminated, at a rate of 71.5%.
- Not resolved despite mediation, in 8.23% of valid petitions. In these cases, the Ombudsman's recommendations

were not accepted.

- For 12% of valid petitions, their resolution was impossible for reasons attributable to gaps in legislation or perennial organizational weaknesses and failures of the public administration.
- 8.2% of cases were resolved without action on the part of the Ombudsman, by the service itself or after the intervention of another entity.

In 2011 the Ombudsman also examined 4,900 cases which were found to be out of jurisdiction.

SPECIAL REPORTS

For issues of major gravity and importance, the Ombudsman prepares special reports to be submitted to the Prime Minister and the President of Parliament. The special reports are also communicated to the relevant ministers. During 2011, the Ombudsman produced one special report entitled "Special report on the relations of the Athens Water Supply and Sewerage Company (EYDAP SA) with consumers: The experience of the Ombudsman".

EX-OFFICIO INVESTIGATIONS

The Ombudsman automatically addresses issues deemed particularly grave that fall under his remit. In 2010, he conducted the following ex-officio investigations:

1. Use of tear gas during assemblies
2. Living conditions of detained persons
3. Living conditions of Roma
4. Operation of the General Hospital of Agrinio
5. Operation of Organisation Against Drugs (OKANA) services

DISCIPLINARY REFERRAL

If, while investigating a complaint, the Ombudsman finds illegal conduct by a governing body, which often involves refusal to cooperate with the Ombudsman, he reports it to the entity

that is responsible for the disciplinary control of the offender. Failure to cooperate with the Ombudsman is, under certain conditions, a criminal offense.

In 2011 the Ombudsman referred four cases involving:

- the Mayor of Corfu on failure to cooperate with the independent authority on issues of parking on a pedestrian street, not granting copies of City Council decisions and for exclusive car parking spaces by the municipality.
- the former Mayor of Thebans on refusal to cooperate with the independent authority.
- staff members of the General Hospital of Rhodes on cancellation of surgery on the grounds that the patient did not make the requested cash payment.
- the West Attica General Hospital "Agia Varvara" on investigating the loss of a histopathologic specimen.

REFERRAL TO THE PUBLIC PROSECUTOR'S OFFICE

If while investigating a case conclusive evidence arises of a crime by an officer, employee or member of management, the Ombudsman shall forward a report to the prosecutor.

In 2011 the Greek Ombudsman did not utilize this institutional capacity on a new case.

FIELD SURVEYS - WORKSHOPS

The Ombudsman considers field surveys as a very effective tool for resolving cases, especially when it comes to urban planning and environmental issues, questions of personal liberty and personal security of foreign and Greek persons, the living conditions of Roma, issues of healthcare and welfare structures, and the operation of institutions for children.

The Ombudsman, in 2011, conducted about 25 field surveys and 18 workshops.

MEETINGS, CONFERENCES

During 2011, the Ombudsman organized several meetings and workshops. The following are indicative:

- 8 February: workshop on "Transparency and anti-corruption, convergences and parallel roads" organised by the Ombudsman, the Association of Prosecutors and the Centre for Penal & Criminological Research.
- 6 June: meeting on the issue of refugees, with representatives of the Ministry of Public Order & Citizen Protection, Ministry of Health, the UN High Commissioner for Refugees and the president of the National Commission on Human Rights.
- 19 September: meeting on the operation of the Roma settlement in Votanikos.
- 13 October: workshop on the protection of under-aged African prostitutes.

THE OMBUDSMAN IN THE GREEK PARLIAMENT

The Ombudsman appears before parliamentary committees to inform Parliament on specific matters within its competence.

- The Greek Ombudsman Calliope Spanou and the Deputy Ombudsmen presented the 2010 annual report to the Commission on Institutions and Transparency of the Greek Parliament (24 May).
- The Deputy Ombudsman for Human Rights Vassilis Karydis and a senior investigator appeared before the All-party Parliamentary Committee on the Examination of the Correctional System and Living Conditions in Prisons (22 February).
- The Greek Ombudsman Calliope Spanou and the Deputy Ombudsman for Human Rights Vassilis Karydis appeared before the All-party Parliamentary Committee on Immigration (16 March).

PARTICIPATION IN COLLECTIVE BODIES

The Ombudsman is a member of the National Commission on Human Rights

and the National Council for Administrative Reform. It also has an advisory role in the Central Scientific Council for the prevention and confrontation of the victimization and the criminality of minors, which was established in 2010 by the Ministry of Justice. The Ombudsman participates in committees dealing with matters within its special competence, such as the Committee of the General Secretariat for Gender Equality to promote women's employment.

VISITS TO REGIONS OF GREECE

Ombudsman teams occasionally visit regions of Greece to personally inform the citizens living there on the powers of the Ombudsman and to receive complaints. At the same time, meetings are held with agents of local government and local public services on issues facing the local community. The visits are covered by local media.

In 2011 we visited:

- Agrinio, 3-5 October
- Thessaloniki, 14-16 November
- Rhodes and Kos, 23-25 November

EDUCATIONAL ACTIVITY

Members of the scientific staff of the Ombudsman participated in educational and training events designed for diverse public authority services, aimed at benefiting from the experience of the independent authority. Examples:

- Training seminars by the Institute for Training of the National Center for Public Administration.
- Seminars at the Training School of the Greek Police and the National Security School.
- Workshops and seminars for teachers. The focus was on issues relating to the exercise and protection of children's rights, the prevention and treatment of school and family violence, and environmental awareness.
- Visits and discussions in schools and other educational entities across Greece for children's rights, environment

and gender equality.

PARTICIPATION IN EUROPEAN PROJECTS

- "Ombudsman Support in monitoring and promoting the implementation of the principle of equal opportunities and gender equality in public policies", ESPA 2007-2013.

- «Progress» programme for Employment, Social Affairs and Inclusion, European Commission.

COLLABORATION WITH NGOs

The Ombudsman coordinates the operation of two networks for the mutual exchange of information on the protection of rights and social support of:

- Roma
- Asylum-seekers and refugees

The purpose of networks is to facilitate the access of members of these vulnerable social groups to mediation services of the Ombudsman, to defend their rights and to compensate for the lack of information and specialist knowledge facing many institutions of civil society working in these fields.

Moreover, the Ombudsman works with NGOs active in key areas, such as environment and health.

PUBLICATIONS

During 2011, the Ombudsman published:

- a book: "Penal confinement and rights" findings reports, documents, field reports, special reports on prisoners' rights.
- a brochure: "Discrimination stops here." 75,000 copies distributed through free press.
- a booklet: "Practical Roma Guide for municipal authorities."
- Participation in the brochure of the "Greek Ornithological Society" Preserving the most important areas for birds, nature and man - Cases of a decade 2000-2010."
- a quarterly digital newsletter

Reciprocal Financial Obligations of State-Citizens

The deep social and financial crisis which has rocked the country touches all areas of citizens' and businesses' daily life. This situation is reflected in the increased number of complaints received by the Greek Ombudsman, which touch on financial issues, particularly those whereby citizens and businesses are pleading financial difficulties in dealing with their debts to the state. A steady and just fiscal system contributes to an established and just state; it also strengthens citizens' fiscal conscience. In addition, it benefits the development of businesses and investments by natural and legal entities.

The socio-economic crisis has revealed, among other things, the problems related to our fiscal system. In this framework, the attempt made to improve the productivity of financial services' actions is obvious, while projecting as its main goal the elimination of tax evasion.

Thus, in an attempt to cover the socio-economic debt, this goal has led to repeated fiscal legislation measures burdening citizens' income which often puts the interests of the state before the legal rights of its citizens.

The Ombudsman does not participate in the state's function; it investigates the legality of administrative acts affecting citizens. And yet, during investigation of individual cases, the Ombudsman observed specific legislation designed to protect public interests rather than constitutionally guaranteed individual rights.

Indicative of the above is a case offsetting mutual demands. In accordance with law 3842/2010, offsetting citizens' demands to the state with their debts is allowed but in fact is put on hold pending a judicial inquiry.

The Ministry of Finance rejected the recommendations of the Ombudsman, according to whom the regulations touched on basic constitutional regulations; their chief argument was that these regulations protect the public welfare and avoid the risk of refunding considerable amounts, mainly taxes, since there are *bona-fide* debts to the state.

A similar issue was examined by the Ombudsman as a result of citizens' complaints protesting the automatic, as provided by the above legislation, offsetting of demands on the state, even with expired debts.

The Ombudsman pointed out that an essential requirement for offsetting non-expired debts legally is the prior legislation of cases that are exempt from this while at the same time, there must be an exemption from automatic offsetting of cases wherein guarantees exist protecting the state as well as when it is deemed justified for not being a risk to the state.

Should this not be the case, offsetting non-expired debts of all legal businesses whose business activities to a large degree are with the state, jeopardises the profit and cash flow projections of businesses.

