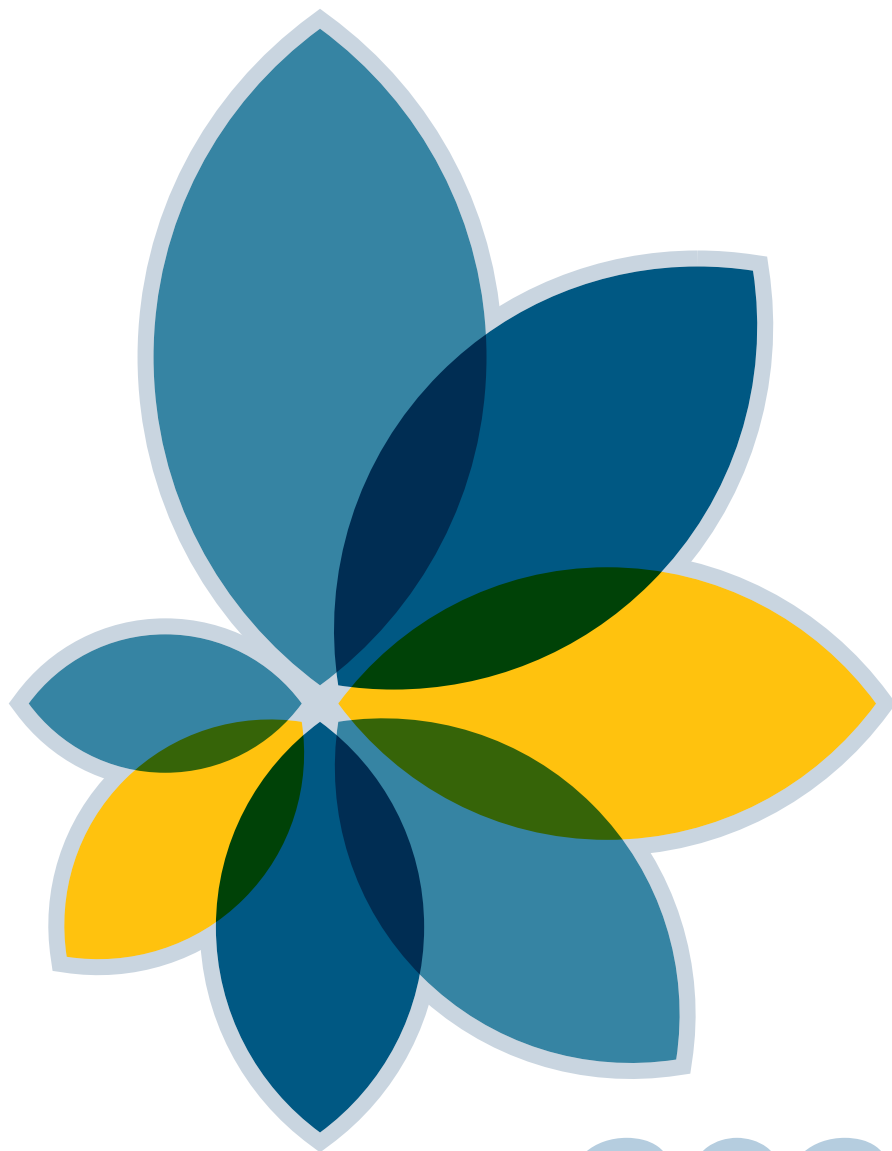




2020

Annual Report



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Annual Report

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Introduction



Introduction

The Greek Ombudsman for 2020



2020 was anything but an ordinary year. If the previous year, 2019, aspired to be a new starting point for social and economic restart after a multi-year period of tough fiscal adjustment that had -and still has- left deep scars on social cohesion, bore injustices, weakened the rule of law, degraded the standard of living of each and every one of us, disorganized the administrative mechanism, deconstructed the welfare state, shrank the provision of State benefits, dismantled the public audit mechanisms, the Covid-19 pandemic that spread rapidly throughout the planet since the first months of 2020, set new priorities and challenges, immediate, medium and long-term.

ities and challenges, immediate, medium and long-term.

The pandemic caught the country's public administration unprepared, much like in the rest of the world. In Greece, however, it also found it extremely weakened, as a result of the ten-year fiscal adjustment process. The burden of struggle fell on the domain of public health, with emergency measures to curb the spread of the virus and safeguard the adequacy and resilience of the public health system. And these measures determined everyone's daily life.

The Administration showed reflexes in time. It recognized in good time the magnitude of the health crisis and frankly recognized the limits of endurance of the system, but also the temperament of the population. That is why it took strict measures earlier than other countries in relation to the spread of the virus. And it achieved the main goals it set, to reduce the wide and rapid spread to the population, but also to protect the health system from overload, which would lead to dramatic results, as we have seen in our neighbouring countries.

Public sector agencies gradually entered a process of adapting to the new data in the midst of the crisis. Distance schooling or tele-working in the public sector, for example, were implemented during the crisis. However, significant anomalies were also detected, especially in agencies that do not belong in the front line of the struggle against the pandemic and were at least partially suspended. Throughout the year, the Ombudsman recorded and documented in its quarter-

ly bulletins, a series of problems in the implementation of welfare policies, the operation of licensing agencies, the communication of citizens with social security and tax administration. Likewise, the citizens turned to the Ombudsman to a degree that surpassed all previous years, to eliminate an existing injustice, to correct a distortion, to deal with systemic problems.

There are, however, medium and long-term challenges that will become more noticeable as the pandemic subsides. The first ominous estimates of its wider economic and social impact began to be reflected in official indicators and figures in 2020. The next day also poses increased challenges for institutions, the rule of law and democracy. For the Greek public administration, the current situation requires an increased level of preparedness.

The forthcoming global economic downturn is projected to inevitably redefine a wide range of relationships and functions, from limitations of benefits provision to employment. Coherent policy and coordinated action are needed, at national and European level.

With regard to the rule of law, democracy, looking beyond temporary and proportionate restrictions or even the suspension of the enjoyment of specific rights, which are part of the plan to curtail the spread of the pandemic, both the pandemic itself and its consequences, are an opportunity for review, re-evaluation and regrouping. Finding out how fragile our entire rule of law structure can be, can also work positively. To raise our levels of vigilance, to make us more active, aware and informed citizens. To strengthen the demand for substantial reinforcement of the supervisory and control bodies of public power and expand the scope of action of the institutional counterweights.

The new reality of the pandemic, the measures of restriction - or even cessation - of activities and movement, created needs and challenges, to which the Ombudsman had to respond. The protection of health of both the Ombudsman's staff and the citizens appealing to our services alike, and the observance of the operation rules for state agencies was and still is a non-negotiable priority. Nevertheless, commendable efforts were made by the Ombudsman's staff in order to keep its services available to citizens; crucially, amidst the pandemic, with the increased need for vigilance and immediate intervention to protect their rights and freedoms and safeguard the legality of administrative action. The Ombudsman's function was reorganised in order to respond to the new conditions of communication with the citizens. There has been a significant increase in the number of complaints submitted through the Ombudsman's website, e-mails and calls to the Ombudsman's call centre, aimed at the Ombudsman's intervention to restore legality and serve the public through the provision of update and information.

In very demanding conditions, we remain an advocate for the citizen, the resident of the country, using all means, with perseverance and patience, in order to contribute to the resolution of disputes and elimination of injustices, where they are existent. We also remain a supporter of the administration, aiming to improve the level of functionality and the quality of the services provided with targeted interventions and institutional proposals. For a more just state, a more humane society.

Andreas I. Pottakis
The Greek Ombudsman

The valuation of the year



The valuation of the year

1. The Ombudsman's actions and its partnerships

2020 has been characterized by the dimensions of the Covid-19 coronavirus pandemic and the consequent taking of a series of necessary measures by the Greek government to limit its spread and protect public health, shaping a new reality in public and private life.

The Ombudsman received the problems brought about by the pandemic and stood by the citizen under pressure, utilizing the institutional means at its disposal and its expanded remit. It immediately took initiatives and addressed the administration with a series of interventions and proposals for the strengthening of measures and the protection of vulnerable groups. It supported citizens through mediation, basic information and suggestions on how to exercise their rights in resolving individual cases. As a body defending legality, it sought realistic solutions. The citizens' messages of gratitude following the Ombudsman's prompt intervention, are a positive indicator.

At the same time, the Ombudsman developed actions and examined complaints on issues of human rights, equal treatment and fight against discrimination, personal freedom and security, children's rights, environmental protection, taxation, social security and solidarity, etc., both in the field of its main activity, which is mediation with the public administration, control of legality and protection of citizens' rights, as well as in the field of special and additional remit assigned to it.

In the context of its institutional role, on matters of particular seriousness, the Ombudsman drafted and published special reports, in addition to those provided by law, in the exercise of its special remit, and submitted legislative and organizational proposals and observations on draft laws to the competent Ministries and Parliament, intervening in public debate. To enhance the transparency of its action, it posted on its official website, on a periodic basis, quarterly bulletins, highlighting issues of general interest, concerning broader groups of the population, and also problems concerning specific social groups, with respect to equal treatment, human value, social cohesion and solidarity. For the first time in the history of the institution, it was summoned by the European Court of Human Rights (ECtHR) to file a memorandum as "**amicus curiae**".

The Covid-19 pandemic and the measures for preservation of public health, over-

threw the Ombudsman's firm will to visit the Regions in its own way and forcibly limited its extroversion. Despite the problems, the Ombudsman, in 2020, continued its activities with an online presence, developed international initiatives and collaborations with social partners to exchange and use its experience in matters of its competence and participated in networks with counterpart institutions and international advocacy mechanisms.

From the important work of the Ombudsman, for which complete information is offered in its official website www.synigoros.gr, the following actions and events have been signalled in chronological order.

JANUARY

- January 21:** The Ombudsman, Andreas Pottakis, presents its views on the draft law of the Ministry of Labour and Social Affairs "*Birth Allowance and other provisions*", before the Standing Committee on Social Affairs.
- January 23:** The Ombudsman files a memorandum as *amicus curiae* in the European Court of Human Rights (ECtHR), at the invitation of the Court, in the case "*Stavropoulos v. Greece*".
- January 29:** The Ombudsman sets out its views on the draft law of the Ministry of Civil Protection "*National Crisis Management and Risk Management Mechanism, restructuring of the General Secretariat for Civil Protection, upgrading of the civil protection volunteering system, reorganization of the Fire Department*" at a joint meeting of the Standing Committee on Public Administration, Public Order and Justice and the Special Permanent Committee on Environmental Protection.

