

# 2012

## Annual Report



The Greek Ombudsman  
Independent Authority

## 2012 Annual Report

*Summary*

# *The Greek Ombudsman*

The call for social justice is the main feature of people's complaints to the Ombudsman in 2012, reflecting the existing social fatigue.

Calliope Spanou  
The Greek Ombudsman

## Annual Report 2012

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## Introduction

**W**e have endured another year of economic crisis. Signs of social fatigue are particularly evident. Under the current circumstances, the multifaceted pressure on society leads parts of the population to extreme positions, views and actions. While sobriety in assessing the situation and responding to its demands is even more essential, simplistic solutions continue to be on offer in the market place of public debate. Whatever appears to have a black and white logic tends to support polarisation, confrontation and self-interested behaviour, while putting social cohesion at risk. This situation is a cause

and effect of the continuing lack of trust in institutions that have still not shown the level of credibility required in handling the intense problems of these difficult times.

In such a socially and politically charged climate, the protection of human rights is endangered and becomes even more urgent and essential. We are not without historical examples linking financial crises with social behaviour, which challenges the very foundations of modern civilisation. The creation of scapegoats is put forward as "a way out" or "a solution" to all kinds of individual and collective impasses. Racial violence lies therein. Greece must not allow itself to slide down this dangerous path. We must not allow respect and protection of human rights to be sacrificed in times of protracted crisis. Not only is this our obligation as a democratic country internationally but it also subjugates the quality of the rule of law.

This crisis deprives Greek society, particularly the young, the unemployed and the financially vulnerable, of hope and a future. Let it not deprive it of the foundations which are essential for reconstructing a better tomorrow: the values of European civilisation, i.e. solidarity, tolerance and mutual respect. Otherwise there is a very real danger that this economic crisis will evolve into a crisis of shared democratic values and social cohesion for the country.

The Ombudsman's mandate is to guarantee and safeguard these rights. Its mediation is particularly sought after on issues related to the financial consequences of the crisis on all aspects of citizens' rights: delayed pension payments and social benefits, tax burdens which are for many unbearable constitute examples of the acute problems that citizens face. In addition, certain situations are exacerbated by the current conditions, such as the deterioration in the conditions of life of vulnerable social groups, tension at schools or the increased risk of women's dismissals particularly during the protected period of maternity. All these issues require the Ombudsman's intervention.

It was also another year that saw the despair of those more seriously affected and, unable to meet their financial obligations, are searching for a helping hand from someone willing to listen to their problems and immediate needs. The Ombudsman tries to help them by providing basic information on their rights, mediates exhaustively on potential settlements or seeks leniency in borderline cases, but alas this does not always suffice.

Now more than ever the demand for social justice is reflected in the complaints of citizens. If this once meant increased funds for more social groups, today, in times of financial restrictions, it has a different meaning: proportionality in spreading burdens

and participation in these, observation of regulations and transparency in handling public cases. Responding to this demand, the Ombudsman has recalibrated and intensified its activities.

Proposals put forward by the Ombudsman are systematically focused in this direction. Mediation in issues such as the special property tax collected via electricity bills (EETIDE), delayed pension and other public payments etc. illustrates how closely the GO follows these issues while its recommendations meet current priorities and needs. In this spirit the GO formulated, among other, low-cost proposals which, in a variety of fields, could contribute to the rationalisation of procedures as well as improving the quality of state-citizen relations.

Even in the manner of its operations, the GO adapts to prevailing circumstances, re-assessing internal functioning and strengthening accessibility to its services. The possibility to submit complaints through the website, introduced in December 2012, met with a positive response from citizens who used it immediately. In addition, the GO strengthened its presence internationally so that the voice of Greece can be heard in institutions abroad.

A year that saw three governments and two consecutive general elections undoubtedly made the administration's work as well as that of the GO, more difficult, not only in terms of handling outstanding issues but also due to the general uncertainty for the country's future. What is certain, however, is the discrepancy that exists between the state in which parts of the population find themselves and the possibility of public services to respond to their needs. This chasm appears to be widening even more. The administration is not in a position to support a society that is sorely tried and running out of options.

In addition to the lack of funding resources, which undoubtedly affects its operations, public administration finds itself under increasing pressure to function effectively with less staff in a legal and organisational environment characterised by fluidity and frequent changes. All this illustrates a radically different framework from that which existed in the past. In order to meet these new demands, however, the administration must change its *modus operandi* and culture. And yet, the procedures, standards and work practices have remained mostly untouched; administrative culture changes at a very slow pace. It is obvious that at these levels without further delay, an attempt to reform with small, systematic but steady steps must be put in motion. The difficulties of civil servants and citizens will continue *ad infinitum* as long as the ways and methods of the administration's operation do not adapt accordingly.

There are no easy solutions. The crisis has proven to be a catalyst for rapid changes to all that we have known over the last decades. It is essential that the administration fulfils effectively its role in supporting Greek society and its citizens. Upgrading the administration is more important than we realise, as it supports the community as opposed to individual self-serving behaviour.

Calliope Spanou – January 2013.

## The year at a glance

The call for social justice is present, more than ever before, in people's complaints during 2012. Being unable to bear their financial burdens, they turn to the Ombudsman for help. According to the Ombudsman's findings and recommendations in its annual report for 2012, presented to the Greek Parliament in March, proportionality in allocating burdens, respect of rights in a non discriminatory manner, observance of rules in a transparent manner as well as flexibility at all levels of decision-making, are indispensable conditions for the Greek State to identify viable solutions and provide support for people suffering from the social consequences of the prolonged economic crisis.

### The year in numbers

- 11,702 complaints in 2012. There was a significant increase, approximately 10%, in the total number of complaints submitted to the Ombudsman. Bearing in mind the number of people addressing the Ombudsman in large groups (collective complaints), the actual increase is even bigger. Since December 2012 complaints can also be submitted to the Ombudsman online through the webpage <http://www.synigoros.gr/?i=y-povoli-anaforas.el>. An increase in complaints from urban areas (i.e. an increase from 16 to 23 complaints per 10.000 inhabitants in the Attica –capital-region) seems to indicate that the problems, intensified by the economic crisis, affect mostly the inhabitants of big cities.
- More than 9,000 people visited the Ombudsman office in Athens.
- The call centre responded to 35,130 people seeking advice.

- 58.73% of the complaints within the Ombudsman's competence and handled during 2012, were found to be valid, i.e. the citizen's complaint was justified and there was evidence of maladministration.
- 81.72% of the valid complaints were successfully resolved; 10% up on last year.
- 72 legislative and organisational proposals were submitted by the Ombudsman in 2012 to improve the operation of public administration, 15.28% of which have been accepted, as well as 36% of prior year's proposals.

### Legal framework and operation

The Ombudsman is an independent authority, sanctioned by the Constitution, with the mission 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, the promotion and monitoring of the principle of equal treatment and combating discrimination in the public services, as well as the promotion and monitoring of the principle of equal treatment of men and women in the workplace. As to the latter, in 2012, the Ombudsman's mission was extended to cover also self employed men and women (Dir. 2010/41/EU). The present report includes, in separate chapters, two specific reports a) on promoting equal treatment and b) on gender and labour relations.

The Ombudsman's office comprises the Ombudsman, 5 Deputy Ombudsman, 139 senior investigators and 48 members of the administrative

staff. For details on the existing legal framework of the Ombudsman's operation, see Annual Report 2011 p.6. <http://www.synigoros.gr/resources/ee2>

[011-english translation-final.pdf](#)

Graph 1: Complaints received 1998-2012

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
2012	11,702
<b>Total</b>	<b>153,120</b>

### Subject evaluation

The significant increase in the number of complaints submitted to the Ombudsman in 2012 indicates that problems faced by people in their encounters with the public administration have intensified, due to the overwhelming legislative changes in the past few years, as well as the financial problems created by the fiscal crisis since 2009. Specifically, the issues of social security, taxation, urban environment, public utilities and entry and residence of aliens, consist the 5 main categories of problems for which people complain to the Ombudsman; they represent the bigger part of the complaints total (65% in 2012).

As to the public services involved, insurance funds are the focus of a constant 25% of maladministration problems (in 2012 even 27%). Indicative of the problems faced by citizens is that the Ministry of Finance holds the second position (14.8%) and the Public Power Corporation has 5.75% of the problems. For the rest, the same high rates as last year hold for local self-government and the Ministry of Interior; a slightly higher rate is held by the Ministry of Public Order.

Complaints lodged on **Human Rights** issues showed a slight but steady increase, both in absolute numbers and as a percentage of total complaints received by the independent authority.

This year there was a shift in the thematic distribution of new complaints lodged, with a substantial increase in cases concerning the granting of citizenship, civil status and military service; these three occupy 19% of the total number of complaints handled by the Human Rights department. A slight increase was also observed in complaints concerning policing and imprisonment. A decline in the percentage of cases concerning higher education and professional rights was observed, while cases involving the entry and

residence status of third country nationals remain stable, accounting for 61% of the total complaints handled by the department.

The conclusion that one can reach from the issues raised in these complaints is that human rights protection in Greece does not seem to be progressing. As also noted in previous Annual Reports (see Annual Report 2010, p. 35-36), social disruption, combined with the declining financial resources of the state, has led to explosive social conditions and a greater loss in human rights protection.

The spillover effects of the financial crisis have not only affected administrative action in areas which were already problematic in terms of human rights protection (such as prisons, detention centers and police action), but also society as a whole, with signs of intolerance becoming increasingly more widespread. Under these conditions, the constant efforts of the Ombudsman to assist the integration of asylum seekers and migrants, as well as other vulnerable groups such as Roma and HIV-positive individuals, in order to prevent or at least mitigate their social exclusion, has become even more critical and challenging.

In the past year, the Authority continued its interventions for fundamental rights protection with the same intensity (especially prison conditions, the political asylum procedure and migration management), as well as its contacts and consultations with the various stakeholders involved in these issues. Particular emphasis was given to the preparation and organisation of the new responsibilities to be undertaken by the Ombudsman, pursuant to Law 3907/2011, for external monitoring of the return procedures of third country nationals.