The Ombudsman also received many complaints from citizens regarding the extraordinary special charge on electricity supplied to constructions. Following investigation of complaints related to non-payment of these charges, the calculation and collection thereof, the Ombudsman sent a letter to the minister of Finance. It referred to the problems resulting from the short period of time within which it was decided to impose this charge and the establishment of the calculation and collection procedure itself.

It put forward specific recommendations, emphasizing the fact that cutting off the supply of electricity consisted deprivation of a basic welfare and in any case, was an excessive and unfavourable measure, particularly for certain vulnerable groups. It also pointed out that based on the constitutionally guaranteed principle of proportionality, there should, under certain conditions, be a proposal protecting the constitutionally guaranteed rights of citizens, such as protecting human dignity, health, motherhood, childhood and more particularly vulnerable groups. The ministry, in its circular, adopted the Ombudsman's proposals at large.

The State-citizen relations department of the Ombudsman also examined cases reflecting various difficulties in the way that the administration intervenes and affects the development of financial activities, as the business arena in Greece shows serious weaknesses. The unstable and vague legislative framework, the absence of strategic development policies, over-regulation, complex and time-consuming administrative procedures and bureaucratic obstacles are only some of the problems business initiatives face.

Following examination of these cases it became apparent that the aforementioned weaknesses have two aspects. On one hand, bad financial planning, delayed policies and administrative decisions and/or administrative omissions result in disproportionate negative consequences in the operation of private financial activities. On the other hand, these weaknesses are responsible for downgrading the natural environment due to manufacture, which undermines the potential of environmentally sustainable development. Inefficient monitoring and controls related to adherence to environmental specifications and terms of operation, as well as relevant authorities' negligence in enforcing penalties, sometimes lead to arbitrary business operations. In the

overwhelming majority of cases, the deviation from legality creates serious environmental problems.

An example is the operation of EOMMEX (Hellenic Organization of Small & Medium sized Enterprises and Handicraft S.A). Many cases investigated by the Ombudsman with regard to EOMMEX showed omissions in the procedure for submitting and approving investment proposals. The Ombudsman emphasised in writing to EOMMEX that the justification process behind decisions must be clear, concise and comprehensive, with reference to the individual factors of each case. In this case, rejections lead to indirect restrictions of free participation in the economic life of the country; the principle of proportionality must be adhered to. As a result of the Ombudsman's mediation, EOMMEX provided evidence related to the evaluation of investment plans.

Environmental Management and Urban Planning

The current social and economic conditions have created a new framework which brings negative impacts on the natural, urban and cultural environment. Vague and contradictory legislation, administration's confusion about its jurisdiction, authorities' inability or refusal to apply legislation and inadequate or non-existent control mechanisms for environmental protection are also part of the problem. In addition, the restructuring of local government via the "Kallikratis Programme" has added to the confusion. As a result, the right to a healthy environment and quality of life is violated.

Mediation

The Quality of life department investigated numerous cases with wide-ranging negative effects, such as the quality of drinking water, municipal solid waste management and the impact of a shipwreck (Sea Diamond cruise ship) on marine and coastal environment.

On urban planning issues, citizens have complained about their ability to access and utilize public areas such as sidewalks, squares, roads, etc. Another issue identified by the Ombudsman is the lack of an integrated plan for the use and control of public spaces. In this context, acts of maladministration have been recorded, such as violations of the right to private property; property remaining seized due to planning and archeological purposes, but never expropriated for the common good.

WATER RESOURCES

"Sea Diamond" Case

One of the most important cases investigated was the "Sea Diamond" shipwreck that occurred close to the island of Santorini, in Caldera. The Ombudsman determined that there was an excessive delay by the competent authorities to instigate an Environmental Site Assessment (ESA), to take immediate action to control pollution and restore the area. The administration did not protect the environment effectively. The Ombudsman proposed the following to the relevant authorities:

- Instigate an ESA by a specialized institute, to evaluate the potential impact from the shipwreck on the seafloor and the need for its removal.
- Characterize the shipwreck as waste, since pumping out the fuel contained in the ship's tanks is not enough to avoid pollution.
- Prepare a special contingency plan to face possible leak of pollutants that may still be trapped in the shipwreck.
- Modify legislation to foresee obligatory instigation of ESA and evaluation of pollution danger for all cases of shipwrecks.
- Transfer jurisdiction regarding shipwreck sea pollution from municipal Port Authorities to ministries or regional agencies

A Council of State (Supreme Court) Decision validated the Ombudsman's opinion in 2011 by ruling that shipwrecks must be removed from the seafloor and only under specific conditions may another solution be adopted.

Toxic compounds in drinking water

Hexavalent Chromium in the Asopos and Messapia regions

The Greek Ombudsman investigated cases of contamination of water resources with hexavalent chromium in the regions of Assopos (Viotia) and Messapia (Evia).

The Ombudsman proposed the adoption of a specific acceptable threshold for hexavalent chromium in drinking water, taking into account the following:

- i.** The precautionary principle
- ii.** 2010 Court Decision that rules that 2 mg/l is the acceptable level of hexavalent chromium in drinking water
- iii.** Expressed opinions of relevant authorities for the need to establish a threshold for this contaminant
- iv.** International experience and practices to estimate the acceptable level of exposure to hexavalent chromium
- v.** Health ministry circular requesting systematic monitoring of hexavalent chromium concentrations in various regions of the country for a year.

For the protection of River Assopos, the Ombudsman also requested:

- i.** Strict control of the quality and disposal methods of industrial waste
- ii.** Restoration of soil, ground and surface water, especially near inhabited areas and agricultural land
- iii.** Restoration of the river bottom
- iv.** Enforcement of the polluter pays principle

In the municipality of Messapia, hexavalent chromium was detected in drinking water. The Ombudsman requested clean water for the citizens in compliance with a relevant Court decision, a sanitary inspection of the water network and resources, systematic monitoring of the water quality, prompt and accurate information to the citizens.

Installation of photovoltaic stations in the Yliki Lake protected area that provides drinking water to Athens

The Ombudsman investigated the legality of two photovoltaic stations within the Yliki Lake protected area. The legislation sets strict requirements protecting this area. The Ombudsman concluded that the approved environmental terms were not legal because:

- The Prefect approved the environmental terms, ignoring EYDAP's negative view and without asking the sanitary agency. According to legislation, it is obligatory to ask for the opinion of the Athens Water Supply and Sewage Company (EYDAP SA) and the appropriate sanitary agency, in order to approve the project environmental conditions. These are, by law, the competent authorities to determine if a project may be installed within the protected area, based on its impact on the environment.
- The area specific legal framework was ignored. Only the legislation related to the Renewable Energy Sources (RES) environmental permit procedure was taken into account. The RES procedure contains general terms and conditions applicable to the entire country and hence, does not foresee specific requirements for protected areas.
- Besides the above mentioned legal issues, the Prefect never contradicted EYDAP's negative opinion. EYDAP pointed out the potential risk to drinking water and the environment from the installation of P/V stations in the protected area. In addition, the environmental terms did not foresee measures to be taken in case of an accident.
- The minister for Environment intervened in the permit procedure by giving written instructions to the Prefect. The instructions ignored the specific legislation referring to the protection of the capital's drinking water and stated, without any justification, that P/V stations do not impose any threat to the environment. The minister used as an excuse for this intervention the need to deal with the

problem of climate change since it is an issue of vital importance. However, the Ombudsman pointed out that legality and constitutional demands should not be ignored for other purposes.

Municipal Solid Waste

The Ombudsman is investigating many cases regarding uncontrolled solid waste disposal areas (USWDA). Greece has already been convicted by the European Court for the continuing operation of a large number of USWDA and for the lack of restoration. As a consequence, Greece is obliged to pay heavy fines for these violations.

The Ombudsman noted that the main excuse used by the municipalities for not closing them down is the absence of other appropriate waste disposal areas. The creation of new environmentally safe disposal areas is, of course, the administration's responsibility. The same applies for not using the available legal tools and European funds to resolve the waste handling problem.

The Ombudsman recorded several cases where USWDA are placed within forest and archaeological areas, river and creek banks and near significant water resources. Very often, waste is illegally burned without any precautionary measures.

Most important, the administration continues illegal USWDA operations against court decisions dictating their closure and restoration.

Access and use of public-communal areas

Access and use of public/communal areas is often restricted. Examples noted in citizen complaints are:

- Kiosks that extend the area of their business on sidewalks beyond the permitted area. This disturbs citizen's access to public spaces and the operation of adjacent stores.

- Restaurants, bars and similar stores that place tables and chairs on sidewalks, squares and other public or communal spaces, illegally or in breach of their permit.

- The Acropolis archaeological authority requested from a mother with her baby and two children to enter the archaeological site without the stroller. The visit was made very difficult for the family, since the mother had to walk through a jagged path carrying the baby in her arms. When the mother asked to use the facilities for disabled people (elevator and special pathway) the authority did not permit it. The Ombudsman's intervention led to specific measures so that children and their escorts would have easy and equal access to archaeological sites. As a result, the competent authorities decided to supply all sites with baby slings and allow children and their escorts to use the special elevator and pathway for disabled people. The implementation of these measures is in progress.