FEBRUARY

- February 7-8:** The Ombudsman addresses a conference hosted by Boston Northeastern University entitled "*Global Health in a Changing World*."
- February 11:** The Ombudsman's lecture at York University in Toronto, entitled: "*Skating on thin ice: Applying crisis management for population flows*".
- February 12:** Working meeting with Ontario Ombudsman Paul Dubé.

February

- 17-18:** Under the European Commission's Asylum, Migration and Integration Fund (AMIF) Program, a conference is held on the implementation of the forced return operations monitoring system, in which the Ombudsman gives a speech on the monitoring of forced returns in Europe and the Nafplion group initiative.
- February 19:** Speech of the Greek Ombudsman at a conference organized by the Marangopoulos Foundation for Human Rights (IMDA) regarding the execution of the decisions of the ECtHR.
- February 26:** Speech by the Ombudsman at the inaugural event of the GR-G program of the EEA Financial Mechanism. *"Capacity Building of National Asylum and Migration Management Systems"*, which takes place at the National Research Foundation

MARCH

- March 2:** The Ombudsman participates in a conference of the International Ombudsman Institute (IOI) in Barcelona, on Artificial Intelligence and Human Rights.
- March 12:** The Ombudsman meets with the Director of the EU Fundamental Rights Agency, Mr. Michael O'Flaherty.
- March 31:** The Annual Report of the Greek Ombudsman for the year 2019 is submitted to the Speaker of the Greek Parliament.

APRIL

- April 21:** The Ombudsman is elected new Chairman of the European Section of the International Ombudsman Institute (IOI).
- April 21:** The Ombudsman publishes a guide summarizing the most basic of the emergency measures to address the effects of the pandemic on social protection, especially in the areas of social security, health and social solidarity. The information provided is regularly updated to include new measures and guidelines.
- April 27:** The Ombudsman submits its proposals for strengthening the implemented measures for the relief of population groups affected by the pandemic to the Ministers of Interior, Labour and Social Affairs and Health.



April 27: The special report on equal treatment for the year 2019 is published, in the context of the Ombudsman's competence as a national body for the protection and promotion of the principle of equal treatment.

April 28: The Ombudsman submits its comments on the draft law of the Ministry of Migration and Asylum "*Improvement of migration legislation, amendment of provisions of laws 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions*".

MAY

May 4: The Ombudsman submits its observations on the draft law "*Modernization of environmental legislation, incorporation into Greek legislation of Directives 2018/844 and 2019/692 of the European Parliament and of the Council and other provisions*".

May 28: At the joint meeting of the Committee on Institutions and Transparency and Public Administration, Public Order and Justice, the annual report of the Ombudsman 2019 and the special report on equal treatment are presented.

JUNE

June 17: The Ombudsman participates in an online meeting with the new control mechanism of the Directorate-General for Justice and the General Secretariat of the European Commission.

June 17: The Ombudsman participates in an online meeting with the UN Subcommittee on Prevention of Torture (SPT), under its remit as a National Mechanism for the Prevention of Torture and Ill-Treatment.

June 18: Participation of the Ombudsman in an online discussion of the Association S.A. & Ltd. entitled "*Administration and Business. Can we do better?*"

JULY

July 9: The Ombudsman presents its special report of on equal treatment for the year 2019 before the Special Permanent Committee on Equality, Youth and Human Rights of the Greek Parliament.

July 10: Protocol of Cooperation with the University of West Attica.

AUGUST

August 5: The Ombudsman sends a letter with its positions for the radical revision of family law to the Minister of Justice.

August 25: The Ombudsman publishes a special report entitled: *“From Institution to Community: Alternative Care for Vulnerable Children and Family Support”*.

SEPTEMBER

September 8: The Ombudsman’s special report on third country nationals’ returns 2019 is published and presented to the Standing Committee on Public Administration, Public Order and Justice.

September 11: The Ombudsman meets with the head of the International Committee of the Red Cross, Ms. Monica Zanarelli.

September 15: The Ombudsman’s special report entitled *“Waste Management”* is published.

September 17: The Ombudsman meets with the new head of UNICEF in Greece, Mr. Luciano Palestini.

September 24: The special report of the Ombudsman as a National Mechanism for the Investigation of Arbitrary Incidents for 2019 is published.

September 29: In the framework of the Greek Presidency of the Council of Europe, the Ombudsman gives an online speech at the annual conference of the European Commission against Racism and Intolerance (ECRI) entitled: *“Long - term effects of the Covid-19 Pandemic on Equality, Racism and Intolerance”*.

OCTOBER

October 1: The Ombudsman presents its views on the draft law of the Ministry of Interior *“Amendment of the Hellenic Citizenship Code, new framework for the selection of administrations in the public sector, regulation of organizational issues of the General Secretariat of Citizenship and the General Secretariat of Human Resources of the Ministry of Interior, regulations for the devel-*



opment perspective and the smooth operation of Local Government Organizations” before the Standing Committee on Public Administration, Public Order and Justice.

- October 16:** The Ombudsman holds a meeting with the President of the Republic, Katerina Sakellaropoulou, on issues related to the more efficient operation of Independent Authorities.
- October 16:** Speech by the Ombudsman at the annual general meeting of the European Network of Equality Bodies (Equinet).
- October 19:** Meeting with the Director of the European Union Fundamental Rights Agency (FRA), Michael O’Flaherty.
- October 20:** The Ombudsman in an online discussion organized by the General Secretariat for Social Solidarity and Poverty Alleviation of the Ministry of Labour and Social Affairs, in the framework of the Greek Presidency of the Council of Europe on *“The impact of the Covid-19 pandemic on vulnerable groups”*.
- October 21:** The Ombudsman addresses a conference organized by the IP-CAN under the auspices of the Council of Europe on *“The role of the police in a democratic society - European Code of Police Ethics, nearly 20 years”*.
- October 23:** The Ombudsman has been awarded an honorary distinction for the twenty years of its work in the field of natural environment protection, in the context of the Environmental Awards 2020.
- October 29:** The Ombudsman participates in the online meeting of the Board of Directors of the European Sector of the International Ombudsman Institute (IOI).

NOVEMBER

- November 4:** Online meeting of the Executive Committee of the Association of Mediterranean Ombudsmen (AOM), chaired by the Greek Ombudsman.
- November 5:** In the framework of the Memorandum of Understanding between the Independent Authority and the University of Brunel in the United Kingdom, the Ombudsman conducts an online lecture for undergraduate and postgraduate students in the field of *“Multiculturalism and International Humanitarian Law”* entitled

“The New Pact on Migration and Asylum and the relevant remits of the Ombudsman”.

- November 17:** The Ombudsman’s speech at the web conference organized by its Russian counterpart on *“Human rights protection in Eurasia: exchange of best practices of Ombudsmen”*.
- November 24:** At a joint meeting of the Standing Committee on Social Affairs and the Special Permanent Committee on Equality, Youth and Human Rights, the Ombudsman presents its views on the National Action Plan for the Rights of Persons with Disabilities.
- November 24:** The Ombudsman’s speech at an online conference hosted by its Israeli counterpart on *“Covid-19 and the Ombudsman - Rising to the Challenge of a Pandemic”*.

DECEMBER

- December 1:** Meeting of the Board of Directors of the Association of Mediterranean Ombudsmen (AOM), chaired by the Greek Ombudsman.
- December 14:** The Ombudsman participates in an online conference organized by the *“Statewatch”* organization for the responsibilities of the FRONTEX organization, with a presentation on the *“Nafplio Initiative”* for the independent monitoring of forced returns.
- December 21:** The Ombudsman presents its views on the draft law of the Ministry of Interior *“Modernization of the recruitment system in the public sector and strengthening of the Supreme Personnel Selection Council (ASEP)”*, at the meeting of the Standing Committee on Public Administration, Public Order and Justice.

In the framework of its **international activities and partnerships**, the Ombudsman participates in **international networks and programs**, regularly attends meetings, participates in trainings, exchanges information and good practices with:

- the International Ombudsman Institute (IOI)
- the European Network of Ombudsmen (ENO)
- the Association of Mediterranean Ombudsmen (AOM)
- the European Network of Ombudspersons for Children (ENOC)



- the Children's Rights Ombudsmen Network in South-East Europe (CRON-SEE)
- the European Network of Equality Bodies (EQUINET)
- the European Network of National Preventive Mechanisms against Torture (NPM)
- the European Programme of Forced-Return Monitoring III (FRem III)
- the Independent Police Complaints' Authority Network (IPCAN)
- the Association des Ombudsmans et des Médiateurs de la Francophonie (AOMF)
- the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).

It also collaborates with **European and International institutions**, such as:

- the United Nations
- UNICEF
- UNHCR
- the UN Subcommittee on Prevention of Torture (SPT)
- the European Union
- the European Union Agency for Fundamental Rights (FRA)
- the Council of Europe
- the European Commission against Racism and Intolerance (ECRI)
- the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- the Organization for Economic Co-operation and Development (OECD)
- the Organization for Security and Co-operation in Europe (OSCE).

2. Annual Statistical Data

This section is dedicated to the Deputy Ombudsman Ioannis Sagias, who passed away prematurely in July 2020 and in recent years has been in charge of commenting on the statistics of the Ombudsman's Annual Reports.

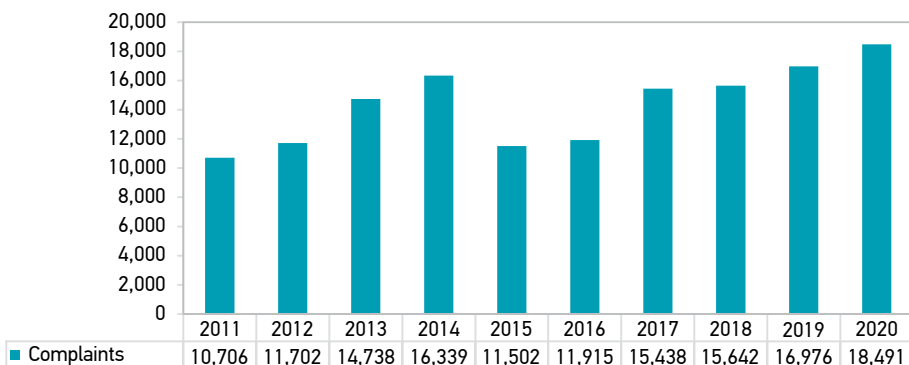
The image of problems in the relations between public administration and citizens, through the complaints submitted to the Ombudsman in 2020.