Finally, the Ombudsman, in its capacity as a national equality body,

has held exploratory on-site visits in areas of interest and has undertaken mediation initiatives on the Roma situation. A series of public interventions have been made by the Ombudsman on the issue of racist violence, whose extent and intensity in recent years is highly alarming. To assess and combat the rise of this extremely worrying phenomenon, the Ombudsman held numerous meetings and workshops with representatives of international organizations, consular staff in Greece and related public authorities and civil society organisations.

The complaints on **Social Protection** issues dealt with by the Greek Ombudsman during 2012, show that dysfunctions are more intense compared to those of the previous year and mainly concerned the delays in issuing pension decisions by the social insurance organizations, as well as reimbursing health care expenses.

This is reflected both in the allocation as well as the increased number of complaints in this category. The majority of complaints (85% of the complaints filed with the Social Protection Department) are related to social security and health benefits.

The delays in issuing pension decisions appear to be on the increase, often exceeding periods of one year, while in the case of successive insurance periods, the time needed is up to two years (see "Employment").

Numerical data shows that the number of complaints related to health care, at primary and secondary level, remains the same. However, the cases investigated appear to be increasingly complex, due to the fact that a significant number of issues remain to be clarified and regulations are still to be made with regard to the function and range of responsibility of the National Health Services Organization (EOPYY), which now constitutes the only organization for the

reimbursement of health care expenditure (see "Social Solidarity")

Nevertheless, in 2012 the most significant problem that emerged is the procedure followed for disability certification by the Disability Certification Centres (KEPA). The advantages of this presumably objective method of certifying disability are undermined by the disadvantages resulting from the difficulty in convening the competent health committees and the delays that this entails.

Finally, it should be noted that, despite the dramatic increase of unemployment, there is no proportionate increase of the number of citizens complaining to the Greek Ombudsman for non-payment of unemployment benefits by the Manpower Employment Organization (OAED).

Regarding the thematic areas of the **Quality of Life** Department, we observe that almost 90% of the complaints relate to issues of urban environment (figure 11). More specifically, around 30% of new complaints focus on urban planning disputes and illegal construction problems. Moreover, on the basis of citizens' complaints, the location and construction of major infrastructure projects emerge as significant problems. Another major topic related to the urban environment is linked to problems associated with the location and operation of leisure and recreational enterprises (cafes, restaurants, clubs).

Citizens' complaints that center on natural environment matters account for approximately 7% of the total Quality of Life complaints for 2012, while those associated with cultural environment issues amount to 2.5% of the total.

Detailed scanning of complaints, combined with a mapping of the areas where the problems occur - which shows considerable dispersal

across the country - shows that the focal point of citizens' grievances is insecurity related to the legal status of their property. Citizens demand measures which would eliminate this uncertainty, a result of both legal framework issues and the institutional organization of its implementation. Such measures would clarify the terms and conditions for the development of their property and set the requirements for their entrepreneurial activities, especially in the prevailing critical environment (see Development, entrepreneurship and the Environment).

Thus the problems of overregulation, combined with the above-mentioned uncertainty - issues which were also pointed out in last year's Annual Report (2011) - are becoming more acute in 2012, as witnessed by the large number of complaints regarding wrongful implementation of existing legal provisions, as well as overlapping and conflicting institutional jurisdictions.

Finally, the quantitative and qualitative evaluation of complaints shows that, despite expectations to the contrary, issues related to the evaluation of the environmental impact of human activities and construction projects are still high on citizens' demands. The environment - natural and cultural resources - especially at local level is not considered a "luxury commodity" but a crucial factor in citizens' everyday life. This is reflected in the fact that citizens use all available means and every opportunity to activate the mechanisms and structures for its protection.

In recent years, the economic crisis affecting the country and its citizens had a significant knock-on effect on the complaints handled by the **State - Citizen Relations** department whose scope increased dramatically.

Specifically, issues related to taxation, public utility, loans, tenement and local government have increased. This is due to the deterioration of

household finances and the inability and delay of State, public entities and local authorities to repay debts to citizens and businesses, whether these relate to contractual obligations or other reasons (e.g. Court decisions).

One particular category of complaints relates to the special property tax collected via electricity bills (EETIDE). Specifically, citizens complaints focus on the calculation and amount they are required to pay, as well as the method by which these duties and procedures were envisaged; this created a host of procedural problems as the authorities concerned (Ministry of Finance, Public Electricity Company, municipalities) showed a lack of cooperation and coordination in planning the necessary actions (see "Mutual obligations between the State and its citizens").

Moreover, it should be noted that in 2012 the number of complaints from citizens expressing inability to meet their financial obligations to tax authorities, the Public Power Company, banks, the Housing Authority, the Deposits and Loans Fund has significantly increased. These citizens usually belong to vulnerable groups (economically weak, unemployed, elderly, suffering serious health problems); they cite lack of accessibility to vital information, while often being unable to describe their problem clearly and contact the service involved, in order to find a solution. In most cases, mediation of the Ombudsman consists in forwarding requests to relevant departments and agencies and suggesting recommendations for humanitarian assistance or lenient treatment for those citizens.

Finally, the economic crisis seems to be exacerbating the chronic problems of local governance and economic management, since, as shown by citizens' complaints, the highest number of these related to municipalities and the financial

departments of the Treasury, Tax authorities, etc.

In 2012, the number of complaints regarding violations of **Children's Rights** increased, both in absolute terms and as a percentage of total complaints received by the Ombudsman.

The actual number of adults and children who sought help from the Ombudsman for children's rights issues is much higher. During visits to schools, child care institutions, detention centres and children's services, as well as events in which it participated in various cities, the Ombudsman received requests and questions and provided information and advice to a large number of children and adults, occasionally bringing them in touch with the relevant local services. Moreover, in 2012, through the newly created special form for minors "Ask the Ombudsman", the Authority replied to 91 messages regarding the protection of children's rights. The Ombudsman also responded to hundreds of calls on its toll-free line for children 800.11.32.000.

The thematic allocation of new complaints related to violations of children's rights, show that percentages were similar to prior year.

Cases focusing mostly on domestic violence or the living standards and conditions of children, appear to be relatively few. However, the Ombudsman found, through the examination of cases with other key objectives and in its communication with children, professionals and various institutions of education, welfare, health and justice, that poverty, deprivation and violence, manifested in different forms in children's lives, reach and influence an alarmingly large number of them, having consequences on their behaviour in the context of school life.

It is characteristic that a significant number of school units visited by the Ombudsman collaborated with

community agencies in order to contribute towards the basic needs of their students and their families. The deterioration in the quality of life, due to the economic crisis and its consequences on the daily lives of children, often constitute forms of core violations of children's rights, especially in the case of vulnerable groups.

For an evaluation of **Gender Equality** cases, see the relevant chapter of this report.

### **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 2012, the Ombudsman produced two special reports, as follows:

#### *Proposals for low budget measures to the public administration*

In December 2012 the Ombudsman submitted a special report containing proposals for low budget measures to 12 competent Government ministries.

Based on proposals made by the independent authority in the recent past that derived from the investigation of various complaints, the Ombudsman gathered its recommendations for legislative amendments, organisational or operational reforms, that would enable the public administration, at zero cost, to simplify and accelerate procedures, increase transparency in their actions and be more efficiently organised with existing means and staff.

In a total of 80 proposals, the majority (42) require a legislative or other normative amendment, without however having a budgetary impact. Also of low cost are the 13 organisational proposals that concern criteria or arrangements for the better organisation of the public services; this

would have a substantial impact on the quality of services to citizens. 25 proposals concern merely administrative practices that often arise in the form of circulars.

This special report has a dual goal: its aim is for the citizens to find a substantial response from the administration to their reasonable requests, rights and legitimate expectations without being confronted with the budgetary cost argument; it also aims for the public administration to bring about the necessary improvements that would enable it to stand by its citizens in these difficult times and become a positive factor in overcoming the crisis.

*Prejudicial unilateral imposition of job rotation on employees returning from maternity leave*

The Ombudsman handled a significant number of complaints concerning the prejudicial imposition of job rotation, by unilateral employer's decision, on female employees in the private sector returning from maternity leave. Upon investigating these complaints, the Ombudsman found that a growing number of enterprises, invoking vague financial reasons, place female employees returning from maternity leave on job rotation, without meeting the relevant legal requirements and despite the specific legislation protecting them from dismissal.

In a special report on this matter, the Ombudsman proposes among other measures:

- To establish concrete criteria for checking the financial status of enterprises, in order for job rotation to be tested on the grounds of lawfulness and reasonableness.
- Labour Inspectors to conduct regular inspections on premises where job rotation has been imposed, in order to find out whether the employment timetables are followed or abused in practice.
- To establish statutory criteria for checking timetable reductions, so

that the consequential salary reductions would not put at risk the employees' decent living status (which is the case, for instance, when a timetable of one working day per week is imposed).

- To run efficient checks on employer's proportional allocation of reduced working hours to all employees rather than selective reduction in working hours to employees that are pregnant or in maternity protection status.
- To establish criteria for the admission of declarations of voluntary termination of an employee's contract by the unemployment bureau (Manpower Employment Organization - OAED). In many cases the employers file such declarations without the employees knowing it because they are on absence or other leave, thus creating presumptive evidence against the employee.

#### Ex officio investigations

The Ombudsman automatically addresses issues deemed particularly grave that fall under its remit. In 2012, it conducted a series of ex officio investigations in prisons and detention centres throughout the country. It also investigated on its own initiative incidents of indirect gender discrimination through internet job offers.

#### Disciplinary referral

If, while investigating a complaint, the Ombudsman finds evidence of illegal conduct by a governing body, often involving refusal to cooperate with the Ombudsman, he reports it to the entity that is responsible for the disciplinary control of the offender. Failure to collaborate with the Ombudsman is, under certain conditions, a criminal offense. In 2012 the Ombudsman referred 2 cases of employers allegedly breaching the rights of female employees to the Financial and Economic Crimes Unit (SDOE) and 1 case of Regional Administration staff failing to implement the legislation on illegal constructions to the Inspector

General of Public Administration.