Land uses and freezing of properties

Freezing of property for planning purposes

Many citizens complain about the freezing of their property for public use during city planning. However, their property is never expropriated, not even cases judged by the court. The Greek Ombudsman intervenes to:

- Persuade administration to initiate and complete the expropriation procedure, to compensate citizens for their property and to create the necessary public spaces.
- Ensure application of court judgments that rule immediate compensation or revocation of administrative decisions to freeze property.
- Ensure property release when the citizen is not compensated. This happens not only because of lack of funds but also because alternative methods of compensation are not utilized, such as permitting construction in an alternative area, under specific conditions, instead of giving money.

Freezing of property for archaeological purposes

When archaeological finds are discovered, citizens' properties are often frozen. If the archaeological authorities consider that the findings are of great importance, the properties should be compensated. However, even in these cases, an excessive delay or complete cessation of the foreseen procedure is noted. The Ombudsman resolved several cases that were pending since 2003 and achieved compensation of all beneficiaries.

Additionally, in order to speed up the compensation procedure, the Ombudsman recommended determining the boundaries of significant archaeological sites and setting specific building terms for all other archaeological areas.

Social Policy

Social policy issues have always been a challenge to deal with, especially in times of economic crises. In previous annual reports, the Ombudsman focused on the malfunction of the social protection system, the ineffectiveness of the social solidarity system, as well as the serious deviation of the public health system from its initial objectives and goals.

This year, with the deterioration of the economy and the aggravation of the social status of citizens, the government is urged to introduce institutional reforms and new measures. However, due to lack of resources and the severe austerity measures, such government interventions are very limited. On the other hand, public administration authorities have proven to be unprepared to deal with the great volume of problems that have emerged. Even existing measures are revoked or restricted, leading to the inability of public authorities to respond to social needs and fulfill their task.

The difficult financial circumstances are not the only cause for the malfunction of social policy. Inadequate planning, unclear legislation, organisational problems, lack of personnel and infrastructure, as well as failure of social administration to respond to the needs of vulnerable groups constitute, over the years, the causes of the ineffectiveness of social policy and intensify the consequences of the financial crisis.

The basic factor in evaluating the social situation in Greece is the serious rise of unemployment which affects the social state by and large. The Manpower Employment Organization (OAED) has been unable to respond to the needs of the 700,000 unemployed this year.

Furthermore, unemployment affects the already burdened pension system, due to demographic problems (population aging), as there is no revenue inflow.

Other systemic and organisational problems of the security funds have led to significant delays in issuing pension decisions or paying pensions and benefits, which have already suffered significant cuts. The dramatic rise of unemployment leads to poverty, social exclusion and puts at risk social cohesion, exercising more pressure on the social solidarity system. The economic crisis has developed into a social crisis, and social policy decision makers have a serious responsibility to undertake.

In view of the serious social problems that have emerged, it is important to put major emphasis on the implementation of reforms in the health sector and take measures for the best possible and most effective health care for citizens, from both a medical and economic aspect, to avoid the risk of annihilating the compensatory role that the public health system can play in the situation of loss of income in a rapidly aging society.

Taking into consideration the long lasting problems of lack of infrastructure and personnel in the public health system, which has been further affected by the cutbacks of the austerity policy, the government has attempted various structural reforms, namely, the merging of hospitals, the establishment of a unified National Health Insurance Organization (EOPYY) and the introduction of a new approach to the drug distribution procedure.

However, laying down legislation alone is not enough to upgrade and improve the efficiency of services, if it is not combined with systematic implementation and administrative support.

SOCIAL SECURITY

Unexpected introduction of stricter provisions and requirements

The Social Security sector is the focal point of significant reforms, since it is related to the security benefits and social expenses. New legislation to keep expenses within acceptable limits, introduce stricter requirements or abolish provisions favorable to various population groups.

Whether directly or by changing the administrative procedure, the access to social security rights are restricted.

Even though rationalisation of allowances and practices of the past are legitimate, the abolition of rights guaranteed under the pre-existing legislation, finds citizens unprepared, especially when no transitional provisions are adopted.

A case indicative of this situation is that of a number of citizens, parents of handicapped children, who suffered the consequences of the austerity policy, when the government introduced stricter provisions for early pension.

The new law provided that the stricter requirements were to be applied retroactively also to those whose cases were pending, even though they met all the legal requirements in force at the time of their application.

The Ombudsman mediated with the competent minister, arguing that the retroactive implementation of the new provisions was contrary to the basic principle of the social-security law, and proposed the amendment of relative provisions, so as to exclude those citizens whose cases were pending. The minister accepted the Ombudsman's proposal and proceeded to the amendment of the specific provisions.

Introduction of unfavorable reforms in the social security system

The Social protection department investigated complaints of citizens who were close to retirement and who had suffered loss of their pension rights due to the sudden revision of the social security legislation.

A specific provision, allowing the possibility for someone who had 37 years of insurance time to retire regardless of age, was abolished on 1.1.2011; stricter requirements were introduced by law, without adopting transitional provisions, contradicting the standard social security practice that ensures, inter alia, "good legislation" in the sensitive area of social security law.

By omitting to provide for transitional periods, the administration puts aside the long and uninterrupted, endorsed by case-law, social security practice, and allows for unexpected unfavorable changes in the lives of citizens.

The Ombudsman suggested that the problem could be solved by legislating that those who have completed 35 years of real employment insurance time by 31.12.2010, have the right to retire after completing 37 years of obligatory-real employment insurance time, without setting an age limit.

Loss of social-security rights as a result of excessive delays

The Ombudsman has repeatedly pointed out the problem of long delays with which the administration responds to citizens' requests. For certain groups of citizens in financial crises, a delayed response could constitute a life-death matter.

The phenomenon of excessive delays has been further aggravated by the increased number of citizens who, uncertain of future developments and the limited funds of the social security

organizations, retire and apply for their pension.

The fixed position of the Ombudsman expressed in its annual reports and on all occasions is that delays constitute an infringement of legality and affect the citizen's trust in public administration.

The Ombudsman has proposed organisational and legislative measures to cope with the organisational shortcomings and financial restrictions which are causing the excessive delays.

Some of the proposals are the following:

- the examination of the possibility for public sector employees who retire to be paid a sum of money by their service equal to a six-month pension, that could be offset against the final sum of pension.
- the adoption of specific transparent criteria for the acceleration of the procedure of processing social security requests, in such a way as to give priority to those who are facing serious problems and are in real need.

A characteristic case of losing one's rights, as a consequence of the excessive delays, is that of a pensioner who waited for 3 years for his lump sum allowance and died without ever being paid. In the meantime his wife also died and his inheritors were not eligible to this allowance, according to a 1957 Act, which had not provided for such excessive delays, since it was beyond the legislator's imagination.

The Ombudsman proposed amendment of the 1957 provision to entitle inheritors to receive the allowance in similar cases.

UNEMPLOYMENT – EMPLOYMENT – TRAINING

Dismissal of older workers

The government has the obligation to take utmost advantage of existing institutional potential to mitigate the unfavorable economic and socially

unbearable consequences that unemployment and dismissals have on citizens and their families, especially the more vulnerable groups, as for example those of an older age dismissed under law 3863/2010 which encourages and facilitates dismissals.

For this older age group of people it was provided that the Manpower Employment Organization (OAED) and the employer would cover the cost of their insurance contributions for 3 years, and that they would be given access to employment projects for long-term unemployed individuals aged between 55 and 64. However, implementation of these compensatory measures requires the issuing of a ministerial decision, which is still pending a year after the law was passed. As a result the elderly unemployed are left without protection amidst the economic crisis.

The mediation of the Ombudsman led to the amendment and clarification of the initial relevant provision and the ministerial decision was finally issued in October 2011.

Malfunction in implementing employment policies in economic crisis

In contemporary and developed economies, the contribution of human dynamics in economic development is essential. Thus, investing effectively in manpower through training and lifelong learning is very important. In this framework, professional training is provided by certified public and private centers, at a national and regional level, aiming at the integration or reintegration of people in the labour market and helping them to adapt to the new social and professional changes.

Recently, however, certain centers, on completion of the training programme, despite the fact that they had received the contribution from the European Social Fund and the financing from the Ministry of Employment and Social Security, did not pay the trainer and the trainees the specific allowance.

ACCESS TO PUBLIC HEALTH SERVICES

Intensive Care Units (ICU): Introduction of legal arrangements and administrative practice.

In previous annual reports, the Ombudsman has made reference to the problem of limited availability of ICU beds in the public health system, forcing people to seek hospitalisation in private hospitals.

It is therefore considered imperative to take measures for the rational allocation of available beds both within the hospital, but also in the framework of the public health system and the private hospitals involved. Rationalisation of this allocation may be achieved by establishing a specific procedure with regard to the admission of patients into hospitals, the coordination and supervision of the availability of ICU beds.