2.1. Number of complaints

During the year 2020, 18,491 complaints were submitted to the Ombudsman. The number is the highest of the decade, and confirms the upward trend in complaint filing for the last five years (Graph 1). In fact, the increase of the complaints submitted in the year 2020 reaches 9%, in relation to the number of complaints of 2019. The noteworthy ongoing increase that is observed, can be attributed, to a significant degree, to the Covid-19 pandemic and the problems created in the citizens' contacts with the Administration (see relevant chapter).

Graph 1

Number of complaints 2011-2020

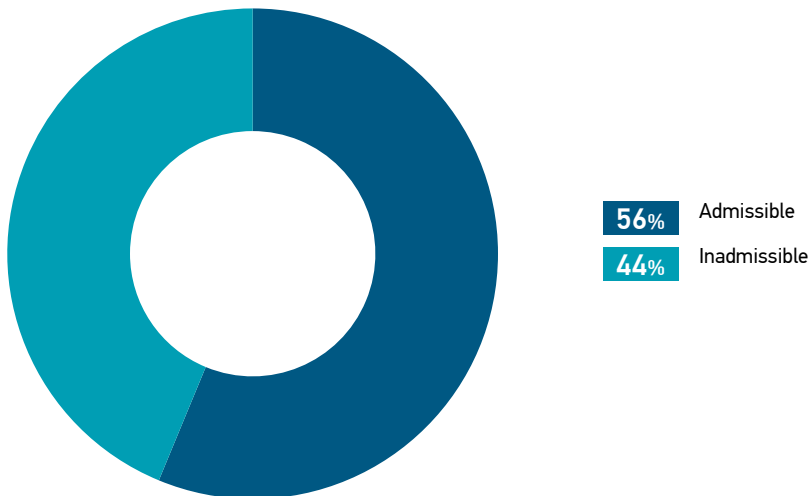




The complaints submitted each year to the Ombudsman are much more than those which the Ombudsman has the mandate to investigate. Also, in far fewer complaints than filed, the Ombudsman finds that there is some form of maladministration. Thus, out of the total number of complaints processed in 2020, 56% were found to be within the Ombudsman’s investigative mandate (Graph 2).

Graph 2

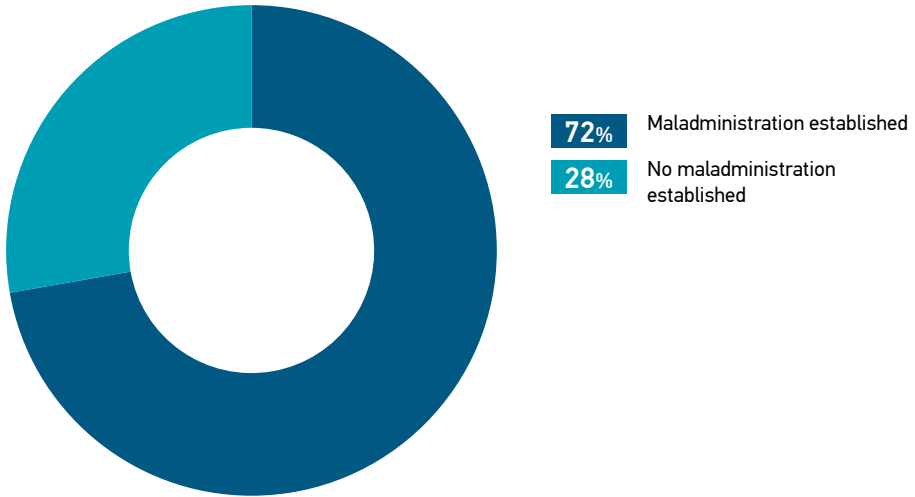
Admissible and inadmissible complaints in 2020



Respectively, from the complaints within the Ombudsman’s investigative mandate in the year 2020, in 28% no maladministration was detected, and these complaints were characterized as “unsubstantiated”. On the contrary, 72% of the complaints were deemed “substantiated” and, consequently, the Ombudsman intervened and mediated in an effort to resolve maladministration (Graph 3).

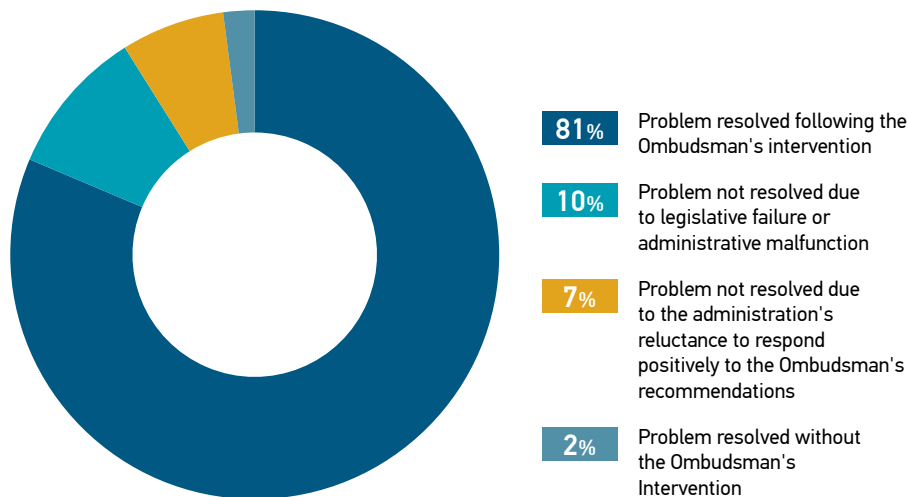
Graph 3

Admissible complaints and maladministration in 2020



2.2. The outcome of the investigation

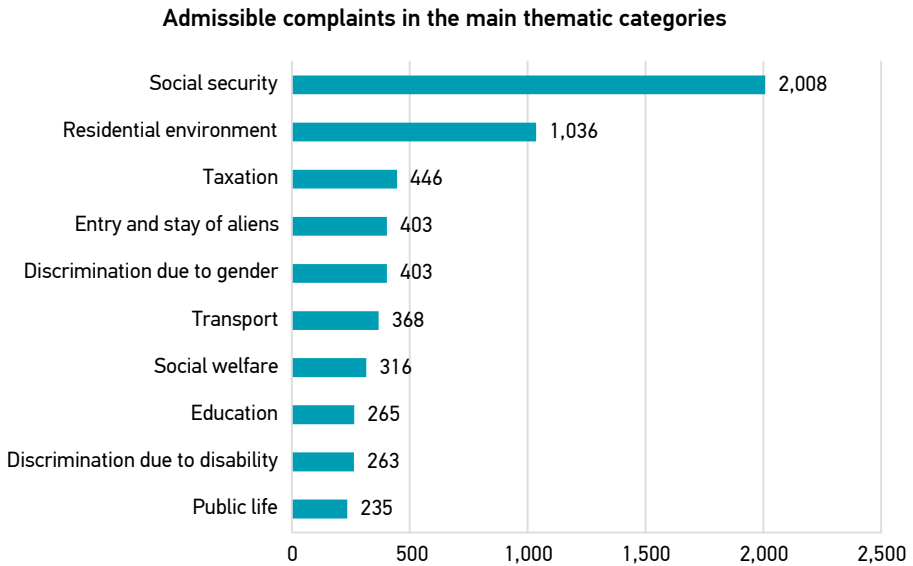
The outcome of the substantiated complaints in the year 2020, for which there was mediation and solution of the problem, continues to confirm and corroborate the Ombudsman’s effectiveness as 81% of these complaints were resolved positively for the citizens concerned through the actions of the Ombudsman. On the other side of the coin, in 7% of complaints the Administration still does not respond to the Ombudsman’s intervention. Similarly, the inability to solve problems due to legislative failure or administrative malfunction increased to 10% of the complaints, from 8% in 2019 (Graph 4). Finally, for 2% of the complaints under investigation, the citizens managed to solve the problem they were facing, with their personal actions, prior to the Ombudsman’s intervention.

Graph 4
Outcome of admissible complaints in 2020


2.3. The main forms of maladministration

As usual, in 2020, the chronic problems faced by the Administration in satisfying requests related to the social security and employment status of citizens was confirmed, for which most of the complaints to the Ombudsman were submitted. Issues related to the residential environment and specifically positioning, licensing and monitoring projects steadily follow, as well as issues - problems with public utility companies (Public Power Corporation, Municipal Enterprises for Water Supply and Sewerage and the Athens Water Supply and Sewerage Company). Also high, as every year, are the problems associated with the entry and stay of aliens in the country, as well as the problems that arise in the tax affairs of citizens. The number of complaints of gender discrimination is also interesting, which indicates that our country still has to fill several gaps in this area. It is emphasized that maladministration was recorded in almost the entire range of functions of the Administration, the main ones of which appear in Graph 5. Let us also not forget the impact of the Covid-19 pandemic, due to which more than a thousand complaints were submitted to the Ombudsman, the analysis of which is presented in a special chapter.