### Referral to the Public Prosecutor's Office

If while investigating a case conclusive evidence arises of a crime committed by an officer, employee or member of management, the Ombudsman will forward a report to the prosecutor. The Ombudsman may also submit a report calling for the intervention of the prosecutor in order to protect children's rights.

In 2012 the Greek Ombudsman referred a breach of environmental legislation to the public prosecutor, as well as 12 cases of violation of children's rights.

### Meetings, conferences

During 2012, the Ombudsman participated in several meetings and organised workshops and seminars, such as a 2 day seminar on Voluntary services to children (14-15/6) the Protection of children's rights in times of crisis (27/9), an international workshop on monitoring return procedures of third country nationals (17/12) etc.

### The Ombudsman and Greek Parliament

The Ombudsman Mrs Calliope Spanou and the Deputy Ombudsmen appear before parliamentary committees regularly, in order to present once a year the annual report of the Independent Authority as well as to inform Parliament on specific matters within its competence. Such specific discussions in Parliament during 2012 included the impact of the economic crisis on children's rights in Greece, migration issues, women and the media, alien detention centres, transparency and combating corruption in the public sector.

### Field surveys and regional meetings

The Ombudsman conducted 15 group visits and several meetings all over Greece, recognising the positive outcome of field surveys in various

regions of Greece and regional meetings held with agents of local government and public services.

### Participation in collective bodies and other activities

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 victimisation and criminality of minors, which was established in 2010 by the Ministry of Justice. The Ombudsman also participates in educational seminars addressed to police officers and civil servants.

### Collaboration with NGOs

The Ombudsman seeks systematic collaboration with NGO's, coordinating the operation of NGO networks on the protection of the rights of Roma and asylum-seekers, working closely with the NGO network on the implementation of the International Convention on children rights, participating as an observer to the NGO network for registering incidents of racial violence, as well as working with NGOs active in key areas, such as the environment and health, etc.

### Publications

In 2012 the Ombudsman, in collaboration with the Ministry of Administrative Reform, published the *Guide on good administrative behaviour*

[http://www.synigoros.gr/?i=stp.el.leaflets#kali\\_simperifora](http://www.synigoros.gr/?i=stp.el.leaflets#kali_simperifora)

### Promotion of children rights

The Greek Ombudsman, in accordance with the provisions of Law 3094/2003, has undertaken the mission of Children's Ombudsman in Greece. On this basis, it investigates cases involving violations of children's rights while also developing a wide range of

activities and initiatives aimed at promoting the rights of the child.

The main activities for the promotion and dissemination of children's rights undertaken in 2012 were the following:

- The Greek Ombudsman submitted to the UN Committee on the Rights of the Child a Parallel Report on the implementation of the UN Convention on the Rights of the Child in Greece, summarising its findings and recommendations from 2003 to 2011. The report was submitted on the occasion of the examination of the second and the third National Report of Greece on the Implementation of the Convention, which was submitted in 2009.

The report points out the need to develop and implement a National Plan of Action for the Rights of the Child and highlights major shortcomings in policies in the areas of education, health, welfare, justice, labour, media and generally in safeguarding children's rights in social life.

In the Concluding Observations of the Committee to the Greek Government, special mention is made to the role of the Ombudsman in Greece. It is recommended that the State ensures the continuity of its mandate and activities in the defence and promotion of children's rights.

The Ombudsman undertook the translation of the Concluding Observations and their dissemination. In this context, it presented its Observations at events organised in Athens and Thessaloniki, along with its Parallel Report, its proposals for a National Plan of Action for the Rights of the Child, the Strategy of the Council of Europe for the Rights of the Child and the NGOs' point of view in the field. The Ombudsman then gathered the opinions of institutions involved with children on the adoption and development of the National Plan of Action.

- In order to keep direct contact with children, the Ombudsman visited 50 schools of all educational levels throughout the country and held meetings with groups of pupils and teachers. It also visited 18 care and young offenders' institutions.
- The Deputy Ombudsman for Children's Rights and senior investigators of the independent authority gave 60 speeches and organised seminars for teachers and other professionals; these were organized by public institutions, teachers' and parents' associations or NGOs.
- The Youth Advisory Panel (YAP) of the Children's Ombudsman completed its two year term. During the year, the young advisers met three times (Athens, Salonika, Rhodes) while they were involved in a number of activities (conducting researches in their schools on the consequences of the economic crisis to students' lives, designing radio and visual spots, participating in conferences). Two members of the YAP participated at a meeting of the European Network of Young Advisers in Warsaw with young advisers from 8 countries and Children's Ombudsmen.
- In 2012 the new web page "Ask the Ombudsman" was added to the Children's Ombudsman's website. Children who need help can address their questions electronically to the Independent Authority and receive answers from the senior investigators. The Children's Ombudsman received and replied to 91 messages concerning children's rights' violations and in some cases further communication and actions followed.
- The Ombudsman's activities on the protection of children's rights on the internet continued. The Authority participated in meetings and open

- discussions in Thessaloniki and Athens, in order to inform and raise awareness among pupils, parents and teachers. It also participated in Google's initiative "Family Safety Centre".
- As part of its participation in the Network against Violence in School and on the occasion of the establishment of March 6 as National Day against Violence, the Deputy Ombudsman for children's rights participated in an open discussion entitled "Aggression and violence against students – Living together in school", held at the Ministry of Education. The debate was broadcast live-streaming through the internet, giving an opportunity for students, teachers and parents to ask questions of the representatives of the Network. A delegation of the Network with a group of students, including 10 young advisors of the Ombudsman, visited the President of the Republic, Karolos Papoulias and discussed the problem of violence at school. Moreover, the Ombudsman created a special webpage on its website for this particular issue.
  - The Ombudsman visited child care institutions of the public and private sector throughout the country, among which day care and treatment institutions for children with disabilities, mental disorders or chronic diseases and held discussions with the children, administration and staff.
  - As part of overall action undertaken by the Ombudsman for the improvement of educational tools and guidance to volunteers who provide services to children, a two-day seminar on "Volunteerism and rights of the child" was held at the Authority's premises. The seminar brought together 55 members of staff of 35 public institutions and NGOs active in organising voluntary services for children.
  - Following earlier actions, the Ombudsman worked with the Regional Directorate of Education of Eastern Macedonia and Thrace and with members of the Program "Education of children of the Muslim minority in Thrace" on the promotion of equal educational inclusion of children residing in the neighbourhood of Alan Kougiou in Komotini.
  - Finally, the Ombudsman participated in international meetings and conferences in its capacity as member of the European Network of Ombudsmen for Children (ENOC), the European Network of Young Advisors (ENYA) and the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE) (see chapter "International Activity" of the present report).

## Employment

The adoption of austerity measures, as a means to cope with the economic crisis that has struck the country, has had immediate adverse effects on the labour market as well as on social benefits.

As a consequence, the need for social protection is becoming more and more urgent, since the number of citizens affected is rising dramatically.

The Ombudsman, who is the recipient of complaints that reflect the inability of citizens to meet their financial obligations, focuses at every opportunity on the imperative need to ensure respect of the fundamental principles governing the actions of administrative authorities, to protect social benefits and to contribute to the effort made for the reintegration of the unemployed in the labour market.

### *Unemployment allowances without notice of termination*

The Ombudsman noted that the employer's omission to give notice of termination of the employee leads to the loss of the latter's right to receive the regular unemployment allowance granted by the Manpower Employment Organization (OAED).

While investigating a specific case, the Ombudsman addressed the OAED pointing out that an insured person should not be deprived of this allowance, considered absolutely necessary for a decent living for himself and his family. The Ombudsman recommended that the unemployment allowance be granted to the unemployed person, arguing that the invalidity of termination favors the employee and should not affect the granting of the unemployment allowance when the actual unemployment state is not in question. The Board of Directors of OAED

granted the allowance to the beneficiary retrospectively.

### *Strengthening New Free Enterprise*

While investigating individual complaints, the Ombudsman pointed out that the inclusion in an assistance programme for New Free Enterprise of the Manpower Employment Organization (OAED) should be facilitated and encouraged, as it can lead to the creation of new jobs and the gradual mobilisation of the economy. In this case, a private enterprise that had been included in an assistance programme for New Free Enterprise changed its legal form to a partnership before the deadline required to continue operations, while maintaining the same objective, staff and office. The Employment Agency requested the return of the subsidy from the beneficiary. The Ombudsman argued that the return of the grant constituted a very heavy penalty which was inconsistent with a mere differentiation process, especially since it ignored the legal and functional affinity of the partnership to the individual operation.

### *Insurance entitlement under the Regulation of Hazardous Occupations*

The Ombudsman received complaints from individuals regarding the declassification of their insurance contributions by the Institution of Social Security (IKA-ETAM) for the period that they were employed by Olympic Catering. As a consequence of this, the individuals concerned did not qualify for a pension under the provisions of the Regulation of Hazardous Occupations (KBAE). They filed an appeal arguing that their pension applications should be examined under the new provisions, since they had paid increased contributions classified as hazardous in accordance with KBAE.

The Ombudsman maintained that IKA arbitrarily classified those concerned to the alleged favorable provisions without thoroughly examining the facts of the particular case, denying them the legal right to choose the most favorable of these provisions.

The Local Committee of IKA accepted the Ombudsman's recommendation that the specific pension applications be subject to the provisions of KBAE.

#### *Delays in issuing pension decisions*

The Ombudsman has noted even more delays in the procedure for issuing pension decisions by the social security organizations, followed by an increase in the number of pending cases. Indicatively, the period of time needed for the State General Accounting Office (GLK) and IKA-ETAM to complete the procedure for the payment of a pension is nearly one year and in some cases even more.

The same situation applies with organisations that grant lump sum allowances.

The delays in paying pensions are even longer when successive insurance periods are involved. The decisions in this case are often issued two years after the submission of the pension application.