A characteristic case of the problems in this sector is that of a patient who was taken by ambulance to a big public hospital, where, after being examined, he was taken to the pathological ward. The next day, according to the complainant, he was subjected to a CT scan and intubated, since his health was considered critical. The patient remained intubated for about ten days in a common ward, where he eventually died without ever being transferred to an ICU bed in the same or any other hospital.

The Ombudsman through mediation with the hospital, tried to clarify if the patient had received the appropriate medical treatment in the common hospital ward or if he should have been transferred to an ICU bed; if yes, why had this not happened.

In 2008 a ministerial decision (PY/5936/2008) under the title 'Reform of the admission, programming and supervision of the Intensive Care Units' was laid down, aiming at the establishment of a National Health Operation Center composed of medical, paramedical and

administrative personnel, that would ensure the transparent, impartial and documented allocation of the Intensive Care Units.

Furthermore, for the supervision of the implementation of the aforementioned decision, the setting up of a hospital-ICU operation control committee was provided, responsible for the supervision of the ICU of all hospitals of the country, on the basis of a specific protocol.

However, despite having legislated the reforms, the system of admission, programming and supervision of ICU, has not been implemented either at the hospital level or at a central level. The omission of implementing the specific 2008 ministerial decision constitutes a serious case of typical infringement of legality, given that the decision has not been revoked or amended. It is still in effect and constitutes applicable law; compliance with it is not at the discretion of the public services but is directed by the principle of legality.

Following the Ombudsman's mediation, the competent ministry asked the authorities involved to explain the reasons for which the ministerial decision had not been implemented.

Organisation and functioning of OKANA Substitution Units against Drugs – integration with hospitals

The ministerial decision to relocate a specific Substitution Unit against Drugs (Unit D') of OKANA (Organization against Drugs) from Sofokleous Street to Sotiria Hospital, to reduce congestion in the city centre, was subjected to broad public debate.

In the Ombudsman's opinion, the operation of substitution units in hospitals and their integration/link with doctors and medical personnel is deemed not only acceptable, but also imperative, in order to cope effectively with the complex patients' health problems.

However, during further investigation of the issue, the Ombudsman found that this new project might be cancelled due to the many problems encountered in its implementation. The relocation project of Substitution Unit D' is an indicative example of superficiality and sloppiness of the competent services.

During an inspection by the Ombudsman in the interior and exterior areas of the unit in the hospital, it was noted that the patients were apparently not allowed to access other areas of the hospital, obstructed by high fences around the unit, a factor affecting them socially and psychologically.

This, in addition to the reserved attitude of the hospital to enhance cooperation between the medical and other hospital personnel on the one hand and the professional staff of the unit on the other, call into question the pursuit of the objective to render better quality services to the patients.

Therefore what is important and of high priority, apart from enhancing outdoor intervention programmes for drug patients, is the setting up and integration of substitution units in hospitals.

Health care provisions: Malfunction and illegal administrative practices

Apart from organizing health services under an effective health system, it is the obligation of the state to care for the health of citizens ensured through sickness benefits in the framework of social security. The problems related to legislation have already been pointed out in the 2010 annual report. Affecting health rights are also procedural defects, as well as administrative irregularities, that impede and in some cases cancel rights to social security health coverage.

The investigation of complaints that were filed with the Ombudsman showed that no measures were taken for the smooth transition to a new system from a well-established administration function. This, in addition to the serious defects in infrastructure, know-how and capacity in

decentralized Public Security Health Services, led to the accumulation of an enormous pile of pending cases and excessive delays in responding to citizens' requests.

Despite the efforts made, the situation does not seem to have been remedied and as a consequence this has resulted in the stressful relationship between employees and the insured or the beneficiaries.

At the same time, health coverage is restricted by irregular administrative acts that provide for the increase of participation in the cost of health services. This cost increase affects mainly chronically sick people, who due to the psychological and economic burden of their chronic sickness should be exempted from the extra burden.

The Ombudsman pointed out that there was an issue of legality, arguing that the Management Board of a Security Organization had no jurisdiction to increase the participation cost for health services beneficiaries. The Board passed a new decision and amended the provision related to the increase of the aforementioned participation cost.

EDUCATION

Education and literacy are without a doubt an integral and basic component of the development of a country. In light of the current socio-economic crisis, the “added value” of education plays a significant role in the attempt being made to promote development, innovation, the economy and a society of awareness, to release the creative forces of the human dynamics of a country and promote transparency and meritocracy. The Ombudsman, through its interventions, highlights the chronic problems of the Ministry of Education which have been adversely affected by the economic crisis, while putting forward rationalised procedures which will benefit the educational system and give it a leading role, particularly today.

During 2011, the Ombudsman examined cases related to accessing education and pointed out the need to simplify procedures for accessing educational grades; it emphasised the need for uninterrupted and continuous tutoring of students and suggested that the number of individuals able to carry out student registration procedures at all levels of obligatory education be extended.

The Ombudsman discovered numerous problems that arose from the application of special regulations of law 3966/2011 related to access by 3-member or larger families to 3rd degree education, as well as the abolition of transfer legislation. The Ombudsman mediated on issues of access to 3rd degree education by those graduating from night schools.

Further, the Ombudsman pointed out the need to encode the relevant staffing procedures of 1st and 2nd degree school legislation which appears to have frequent changes and vague and fragmented provisions. Thus the only way to appoint full-time teachers and recruit temporary teachers is the successful

participation in ASEP (Supreme Council for Personnel Selection) exams; transitional regulations deal with issues pertaining to appointments of teachers for the period up to said exam.

Although we have moved forward, malfunctions can still be seen in the application of teachers' recruitment procedures with negative consequences on their rights, such as lack of coordination by the relevant services, administrative weaknesses and omissions, lack of correct and timely information on the part of the relevant departments in the Ministry of Education to those interested, as well as organisational imperfections.

The Ombudsman also dealt with cases pertaining to teachers' wages, eg the lack of objectivity in the process of recruiting in state schools and delays in reimbursing wages to teachers as well as scholarship grants.

Problems have also been noted in the recognition of academic and professional degrees.

A large number of cases relate to the academic recognition of foreign higher education degrees. The establishment of a National Academic Recognition Information Center (NARIC) assisted in eradicating extreme cases of maladministration by the previous authority; nevertheless there were still incidents of malfunction, e.g. delays in issuing recognition or rejection decisions with insufficient justification. There were also incidents in the decision making procedure due to insufficient staffing of the organisation. The Ombudsman proposed mid-term measures to the ministry, joining the local academic recognition system with corresponding infrastructures of other EU member states.

With regard to professional recognition, the Ombudsman highlighted the malfunctions of the new carrier, the Recognition of Professional Qualifications Council, and suggested to the Ministry of Education the creation of a joint academic and professional degree recognition system, with permanent and secretarial staff.

The Ombudsman found inadequate organisation and coordination in partnerships between local Technical Colleges and foreign Higher Education Institutions in cases of joint postgraduate studies. In many cases graduates were seriously affected and were unable to utilise their degrees.

The Ombudsman examined the selection criteria in ERASMUS programmes and discovered inadequate specialisation therein. Confidence in this selection process would strengthen, through the formulation and establishment of specific criteria which would in turn be a point of reference for those involved in the selection process.

The Ombudsman intervened in cases pertaining to the infrastructure and safety of educational units. The Ombudsman received complaints relating to time-consuming procedures for school repairs, addition of new wings and construction of new schools. There were several cases of illegal structural additions to schools to minimise the cost of constructing new schools.

Furthermore, the Ombudsman intervened in cases of inadequate response to citizens' demands for documentation. Such an example is the (School Buildings' Organisation) SBO's refusal to give parents a copy of the investigative report of the school buildings in the Tavros Municipality

in order to determine its suitability. In the end, the SBO satisfied the parents' demand.

In the case of schools neighbouring with dismantled cement shelters which were removed following a technical survey by a qualified private company, the Ombudsman pointed out the need to carry out necessary work in line with existing legislation, to protect public health against cement emissions.

Another significant mediation related to the safe transfer of students to their schools. The Ombudsman approached the municipalities as well as other legal authorities in order to ensure the immediate implementation of additional and new traffic measures, in order to combat dangerous points in the local road network near schools.

On the topic of merging school units, the Ombudsman recommended that such mergers be avoided in downgraded areas or areas overpopulated by foreign nationals, Roma or students with learning difficulties or other needs. The distances covered by students must be taken into consideration, as well as difficulties in accessing and transfers to/from schools. The creation of school units with high numbers of students should be avoided.

Finally, the Ombudsman put forward proposals related to short-term tuition in primary school units, specifically as regards the minimum number of students, as well as the simplification of registration documents (submission of a simple declaration instead of a work certificate).