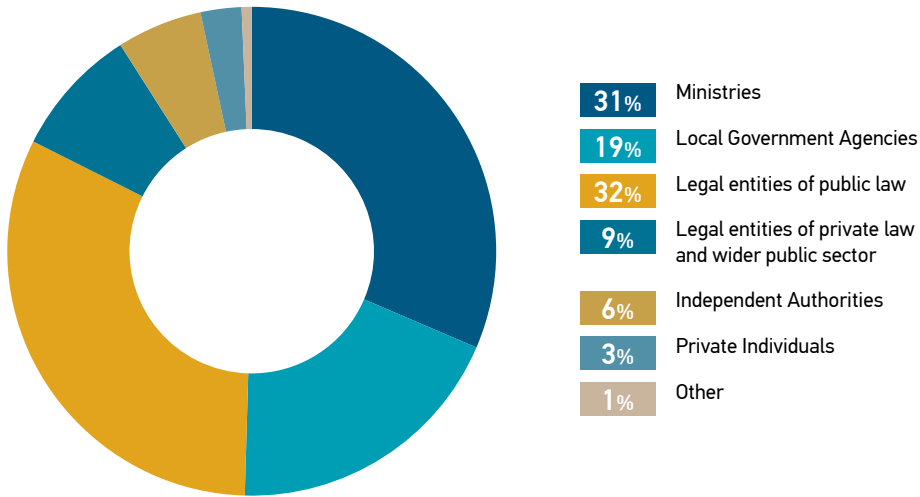
Graph 5



2.4. Maladministration per agencies

Maladministration in terms of agencies is divided into maladministration arising from the actions of the Ministries, Local Government Agencies, Legal Entities of Public and Private Law, Independent Authorities and individuals (in matters of equal treatment and rights of the child). Ministries and Local Government present a significant percentage of maladministration (31% and 19% respectively). However, the category of Legal Entities of Public Law (32%) now arises on top; if we also add to it the Legal Entities of Private Law (9%) and the Independent Authorities (6%), it appears that more than 50% of maladministration, detected by the Ombudsman, comes from public agencies outside the central government (Graph 6).

Graph 6
Admissible Complaints per Agency



This is due to the fact that the agencies dealing with pensions, healthcare, higher education, taxation etc., have joined special services that constitute either Legal Entities or Independent Authorities (such as the Independent Authority for Public Revenue, the main social security or healthcare providers, etc.).

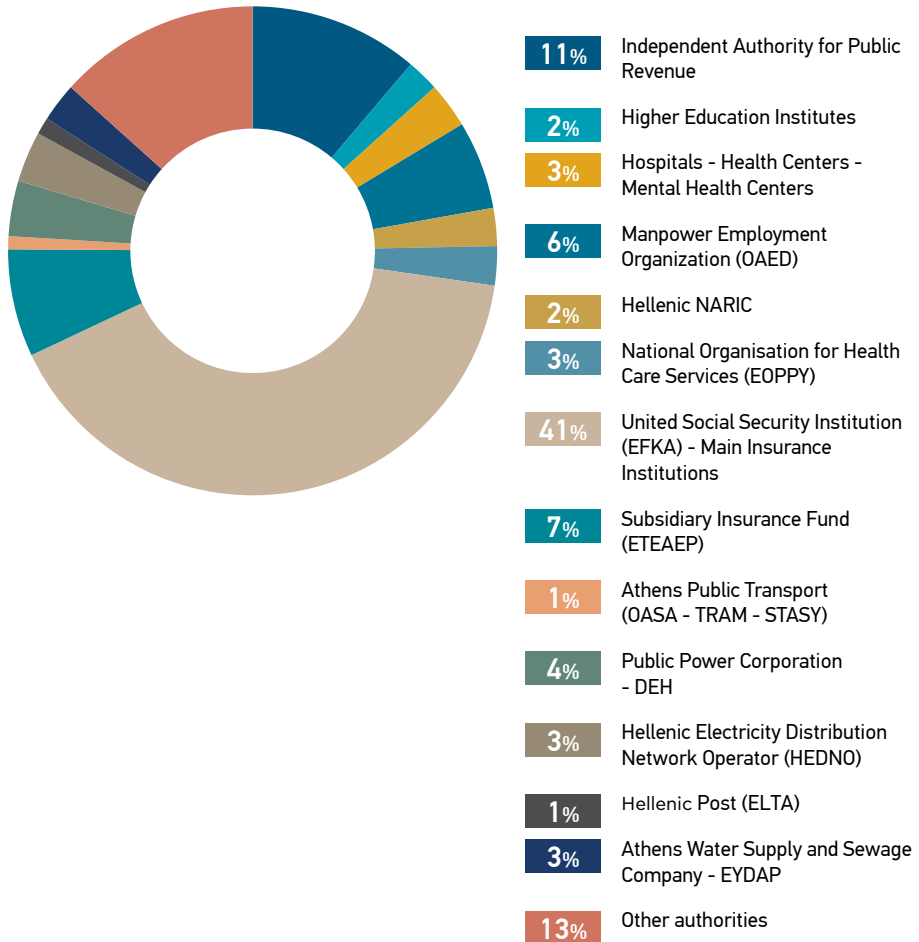
Subsequently, 41% of these complaints concern the main social security agencies, a percentage that, in combination with that of agencies related to secondary social security (ETEAEF, EOPYY etc.), exceeds 51% of the total. This fact highlights the serious problem that persists in this area and in fact over time, as confirmed by previous annual and special reports of the Ombudsman.

A high percentage of complaints (11%) still concerns the Independent Authority for Public Revenue, which confirms that tax issues are still of great concern to citizens.

Public Utility companies (Electricity, Water, Transport, etc.) also show a serious percentage of maladministration (11%), which tends to stabilize in recent years (Graph 7).

Graph 7

Admissible complaints related to legal entities of public law, legal entities of private law, the wider public sector & Independent Authorities

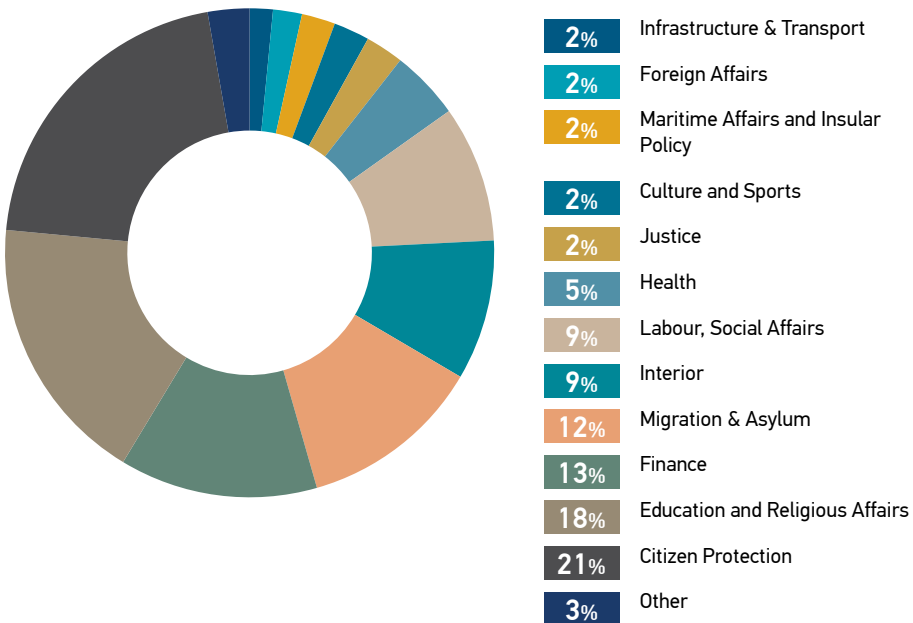


As far as the Ministries are concerned, almost all of them participated in the mal-administration rate for the year 2020 (Graph 8). However, unlike previous years, the Ministry of Citizen Protection ranked higher (21%), followed by the Ministry of Education and Religious Affairs (18%). This position also seems to be due to the Covid-19 pandemic, mainly due to movement restrictions and problems in the operation of businesses and educational institutions.

The Ministries of Finance (13%) as well as Migration and Asylum (12%) follow, thus confirming that, despite the frequent reforms, they still have persistent sources of maladministration.

High rates of maladministration are reflected for another year in the Ministries of Interior (9%, which is also responsible for local government), Labour and Social Affairs (9%) as well as Health (5%).

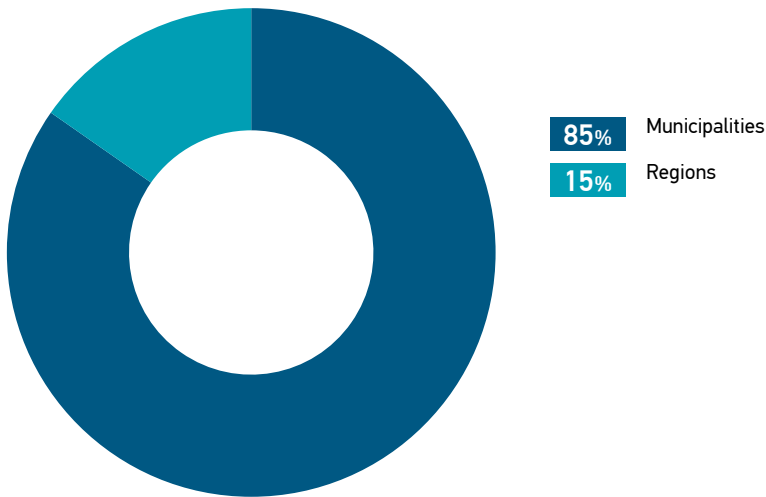
Graph 8
Admissible Complaints per Ministry



Finally, with regard to local government, the largest percentage (85%) concerns the first degree of local self-government, i.e the municipalities, with the regions (second degree) being limited to 15%, a phenomenon that is explained by the fact that the decisions of the municipalities directly affect the average citizen to a great extent (Graph 9).

Graph 9

Admissible complaints associated with local authorities



2.5. The depiction of the problems of the pandemic

The measures taken by the State to deal with the Covid-19 pandemic, had a strong impact on the daily lives of citizens. As a result, in the year 2020 the Ombudsman received a large number of complaints concerning the dysfunctions of the public administration and its agencies due to the pandemic.

As shown in Graph 10, more than a thousand (1,024) complaints were submitted by the citizens to the Ombudsman on issues related to the effects of the pandemic. Almost half of these complaints (48% of the total) concern problems in the protection of labour rights of the citizens (continuation of the insurance coverage, protection of the beneficiaries of OAED programs, communication with the “ERGANI” system etc.) and in the implementation of financial aid measures (benefits, special purpose allowances, exemption from rents, etc.).

A significant number of complaints (13% of the total), concerned the difficulty of citizens accessing or communicating with public services, as well as the delay of the latter to process the current cases and the new requests submitted to them (delays in processing requests, postponement of meetings for decision-making bodies, etc.).

Interesting is the number of citizens who protested against the movement re-

striction measures (11%), especially for the fines imposed due to the violation of these measures.