The Ombudsman has made specific recommendations to the competent authorities to deal with the problem of excessive delays with regard to the payment of pensions. As a solution to the accumulation of pension applications in the State General Accounting Office (GLK), the Ombudsman recommended that an employee who retires and applies for a pension be paid a sum of money, in the form of a preliminary pension/advance, until his full pension is paid. The Ministry of Finance informed the Ombudsman that this issue has been included in its plans and is expected to be implemented in 2013.

#### *Refusal of Bar Associations to make an inventory of their employees*

A Bar Association employee requested the Ombudsman's intervention as she could not retire due to the Association's refusal to register her in the Human Resources Registrar of the Greek State, invoking the corporate character of the Bar. Following the Ombudsman's recommendation, the Ministry of Administrative Reform registered the employee and asked the State Legal Council, which issued a legal opinion that Bar Associations are required to make an inventory of their employees.

## Development, entrepreneurship and the environment

The conflict between the goals of economic growth and the need for environmental protection is not new. The Environment, as a collective commodity available to all and secured for future generations, requires alertness on behalf of the state and private sector, to ensure that economic development does not end up being a threat to human life. Given the fact that in many cases business interests either ignore the value of environmental conservation and protection, or function solely on the principle of cost minimisation, the Greek Ombudsman is often obliged to act in a proactive manner, using all available means in order to secure the harmonious co-existence of entrepreneurial activity with the environment.

### *Business liability and remedying damage to the environment*

In addition to the state's obligation to protect the environment, private sector firms are required to develop a set of actions dealing with environmental issues. Especially in the case of firms involved in hazardous activities, they may be held responsible even if they are not directly at fault.

The Greek Ombudsman pushed for the implementation of the new legal framework, especially in incidences of environmental pollution, landscape degradation, contamination of underground or surface waters, and infringement of environmental regulations. Thus, in the case of uncontrolled dumping of toxic waste in the Kaminia area of Piraeus, the Greek Ombudsman's intervention led to securing a budget of €450,000 for its removal and safe disposal.

In the case of an abandoned asbestos plant in the former municipality of Rio, the local decentralized administration, in order to avoid local community reaction, instead of constructing a

landfill site on the factory plot, decided to remove the hazardous waste material and ship it abroad. However due to the high cost of this solution, the bank owning the plant refused to pay; thus the problem has not yet been resolved.

In the case of dangerous waste disposal in the area of Ritsona, in the region of Evoia, chemical analyses of water samples showed high concentrations of hexavalent chromium as well as zinc. The Greek Ombudsman's intervention secured the appropriate budget for a sanitation and rehabilitation project.

Lastly, in the infamous case of the Asopos river, the Greek Ombudsman suggested that a gradual sanitation of the soil and surface waters, as well as the river bottom was necessary. In this context the Ombudsman intervened to speed up the process, by enabling the exchange of information and collaboration between agencies involved in the "*Integrated Programme for the Management of the Environmental crisis*".

### *The effects of development on the cultural environment*

The preservation of cultural monuments, while respecting nature and the principles of sustainable development, necessitates a joint effort by all agencies involved. During the investigation of a complaint regarding poor sanitation and protective measures of the Plato Academy archaeological site in Athens, as well as the impact of the operation of nearby leisure and recreation establishments, the Greek Ombudsman put forward specific measures which were, to a large degree, adopted by the respective agencies. The Central Archaeological Council of Greece approved the enhancement of the archaeological site and the classification of stored material commenced. A new

permanent fence was constructed on the perimeter of the site and daily police patrols were introduced. The daily cleaning of the site was assigned to a group of permanent maintenance staff, while the operations of the leisure establishments ceased.

In a similar case where leisure and recreational establishments operated in the old town sector of the island of Kos, in building blocks adjacent to the archaeological site, the Greek Ombudsman called for a re-evaluation of their operating licenses and the cooperation of the agencies involved, in order to protect the island's cultural heritage. The Central Archaeological Council of Greece introduced a series of protective measures for the area, while the local tax authorities for Prehistoric and Classical Antiquities investigated the legal status of the licenses. The Municipality of Kos however refused to re-evaluate the operations' licenses and did not co-operate in the archaeological site's promotion plan.

#### *Land use planning and investments*

Land use planning has become a critical factor for the protection of the natural, housing and cultural environment. A case in point this year was the prevention of construction of five recreational buildings in a forest area of natural beauty in the Helmos-Vouraikos National Park. The construction site was situated within the boundaries of a special protection zone of the Natura 2000 network, where the specific land use was prohibited. The Greek Ombudsman's intervention led to a recall of the building permits and the agencies involved initiated a rehabilitation programme for the area.

#### *Business activity and quality of life in urban areas*

The co-existence of economic activities and housing in urban areas

has often led to overgrowth of business activity with serious repercussions on the quality of life of the inhabitants. Such a case arose in the Dilaveri coastal zone in Piraeus, where the residents complained about excessive sound pollution and the occupation of common spaces in an area characterized as a "traditional settlement" governed by special building requirements and restrictions. Despite the fact that the Greek Ombudsman called for the elaboration and approval of a special land use plan, the Municipality of Piraeus opted for a simple change in the construction boundary in a specific building block, while designating public access areas elsewhere, equivalent to the illegally expanded leisure buildings.

Another characteristic case is that of sound pollution from shops in one of the main squares of the town of Karditsa in central Greece. Despite the Greek Ombudsman's suggestions not to extend the musical entertainment hours of these establishments, the Local Municipality chose to ignore them and approved the extended hours.

The Greek Ombudsman's intervention led to a decision to transfer all operations pertaining to illegal constructions in the area to the town planning department of the Municipality of Tyrnavos, while the supporting role of the Municipality of Larissa was also clarified.

In contrast to the above dysfunction, there was a positive development in the case of the new functions of Local Authorities concerning the operating licenses and location permits of kiosks. The Greek Ombudsman found that despite some initial delays and dysfunctions, the process of organising the relevant local departments has progressed and they now issue rulings on relocation or license operations.

## Mutual obligations between the state and the citizens

The issue of mutual obligations between the state and the citizens has assumed great dimensions in the current critical period. The difficulty of both sides to fulfill their obligations seems, in principle, symmetrical. However, the State has a series of advantages, in law and in fact; the State takes citizens by surprise by altering the conditions and context in which they are invited to exercise their rights and fulfill their obligations. The frequent legislative changes and the abundance of circulars create a fluid environment for citizens who are required to comply with these while the state does not appear consistent in fulfilling its own obligations.

### *Taxation: contestability of asset presumptions*

Failure to inform the public about their right to challenge asset presumptions, as outlined in the Income Tax Code, was brought to the Ombudsman's attention. The Ombudsman found a lack of access to information from regional services and the General Secretariat for Information Systems, as well as refusal or insufficient guidance on the part of the relevant officials. The GO stressed that presumptions are constitutionally permissible only if they are rebuttable, i.e. provided they can be challenged by the citizens concerned. The Ministry of Finance adopted the recommendations of the Ombudsman and issued a circular by which tax offices were reminded of the procedure for counter-evidence and rebuttal of presumptions already provided by law, enabling and empowering citizens to challenge these presumptions.

### *Collection practices: fees, fines and contributions*

The ability of the State to establish and enforce the payment of fines, fees and contributions is not only legitimate but also reasonable, especially in view of the endemic tax evasion which has

jeopardised the country's economy. However, the methods by which management determines the debts, identifies the debtors and requires payment are often debatable in terms of proportionality, but also of serving the public interest. In some cases, like the so-called settlement of arbitrary construction fines, the disputed methods involve alteration of the purpose of the fine and transmute an environmental measure to revenue collection. The sudden increases in fees or fines, subvert any notion of credibility. Parameters of good administration are overlooked by the recovery procedures. This list has no end, as it extends across a range of administrative actions.

### *Special Property Tax based on electricity bills*

With its intervention to the Minister of Finance, the Ombudsman outlined a number of problems regarding the imposition and collection procedure of the "EETIDE", a special property tax collected via electricity bills, such as, inter alia, calculation errors, delayed processing of applications, especially cases of reduction or exemption due to economic vulnerability, imposition on non-constructed areas, interruption of power supply for unpaid bills to individuals requiring mechanical support. The Ombudsman does not overlook the emergency budgetary reasons that led to the imposition of the EETIDE tax but has pointed out, early on, that the proposed procedure for calculating and collecting the tax would result in specific malfunctions. The manner of calculating and collecting this tax should be reviewed so that it is separate from the supply of electricity to properties; it should also be calculated in accordance with the Uniform Property Tax calculus, which was created specifically for the collection of taxes.

### *Contributory municipal charges*

The Municipality of Lavrion imposed a special fee for the collection of cut branches and other bulky items, without any justification, invoking of any law or proportionality between the contributory fee and the expense required for this service. With the Ombudsman's intervention, the Decentralized Administration of the Attica Region recommended the review of relevant decisions on the basis of the proportional contribution principle, ensuring fair and equitable charges. The municipality decided to provide this service hereafter at no extra charge.

### *Debts to insurance funds*

The postponing of audits and inspections on social contribution payments by employers over long periods, sometimes reaching the ten year deadline, leads to a situation whereby citizens are called on to pay contributions, fines and penalties that could be avoided if they had been informed on time. Although IKA claims that the cause for delaying the audits is the overload of cases assigned to its employees, in responding to the Ombudsman's mediation, the General Secretariat for Social Security, drew the IKA's attention to Law 4075/2012 which provides for electronic inspections and comparison of reported and paid contributions within the month, after the Analytical Periodic Report (APD) is submitted relating to the previous salary periods. The audit can thus be completed within the second month after the month of employment. If this procedure is followed, the delays in charging outstanding contributions can be avoided.

### *Cost of childcare in day nurseries*

The cut back on resources of local authorities but also the impact of the economic crisis on families had a multifaceted negative effect on childcare in day nurseries. The Ombudsman intervened in the case of a sudden increase in child day-care costs to be paid by parents to the

Municipality. In the end, the Decentralized Administration of the Region of Attica admitted that the increase was unlawful and therefore non enforceable. The Ombudsman also intervened in the case of the cost for childcare that was co-funded for the period 2012-2013 by the National Strategic Reference Framework (NSRF). The Ombudsman found that some private kindergartens had increased the amount of the contribution required from parents disproportionately, based on the reduction of the compensation provided to them by the NSRF programme. The Ombudsman made a number of proposals to the competent Ministry, with a view to implementing the programme in such a way as responds effectively to families' needs.