FREEDOM vs. SECURITY

The choice between freedom and security is an old and current dilemma regarding the stance the state takes towards its citizens. The Ombudsman examines numerous complaints each year which deal with matters of immigration, policing or correctional institutions. The common element in these cases is, on the one hand, state coercion and, on the other, guarantees for the protection of individual and collective rights. Moreover, in recent years, the complaints received often address both security concerns and infringements of the right of freedom: some citizens accuse the state for inadequate policing and some others for abuse of power. In response to these complaints the Ombudsman constantly strives to convince the police and the citizens, that freedom and security, as public goods, could be secured through a combined and balanced protection, within a framework of principles and rules of law.

Detention of foreign nationals

Confronting the issue of mixed immigration flows has been, in the past decade, one of the most significant problems faced by Greece as a country of first entry in the European Union. Indeed, the volume of immigration flows is such that it has led to a series of malfunctions and problems in the Greek administration. It simultaneously has had a severe impact on the treatment of these persons, especially with regard to the terms and conditions of their detention, under the auspices of the framework of return procedures of foreigners to their country of origin.

The detention conditions of foreign nationals in Greece have been the subject of numerous reports by relevant organizations and international bodies. It is certainly true that the existing detention conditions do not credit Greece or Europe. In the “M.S.S. vs Belgium and Greece” case which was heard by the

European Court of Human Rights in Strasbourg in 2011, the Court not only ruled that the detention conditions of foreign nationals in Greece contravenes article 3 of the European Convention on Human Rights, but it also deemed that the return of foreigners to Greece, in compliance with Regulation Dublin II, constitutes an infringement of the aforementioned provision of the ECHR.

The Ombudsman's own assessments on this issue have ensued from on-site investigations which the Authority performed in detention centres and camps throughout Greece, on a regular basis, for over a decade.

The main findings of an on-site investigation by the Ombudsman in the detentions centres of Evros area in March 2011, can be summarized by the following conclusions:

- The practice of imposing administrative deportation and detention to foreigners who have entered the country illegally is applied unconditionally and in most cases up to the maximum detention time, i.e. up to six months. (Detention time varies depending on the pressure and volume of incoming foreigners in the area).
- Overpopulation (at the time of the visit, the number of prisoners amounted to three times the capacity of the sites).
- Criminal prisoners are held in the same areas with those detained under administrative expulsion orders.
- Men, women and children are often detained in the same areas.
- Lack of fresh open-air exercise of prisoners
- Limited health care or psychological support
- The detention centres lack adequate infrastructure and are unsuitable even for short-term detention:
 - lack of ventilation and lighting

- non-compliance with the rules of hygiene and cleanliness
- shortage of basic essential items (sanitary ware, bed sheets)
- insufficient cleaning services and/or feeding

In view of this situation, the Greek state submitted to the European Commission a specific action plan in 2010, which it is attempting to implement with the help of the Commission. In the context of this plan, law 3907/2011 was adopted. Its provisions provide for:

- a) the creation of an Asylum Service,
- b) the creation of a Service of First Screening,
- c) the operation of Detention Centers for foreigners under the aegis of the Hellenic Police and
- d) incorporation of Directive 2008/115/EC regarding the return of foreigners.

A provision in the aforementioned law assigned the Ombudsman with the responsibility of overseeing the operation of an external monitoring system of the forcible removal procedures. The assignment of this responsibility, although in terms of substance is not unfamiliar to our Authority, opens up an area for more active involvement on the critical issue of returns of foreign nationals and detention conditions.

Immigration and Policing of the Historical Centre of the City of Athens

The Ombudsman regards immigration as primarily a human rights protection issue, without, however, ignoring its other parameters, especially the ones which deal with the issue of security and social cohesion. For example, intervening in the case regarding the degradation of the historical centre of Athens, the Ombudsman attempted to establish a balance between security requirements and safeguarding human rights. To this end the Ombudsman proposed a number of measures to be adopted, such as the implementation of special police plan which had to be tailored to the local conditions; reconstitution of the local administration Crime Prevention Councils;

offering social welfare assistance to the foreigners living in the area; granting special residence status to foreigners who could not be returned to their country of origin; reorganization of the asylum seekers reception system, combating human trafficking and general improvement of living conditions.

Implementation of the “Voluntary Repatriation Programme”

Following the investigation of a case pertaining to the arrest of a foreign national, due to a pending judicial deportation decision, after he appeared at the Attica Aliens Directorate in order to request his participation in the “Voluntary Repatriation Programme”, the Ombudsman expressed concern about the structure and implementation of the programme. In this particular case, the arrest resulted in a new prison sentence without parole for the complainant. Given the fact that the vast majority of potential beneficiaries of this programme are foreigners who have either entered the country illegally or who, for whatever reason, have not renewed their residence permit, and as a result may face administrative or judicial deportation measures, the aforementioned practice by the police puts in danger the whole programme. This stance of the police negates the aim of the programme and/or prevents its proper execution. The Ombudsman recommended that in cases where there is a previous criminal or judicial procedure pending for the individual who wishes to partake in the programme, the relevant authorities should either abandon or suspend it.

Organisational Malfunctions’ of Police Authorities

The central police authorities are assigned, according to the law, with an advisory role in the procedure of issuance of long-term residence permits to foreign nationals. They inform the competent Aliens Department about the status of the applicant, as far as his profile on issues of public order and security is concerned. However, the lack of staff in the police departments responsible for offering this

opinion, in conjunction with the large number of cases they are expected to review, which amount to hundreds of thousands per year, has resulted in inordinate delays in the granting or renewal of residence permits.

The same organisational inefficiencies are observed in the procedure for acquisition of Greek citizenship. In this procedure too, the competent police departments are required to offer their opinion on whether the applicants pose a threat to public safety and order. Despite the fact that the law sets a specific time-frame within which the procedure must be completed, in practice, the Regional Aliens Directorates do not issue decisions without the police's opinion. Thus, the delays in obtaining police's opinion results in an acute form of maladministration since the final decision or completion of the assessment of citizenship applications remain dormant for years.

Significant problems persist in the operation of the Aliens Directorate of Attica due to serious staff shortages and particularly in the Department of Immigration and Asylum. Despite measures that have been adopted to ameliorate the situation, access to the asylum procedure and specifically the part of the process of receiving and reviewing asylum requests, remains highly problematic.

Abuse of Power by the Police

The Ombudsman has dealt with a number of complaints related to arrests and detention, under the suspicion of illegal activities, of individuals participating in demonstrations. An indicative case was that of a journalist who was brought to the police station, consequently was detained and finally arrested for videotaping police officers during a demonstration. The conditions under which the seizure and possibly the destruction of relevant audiovisual material he had obtained are still under investigation.

The Ombudsman continues to receive complaints concerning unjustified detention for reasons of identification, despite the fact that in some cases the detainees had their ID card on them and presented it to the police. Reports regarding difficulties encountered by the detainees in terms of their access to legal assistance and in communicating with their lawyers are also being examined.

Use of Chemical Agents against Protesters

In 2011 numerous complaints concerning the extensive use of chemical agents (tear gas) by the police against protesters were lodged with the Ombudsman. Addressing the Greek Police, the Ombudsman reiterated that the ambiguity of the relevant provisions may have given the police latitude in interpreting them and in assessing the necessity and/or the effectiveness of their use. However, they do not exempt the police from the obligation to justify and be accountable for the legality of their actions. Especially in regard to the legality of policing crowds, the Ombudsman reiterated that police activity presupposes a comprehensive justification of restrictions of collective expression, on the basis of the principles of proportionality, of necessity and of suitability. In addition, there has to be adequate warning of the masses and availability of escape routes for them, while the use of moderate force or of chemical agents must be applied only as a measure of last resort.

Equally problematic remains the question of the implications of extensive use of chemical agents, i.e. tear gas, on public health. The police, in collaboration with the General Chemical State Laboratory, should obtain and utilize Safety Data Sheets which record the chemical composition of the chemical agents used. The knowledge of the possible effects of the substances used could best ensure that a critical balance is established between the two conflicting goods at stake (i.e., security and health), thus determining, in part, the principle of proportionality.

The Ombudsman requested detailed information about the intensity of the use of chemical agents, the extent to which these materials were used indiscriminately against unsuspecting citizens, without prior warning and adequate access to escape routes. The Ombudsman also asked to be informed about the use of these agents in areas away from trouble spots, the type and quantity of tear gas utilized during the specific time and place, the chemical's composition of the particular product and the threat it presented to public health. In response, the Central Police Authority invoked a report by the General Chemical State Laboratory, which listed the contents of the chemical agents used, leaving, however, unanswered the other issues and questions raised by our Authority.

Competence of Public Registrars to Verify the Legality of Performed Marriages

In investigating complaints of foreign nationals concerning denial or delay of Municipal Registrars to record legally performed marriages, the Ombudsman discovered that many Registrars, based on informal instructions by the Ministry of the Interior, carried out additional checks on the validity of the marriages. For this purpose they demanded the resubmission of "celibacy certificates", which the foreigners had already submitted in order

to acquire the marriage licence, in order to verify their authenticity and consequently the validity of the marriage. However, the competent body responsible for determining the legality of the marriage is, according to the law, the Municipality that issues the marriage license. The Registrar competence on this subject is only to register the marriage and not to examine either its validity or the documents on whose basis it was performed. Only when there is a judicial decision pertaining to the validity of the marriage itself, is the Registrar obliged to carry it out.