Also important was the number of complaints (10%) related to the education of pupils and students, such as the use of masks in schools, the inability to implement distance schooling, the problematic process of distributing books, etc.

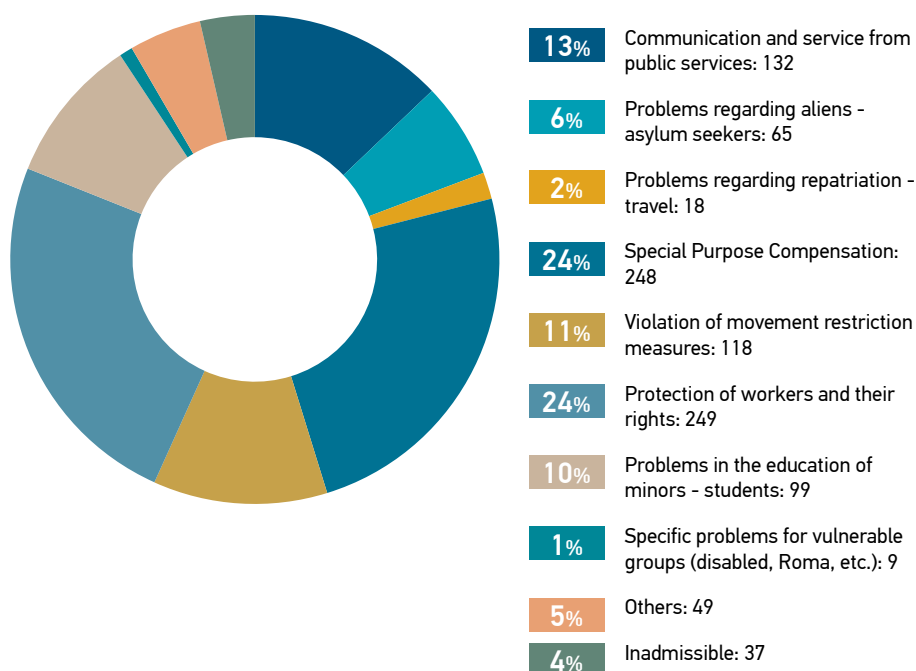
Problems were also faced by aliens residing in Greece, especially asylum seekers, regarding the process of granting - renewal of residence permits, processing of asylum applications, living conditions in the Reception and Identification Centres, etc. (6%).

Finally, the number of citizens (2%) who have faced the problem of either repatriation or travel abroad, due to restrictions on movement between states, must be noted.

A rather significant percentage of complaints (4%) submitted to the Ombudsman concerned issues for which the Ombudsman does not have the remit to intervene.

Graph 10

Categories of citizen complaints submitted to the Ombudsman due to the pandemic, during 2020



2.6. Access to the Ombudsman

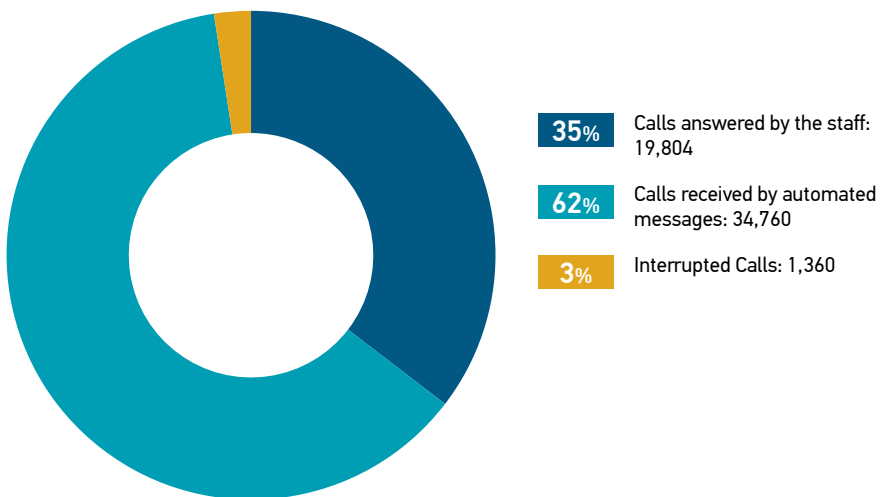
The Ombudsman, in its effort to facilitate the access of the citizens to its services, as well as their timely information, has adopted ways of service through electronic applications, specialized websites and posts on social media, as well as with constant telephone information.

The call centre

With regard to telephone calls, the system of transmission of basic information through automated messages is applied, which inform the citizens about the Ombudsman's remit and guide them in their actions for the submission of a complaint. In the event that the citizen wants more information, during working days and hours, there is access to the Ombudsman's staff, who provide more specialized information.

During the year 2020, 55,924 telephone calls were made to the Ombudsman, of which 35% were answered by the staff. 62% of the calls were serviced by the automated message of the Ombudsman (62% - Graph 11).

Graph 11
Call Center Details - 2020



Websites @ applications

During the year 2020, there was an impressive increase in the visits to the Ombudsman's website, with the number of visitors increasing by almost 40% compared to the previous year, while the views of the various webpages increased by about 22%. On the contrary, for the website "The Ombudsman for Vulnerable Groups (Synigoros-solidarity)" there was a significant reduction in visits, of the order of 20%. At the same time, the social media Facebook and Twitter showed a significant increase in traffic, with percentages of 10% and 6% respectively. The main means of accessing the Ombudsman's websites are smartphones and computers. Finally, the Ombudsman posted presentations on YouTube (<http://bit.ly/StPYoutube>) and Vimeo (<https://vimeo.com/synigoroustopoliti>).

Graph 12

SYNIGOROS.GR (1/1/2020 – 31/12/2020)

Number of sole visitors: 448,758 (+ 39.14% compared to 2019)

Website Views: 1,713,487 (+ 21.87% compared to 2019)

Sources of traffic

Search engines [85.49%]

Direct access [9.82%]

Websites and referrals [2.57%]

Social media [2.12%]

Analysis of access technologies (PC, smartphone, mobile)

Computer access [57.20%]

Smartphone access [39.08%]

Tablet access [3.72%]

SYNIGOROS-SOLIDARITY.GR (1/1/2020 – 31/12/2020)

Number of sole visitors: 96,192 (-20.11% compared to 2019)

Website Views: 242,848 (-30.49% compared to 2019)

Sources of traffic

Search engines [77.80%]

Direct access [20.94%]

Social media [0.71%]

Websites and referrals [0.56%]

Ranking of 10 Posts in Traffic (descending order)

1. Providing free legal aid
2. OEK Mortgage Loans
3. Benefits or increase in the pension due to absolute disability
4. Reductions - exemption from municipal taxes or fees
5. Cash benefits for persons with disabilities (PWD) are tax-free and not subject to attachment due to debt
6. Certification of disability
7. Admission without exams to higher education for people suffering from serious illnesses
8. Implementation of a housing benefit program
9. Paraplegic benefit
10. Severe disability benefit

Analysis of access technologies (PC, smartphone, mobile)

Smartphone access [58.87%]

Computer access [35.95%]

Tablet access [5.18%]

SOCIAL MEDIA (1/1/2020 – 31/12/2020)

FACEBOOK (SYNIGOROS)

Sole users who have liked! the official profile / members of the public profile of the Ombudsman, at the end of 2020: 21,719 (+ 10.21% from the beginning of 2020)

TWITTER (@SYNIGOROS)

Sole users who have followed / followers of the public profile of the Ombudsman, at the end of 2020: 6,487 (+ 6.62% from the beginning of 2020)

2.7. In lieu of conclusions

The continuing increase in complaints to the Ombudsman reinforces the Ombudsman's findings on the need for serious interventions in the areas that were decisively affected during the years of the financial crisis and intensified by the Covid-19 pandemic. Citizens are still concerned with health issues, pensions, tax procedures and, in general, problems that have come into sight by the Ombudsman's interventions, through legislative proposals, findings and special reports and are described in this report. Further substantial reforms are therefore needed in many critical areas of administrative action, in which "systemic" maladministration appears, despite the modernization effort that has begun, through digitization of administrative procedures, as well as strengthening of the welfare state and the rule of law in critical areas, which the annual report captures.

Thematic Dossiers



Thematic Dossiers

This Ombudsman's Annual Report, as every year, seeks to highlight the important issues that concerned the Ombudsman, its actions and interventions, as well as the way in which the Administration responded to them. This Report inevitably differs from the previous ones, as in 2020 the Ombudsman received a large number of complaints related to public administration malfunctions, which arose from the implementation of emergency government measures to address and curb the coronavirus pandemic. The recognition of these special and exceptional conditions for the Greek society and the defence of the rights of the citizens, determined this year's central dossier.

At the same time, the Ombudsman, exercising its mediating and controlling role, was called within the framework of its general responsibilities to investigate and intervene in other specific issues of omission or maladministration, failures and administrative distortions, as well as problems of major general interest related to daily life, for which continuous and timely information is given to the citizens by posting the quarterly bulletins on its official website, throughout the year.

The special dossiers that the Ombudsman chose to highlight for the year 2020 are the following:

CENTRAL THEMATIC DOSSIER

- The pandemic through citizens' complaints

SPECIAL THEMATIC DOSSIERS

- International protection
- Rights and protection of minors
- Equal treatment in employment
- Social security
- Health and social solidarity
- Higher education and access to the labour market
- Environment and State - citizens mutual obligations
- Operation, service and practices of the HEDNO S.A. (Hellenic Electricity Distribution Network Operator S.A.)

1. Central Thematic Dossier - The pandemic through citizens' complaints

The Covid-19 pandemic and the extraordinary measures taken by the Greek government to limit its spread and consequences, created new conditions in all areas of individual and social action, in social relations, in the economy and in the market. **Public administration was called upon to effectively fulfill its role in supporting the Greek society and to take a series of measures to ensure public health.** At the same time, it sought to resolve the problems which all citizens encountered suddenly in every aspect of their private and public lives.

In particular, in a short period of time, public administration had to adapt its procedures and functions, making more effective use of the potential of new technologies, in order to continue to provide its services. At the same time, it had to implement a series of measures to support citizens affected by the economic impact of the pandemic, to provide its services in the critical areas of education, social security, transportation, but also to solve everyday issues. At the same time, it was called upon to provide solutions to problems caused by the closure of borders and the cancellation of flights, as well as to intensified predicaments, such as domestic violence. Its response cannot be denied, but numerous complications have also arisen.