### *Transportation of students to school*

The service of daily transportation of students to and from their schools needs to be reformed to ensure minimum quality standards. Apart from economic issues, the main problems detected by the Ombudsman were: lack of escorts on school buses, non-use of seat belts, poor execution of schedules, cases of improper driver behaviour and problems in transferring students with disabilities. Moreover, at the beginning of the school year 2012-2013 this service was disrupted because the bus owners had not been paid by the state for years. The disruption affected a considerable number of schools (especially more distant schools for children with special needs, or musical and artistic schools). The Ombudsman stressed the need for immediate settlement. Law 4089/2012 regulated the issue of financial compensation for school buses and stipulated that the ultimate responsibility for transportation belongs to the Regions. The situation gradually improved in several schools, but full implementation of this legislation is not yet available for all.

### *Withholding loan installments from widower's pension*

The Ombudsman investigated complaints related to cases of unjustified and inequitable treatment of borrowers by public sector lending institutions. One case in particular, whereby the Deposits and Loans Fund withheld loan repayments after the death of the borrower, from the widower's pension received by the surviving spouse, regardless of whether he/she was a borrower or not. The Ombudsman recommended the abolition of this regulation because it improperly extends the obligations arising from the contract beyond the contractual relationship. It also contradicts the nature of the widower's pension, which is attributed to the right of the pensioner *ipso jure* and thus is not inherited or burdened with inherited debts.

## Social solidarity

The current situation in the field of social solidarity is self-evident. While the number of welfare beneficiaries and those resorting to public health services is increasing dramatically, state cash resources are shrinking, thus limiting even those benefits and services usually taken for granted. Under the circumstances, the Ombudsman is called upon to find the right balance between reminding the Administration of its legislated obligations and a pragmatism which requires the creative exploration of new priorities and possible alternative solutions.

### *Changes in covering maternity costs*

Two months after defining the new Medical Expenses for Hospitals in the National Health System (ESY), the procedure covering maternity care was modified and provided that for natural or caesarean childbirth in a public hospital, the childbirth benefit would not be granted to the beneficiary by the social security organizations; instead, the hospital's maternity expenses would be paid directly to the hospital by the latter.

The Ombudsman noticed that there were malfunctions in the procedure covering maternity expenses, as well as confusion of competence among social security organizations and hospitals, caused by procedural irregularities or delayed access to concise information. Certain public hospitals asked the insured mothers to pay the hospital expenses in order to be released from the hospital and be given the medical discharge certificate after delivery, despite the fact that maternity hospital expenses are normally covered fully by their social security organizations. Following the Ombudsman's mediation, the hospitals offered to refund the money.

In other cases, a certain number of insured mothers who had been granted the benefit were then charged with a difference in the childbirth expenses. Following the Ombudsman's mediation, the hospitals refunded the insured mothers with the wrongly paid amount of money, while the insured mothers returned the benefit they had received and thus the procedure for covering the maternity expenses by the social security organizations was activated.

In cases where insured mothers had paid the maternity expenses to the hospital and their request for the benefit had been rejected on the grounds of the legislative amendment, the Ombudsman intervened and the benefits for which the applications had been submitted before the end of 2011 were paid to the insured mothers.

### *Procedural malfunctions in Certifying Disability*

During 2012 procedural malfunctions in certifying disability emerged as one of the most serious problems that the Ombudsman had to deal with in the field of health. The Disability Certification Center (KEPA) began functioning in September 2011, as a common body, competent for the certification of disability for all citizens and for all related benefits.

The legislator's purpose was to ensure that objectivity and scientific substantiation of the disability certification was guaranteed and that the medical reports issued by the health committees covered the beneficiaries for all disability allowances, thus avoiding the need for separate medical examinations. Although the correctness of this approach cannot be questioned, in practice, serious weaknesses and shortcomings in the function of the KEPA became apparent. The waiting

time to be examined by the health committees increased and often exceeds a six month period. The consequence of this delay is that the individual may be deprived of the welfare benefit, the disability pension and the health card for the corresponding period of time.

Furthermore, the shortcomings involve: the obligation of citizens to go through new medical examinations, which entails an additional cost for themselves and their social security organizations; the issue of medical opinions/reports with incomplete justification and valid only for a short period of time; not taking into account other factors affecting employability, such as age and usual occupation; the lack of information and coordination of the competent authorities; the cost burden of the examination for many categories of citizens.

Within the framework of investigating individual complaints, the Ombudsman submitted a variety of individual cases to IKA, in an effort to focus on the urgent need to find immediate solutions. However, it became apparent from the onset that the task of dealing with individual problems is hindered by the structural shortcomings of the new certification system and broader interventions are needed at an organizational and regulatory level. Responding to this need, the Ombudsman submitted a list to the Director of IKA in 2012 with all the weaknesses and shortcomings of the system, as well as a series of recommendations.

#### *Access to Higher Education by Special Categories of Candidates*

A number of issues that had arisen during previous years and related to

access to higher education by specific categories of candidates (e.g. members of large families, candidates whose parents are disabled, etc), were settled in 2012. In addition, the Ministry of Education accepted the Ombudsman's recommendation to extend the application of new provisions to candidates who had been excluded in the past (e.g. twins who already had a sibling in higher education) due to the strict restrictions imposed by the previous law. Particular problems arose in the case of candidates whose parents were disabled, due to excessive delays in the certification process. The Ombudsman requested that the competent health committees examine these cases on a priority basis and that an extension of the deadline be given for the submission of disability certificates. Both these requests were accepted by the competent public authorities.

#### *Organisation and implementation of foster care*

The Ombudsman suggested that the state take action towards extending and supporting foster care. More specifically, the GO highlighted the inadequate legal framework that could provide: i) immediate placement in foster care of children removed from their families in accordance with the edicts of a juvenile prosecutor or court order; ii) implementation by the local social services without time-consuming processes, in order to avoid prior placement of the child in other care institutions. The Ombudsman proposed supporting and promoting of foster care via legislative reform, improving the implementation process as well as taking concrete organisational measures to disseminate and ensure quality standards in its implementation.

## Personal freedom and social inclusion

Among the most fundamental human rights, personal freedom is the most sensitive to social, economic, political or ideological crises. Mobility and integration of foreigners, addressing the refugee phenomenon, the redefinition of citizenship and the constant tension between security and liberty, gain dimensions that the public administration is not always equipped to deal with in conditions of a financial crisis.

### *Residence permits for Family Members of Greek and European Citizens*

The residence permit of third country nationals who are family members of Greek or E.U. citizens has been the subject of numerous complaints lodged with the Ombudsman over the years. Law 3907/2011 addressed the issue for spouses and family members of Greek citizens, allowing for the granting of residence permits for humanitarian reasons which can then be renewed for family reunification. These provisions do not cover third country nationals who are family members of E.U. citizens residing in Greece. Also, under Law 4071/2012, an application for a residence permit by family members of Greek and E.U. citizens no longer requires proof of legal entry or previous legal residence in the country.

### *Irregular Migration and Refugee Protection*

The overall management of irregular migration remains problematic at every stage from the time of entry of third country nationals to Greece. In addition to their questionable legality and the risk of violation of fundamental rights, these practices deeply harm the notion of asylum per se. The newly founded Immigrants' Detention Centres have been the subject of a coordinated investigation by the Ombudsman, aimed at ascertaining the legal basis of their operation, as well as their actual contribution to the effective management of this issue. In

this context, the Ombudsman carried out, ex officio, on-site inspections of the detention centers at Amygdaleza, Corinth and the Attica Aliens Directorate. The establishment of an external monitoring system in the return procedure of third country nationals (which has been assigned to the Ombudsman under Law 3907/2011 but not yet implemented), is of the utmost importance. The Ombudsman is already cooperating with the competent national and European institutions in order to draw on their experience on this issue.

### *Greek citizenship Issues of minors*

The Ombudsman intervened in many cases of foreign minors (or minors who acquired Greek citizenship), who face the refusal of Greek public services and serious delays in the administrative process for their integration into Greek society. The Ombudsman mediated successfully in the case of: a) Hellenisation (initially denied) of the surname of a child who had acquired Greek citizenship, b) a child whose father was Greek, paternity was legally recognized, but the Department of Citizenship refused to determine the Greek citizenship of the son, due to misinterpretation of current framework.

### *Security and the Correctional System: Leave of absence for Detainees*

The Ombudsman received a considerable number of complaints from prisoners in the correctional facility of Larissa, concerning permission to leave prison for short periods of time. In order to investigate these complaints, the Ombudsman requested detailed information from the prison facility, including number of leave applications submitted and their outcome, as well as the actual decisions issued. From the study and analysis of these decisions it was found that the rejections were not adequately justified and requirements, not included in the law, were invoked. The Ombudsman called for decisions

to be justified on an individual basis and that they be founded on criteria set out in the law. It was also pointed out that the absence of other family members residing in Greece should not be considered grounds for immediate

dismissal of an application. The Justice Department forwarded the Ombudsman's observations and recommendations to the correctional facilities and requested that the law be properly implemented.

## Schools in times of crisis

Primary and secondary education was severely affected by the economic crisis. Apart from the reduction in funds for the operating costs of schools, the restriction on recruitment of teachers, merging of schools and the serious problems faced in transportation of students, which had a direct impact on the quality of education, children suffer other direct negative consequences such as rising unemployment of their parents and continuous reduction of family income. As a result of all these factors, children experience feelings that often result in violent and aggressive behaviour.

### *School violence*

The Ombudsman investigated several cases involving incidents of violence in schools (both in primary and secondary education). In all cases, the Ombudsman worked closely with the schools for a long time. It provided useful information and advice on the subject, energised school counsellors and, where necessary, mediated in order to involve other public services and agencies in the process of meeting potential special needs of children. In the majority of cases the Ombudsman's intervention, in

combination with the involvement of relevant educational services, was successful and led to a gradual normalization of the situation, at the individual and school community level. The positive effect was mainly a result of counselling and supporting teachers as well as raising awareness among all members of the school community, with long term positive effects.