In another case, whereby a circular issued by the Ministry of Interior denied the right of asylum seekers to marry, the court ruled that this was contrary to national and European law. According to the court decision, asylum seekers have the right to marry in their host country. However, a presupposition for obtaining a marriage license from the municipality is the confirmation from the embassy or consulate of the applicant (or by other for the specific country competent service), that there is no official obstacle to him/her marrying. Asylum seekers who can obtain such certificate from the proper authorities may marry.

PROMOTING EQUAL TREATMENT - SPECIAL REPORT 2011

Introduction

This report records the Greek Ombudsman's activity as a national equality body promoting the principle of equal treatment, irrespective of racial or ethnic origin, religion or faith, disability, age or sexual orientation, under the provisions of law 3304/2005.

The total number of complaints investigated in 2011, in which discrimination on the above mentioned grounds was reported, is at the same level as last year. However, an increase is observed in the number of complaints which fall within the regulatory scope of law 3304/2005. This strengthens the view, expressed in last year's annual report, that there seems to be a gradual familiarization of the public with a regulatory framework that is extremely complex. This is particularly true in cases involving discrimination on grounds of disability and age, where the majority of complaints received fell within the Ombudsman's mandate.

On the other hand, where reporting would involve disclosure of sensitive sides of one's personal and social life, the number of complaints remains very low. Complaints on grounds of sexual orientation and religious or other beliefs were almost completely absent in 2011, a fact that continues to concern the Ombudsman, since it obviously can not be taken as an indication of an absence of discrimination in these areas.

By contrast, cases involving discrimination based on race still account for a significant percentage of the total number of reports submitted. However, in no way does the Ombudsman regard the number of these complaints as representative of actual discrimination experienced on this ground, especially by vulnerable population groups such as the Roma.

In this context, the need for further action by the Ombudsman to inform and encourage the submission of complaints is evident. To this end the Ombudsman, drawing on the successful experience of the Roma network, which was established by the Ombudsman in 2007, is attempting to set up similar networks for all grounds of discrimination. This initiative is part of a framework of actions called "Iris", funded by the «Progress» programme of the European Commission. It aims at increasing the number of complaints filed and familiarising stakeholders (individuals and NGO's) of the relevant legislation and protection provided. The main aim of the Ombudsman is to contribute to the gradual development of a comprehensive antidiscrimination culture, both in the manner of exercising administrative action as well as the perceptions of the general public.

The Ombudsman has sought institutional cooperation with the "Municipality Mediators" in order to share knowledge and experience and improve the flow of information concerning particular regional issues involving discrimination.

Finally, as has been repeatedly pointed out in previous annual reports, the Ombudsman continues to be concerned with the limitations in the scope of existing legislation and its effectiveness in combating discrimination.

Presentation of cases

In the course of 2011, the Greek Ombudsman investigated (57) cases in which it was alleged that there was discriminatory treatment at the expense of a person or persons for reasons mentioned in the provisions of law 3304/2005.

From these cases 9 were filed, as they fell beyond the Ombudsman's mandate,

were unfounded, or their investigation was terminated due to the lack of sufficient information provided by the complainant.

The outcome of the 21 cases whose investigation was completed in 2011, was in principle positive for the citizens in 14 cases, while in 4 cases it was found that there was refusal to comply on the part of the administration and in 3 cases it was found that the administration had acted legitimately.

The remaining 27 are still being investigated, as the final response of the administration is pending. In 18 cases that concern the housing of Roma the Ombudsman has opted, due to the structural character of the problem, to keep these cases under investigation until the problem is definitely resolved.

The full special report "Promoting Equal Treatment - The Greek Ombudsman as a National Equality Body" for 2011 is available in:

<http://www.synigoros.gr/resources/docs/annual-report-2011-on-equal-treatment--eng-translation.pdf>

GENDER AND LABOUR RELATIONS - SPECIAL REPORT 2011

Gender-based discrimination at work, economic recession tendencies and the role of the Ombudsman

The economic recession and the measures taken by the government for the financial adaptation of the country's economy to the demands of its creditors, have lead to several problems in the labour market, manifested mainly as unregulated disorganization of the existing labour legislation, massive loss of employment positions and rapid increase of unemployment rates, replacement of collective labour agreements by individual ones, expansion of undeclared employment as well as introduction of various forms of precarious flexible employment, replacement of existing regular employment terms by flexible employment, accompanied by reduced working hours and equally reduced earnings.

The percentage of women working in such positions, either as existing employees or as newcomers to the labour market, has increased and gender-based discrimination in the labour market is more visible than ever. Women are exposed to employment terms that provide neither decent working conditions nor decent and adequate earnings and are under considerable pressure to accept precarious flexible employment terms. This is more frequent for working women during the maternity period of protection from dismissal (from pregnancy to 18 months after childbirth).

Now that other forms of workers' protection prevail, such as collective agreements, retreat, there is more need for extrajudicial mechanisms as alternative solutions to the expensive and time-consuming court solutions. Therefore, the Ombudsman's role as such a mechanism is now more important than ever before. This is proved also by the fact that in 2011, complaints to the Ombudsman for gender-based discrimination in the private

sector increased significantly (53% of the complaints as opposed to 37% in 2010).

The Ombudsman uses its competency to monitor the implementation of EU legislation for equal treatment and equal opportunities between women and men, as a unique and valuable tool to establish its position in the operation of the labour market.

INTERVENTION IN LABOUR DISPUTES IN THE PRIVATE SECTOR: COLLABORATION BETWEEN THE OMBUDSMAN AND THE LABOUR INSPECTORATE

The procedure

On the basis of specific provisions of the law (law 3896/2010, article 25, par. 1) there is an institutional collaboration between the Ombudsman and the Labour Inspectorate (L.I.). As a result of this collaboration, the Ombudsman is informed of all complaints filed with the Labour Inspectorate and its branches around Greece, regarding breaches of the equal treatment legislation.

The Ombudsman is invited to participate in meetings between employers and employees at the Labour Inspectorate and to exercise its competence towards a reconciliatory solution in the dispute. It is also entitled to carry out its own investigation on the cases and draft a Findings Report, proposing to the Labour Inspectorate the imposition of a fine on the employer, when it reaches the conclusion that there has indeed been a breach of gender equality legislation.

The results

The number of complaints referred to the Ombudsman by the Labour Inspectorate is increasing. Invitations for the Ombudsman's participation in reconciliatory meetings have been received not only from the Athens Branches of the L.I. but also from the

Regions. Collaboration between the two agencies is good, but there is room for improvement.

The problems

Financial cuts in the Ombudsman's budget do not allow for its presence in meetings before L.I. in the Regions, therefore there is diminished visibility of the Ombudsman there. There are still considerable delays in informing the Ombudsman of all cases of gender-based discrimination reported to the L.I. and unfortunately, there are branches of the L.I. that have never referred complaints to the Ombudsman.

Moreover, in several cases, especially cases of sexual harassment and job rotation, the Labour Inspector avoids taking a clear position and merely suggests to the employees to go to court.

INTERVENTION IN LABOUR DISPUTES IN PUBLIC SECTOR – ISSUES OF RECONCILIATION OF PRIVATE AND PROFESSIONAL LIFE

Establishment of parental leave for fathers in the Armed Forces and the Police

After the Ombudsman's intervention, both the Ministry of Defence and the Hellenic Police amended their legislation and gave fathers equal rights to parental leave, among other measures for reconciliation of private and professional life.

Other cases of parental leave

Following the Ombudsman's intervention, fathers working at Municipal Water Supply Companies were granted equal rights to parental leave, as mothers. Civil servants that have entered into civil partnerships were granted the right to get parental leave on the same grounds as married civil servants. Mothers working part-time were granted the right to receive the entire period of parental leave, not only half of it.

MATERNITY PROTECTION ISSUES

The six-month additional maternity leave is recognized as insured time for health and unemployment insurance reasons.

The six-month additional maternity leave was previously recognized as period covered by social security only for pension purposes; as a result, mothers getting this leave faced great difficulties in matters of health and unemployment insurance, due to the six-month gap. After the Ombudsman's intervention, the Manpower Employment Agency OAED and the Social Security Foundation IKA collaborated in recognizing the 6-month period for health and unemployment insurance purposes too.

Child-birth benefit paid even in cases of premature delivery and death of the child

Mothers giving birth prematurely (before the 28th week of pregnancy) and in cases where the baby was stillborn, were not entitled to part of the maternity benefit paid for the period before childbirth. After the Ombudsman's intervention, the SSF IKA issued a Circular saying that the childbirth benefit payment must be based exclusively on the actual fact of child delivery, regardless of the duration of the pregnancy or the status of the born baby.

