



## C. ESTABLISHMENT, ORGANISATION AND OPERATION OF THE OFFICE OF THE OMBUDSMAN



## **I. ESTABLISHMENT**

The establishment of the Greek Ombudsman as an independent administrative authority marks the culmination of a long quest for ways to improve the public sector and its relations with the citizens. For a number of reasons, earlier attempts proved fruitless.

Law 2477/1997 establishing the Greek Ombudsman marked an important step in this direction. The planned constitutional safeguarding of the Ombudsman will substantially contribute to its prestige and further strengthen its institutional independence.

The office of the Ombudsman was set up in three stages. The first stage was the selection of the first Ombudsman, Nikiforos Diamandouros, Professor of Political Science in the Department of Political Science and Public Administration at the University of Athens, who assumed office on 1 May 1998.

The second stage was to staff the office, with the selection of the Deputy Ombudsmen in July of the same year, followed immediately afterwards by the beginning of the process of appointing the professional staff. This stage also saw the completion of the organisation of the office space and the acquisition of the necessary material and technical infrastructure.

Finally, on 24 September 1998, the institution of the Greek Ombudsman was formally inaugurated in the presence of the Prime Minister, Mr. Konstantinos Simitis; the President of the Greek Parliament, Mr. Apostolos Kaklamanis; the Minister of the Interior, Public Administration, and Decentralisation, Mr. Alexandros Papadopoulos; members of the government; representatives of the opposition and the political parties; representatives of other independent administrative authorities, etc. The Ombudsman began accepting citizens' complaints on 1 October 1998.

## **2. ORGANISATION AND OPERATION**

### **2.1 INFRASTRUCTURE**

The office of the Ombudsman occupies the second and third floors of a new building at 5 Hadjiyanni Mexi Street. After a special study, a pilot project for Greece, the office space and surrounding area were especially prepared so as to provide unimpeded access for people with special needs and, in general, for individuals with problems.

A central goal of the Ombudsman is to create and promote a new way of organizing a public service, based on the best possible use of modern electronic technology, including electronic protocol, electronic mail, and access to other data bases. The purpose is to increase effectiveness, transparency, and control, and to provide easy access to the Ombudsman's archives for the professional staff and for researchers.

### **2.2 STAFF**

#### **2.2.1 Deputy Ombudsmen**

According to the institution's founding law, the Ombudsman is assisted in carrying out his duties by four Deputy Ombudsmen. The four individuals selected as Deputy Ombudsmen are:

- Giorgos Kaminis, Assistant Professor of Constitutional Law at the University of Athens,
- Aliko Koutsoumari, lawyer, former Director General of the Ministry of the Interior, Public Administration, and Decentralisation,
- Yannis Michail, architect and urban planner, member of the German Academy of Urban Planning and Urban Design,
- Maria Mitrossili-Assimakopoulou, PhD, lawyer, specialist in health and welfare issues.

#### **2.2.2 Professional staff**

In addition to the Ombudsman and the Deputy Ombudsmen, the work of the Office is supported by senior and junior investigators. By the end of 1998, 80 individuals had joined the staff, 32 of



them seconded from other civil service posts and 48 newly hired. Of these 80 individuals, 44 joined as senior investigators (25 seconded and 19 newly hired) and 25 as junior investigators. The appointment of the professional staff was carried out in accordance with Law 2477/97 establishing the Ombudsman, which specifies demanding qualifications for these posts. Of the 25 staff members seconded to the Ombudsman, 11 are graduates of the National School of Public Administration. Of the total of 69 senior and junior investigators, 25 (36.23%) are graduates of universities either in Greece or abroad; 31 (44.93%) have graduate degrees; and 13 (18.84%) hold Ph.D.s. In terms of age, 51% of the professional staff are between 30 and 40 years old; 29% are between 40 and 50 years old; 16% are between 20 and 30 years old; and 4% are over 50 years old. In terms of gender, 52% of the senior investigators are women and 48% are men. If the junior investigators are included, the proportions are 70% women and 30% men. Finally, the professional staff covers a wide range of specialisations.

The selection of senior and junior investigators was made following: 1) a public call for applications, published in the daily and weekly press, 2) a preliminary selection by the Ombudsman and Deputy Ombudsmen, and, 3) a public interview, attended by 280 applicants who had successfully passed the preliminary stage. The five-member selection committee, as specified in the law establishing the Greek Ombudsman, consisted of the Ombudsman himself, as chairman; Deputy Ombudsmen, Aliko Koutsoumari and Yannis Michail; Councillor of State, Athanasios Rantos; and University of Athens Professor, Thaleia Dragona. The total number of applicants for the positions of senior and junior investigators was 1,486. Staffing of the office of the Ombudsman continues gradually and will be completed during 1999.

### 2.2.3 Administrative staff

By the end of 1998, 11 administrative staff were

employed at the office of the Ombudsman. Selection of the administrative staff, through secondment from the broader public sector, will be completed during 1999.

## 2.3 ORGANISATION — STRUCTURE OF THE OFFICE OF THE OMBUDSMAN

### 2.3.1 Departments

The work of the Greek Ombudsman is divided into the following four areas of activity:

- Human Rights, supervised by Deputy Ombudsman, Giorgos Kaminis.
- Health and Social Welfare, dealing with issues of social security, health, the care and welfare of the elderly, the unemployed, individuals with special needs, and children; supervised by Deputy Ombudsman, Maria Mitrossili-Assimakopoulou.
- Quality of Life, dealing with the environment, urban planning and landscape design, and public works; supervised by Deputy Ombudsman, Yannis Michail.
- State-Citizen Relations, dealing with transport, communications, energy, taxes, customs, education, quality of services; supervised by Deputy Ombudsman, Aliko Koutsoumari.