### *Regulation of Student Councils*

A student submitted a complaint claiming that the provisions of the Regulation on the operation of the students councils had been violated during school elections. The Greek Ombudsman asked the competent regional Directorate of Secondary Education to make concrete recommendations to the director of the school and to provide instructions to all schools in the region on the recommended procedure - especially on the spirit of the law - in order to prevent practices that devalue the Regulation in the minds of students and teachers. The Directorate adopted the Ombudsman's proposals and sent a detailed practical guide to all schools in the region.

## Public administration in times of crisis

The economic crisis has highlighted the structural and functional weaknesses of Greek public administration, particularly in cases where it is difficult to implement the transfer of competences and cooperation between interrelated services. The Ombudsman emphasizes at every opportunity the need for measures that will enhance the functionality, flexibility and effectiveness of public administration. There is an increase in complaints related to citizens' need for information on administrative issues that concern them and timely processing of their cases. In this context, transparency is emerging as an essential control mechanism of administrative action.

### *Problems in the implementation of new functions by municipalities*

The examination of complaints related to the transfer of various administrative and operational functions to Local Authorities, following the recent administrative reform, made it apparent that the Kallikratis programme had not been fully assimilated, institutionally and operationally, by services in local administration.

A case in point is the example of a civilian who, despite the fact that he had paid the fine for an illegal construction to the Tempi Municipality, as provided by L.4014/2011, he could not get a tax clearance certificate from the local tax office. The latter requested a certificate from the local town planning department confirming that there was no outstanding debt and the fine had been paid. The Tempi Municipality was unable to provide such a certificate as its urban planning department had not yet been set up. The Municipality of Tyrnavos, whose planning department 'serviced' the Tempi area also refused to grant such a certificate arguing that this goes beyond the two municipalities'

administrative mandate of collaboration, citing also the problems of its own urban planning department. In the same vein, the Municipality of Larissa, capital of the region, argued that the conditions for administrative support in their issuing the certificate were not met. The Greek Ombudsman's intervention led to a decision to transfer all functions regarding illegal construction in the area to the urban planning department of the Municipality of Tyrnavos, with support from the Municipality of Larissa.

In contrast to the above irregularity, there was a positive development in the case of the new functions of Local Authorities related to the operation licenses and location permits of kiosks. The Greek Ombudsman found that despite some initial delays and irregularities, the process of organizing the relevant local departments has progressed and they now issue rulings on relocation and license applications in a timely manner.

### *Problems in the collaboration between the Greek Police and other Public Authorities*

The problem of inaccurate entries in police records of wanted persons can only be resolved through the systematic collaboration and sharing of information between judicial authorities and the police. This cooperation, however, seems to be still in its infancy. An indicative case handled by the Ombudsman involved a citizen who had been released from prison on condition of appearing, on a regular basis, at the police station in the area of his residence. Following the time period set, during which time he had fulfilled this obligation, he was arrested and detained for 12 days as a fugitive for failing to meet the imposed conditions. The investigation revealed that the original document concerning his obligation to appear at the police

station of his residence had mistakenly been sent to a different police station. However, despite the resolution of the case and his eventual release, police records continued to include him in the fugitives list. As a result, following his release, he was twice transferred to police stations on the basis of this mistaken entry. The police authorities assured the Ombudsman that the erroneous entry would be erased. The Ombudsman further demanded that compensation be given to the individual for unjustified detention.

Similar problems were observed, related to the Greek police's entrenched suspicion of other public authorities in terms of their carrying out their duties correctly and the deluded certainty that it (the Greek police) can and is entitled to replace them. For example, police authorities have used the process of issuing passports as a means of updating or "correcting" other records in public registers. In practice this means that citizens' passport applications may be rejected on the basis of disparities between other public records or data, even when these entries do not pose any doubts as to the applicant's identity, thus forcing citizens to change or update all other entries before a passport is issued. Disparities invoked by the police include reference to the place of birth by its former name (e.g. "Sacred City of Messolonghi" instead of "Messolonghi") or a country that no longer exists in the same form, has merged, been divided into smaller states or has been renamed (e.g. "Yugoslavia", "West Germany"). Also, the slightest difference in spelling of the name, surname or middle name, as it appears in ID cards and municipal registries, may result in the refusal to issue a passport. This rigid practice forces citizens to endure lengthy and sometimes costly procedures as, for example, when a certificate needs to be corrected without allowing the issue of a passport in the interim. In actual fact, in most cases, the disparities or errors in official documents are often the fault of the

administration, often of the police itself. The Ombudsman's proposals for a more flexible system which would involve the issue of a passport with a simultaneous written reminder of the obligation for subsequent correction of other records, has been denied by police authorities with vague and poorly substantiated arguments concerning the prevalence of security concerns.

#### *Candidates Access to selection tables*

The Foundation for Youth and Lifelong Learning (INEDIVIM) consistently and repeatedly denied access to data by fellow candidates, participating in a selection process for a lease project. Following the intervention of the Ombudsman, stakeholders were allowed access. This right was then written and explicitly stipulated in notices issued from October 2012. The same intervention highlighted the issue of delays in responding to requests from candidates seeking to ascertain the reasons for not been selected, as the relevant notices did not provide an analysis of points awarded for qualifications and merits but a total assessment and submission of the proposal on how to run the project. The Foundation accepted the view of the Ombudsman that the points awarded should precede benchmarking. By November 2012, redefined notices were issued, applying the system of points awarded.

#### *IKA's Non-Compliance with Court Decisions*

An insured person lodged an appeal before the court against a decision of the Local Administrative Committee of IKA, which had rejected his request for payment of insurance contributions by his employer. The court decision was favourable. IKA however refused to implement the court decision providing for the settlement of the insurance contribution to the insured person, claiming that a decision charging the employer with the unpaid contributions had not been issued to allow him the right to appeal

to the competent committee or the competent court.

The Ombudsman expressed the opinion that this time-consuming procedure negates every sense of judicial protection. The competent department of IKA was finally persuaded that since it concerned a final court judgment, any appeal against the decision Imposing

payment of Insurance Contributions would be ineffective.

The same IKA department responded positively to another recommendation made by the Ombudsman for the implementation of a court decision in favor of an employer who had requested data to be used in court and IKA had refused, claiming that the specific procedure would burden the operation of its services.

## Promoting Equal Treatment - Special Report 2012

The Greek Ombudsman is deeply concerned by the apparent regression of Greek society and the State in terms of their readiness to combat discrimination. In particular, the alarming rise in racist violence, both in the number of incidents reported and their intensity, as well as the competent state bodies' degree of effectiveness in protecting vulnerable social groups, is increasingly worrying.

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 (see more in the chapter *International Activity*).

The total number of complaints investigated in 2012, in which discrimination on the above mentioned grounds was reported, was 112.

### Discrimination on grounds of age

Although age discrimination in employment and occupation is extremely difficult to be justified under the conditions laid down by the provisions of Law 3304/2005, it occurs with great frequency and age limits are often set in the recruitment process.

In the case of access to the armed forces and security forces, the establishment of a maximum age, in principle, can legitimately, objectively and reasonably be justified as constituting an essential condition attributable to the very nature of the relevant professional duties.

Nevertheless, the Ombudsman expressed the view that a general exclusion of all officials in the security forces and the armed forces on the grounds of age, regardless of specialty or professional duties, could not be

justified under the conditions laid down by the Directive 2000/78/EC. Thus, when investigating reports of an upper age limit of 32 years, which had been set by the Police Headquarters in the recruitment of biologists for the police's forensic laboratories, the Ombudsman pointed out that the professional duties of the particular post did not justify exclusions due to age.

### Discrimination based on disability and reasonable adjustment measures

The number of complaints containing allegations of discrimination on grounds of disability in employment and the workplace remains low. This may be due more to the lack of information to those concerned rather than compliance of public services and enterprises which are subject to the Ombudsman's authority to inspect.

In 2012 it was found that the complaints filed with the Ombudsman on discrimination based on disability concerned mainly the assignment of different tasks to an employee with a disability as a way of fulfilling the employer's obligation to take measures for reasonable adjustment.

In a complaint submitted by a nurse with a disability, working in a provincial public hospital, requesting that she be assigned exclusively administrative duties, the Ombudsman asked the hospital for information on the number of positions provided for nurses in the hospital and to what extent those positions were covered. It also requested information on whether there were nurses in the hospital with equivalent or less qualifications compared to the complainant and if they were assigned purely administrative duties. The hospital's administration provided the Ombudsman with the requested information, showing that not many options were offered. Nevertheless, the complainant's request was granted.

### Integration of a child with disability in a special school

Unequal treatment of children based on disability raises additional concerns, particularly since such violations relate directly to minors who are already vulnerable due to their age.

In many cases, the Ombudsman's interventions in cases related to ensuring the necessary services to children with disability and special educational needs were hindered by structural problems or lack of financing. In the specific case, however, the Ombudsman's intervention proved to be of vital importance and led to the best possible solution to the problem.

During a GO team visit to a Roma camp near Amaliada, it was found that a minor with disability was not going to school. School attendance of the child in a special school in Athens had been discontinued because the child could not adapt to the life of a boarding school. The Ombudsman undertook to investigate the case taking also into account a report submitted to the U.N. by a representative of the UNHCR. It searched for a suitable school in Amaliada or nearby Patra and approached the pertinent authorities in order to activate the transfer, in collaboration with social services of Pyrgos who supported the family. At the end of 2011-2012 the child was placed in a school in Patras which was deemed the most suitable; he attended without fail and became totally integrated in the educative system; he is now following studies for the year 2012-2013.

### Discrimination based on race - relocation of Roma settlement

In the year 2012, the Ombudsman determined, on the basis of the Roma cases examined, that there was either deterioration or stagnation of the existing, problematic situation encountered by this vulnerable community. The adverse living conditions and the limited social

integration the Roma face are largely due of the fact that the competent authorities of local government do not take the necessary initiatives for their alleviation.