SPECIAL ACTIONS OF THE OMBUDSMAN FOR THE IMPLEMENTATION OF THE PRINCIPLE OF EQUAL TREATMENT

Collaboration with the General Secretariat for Gender Equality (GSGE)

The Ombudsman collaborated with the GSGE for the drafting and issue of a Manual on Sexual Harassment in the workplace. In this respect, the Ombudsman drafted and published a special report comprising all its work on sexual harassment complaints to date.

The Ombudsman also collaborated with the GSGE within the framework of the

NSRF (National Strategic Reference Framework) 2007–2013, and has been allocated funding for the support of its role in the implementation and promotion of the principle of equal treatment between women and men.

Collaboration with European Institute of Gender Equality (EIGE)

The Ombudsman took part in the EIGE study on the involvement of Men in gender equality, where it was asked to present its competence, its role and its tools as an Equality Body.

Collaboration with the European Commission

The Ombudsman is a regular member of the Network of Gender Equality Bodies of the European Commission and participates in its meetings twice a year. The Ombudsman has developed a steady collaboration with the Legal Unit on Equal Treatment legislation of the DG Justice of the European Commission.

Collaboration with the National Centre for Public Administration

The Ombudsman has collaborated with the National Centre for Public Administration both by participating in Committees designing educational programmes connected to gender equality and by sending Senior Investigators to teach courses on gender mainstreaming and gender equality legislation.

CHILDREN'S RIGHTS

General view of activities

In 2011, the Children's rights department of the Ombudsman received 540 complaints regarding children's rights violations. 34% of them concerned issues related to education, 24% to health and welfare, 11% to guardianship and parental responsibility, 8% to the social integration of immigrants and refugees and 7% directly to child abuse and neglect cases.

The Ombudsman for Children has also continued his awareness-raising activities and actions for the promotion and dissemination of the rights of children. The Ombudsman visited 60 schools of all educational levels throughout the country, in 25 cities of Greece and held meetings with groups of pupils and teachers discussing issues of interest, mostly focused on violence in schools and the consequences of the current crisis in the lives of children. He also visited 12 care and young offenders' institutions, gave 90 speeches and a number of seminars for professionals. Moreover, the Ombudsman circulated informational material in printed and electronic form and constantly updated its web page for minors and adults.

Reports and interventions

Following visits and relevant investigations, the Ombudsman issued two important reports:

- one on the conditions of detention of minors in the young offenders' detention institution of Avlona and
- one on the living conditions of children with severe disabilities at the Treatment Centre for Children (KEPEP) in Lechaing.

The first report focused on the overcrowding and bad living conditions of the prison and the need to keep children under 18 separately from young adults. The second report mentioned a number of severe human rights' violations of

children and young persons living at the Treatment Centre, and proposed measures for their proper treatment and support as well as the adoption of a more general gradual de-institutionalisation process.

With regard to the presentation by the media of children living in institutions, the Ombudsman for Children's rights pointed out in a letter to all competent statutory bodies the problems caused by practices of the press and media that insult the personality of minors and violate existing legislation, highlighting the legal framework and formulating observations and proposals, with a view to promoting the introduction of appropriate measures for the protection of the right to privacy of children living in institutions.

Visits to child care institutions of the public and private sector continued in 2011, and the adverse consequences of the current economic situation on their operation were identified and recorded. The Ombudsman submitted a report to the European Network of Children's Ombudspersons (ENOC), on "The Rights of Children living in institutions", in the context of a survey conducted by the Network in all member states, the results of which were presented during the annual ENOC meeting in Poland. The Greek Ombudsman highlighted current needs and shortcomings and stressed the need to update legislation, in order to secure the provision of comprehensive care to children from the point of view of their rights. He also mentioned the need for the adoption of measures such as the introduction of national scale standards and guidelines for the operation of child care institutions, the implementation of a system of certification and regular supervision, the rationalisation of the organisation of child care institutions, setting up appropriate services providing emergency, temporary and long-term

accommodation and care, periodic review of all placements, the further development of child care projects operating on a family-type model, the development and promotion of foster care, etc.

In the area of education, the Ombudsman made a number of interventions, related to school enrolment and attendance of students without sufficient documentation, handling incidents of violence and disruptive behaviour of students, the exercise of the rights of children with special educational needs and disabilities, the improvement of school facilities, the conditions of merging schools due to the economic crisis, the operation of all-day schools in islands and remote villages, etc. In addition, during 2011, some of the old proposals made by the Ombudsman for Children were accepted, as, for example, the withdrawal of reference to the child adoption status on school certificates.

Following the Ombudsman's proposals, the Ministry of Education issued two interesting circulars that were sent to all schools around the country: The first one focused on proposals of measures for the prevention and tackling of school violence (including school regulations, preventive activities, avoidance of excessive use of punishments, students participation and involvement in conflict resolution, peer mediation, etc) and the second on the rights of students with divorced parents, in particular clarifying the conditions of contact of children with parents who do not have custody in the school environment and other relevant issues.

The Ombudsman also conducted a number of visits in Roma camps and settlements in various parts of Greece and collaborated with schools and local authorities to facilitate and support Roma children's vaccination, educational enrolment, integration and regular attendance and to prevent their early school drop out and marginalisation.

After a proposal put forward by the Ombudsman, an amendment in the law was put forward, that parents must be informed before penalties are imposed for ticket evasion on public transport by minors.

Other activities to promote Children's Rights

During 2011 the Ombudsman for Children's rights selected its new Youth Advisory Panel, consisting of 20 adolescents aged 14-17, who were chosen after a public open tender, through a draw and on the basis of specified criteria. During the year, the young advisers met three times and were involved in a lively dialogue with the Ombudsman via electronic forum and in a number of activities related to the tasks of the independent authority (conducting research in their schools on the use of internet, producing a radio spot against corporal punishment of children, creating a poster on the secure navigation on the internet etc). Members of the group participated also in the forum of the European Network of Young Advisers and in two meetings held in Belfast (25-26.07.2011) and Warsaw (14-16.9.2011), processed their proposals on children's rights in education and health, protection from violence and safe internet use, in cooperation with European Ombudsmen for Children's Rights.

The Ombudsman also participated in international meetings and conferences in his capacity as member of the European Network of Ombudspersons for Children (ENOC) and at the Annual Meeting of the Network in Warsaw.

The Ombudsman is a founding member of a new Network against Violence in School, coordinated by the Society for the Psychosocial Health of the Child and Adolescent (EPSYPE), with the participation of public bodies and NGOs. Several activities to take place in schools and in local communities were prepared by the Network.

As part of the operation of the Network for the Prevention and Tackling of Corporal Punishment of Children, the Ombudsman participated in activities promoting the positive parental role.

The Ombudsman also organized a meeting of representatives from 47 public bodies as well as non governmental organisations (NGOs), who use volunteers to work with children, with a view to preparing training activities and material, promoting better sensitisation of volunteers on the implications of the UN Convention on the Rights of the Child in their everyday voluntary work with children.

The Ombudsman contributed to a training seminar addressed to local authorities' social workers that was organised by the National Centre for Social Solidarity (EKKA), and provided specialised guidelines and tools for handling cases of child abuse and neglect.

The Ombudsman also organized a meeting among all the relevant public bodies and NGOs in order to coordinate their actions on the protection of minors (mostly from Africa) who become victims of trafficking and sexual abuse in Greece.

Finally, the Ombudsman, in collaboration with the Institute of Child Health, participated in meetings and public events taking place in various cities, in the context of the campaign of the Council of Europe against the sexual abuse and exploitation of children, titled "*One in Five*". The Ombudsman focused on the following proposals: introduction of training on protection of children from sexual violence, introduction of sex education in schools, training of teachers on handling relevant issues in cooperation with mental health specialists and social workers, introduction of measures to ensure appropriate treatment of child-victims, and the need to raise awareness of society on child sexual abuse and exploitation.

INTERNATIONAL ACTIVITY

During 2011, the Greek Ombudsman worked with international bodies, agencies, organizations and networks.

COUNTERPART INSTITUTIONS AND THE EUROPEAN OMBUDSMAN

The Greek Ombudsman collaborates with counterpart institutions at European and international level.

In 2011, the European Ombudsman Nikiforos Diamandouros visited the Greek Ombudsman twice (11 February and 28 November). Key issues discussed were the challenges for European Ombudsman institutions, but also the opportunities under the current conditions.

Ombudsman delegations from Serbia (14-17 February), Moldova (June 2) and Vietnam (June 10) visited the Greek Ombudsman.

A Greek Ombudsman delegation visited the National Ombudsman of the Netherlands (December 12-14) in order to exchange expertise on cases regarding detention facilities and detention conditions. The delegation visited four detention facilities. The visits were organised and hosted by the Dutch Ministry of Security and Justice and the Netherlands Embassy in Athens.