Measures to address the pandemic have been taken and are being taken in stages, depending on the course of the coronavirus spread and the needs that occur. The Ombudsman, with its services available to the citizens, examined in the context of both its general competence and its specific remits, a large number of cases, regarding issues that surfaced. **During the investigation of the complaints, malfunctions and procedural problems related to the new reality became obvious.** The plight of the citizens was sometimes reflected in the complaints.

Utilizing the institutional means at its disposal and with the synergy of its staff, the Ombudsman supported the citizens, especially during the first period, with direct information, as it received a significant number of emails, complaints on the Ombudsman's website and calls to the call centre to provide information on the exercise of their rights. The questions concerned in particular the granting of special leaves of absence, workers' protection measures, and travel issues. Due to the exceptional circumstances and the urgency of the issues, a great effort was made to answer these messages immediately online, without the formal procedure followed for the submission and examination of complaints.

As the pandemic unfolds and the signs of social fatigue are particularly palpable, the Ombudsman continues to monitor the exceptional situation experienced by the citizens of the country; it intervenes and updates for all the issues of its competence that are brought to its attention, submitting recommendations and proposals to the competent agencies for the further strengthening of the governmental measures and the confrontation of the pandemic crisis.

The most important issues arising from problems in the implementation of the emergency government measures taken to deal with the pandemic and the relevant actions of the Ombudsman, are presented below.

1.1. The immediate interventions of the Ombudsman

The Ombudsman, taking into account the urgency of the situation that had arisen, **did not limit itself only to mediation for the resolution of individual cases, but proceeded, as mentioned, to a series of general interventions to support groups of the population that were particularly affected.** As an institution destined to guarantee the rights of citizens in the public and private sector during the first period of the pandemic, the Ombudsman addressed the competent Ministers^{1,2}, with proposals and observations for the protection of special groups and categories of the population, which present increased levels of risk and distinct vulnerability^{3,4}. Since then, it has been vigilant and awaits the response of the competent agencies, looking forward to the strengthening of the existing measures and the implementation of those arising from its proposals. Specifically:

- Emphasis was placed on ensuring conditions that do not allow abusive layoffs or abusive pay cuts **for private sector workers**, especially those eligible for special protection (pregnant workers or workers on maternity leave, the disabled, the elderly). For this reason, it was requested to provide for severe sanctions and to strengthen the existing mechanisms for their control and enforcement.

1. <https://www.synigoros.gr/?i=kdet.el.news.643469>.

2. <https://www.synigoros.gr/?i=kdet.el.news.649564>.

3. <https://www.synigoros.gr/?i=kdet.el.news.646570>, <https://www.synigoros.gr/resources/20200409-epistoli-ypthamyn.pdf><https://www.synigoros.gr/resources/20200506-epistoli.pdf>, <https://www.synigoros.gr/?i=kdet.el.news.654496>.

4. <https://www.synigoros.gr/?i=kdet.el.news.643469>.



- **For the private and public sector employees belonging to vulnerable groups, as well as their caregivers**, who were not eligible for the special purpose leave, as they did not meet the requirements, specific relieving provisions were requested, taking into account the possibility of teleworking.
- **For pregnant women and workers under maternity protection status**, the need for special measures to protect them in the private and public sectors was stressed.
- **For the elderly, the chronically ill, the disabled and the homeless**, especially during periods of movement restrictions and in particular for those deprived of a caring family environment, the immediate activation of support mechanisms (food supply, medical support, timely transfer in emergencies) was suggested, especially at municipal level.
- **For the Roma living in settlements**, the need for immediate initiatives by the relevant municipalities with the assistance of the central administration was stressed, in order to: a) ensure the necessary hygiene conditions, b) inform the residents of the settlement about the prevention measures, c) register those who do not have access to benefits or other aids, in order to provide their living necessities, as well as d) register the vulnerable people within the community (elderly, PWD or chronic diseases). At the same time, the Ombudsman addressed the municipal authorities where there are settlements, requesting information on the measures taken to protect the population from the risk of spreading the Covid-19 coronavirus, in accordance with the relevant provisions.
- **For all existing structures of asylum seekers / migrants** it was proposed to have regular disinfection, adequacy of items for disinfection (soap and water, personal disinfectants), proper dissemination of individual precautionary measures in all relevant languages, but also real possibility of keeping distances, both between shelters as well as those living in them, with appropriate isolation in case of the virus symptoms. The ombudsman also stressed the need to strengthen the health departments on the islands and the mainland, where there are corresponding structures - both in medical/nursing staff, as well as in ICU beds. Finally, it was requested that measures be taken to maintain the necessary distances and personal protective equipment, both for the transported individuals and the accompanying police officers, during the transport from the islands by ships.
- **For victims of domestic violence**, it was suggested to strengthen the support services with the possibility of codified communication with them, the

dissemination of information and the reminder of the opportunities provided to the victims by utilizing and regularly displaying relevant social messages.

- **For persons in a state of deprivation or restriction of their liberty**, it was proposed to decongest all places of deprivation or restraint of liberty as much as possible, by considering the possibility of applying alternative detention measures.
- **For the health of children with disabilities and / or chronic diseases living in institutions**, the Ombudsman sent a letter to the Ministry of Labour proposing protocols for additional measures.

1.2. Support to employees - Issuance of special leave of absence from work

Support measures for employees were taken in a timely manner by the Greek government and were implemented immediately in the context of the need to prevent and limit the spread of the coronavirus. However, at the level of individual complaints, the Ombudsman investigated a significant number of cases related to the granting of special leaves of absence.

1.3. Living conditions for vulnerable groups

1.3.1. Unaccompanied Minors

The coronavirus pandemic inevitably burdened living conditions and endangered the rights of the most vulnerable populations, including children on the move, either accompanied by their families, or unaccompanied. Aspects of these negative effects from the beginning of the pandemic were recorded in the Ombudsman's documents to the competent services.

1.3.2. Juvenile detainees

On the occasion of a complaint on the prevailing climate of tension, the Ombudsman intervened at the Corinth Detention Centre in April 2020 and raised issues related to **the safeguarding of the rights of juvenile detainees' physical and mental health, education and recreation during the coronavirus pandemic.**

1.3.3. Asylum seekers

Since the beginning of the pandemic, the Ombudsman pointed out the need for



special precautionary measures for asylum seekers, who were forced to live in inadequate health conditions in overcrowded Reception and Identification Centres of the islands and in mainland⁵ accommodation structures.

1.4. Repatriation

One of the problems caused by the rapid spread of the coronavirus worldwide was the closure of borders and the restriction of flights (cancellations and/or suspensions) as an immediate measure to limit the spread. The above problems, in combination with the fact that many lost their homes and jobs, due to the health crisis, created an immediate need for repatriation of Greek permanent residents abroad, but also of travellers who were trapped in distant destinations.

1.4.1. Greeks trapped abroad

Greek citizens stated⁶ that the relevant Greek consular authorities did not provide them with the expected assistance or information in order to be repatriated during the flight ban, and that the Ministry of Foreign Affairs refused to cover part of the repatriation expenses paid.

1.4.2. Foreign spouses of Greeks

A problem was also presented to Turkish citizens, spouses of Greek nationals, as they were not allowed to enter the country from the land border in Kipoi of Evros, in application of the JMD on *“temporary restriction of the country’s land borders to limit the spread of the coronavirus”*.

1.5. Economic activity

The disruption caused by the pandemic and measures to limit its spread in the Greek and global economy is expected to have short- as well as long-term and multifaceted consequences. Economic activity and, consequently, entrepreneurship and employment are estimated to be particularly affected. The rules of “social distancing”, even if they become more lenient, will continue voluntarily for a long time. To date, the government has taken emergency fiscal measures to support businesses, the self-employed and workers. The Ombudsman, in its let-

5. <https://www.synigoros.gr/?i=kdet.el.news.643469>

6. FY 277323, 278404, 280758, 283445, 283909 etc.

ter to the competent Ministers, stressed the importance of ensuring restriction of abusive dismissals or reductions in salaries for employees, and especially those entitled to special protection against discrimination⁷.

1.5.1. Employment, benefits and exemptions

The Ombudsman received a significant number of complaints from citizens who protested because they were either not paid their due compensation, were left out of a regulatory framework or were not protected by the state's emergency provisions for bureaucratic or other reasons, regarding their economic activity since the onset of the pandemic.

1.5.2. PPC debts - Settlements

One of the major and essential problems concerning the daily lives and survival of citizens is the issue of energy poverty⁸. Reducing household expenditure on energy also means deteriorating its quality of life.

The Ombudsman provided relevant information to the citizens and intervened in cases when the complainants were refused the chance to pay their debts in suitable instalments, as well as vulnerable groups having difficulty in being included in reduced payment schemes.

1.5.3. Tuition refunds and other requests

The Ombudsman was called to mediate in cases of request for reimbursement of tuition fees in boarding schools, kindergartens, conservatories, sports clubs, whose operation was suspended or the services thereof were significantly reduced in comparison to those agreed at the beginning of the school year. It also investigated complaints of financial burdens following the cancellation of school trips abroad.

1.6. Access to public services

Public administration was called upon to adjust its procedures and functions in order to continue to provide its services to the citizens. The measures restricting or even suspending the reception of the public, as well as the rotating work of the

7. <https://www.synigoros.gr/?i=kdet.el.news.643469>.

8. Energy poverty is defined as the situation of a household that is unable to access adequate energy services in the home (in particular heating and cooling, lighting and appliances).



staff to reduce the spread of the virus, created new needs and challenges, which it had to respond to. The adoption of digital technologies has been intensified by the new working conditions that have emerged, and in a very short period of time digital developments have taken place in the public sector which were to be implemented over several years.

1.6.1. Service failures and delays

Significant was the number of citizens who complained about the delay of the public services in processing their requests or their poor service or even the inability to get in touch with them to make an appointment regarding their case.

1.6.2. Suspension of works of the Asylum Service

The right of asylum seekers to medical care suffered from the side effects of the measures to prevent the spread of the coronavirus. The suspension of works of the Asylum Service, during the first wave of the pandemic, created a problem in the provision of the applicants with the Temporary Social Security and Health Care Number for Aliens (PAAYPE), while the Asylum Service did not respond to the Ombudsman's request to resolve the problem⁹.