Representative of Greek Roma appealed to the Authority protesting against the impending demolitions of homes/lodgings of a significant number of families who for a long time reside in the area "Pefko Politi" (Nosmimatokopio), in the municipality of Halandri. The Ombudsman's intervention in the case revealed the diachronic, very serious omissions of the involved public services, which indeed lead to a condemnatory judicial decision against the State, which was ordered to compensate land owners, whose property was illegally occupied by the Roma residents, on the basis of the relevant, for civil liability of the state, provisions.

The Ombudsman pointed out that the likelihood of violent expulsion of Roma from their encampment site, without any prior care/plan for their relocation, undermines the principle of safeguarding the public interest and requested that suitable land for the relocation, even temporary, of the Roma to be found. The Authority underlined that the execution of forced eviction, in addition to violating the rights of Roma themselves, constitutes a violation of the international obligations of the country. Simultaneously, the Ombudsman intervened with the relevant education authorities in order to ensure that the enrollment and the support of Roma pupils, in the nearby schools, is provided and safeguarded.

## Gender and Labour Relations- Special Report 2012

### A. GENERAL REMARKS

The cases handled by the Ombudsman in the field of equal treatment between men and women during 2012 largely reflect the intensity of the problems brought about by the economic crisis in labour relations and the general employment situation of women. A testimonial of this state in 2012 is the fact that, whereas complaints from the private sector constituted 37% of the overall complaints of the Department in 2010, they rose to 53% in 2011 and reached 61% in 2012, reflecting the intense pressure on female employment in conditions of rapidly rising unemployment.

Labour rights of women have been affected in many fields: precarious forms of employment, unilateral adverse changes in contracts, wrongful imposition of job rotation, contract terminations in maternity protection period, moral or sexual harassment, violation of national and European legislation on equal treatment and elimination of discrimination against women, adverse effects of motherhood in the professional and financial development of working women. At the same time, the problems of dealing with stereotypical gender roles on reconciliation between work and private life still prevail, thus affecting the equal treatment of men to their rights as fathers.

As a general conclusion, the fact remains that, instead of leading to better valorisation of the full workforce of the country, the crisis reinforces gender stereotypes, which in turn tend to produce gender-based exclusions.

### B. SPECIFIC ISSUES

#### Employment contract termination during the maternity protected period

Exclusively linked to gender, pregnancy and maternity continue to have a detrimental effect on the working lives of women. An extreme form of this distinction is the termination of employment of women who are on maternity protection (which extends from the first day of gestation up to 18 months after the date of birth). Several such cases triggered the mediation of the Ombudsman, who, in its course of investigation, explored the legal nature of the employment contract:

A lawyer working in a private enterprise under an informal contract was fired while pregnant. After studying the documentary evidence and taking testimonies, the Ombudsman concluded that while the contract had not vested the form of a regular employment contract, in substance it was similar to this. In its findings the Ombudsman declared the dismissal invalid.

An employee in a private law municipal enterprise was informed, while on maternity leave, that her contract was for fixed period and had expired. The Ombudsman found the explanations of the employer inadequate and ruled that the employment relationship had always been open-ended; it declared the dismissal invalid, recommended a fine to the Labour Inspectorate and ultimately the fine was imposed.

#### Unilateral adverse changes in terms of employment

In 2012, the Ombudsman highlighted the prejudicial unilateral imposition of job rotation on employees returning from maternity and parental leave,

while a significant number of them were within the period of maternity protection and therefore could not be fired. The law imposes substantive requirements for the imposition of job rotation, which must be met cumulatively, to prevent misuse of the measure, whereas the Ministry of Labour has expressed the view that working women during the maternity protection period should be the last option [*ultima ratio*] of the employer for job rotation. The Ombudsman noted however that the provisions were violated by the employers, including frequent application of the measure on employees returning from maternity and parental leave. A full account of its findings and recommendations are made in the relevant Special Report.

### Professional development and gender discrimination

The Ombudsman has received a significant number of complaints from women reporting gender discrimination in their career advancement. These complaints highlight the Authority's finding that, due to the transposition of the relevant EU legislative *acquis*, the country has adequate and effective legislation on equal treatment between women and men and on combating gender discrimination. In practice, however, both in the private and public sectors, there are still stereotypical perceptions of the professional role of gender.

Among the cases examined by the Ombudsman are: a female member of the Hellenic Telecommunications Organisation (OTE), who was surpassed by a man with far fewer qualifications; a female surgeon who suffered gender discrimination in accessing professional training during pregnancy; female executives of the Hellenic Police (EL.AS) who were discharged *en masse* before reaching the highest level in the hierarchy; female officers of the Air Force whose professional progress was terminated at a lower rank than their male colleagues; a senior Ministry executive

whose development to the rank of DG was prevented by a sick leave period taken twenty years ago due to high risk pregnancy; teachers who failed to develop to the rank of Director and School Consultant for non inclusion of the maternity leave period in their teaching experience. In all these cases, the Ombudsman established gender discrimination.

### Salaries and allowances

Despite the fact that the principle of equal pay between men and women exists in the treaties of the European Union since 1957, unfortunately the wage gap persists. The Ombudsman examined one of the forms of the wage gap: various allowance cuts during periods of maternity and parental leave. The cuts include off-site working expenses for military personnel of the Ministry of National Defense, performance incentive and off-site working expenses for Treasury employees, performance incentive bonuses and hospital staff benefits for hospital employees. Although the Ombudsman found the cuts lawful, when related to benefits for services not rendered (e.g. if there were no mileage or days away from the office), it considered that all these cuts resulted in indirect sexual discrimination, primarily affecting the income of women of childbearing age, who are mostly exclusive users of these leaves.

### Sexual Harassment

Legislation on protection from sexual and moral harassment in the workplace is relatively recent and for this reason neither workers nor employers, nor control or judicial mechanisms, are familiar with it. The greatest difficulty in handling these cases lies in finding material evidence because these matters are inherently difficult to establish. The issues of sexual harassment in the workplace have additional inherent difficulties, as the victims are reluctant to report it to an independent authority. So it is important to gradually achieve social awareness that sexual harassment

constitutes a violation of an individual's personality who is thus victimised. On this issue, the Ombudsman considers increasing awareness about existing legal framework essential in all workplaces, with the aid and support of social and professional organizations.

### C. PROMOTIONAL ACTIVITIES

The Ombudsman as an Equality Body promoting the principle of equal treatment between women and men and combating gender-based discrimination, has a wide range of collaborations. It collaborates with the General Secretariat for Gender Equality, the Equality Legislation Unit of the European Commission, the European Network of Gender Equality Bodies, the Civil Servants Training Institute of the National Centre for Public Administration for training civil servants on gender issues, the Labour Inspectorate on complaints relating to gender discrimination, as well as associations and NGOs active in the field of gender equality.

This year it contributed to the edition of a Guide for Sexual Harassment in the Workplace, adopted by the GSGE, offering its experience. It also partnered with the GSGE and the European Funds Managing Authority of the Hellenic Parliament, in order to use resources from the National Strategic Reference Framework (NSRF) for promotional purposes of the Department. In addition, it participated in the merger of the European Network of Equality Bodies in the European Network of Equality Bodies Equinet. Finally, it participated as a speaker at an event for the global day of remembrance of transgender people on 21/11/2012.

(see more in the chapter *International Activity*).

## International activity

During 2012, the Greek Ombudsman worked with international bodies, agencies, organisations and networks.

### COUNTERPART INSTITUTIONS AND THE EUROPEAN OMBUDSMAN

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

The European Ombudsman Nikiforos Diamandouros, the Greek Ombudsman Calliope Spanou and Deputy Ombudsman Vassilis Karydis attended a meeting organised by the Ministry of Foreign Affairs of the Republic of Turkey in Istanbul (27 January). The topic discussed was the establishment of an Ombudsman Institution in Turkey. The Ombudsmen of Sweden and The Netherlands also attended the meeting.

The Ombudsman delegation from The Netherlands visited the Greek Ombudsman in order to exchange good practices in case handling and organisational issues (12-13 March).

The Greek Ombudsman participated 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 provided material for the semi-annual journal published by the European Ombudsman and participated in the National Seminar of the European Network of Ombudsman organised every two years.

The Greek Ombudsman is a member of the International Ombudsman Institute (IOI). On 12th November, the Greek Ombudsman was elected member of the European regional board of the IOI.

### 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 2012 the Greek Ombudsman participated in:

- The sixth meeting of the members of the network (11-12 June) in Paris, on "*Reinforcement of the role of the Ombudsman*". The Greek Ombudsman presented the topic: "*The Ombudsman's mediation in the protection of Human Rights*".
- A senior investigator participated as trainer in the seminar "*Training and Exchange in Mediation: 3rd Training Session of the Co-workers of AOM Ombudsmen*" on the topic: "*Mediators and Ombudsmen Facing the Migration Phenomenon*", which took place in Paris (18-20 September).

### 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 Council of Europe 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. In this respect, Greek Ombudsman investigators participated in:

- A seminar co-organised by the Ombudsman of Serbia "Council of Europe's 9th European National Preventive Mechanisms (NPM) Project Workshop" on the topic: "Irregular Migrants, Frontex and the NPMs", in Belgrade (12-14 June).

### COOPERATION WITH EUROPEAN BODIES, INSTITUTIONS AND NETWORKS – CONFERENCES AND MEETINGS

The Ombudsman, Deputy Ombudsmen and senior investigators participated in European meetings, networks and programmes, in order to improve the service provided to citizens. Also, they participated in international conferences, seminars and workgroups, to exchange experience and expertise.