The departments collaborate on cases involving more than one area of activity.

#### a) Co-ordination — Deputy Ombudsmen

The Deputy Ombudsmen assist the Ombudsman in his work, supervising their own departments and co-ordinating its work. They collaborate with, guide and evaluate the senior and junior investigators in their own departments.

#### b) Internal Organisation and Operation of the Departments

The senior investigators conduct the investigations assigned to them, as well as any other related tasks assigned to them by the Ombudsman or the Deputy Ombudsman who heads their own department.

The junior investigators support the senior investigators, collaborating with them for the



better functioning of their department, and carry out any other task assigned to them by the Ombudsman, the Deputy Ombudsman in charge of their department, or the senior investigators with whom they collaborate. To promote flexibility both in handling cases and in the day-to-day functioning of the institution, all of the departments are based on working groups, consisting of two senior investigators and one junior investigator and usually including one seconded civil servant, one lawyer, and one investigator with a relevant specialisation. In so far as the "ideal model" can be realised in practice, the composition of each working group also aims to provide the broadest and most versatile handling of each case, as well as the more rational handling of areas which are not clearly defined. The Ombudsman's first months of operation have proved this to be a functional choice.

### 2.3.2 How citizens may communicate with the Ombudsman

#### a) Written Complaints

According to the law establishing the Ombudsman, complaints will be acted upon only if they are submitted in writing and signed. Complaints can be submitted in person, or by post, fax, or e-mail. That it will be possible in the future to submit complaints by e-mail reflects the Ombudsman's intention to promote modern methods of organisation and communication with citizens.

A complaint may be submitted by any individual, legal entity, or association that has dealings with the Greek public sector, whether inside or outside the borders of the state.

#### b) Verbal Questions

In addition to written complaints, every day the office of the Ombudsman is asked a large number of questions verbally through the Citizens' Reception and Information Bureau. These questions may be asked either in person or by telephone.

#### c) The Citizen's Reception and Information Bureau

The Citizen's Reception and Information Bureau is staffed by Senior and Junior Investigators on a daily rota basis. The Ombudsman and four Deputy Ombudsmen also periodically assist. The Bureau is open daily (Monday to Friday) from 8:30 a.m. until 2:00 p.m. The purposes of the Bureau are :

- 1) To provide information about how the Ombudsman operates, the progress of citizens' complaints and, whenever possible, to provide information concerning the appropriate agencies to handle cases outside the Ombudsman's jurisdiction.
- 2) To assist, wherever necessary, in the writing of complaints, so that citizens' requests will be formulated clearly. This helps the Investigators who will handle the complaints and ensures that citizens are promptly served.

Through the above means of communication, the Ombudsman ensures direct, personal, and friendly communication with citizens.

### 2.4 PROCESSING CITIZENS' COMPLAINTS

Complaints received by the Ombudsman are entered in the electronic protocol. This allows the progress of each case to be followed easily and also ensures the essential control and transparency in the operation of the institution. Once the complaint has been registered in the electronic protocol, it is given a preliminary examination and assigned to the relevant department. A letter is then sent to the complainant, informing him or her of the name and telephone number of the Investigator who has undertaken the case.

The case-handler then ascertains if there are any reasons for which the complaint falls outside the Ombudsman's jurisdiction, as defined in the law establishing the Ombudsman. If this is the case, a letter is sent to the complainant referring him or her, whenever possible, to the relevant service or suggesting how the problems submitted to the Ombudsman may be addressed. If the case does fall within the Ombudsman's jurisdiction, the



case-handler proceeds with a thorough investigation, which includes:

- Collecting the pertinent legislation, possibly in collaboration with the responsible public service or agency.
- Possibly requesting additional information from the complainant.
- Requesting information, documents, or other material relevant to the case from the public service concerned.

Other possibilities are :

- Interviewing individuals.
- Conducting on-the-spot investigations.
- Establishing a commission of experts.

The Body of Inspectors-Controllers of Public Administration may also be asked to assist in the investigation.

If, after studying the assembled documentation, the case-handler does not find evidence of any illegality or maladministration, the complainant is informed and the case file is deposited in the archives. If, however, this is not the case, proposals and recommendations are made to the public service concerned. Subsequent steps in the handling of the case depend on how these recommendations are (or are not) adopted.

If the response from the service concerned is not satisfactory, the Ombudsman draws up a report, which is submitted to the service and to the responsible minister, so that s/he can take action if s/he so chooses. At the same time, the complainants are kept informed. The Ombudsman may set deadlines by which the administration should adopt his recommendations. The Ombudsman also has the possibility, at his discretion, to make public the stance of the service with regard to the institution's recommendations.

If, during the course of the investigation, the service refuses to collaborate with the Ombudsman or if there are sufficient indications of criminal acts, the Ombudsman may initiate disciplinary proceedings or refer the case to the public prosecutor.

At all stages, the investigation is recorded and classified. Together with the use of modern technology (local networks, scanning), this makes it possible to handle cases more quickly and ensures accurate statistical conclusions in the future.

Finally, the Ombudsman may, on his own initiative, investigate any case which has aroused public interest.