The suspension of the Asylum Service during the first period of the pandemic also led to the postponement or cancellation of pending proceedings. Taking into account these delays, the additional psychological load of the already burdened unaccompanied minors and the risk of deprivation of rights due to expiration of the deadlines (e.g. for the completion of the Dublin procedure) or coming of age, the Ombudsman sent a letter to the Asylum Service calling in particular for the immediate rescheduling and prioritization of cases of impending adulthood or the loss of the right of reunification¹⁰.

1.6.3. Access of third country nationals to the competent Aliens Immigration services

From March 12 to May 15, 2020, the reception and service of the public by the Directorates and Departments of Aliens and Immigration of the Decentralized Administrations of the country and the Directorate of Migration Policy of the Ministry of Migration and Asylum was suspended. The Administration, in a series of

9. FY 279288.

10. FY 77715, 277913, 277923.

Ministerial Decisions, **extended the validity of the residence permits** that were to expire, the residence cards, as well as the relevant certificates of submission of applications for the issuance/renewal of residence permits.

1.6.4. Suspension of Courts

Problems were also created in the suspension of the operation of the Courts as of March 16, 2020.

1.6.5. Reception of public - HEDNO

In the context of the implementation of preventive measures for the protection of public health, in the beginning of the summer of 2020, HEDNO suspended the reception of public and limited the visit to its local offices only in urgent cases, by appointment.

1.6.6. Failure to renew passports

Complaints were also submitted to the Ombudsman for problems in the renewal of passports.

1.7. Education

1.7.1. Difficulties in obligatory education

The difficulties that arose in the field of education due to the pandemic, concerned in particular:

- problems in the implementation of online education, in relation to the respect of students' personal data¹¹,
- the compulsory use of mask at all levels of education, with minimal exceptions explicitly referred to in the relevant MD¹²,
- the possibility of online education only for students who themselves suffer from severe diseases, without provision for exemption due to family members belonging to a high-risk group,
- the exclusion of vulnerable groups from school, due to the lack of relevant

11. FY 278487, 278565, 278556.

12. FY 284672,285032,285051.



technical equipment¹³ and the necessary educational support¹⁴, as well as due to the fact that places of mass accommodation of refugees remained quarantined for a period longer than that of the general population¹⁵.

1.7.2. Children on the move

The pandemic also created problems of access to the education system for children on the move, especially those in refugee camps, either due to the prolonged quarantine in the event of Covid-19 outbreak¹⁶ when children were excluded from school attendance or due to lack of appropriate equipment and support during the online education period¹⁷.

1.7.3. Measures to evacuate student dormitories

As part of the emergency measures for the protection of public health, a temporary ban was imposed on the operation of the dormitories of the Higher Education Institutions, as well as the tourist accommodation, where a number of students were also accommodated.

1.8. Measures of movement restriction - Fines

A large number of complaints submitted to the Ombudsman concerned **fin****es imposed on citizens for violating exceptional movement restrictions** (e.g. relocation to a different regional unit, relocation without the relevant printed certificate or without having previously sent the required sms, or with an incorrectly completed certificate, or without the citizen bringing with them an identity card or passport, etc.).

The vast majority of the fines imposed were deemed lawful by the Ombudsman, as it was found that the relevant provisions had in fact been violated. However, there have been cases in which the agencies in charge of imposing fines have exhausted the upper limits of their discretion.

13. FY 288716, 288459.

14. FY 282056.

15. FY 286887.

16. FY 286887.

17. FY 282056.

In several complaints, it was found that the administration did not properly justify the imposed fine. There were also cases in which objections to fines were rejected as unfounded, without properly examining the merits of the objections.

1.9. Everyday life

The Ombudsman also received complaints about malfunctions or problems that arose in the daily life of the citizens, related to the coronavirus and the new reality that it created.

1.9.1. Public transport

Citizens protested against the crowding that existed in public transport, after which a letter was sent to the Athens Transport Organisation (OASA), in which the Ombudsman asked for measures to be taken to ensure the health of both passengers and employees¹⁸.

1.9.2. Parents-Children communication

Following questions during the investigation of complaints, the Ombudsman had to point out that **communication between parents and children, in cases of separated couples, is an inalienable right of both parties, which cannot be violated due to a pandemic.**

1.9.3. Domestic violence

The tension triggered by the confinement in the home put pressure on interpersonal relationships. Mandatory stay under the same roof and “being constantly together” seem to have had a negative effect on relationships. The Ombudsman intervened towards the competent services, **seeking statistical recording and taking special measures for the protection and support of victims of domestic violence. On 14.04.2020 ELAS (Hellenic Police) launched a campaign to address domestic and gender-based violence.**

18. FY 280557.

1.10. Recruitment

The pandemic and the unprecedented conditions that prevailed did not leave the field of recruitment unaffected. Irregularities and problematic procedures were also identified in this area, which became known to the Ombudsman through complaints from the citizens concerned.

2. Special Thematic Dossiers

2.1. International protection

At the beginning of 2020, the new framework of International Protection (Law 4636/2019) entered into force, for which the Ombudsman had been critical of various issues. Among other things, the Ombudsman had noted the extension of the administrative detention of asylum seekers and the limitation of the procedural guarantees of the appeal. Law 4686/2020 made new amendments in the context of international protection. The Ombudsman had also made critical observations in this regard, some of which were accepted, such as the non-restriction of legal aid, the criteria of unfounded application, the language of interpretation, the necessary personal interview, while others, such as the problematic introduction of administrative detention as a rule, remained in the text of the law.

In particular, the Ombudsman dealt with:

- Emergency conditions and asylum
- Administration practices and structures
- Beyond Moria.

2.2. Rights and protection of minors

Following a large number of complaints, the Ombudsman was called upon to intervene so as to remove violations of the rights of the child in education, which were related, inter alia, to persistent accessibility and inclusion issues, to issues related to community relations and failure to cultivate an inclusive environment, but also to a large extent with the management of the pandemic at school. It was also particularly concerned with the rights of children living away from their families and the prevention of institutionalization.

In particular, the Ombudsman dealt with:

- Educational issues of accessibility and inclusion
 - i Lack of infrastructure and pre-school
 - ii Special Education and school integration
 - iii School inclusion of other vulnerable populations
 - iv Access to the child's school of choice
- School community and student conduct control
- Supporting families in the community and alternative care
- Delay in operation of the structure Independent Offices for the Protection of Minor Victims "Children's Home".

2.3. Equal treatment in employment

The Ombudsman intervened and proposed the extension of the seven-day leave for assisted reproduction to the employees of the private sector, in proportion to the ones valid for the employees of the public sector. It has also investigated and monitored the implementation of the new system of appointments of permanent and substitute teachers, and in particular teachers with disabilities or parents of children with disabilities.

2.4. Social security

The Ombudsman reiterates every year the issues of operation of public social security agencies, the organizational dysfunctions of the Administration, the incorrect or arbitrary interpretation of legal provisions, the excessive delays in processing citizens' requests, the incomplete information and much more. Having long experience, it points out the problems, intervenes to solve them and submits proposals for a proper restructuring.

In particular, the Ombudsman dealt with:

- e-EFKA citizens relations
 - i Pending issues of e-EFKA computer system resolution
 - ii Significant delays in processing requests
 - iii Incomplete information of citizens
 - iv Objections examination procedures



- a. Exemption of bona fide citizens from reimbursement of unduly paid benefits
 - b. Complicated deletion process and incorrect refusal to return contributions
- Specific issues of implementation of the institutional framework
 - i Reimbursement of reductions and adjustment of equity fund benefits
 - ii Reimbursement of contributions from the Civil Servants Pension Fund
 - iii Insurance status of a civil servant after his/her transfer
 - iv Recognition of sick days of a construction worker from a work related accident for retirement according to the social security provisions of heavy and unhealthy occupations
- Content and implementation of circular instructions.

2.5. Health and Social Solidarity Services

The Ombudsman also dealt this year with a series of issues related to public health and social solidarity services, such as the lack of information for patients, medical errors, unsuitable behaviour, opinions of the Disability Certification Centres (KEPA), the disability assessment process, universal welfare benefits. Within the framework of its responsibilities, it sent documents pointing out the problems and malfunctions of the health care to the competent agencies and health structures. It also proposed solutions and addressed recommendations to the administrations of the organizations, as well as mediated for each individual case.

In particular, the Ombudsman dealt with:

- Operation of public health and supply structures
 - i Provision of Health Services by Hospitals
 - ii Procedures for evaluation and issuance of opinions by the KEPA
- Issues of universal welfare benefits.

2.6. Higher education and access to the labour market

In the field of higher education, the Ombudsman examined and highlighted problems of operation of the Hellenic Open University, as well as the inactivity of professional agencies in the exercise of their competence for the recognition of professional qualifications in holders of foreign degrees.

2.7. Environment and State - citizens mutual obligations

In this filed, the Ombudsman dealt with:

- Long-term problems in urban planning control
- The undeclared areas of real estate properties.

2.8. HEDNO

In this section, the Ombudsman dealt with the operation, service and practices of the HEDNO.

Special remits



Special remits

This section contains only a very brief mention to the Reports of the Special Remits which are translated in English in their entirety and posted on the Ombudsman's English site annually.

1. The Ombudsman as a framework for promoting the implementation of the UN convention for the rights of PWD

1.1. Institutional framework

The United Nations Convention on the Rights of Persons with Disabilities was ratified by our country with Law 4074/2012. With article 72 of Law 4488/2017, the Ombudsman, as a constitutionally guaranteed Independent Authority, was defined as the Framework for the Promotion of the implementation of the Convention in Greece, in harmonization with the conditions set by article 33 par. 2 of the Convention.

1.2. The Ombudsman's Reports on the implementation of the UNCRPD

In July 2019, the Ombudsman prepared the first Report in the context of its competence as a Framework for the Promotion of the implementation of the UNCRPD and submitted it to the competent United Nations Committee on the Rights of PWD.