The Greek Ombudsman participates in the electronic networking system of the offices of peer entities of EU member states by exchanging information on matters of common interest. It also provides material for the semi-annual journal published by the European Ombudsman and participates in conferences organized every two years by the aforementioned entity.

The Greek Ombudsman is a member of the International Ombudsman Institute (IOI).

"TWINNING" PROGRAMME WITH THE OMBUDSMAN OF SERBIA

In September 2011 the twinning programme "*Support to the strengthening of the Ombudsman Office of Serbia*" was successfully completed. The project was implemented in cooperation with the Dutch Ombudsman and the European Public Law Center for the period October 2009 to September 2011. The European Ombudsman, the Human Rights Ombudsman of the Republic of Slovenia, the Austrian Ombudsman Board and the Catalan Ombudsman also contributed at the implementation phase.

The project aimed to support the Serbian Ombudsman in an effort to improve its operational capacity and consolidate it in Serbia as well as in the international community of Ombudsmen.

The main objectives were:

- Setting out the mission and vision of the Serbian Ombudsman.
- Improving organizational structure and workflow.
- Building public profile and increasing awareness among citizens, civil society, specific social and professional groups.
- Networking with local, regional and international Ombudsman offices.

To achieve the objectives of the project, training activities, visits, conferences, public events and workshops with experts and scientists from peer institutions from Greece, Holland, Slovenia, Austria, and Spain were carried out.

The Code for Good Administrative Behaviour in Serbia is among the most important activities of the twinning project conducted in 2010. The new Code was based on the relevant Code of the European Ombudsman and the version for Serbia was prepared jointly by the European Ombudsman and the Serbian Ombudsman. It was presented and

delivered to the Speaker of the Serbian Parliament in a public event and conference in June 2010, in which the European Ombudsman, Nikiforos Diamandouros, participated as keynote speaker and the "Ambassador" of the Code.

NETWORK OF OMBUDSMEN OF THE MEDITERRANEAN AREA

The Ombudsman actively participates in the Network of Ombudsmen of the Mediterranean Area, established in 2008 on the initiative of the Ombudsmen of France, Spain and Morocco. The network is intended to create a permanent structure for dialogue and cooperation between the entities and their respective countries and to promote democratic principles of governance and respect for human rights. The objectives of the network are achieved through training programmes and exchange of experience, comparative studies for Ombudsman entities, actions to inform citizens and strengthen local Ombudsmen, contributing to the consolidation of newly established Ombudsmen.

In the fifth meeting of the members of the network (30-31 May) in Malta, on "*The Role of the Ombudsman in Strengthening Good Governance and Democracy*", the Greek Ombudsman presented the topic "*The Impact of Political Changes on the Functions and Actions of the Ombudsman*".

PROGRAMME "PEER TO PEER II"

The Ombudsman also participated in the «Peer to Peer II» programme, which is implemented by the Office of the Commissioner for Human Rights, co-financed by the European Council and the EU. The programme aims to create an active network of independent national cooperation structures for human rights, with particular emphasis on EU non-member states. The main tool of the programme is the organization of seminars, bringing together scientists

specialized in national institutions for human rights, in order to exchange information on legal principles and practices used in Europe in the field of human rights. Greek Ombudsman investigators participated in:

- A seminar co-organised by the Ombudsman of Ukraine «*The Role of National Human Rights Structures in Protecting and Promoting the Rights of Persons with Physical Disabilities*» in Kiev (24-25 May).
- A seminar co-organised by the Ombudsman of Bosnia and Herzegovina «*5th Thematic Workshop: The Role of National Human Rights Structures in Protecting Against all Forms of Discrimination*» in Sarajevo (28-29 September).

CONFERENCES, MEETINGS

The Ombudsman, the Deputy Ombudsmen and the senior investigators participated in conferences, seminars and meetings to exchange experience and expertise in order to improve the service provided to citizens.

The international action of the Ombudsman for protection and promotion of children's rights remains significant. The Ombudsman participates in the European Network of Ombudsmen for Children (ENOC) and the European Network of Young Advisors (ENYA). The Deputy Ombudsman for Children's Rights and Secretary of ENOC Bureau, George Moschos, and Ombudsman investigators participated in:

- A meeting of the Bureau of ENOC in Brussels (16-17 May) and at the annual general meeting of ENOC in Warsaw (13-16 September).
- A conference on tackling violence in schools, organized by the Council of Europe in Oslo (27-28 June).
- The annual conference and seminar of ENYA in Belfast (July 25-27).

The Ombudsman Office continued cooperation and exchange of expertise with international organizations working on gender equality. In line with the

Ombudsman's mission to promote equal treatment, the Ombudsman is a member of the Gender Equality Bodies Network and European Network of Equality Bodies (Equinet) and is actively participating in workshops and seminars.

- The Greek Ombudsman Calliope Spanou attended a meeting of the European Network on Equinet «*Realising the Potential of Equality Bodies*», held in Brussels. The Ombudsman chaired the section «*The Potential of Equality Bodies in Promoting Equality and the Need for Clear Standards for Equality Bodies - A Council of Europe Perspective*» (29 November).
- Ombudsman senior investigators attended a legal seminar of the European network Equinet entitled «*Legal Developments and Concepts in the Field of Equality and Non-discrimination in Europe*», held in Brussels (March 28). Also, senior investigators participated in the working group meeting «*Working Group on Dynamic Interpretation*» (14 September) that took place in Brussels. Additionally, the Ombudsman contributed the report of the network entitled «*Developing a Strategy for Equality Bodies to Provide Independent Assistance to Victims of Discrimination*». A senior investigator participated in a planning meeting of the Equinet working group «*Strategy Development Working Group*» Budapest (April 28).
- A senior investigator participated in a seminar of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, «*Seminar with National Specialised Bodies to Combat Racism and Racial Discrimination. Racism and Racial Discrimination in Employment* », held in Strasbourg (26-27 May).
- A senior investigator participated in the meeting of regional Ombudsmen on «*The role of the Ombudsman in the fight against discrimination and the prevention of torture,*» organized by the Organization for Security and Cooperation in Europe (OSCE) in collaboration with the Office of the

Ombudsman of the former Yugoslav Republic of Macedonia in Ohrid (10-11 June).

- A senior investigator participated in a conference organized by the European Network Against Racism (ENAR) on «*Employment Conference - Broadening the Race for Equality*» in Brussels (June 24).
- A senior investigator participated in the conference organised by the European Commission Directorate-General for Justice on «*Equality between women and men*», held in Brussels (19-20 September).

The Greek Ombudsman was represented in international events, such as:

- Deputy Ombudsman Vassilis Karydis was keynote speaker at a conference organized by the European Migration Network in Bristol (April 7).
- Deputy Ombudsman Vassilis Karydis attended a meeting of the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe, in Corfu. Main focus of the meetings was how to handle the large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores (June 1-2).
- Deputy Ombudsman Vassilis Karydis attended the 20th anniversary Statewatch conference «*Statewatching Europe: Civil Liberties, the State and the European Union*», held in London (June 25).
- Deputy Ombudsman Vassilis Karydis presented the topic of «*Local authorities and control procedures*» in the international Ombudsman meeting for local authorities organized by United Cities and Local Governments, Middle East and West Asia (UCLG-MEWA) and the mayor of Düzce in Turkey (October 20).
- A senior investigator addressed the conference «*Improving Access to Housing for Roma: Good Local Practices, Funding and Legislation*», organized by the Fundamental Rights Agency in Prague (2-3 February).

- A senior investigator participated in a roundtable with NHRS of Council of Europe member states, hosted by the Spanish Ombudsman in Madrid. The aim was to review perspectives for an active role of NHRS in the provision of information to potential applicants to the Court -within the Interlaken Action Plan for the reform of the European Court of Human Rights. Beyond this main theme, the Roundtable also discussed the potential role by NHRS in promoting human rights education as a general measure to prevent violations of human rights (21-22 September).
- A senior investigator participated in a conference of the Ombudsman of Cyprus on "Mechanisms to promote equal treatment in employment and occupation", held in Nicosia (November 16).

Minister for Immigration and Asylum Policy in Greece (27 September).

The Greek Ombudsman held working meetings with representatives of international and European bodies and institutions. Indicatively she met with:

- The International Labour Organisation High-Level Mission to Greece. They discussed the role that can be played by the ILO to support the Government and social partners in the development and implementation of relevant and appropriate reforms to the labour market and its institutions in conformity with ratified International Labour Standards. The meeting was also attended by Deputy Ombudsmen for Social protection, John Sakellis, and Gender equality, Stamatina Giannakourou (September 22).
- The First Secretary of the Embassy of Norway in Athens. They discussed the impact of the financial crisis on the Greek Ombudsman (Apr. 12).
- The Turkish Ambassador in Athens. The Ambassador was informed about the operation and mandate of the Greek Ombudsman (Sept. 8).
- The Ambassador of the Netherlands in Athens. They discussed issues of immigration and operation of detention facilities, in view of the visit of the Dutch