The Ombudsman's international activities for the protection and promotion of **children's rights**, remains significant. The Ombudsman participated in the European Network of Ombudsmen for Children (ENOC), in the European Network of Young Advisors (ENYA) and in the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE). The Deputy Ombudsman for Children's Rights, George Moschos and senior investigators participated in:

- A meeting of the ENOC working group on juvenile delinquency in Athens (February 9).
- An international conference under the European Programme «Safeland» on "Feeling Security - Coordination actions safest cities." The Deputy Ombudsman George Moschos gave a speech on "Interventions and recommendations by the Ombudsman for Children in Greece to support the feeling of safety of children in the family and in the community." The conference was organized in Thessaloniki by the Prevention Center "Compass" and the Municipality of Neapolis-Sykeon (14-15 February).
- A Bulgaria-Greece transnational meeting in Sofia on the issue of the protection of children and adolescents who are victims of trafficking and exploitation. The meeting was organized by Arsis - Social Youth Organisation and Terre des Hommes in the Programme «MARIO Project» (22-24 March).
- A CRONSEE meeting in Podgorica (Montenegro) on the protection of children from sexual exploitation. The meeting was organised by the Ombudsman of Montenegro and Save the Children (17 May).
- At the 60th meeting of the UN Committee on the Rights of the Child in Geneva, on the examination of the second and third National Report on the implementation of the CRC in Greece (June 6-7).
- An international expert meeting on the protection of children from violence. The meeting was organised by the Special Representative of the UN Secretary General on issues of violence against children, in collaboration with the Swedish Government, at Uddenäs (19-21 June). Deputy Ombudsman for Children's Rights, George Moschos, gave a speech on the topic "Challenges for Preventive Strategies in Schools and Local Communities against Child Abuse and Neglect".
- An International experts' meeting on «Monitoring Children's Rights in Europe», organised by the Council of Europe in Strasbourg (3-4 July).
- The annual conference of ENYA in Warsaw on the rights of children living in institutional care and on juvenile justice (29-31 August).
- The regular annual conference of CRONSEE in Budva (Montenegro) on "Protecting children from abuse through the Internet", organized by the Ombudsman of Montenegro and Save the Children (13 September).

- The 16th annual conference of ENOC in Nicosia on "Juvenile delinquency, child-friendly justice: Structures, prevention and intervention processes". The Deputy Ombudsman George Moschos coordinated a working group on "Prevention and treatment of violence in school" (October 10-12).
- At a European conference in Nicosia, organized by the Ministry of Labour and Social Welfare with support from the European Commission entitled "Investing in Children: Prevention and Tackling of Child Poverty and Social Exclusion, Promoting Children's Well-being" (18-19 October).

The Ombudsman Office continued cooperation and **exchange of expertise with international organisations** 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 actively participates in workshops and seminars. To name but a few:

The Ombudsman, Calliope Spanou, participated in

- the conference of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, on "*Human rights and discrimination*," which took place in Strasbourg (31 May).
- the conference of Fundamental Rights Agency (FRA) on "*Justice in a Time of Crisis: Challenges and opportunities for access to justice*", held in Brussels (6-7 December).

Ombudsman investigators participated in

- a workshop on "*Equality Law in Practice*" on issues of **discrimination** in employment based on age and gender and discrimination on social benefits on grounds of nationality, which took place at the offices of the Equality and

Human Rights Commission in London (23 March). On the occasion of the second workshop on the same issues in Brno, Czech Republic (19 October) a written memorandum was submitted.

- a seminar on "*The Rights of Children: Adoption; Disadvantaged Children; Rights of People/Children with Disabilities*" organised under the programme "Confidence Building Measures Across the River Nistru/Dniestr" of the Council of Europe. The topic presented was "*The Role of the Ombudsperson for Children with Regards to the Monitoring and the Implementation of the Rights of Children with Disabilities, under the CRC Perspective and the Perspective of the Greek Ombudsman*", in Istanbul (25-27 April).
- the 7<sup>th</sup> European Forum on Children's Rights in Brussels, organised by the European Commission, on "*Supporting Child Protection Systems through the Implementation of the EU Agenda for the Rights of the Child*". The topic presented was "*The Role of Child Protection Systems in Protecting Children with Disabilities*" (13-14 November).

The Ombudsman participated in a conference on "*Migrants and the Right to Equal Treatment*", organised by the European Commission, the Ombudsman of Cyprus and international Non Governmental Organisations active in the fight against discrimination and the protection of migrants' rights (PICUM, Enar, KISA). The topic presented was "*The Rise of Racist Discourse and Violence and its Impact on Equality*", in Nicosia (21 November).

The Ombudsman met with the head of Human Rights Watch about the phenomenon of racist and **xenophobic** violence in Greece and the response of authorities (January 12).

The Greek Ombudsman is active in the **European Network of Equality Bodies (Equinet)** working groups, systematically participates at annual organisational meetings, but also exchanges information on discrimination issues within the groups. Ombudsman investigators also participated in the following:

- Legal Seminars on "*Discrimination cases before the European Court and the role of national equality bodies*" in Brussels (27-28 March) and in Vilnius (23-24 May).
- The working group "*Strategic Approach to Fight Discrimination*" on communication strategy and practices of national institutions in EU countries which are responsible for combating discrimination, in Dublin (26-28 April).
- The workshop group "*Policy Formation*", in Brussels (8-9 May).
- The collective publication: "*How to Tackle Under-reporting from a Communication Perspective*", coordinating the group responsible for the chapter "*Communicate to Build a "Culture of Rights" in Society – The Challenge, the Practices and the Issues*", in Valletta (26-27 September).
- The workshop on cooperation and coordination between FRA and Equinet, on the topic "*Contributing to Implementing the EU Charter of Fundamental Rights and the EU Equality Legislation*", in Vienna (15-17 October).

#### **The European Commission against Racism and Intolerance (ECRI)**

published specific recommendations to Greece in September 2012. The European Commission asked the Ombudsman to submit comments on developments in the field of protection against discrimination, especially on issues concerning: a) the operation of the Ombudsman as a vehicle for promoting and monitoring the principle of equal treatment, b) targeted measures for Roma and c) the procedure for issuing and renewing residence permits. The Ombudsman's observations were

utilised in the preparation and adoption of the European Commission recommendations.

As a member of the **Gender Equality Bodies Network**, the Ombudsman participated in the 1st annual meeting of the national gender equality bodies, supervised directly by the Directorate General of Justice of the European Commission, on "*The role of gender equality bodies in the application of the principle of equal pay between men and women*". A senior investigator presented the topic "*Bypassing the principle of equal pay in the public and private sector*" in Brussels (June 11). A senior investigator also participated in the 2nd annual meeting of the network, which dealt with the impending merger of the network of national gender equality bodies with Equinet, which was held in Brussels (27 November).

The Greek Ombudsman institution was represented at **international events**, such as:

- The Greek Ombudsman Calliope Spanou participated in an international conference organized by the Parliament of the Republic of Serbia, on "*Cooperation between national parliaments and independent regulating authorities in Southeast Europe*", Belgrade (4 April). The Ombudsman presented a paper on "*Annual Reports of the Independent Regulatory Bodies and their Effects*".
- The Greek Ombudsman participated at a conference organised by The Hague Institute for the Internationalisation of Law, on "*EU Mechanism to Monitor Rule of Law and Justice in Member States*", in The Hague (28 June).
- Deputy Ombudsman John Sagias participated in the 16th International Conference CEMAT of the Ministers responsible for Spatial/Regional Planning of the MS of the Council of Europe, organised by the Council of Europe in cooperation with the Greek

Ministry of Environment, Energy and Climate Change in Thessaloniki on "Vision for the Future of Europe on Territorial Democracy: Landscape as a New Strategy for Spatial Planning" (2-3 October). The Deputy Ombudsman gave a speech on "The Role of the Greek Ombudsman in the Sphere of Public Participation for the Formulation and Implementation of Landscape Protection Policies".

- Deputy Ombudsman Vassilis Karydis represented the independent authority in a briefing meeting with the EU Home Affairs Commissioner Cecilia Malmström on issues of immigration and asylum in Athens (October 9).
- Deputy Ombudsman Vassilis Karydis participated in the International Conference "Care for Elders Support and Security: Guidelines against Crime", in Campobasso, Italy (November 8).
- The Greek Ombudsman was a keynote speaker at the annual conference for the free movement of workers in the EU organized by the European Network on Free Movement within the European Union of the European Commission with the assistance of the Centre for Migration Law at the Radboud University of Nijmegen (Netherlands) held in Malta (15-16 November).
- The Greek Ombudsman held working meetings with representatives of international and European bodies and institutions. Indicatively:

#### The Greek Ombudsman met with:-

- representatives of the Embassy of Norway in Athens. They discussed immigration and ROMA issues (9 April).
- members of the Task Force in their meetings with institutions to combat corruption in public life.
- the mission of the OSCE Office for Democratic Institutions & Human Rights - ODIHR to assess the upcoming elections (May 6)
- the International Labour Organisation High-Level Mission to

Greece. They discussed the collaboration of the Ombudsman with control bodies on the principle of equal treatment between men and women in employment and occupation. In addition, there was an exchange of experience and good practice in dealing with violations of the principle of equal treatment between men and women and discussed ways to improve and enhance cooperation. The Deputy Ombudsman for Social protection, health and welfare, John Sakellis, and investigators on gender equality also participated in the meeting (1 November).

- the Ambassador of Belgium in Athens. The Ambassador was informed on the issue of racist violence. Deputy Ombudsman for Human rights, Vassilis Karydis also participated in the meeting (20 November).
- the Ambassador of Finland in Athens. They discussed the impact of the financial crisis on human rights and the role of the Greek Ombudsman (21 November).
- the Special Rapporteur to the UN on the Human rights of migrants (26 November).
- the Ambassador of the Netherlands in Athens. They discussed the issue of "moral values in politics and governance in the context of liberal democracy" (29 November).
- the Ambassador of the Republic of Georgia in Athens. They discussed issues of operation of detention facilities. Deputy Ombudsman for Human rights, Vassilis Karydis, also participated in the meeting (5 December).

The Greek Ombudsman, in collaboration with the Ministry of Public Order and Citizen Protection, organized an **international workshop on external monitoring of return procedures** of foreign nationals (14 December). The participating competent institutions from Germany, Norway, France, Spain and the

Netherlands have already established return procedures for foreign nationals under Directive 2008/115/EC. The purpose of the meeting was to transfer

experience of the organization and operation of an external monitoring system of the forcible removal procedures.