The current Report of the Framework for the year 2020 examines irregularities and distortions of the legislation and the secondary regulatory framework, as well as the administrative operation and practice in matters related to the effective exercise of the rights of PWD, while proposing specific measures and legislative improvements. In this report, the Ombudsman took into account the recommendations made during the examination of the country by the competent UN Committee and summarizes findings and suggestions related to problems and malfunctions, in particular on the following issues:



- delays in the deinstitutionalisation of children with disabilities and the necessary transition to community care,
- lack of accessibility standards for the built environment, goods and services, including transport, media and information and communication services in the public and private sectors,
- problematic practices for involuntary hospitalization and deprivation of liberty of persons with psychosocial or mental disabilities, use of restraints and lack of effective remedies- lack of individualized support framework for prisoners with disabilities,
- lack of a transparent system of transportation benefits and appropriate means to facilitate the personal mobility of PWD,
- lack of a coherent strategy for an inclusive education system, to ensure accessibility to the school and university, to support special education and training and to ensure access to formal education for all children with disabilities, including vulnerable groups (asylum seekers, immigrants and Roma),
- issues of effective access for PWD to health services,
- difficulties in the integration and equal treatment of PWD, especially women, in the labour market, high unemployment, lack of measures to provide personalized support in the workplace, and integration of the disability dimension into employment policies,
- inequalities in social security legislation and the disability certification system, lack of coherence in the legal framework regarding the exclusion of disability benefits from income and their protection against confiscation, unequal distribution of welfare benefits, pensions, benefits and tax exemptions,
- the need to reform the electoral framework and ensure the full participation of PWD in politics and public life,
- promotion of inclusive and accessible leisure facilities and sports activities for PWD,
- development of an integrated data collection system for PWD, not based on the medical model.

2. The Ombudsman as an Equality Body

2.1. Institutional framework

The Ombudsman, according to Laws 3094/2003, 3896/2010 and 4443/2016 is the independent national body with the remits a) to monitor and promote the implementation of the principle of equal opportunities and equal treatment of men and women (Directive 2006/54 / EC); b) to monitor and promote the application of the principle of equal treatment, regardless of race, colour, nationality or ethnic origin, religion or belief, disability or chronic illness, age, family or social status, sexual orientation, gender identity or gender characteristics (Directives 2000/43 / EC and 2000/78 / EC) in employment and occupation; and c) the implementation of the provisions on freedom of movement and equal treatment of citizens of the European Union (Directive 2014/54 / EC).

2.2. Indicative issues

In particular, the Ombudsman dealt with:

- Gender discrimination
- Discrimination on grounds of race
- Positive measures to protect the family
- Age discrimination
- Discrimination due to disability
- Discrimination on the grounds of sexual orientation or gender identity
- Discrimination on the basis of religious beliefs.

3. The Ombudsman as a body for the promotion of children's rights

In 2020, despite the adverse conditions of the pandemic crisis, in the context of its promotional role, the Ombudsman maintained and strengthened its contact with children and professionals in the field, implementing a series of initiatives online aimed at informing and raising awareness for the International Convention on the Rights of the Child (UNCRC).

As part of the European actions, the Ombudsman actively participated in all the

working groups set up to draft and publish a joint statement by the European Network of Ombudspersons for Children (ENOC) on the establishment of a Child Rights Impact Assessment (CRIA) of political decisions. The statement of ENOC was published after the holding of the annual conference of the Network that took place in November.

At this conference, the Deputy Ombudswoman for the Rights of the Child was elected president of the above Network and the presidency of the Independent Authority will begin in the fall of 2021 with the organization of an event dedicated to the theme of the universal impact of coronavirus on children.

Furthermore, in March 2020, the Ombudsman formed a Group of Youth Advisors with students selected by drawing lots among applications from children from secondary schools in Attica.

This year, the Ombudsman intensified its actions on the issues of deinstitutionalization and support of vulnerable families and children in the community.

In the field of protection of the rights of refugee - immigrant children, the Ombudsman continued to coordinate and consult with the Network of Children on the Move, throughout the year, while in September it sent questionnaires to all RICs in the country, in relation to the school enrolment and actual attendance of the hosted minors, with the aim of publishing a findings report regarding the overall educational integration of children in these structures.

4. The Ombudsman as a monitoring mechanism for forced return of third-country nationals

The Ombudsman is the national mechanism for monitoring the forced return of third-country nationals to their countries of origin, in accordance with the provisions of EU law (Article 8 par. 6 of Directive 2008/115 / EC (“Returns Directive”) and of Law 3907/2011 which transposed it in the Greek legal order (art. 23 par. 6). The goal is twofold, transparency of administrative action and protection of the fundamental rights of returnees.

In particular, the Ombudsman’s report dealt with:

- Numerical data
- Summary of returns monitoring
- The European context.

5. The Ombudsman as a national mechanism for the investigation of arbitrary incidents by the security forces

The special remit of the Ombudsman as a National Mechanism for the Investigation of Arbitrary Incidents by the security forces consists in the independent investigation of complaints, concerning specific cases of arbitrariness, acts or omissions of Police, Coast Guard, the Fire Department and the guards of the Detention Centres.

In 2020, 263 cases were submitted to the Mechanism, in their vast majority by the Hellenic Police. More than half of the cases involved violation of physical integrity or health during arrest, detention and all kinds of police operations.

In most of the cases referred back to the security forces by the Ombudsman to complete the investigation, the agencies responded, supplementing the investigation and the returned findings. In 4 cases, the Ombudsman used the new provision to forward to the Minister an administrative inquiry conclusion, due to failure to complete the investigation and insufficient justification of the deviation from the Independent Authority's findings.

The disciplinary law of the police was amended in December 2019, incorporating some of the proposals made by the Ombudsman in its previous report, such as ensuring the impartiality of the preliminary administrative investigation, through the required distance between the investigator and the officer under investigation, disciplinary action against the criminal investigation of the case and the exceptional nature of the measure of suspension of the disciplinary procedure, as well as the limitation of the time of the administrative examinations, in order to deal with the chronic delays.

6. The Ombudsman as the national preventive mechanism against torture and other cruel, inhuman or degrading treatment or punishment

6.1. Introduction

2020 was the seventh year of exercise by the Ombudsman of the special remit of the National Prevention Mechanism (NPM), according to Law 4228/2014, by



which Greece ratified the Optional Protocol to the Convention of United Nations against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The report mainly dealt with institutional interventions.

6.2. Institutional interventions

- Interventions in relation to the measures taken to limit the pandemic in places of detention and the protection of the rights of detainees
- Interventions in detention facilities
 - i State Penitentiaries
 - ii Administrative detention of aliens
 - iii Quarantine on a ship
- Treatment of the mentally ill by the police during their transfer for involuntary hospitalization.

Legislative and Organizational
Observations on Draft Laws
- Special Reports



Legislative and Organizational Observations on Draft Laws - Special Reports

In 2020, the Ombudsman submitted legislative and organizational Observations for the improvement of public services, legislation modernization, as well as the elimination of problems and injustices due to defects, gaps or shortcomings of the existing legislation.

In addition, the Ombudsman submitted its Observations during the public consultation on nine (9) draft laws and prepared a special report on waste management, as well as a special report on exceptional issues of child protection.

1. Observations of the Ombudsman on Draft Laws

The Ombudsman drafted and sent to the Administration comments on the following draft laws.

1.1. Draft law of the Ministry of Citizen Protection

“Regulations of penitentiary legislation, provisions for the Fund of Security Forces Employees and other provisions of the Ministry of Citizen Protection and the Ministry of Migration and Asylum” (Law 4760/2020).

1.2. Draft law of the Ministry of Migration and Asylum

“Improvement of immigration legislation, amendment of provisions of laws 4636/2019 (A '169), 4375/2016 (A' 51), 4251/2014 (A '80) and other provisions” (Law 4686/2020).

1.3. Draft law of the Ministry of Environment and Energy

“Modernization of Environmental Legislation, transposition into Greek legislation of Directives 2018/844 and 2019/692 of the European Parliament and of the Council and other provisions” (Law 4759/2020).

1.4. Draft law of the Ministry of Interior

“Amendment of the Code of Greek Citizenship, a new framework for the selection of management in the public sector, regulations for the development perspective and the proper operation of Local Government Organizations...” (Law 4735/2020).

1.5. Draft law of the Ministry of Labour and Social Affairs

“Birth allowance and other provisions” (Law 4659/2020).

1.6. Draft law of the Ministry of Education and Religions

“School upgrading and other provisions” (Law 4692/2020).

1.7. Draft law of the Ministry of Labour and Social Affairs

“Measures to strengthen workers and vulnerable social groups, social security provisions and provisions to support the unemployed” (Law 4756/2020).

1.8. Draft law of the Ministry of Interior

“Strategic development perspective of the Local Government Organizations, regulation of issues within the competence of the Ministry of Interior and other provisions” (Law 4674/2020).

1.9. Draft law on the recruitment system of ASEP

“Modernization of the recruitment system in the public sector and strengthening of the Supreme Personnel Selection Council (ASEP) (Law 4765/2021).

2. Special Reports

2.1. Waste Management

“The waste management policies that have been designed and implemented in the country have failed. It is also clear that the central and local administrations must significantly accelerate their interventions, in order for Greece to make up



for lost time and approach, to achieve the common European goals, albeit with a significant delay. The reasons that have led our country to this not at all enviable position among its partners are analyzed in this report”. This is noted, among others, by the Ombudsman Andreas Pottakis, prefacing this special report. This is an overall presentation of the magnitude of the problem of waste management in Greece, as recorded in detail by the experienced staff of the Independent Authority. The Observations of the Ombudsman are also presented, which aim to overcome the chronic malfunctions and the inactivity of those involved. It is recalled that just two years ago the European Commission, which has undertaken the monitoring of the progress of the Member States in achieving the decided waste management / recycling targets, issued an early warning report for Greece, which envisages specific priority actions that should be implemented immediately to fill the gap. It is characteristic that our country is in the last positions among the Member States in terms of the degree of achievement of the recycling targets, for all categories of waste (municipal, construction and demolition waste, hazardous waste, electrical and electronic equipment, packaging). According to the special report, “the largest number of cases investigated by the Ombudsman concern the uncontrolled dumping of municipal solid waste, resulting in systematic degradation of the environment and causing fires. The relevant complaints submitted to the Authority also include cases in which citizens complain about the real and legal irregularities that are very common in the process of situating solid waste management projects and landfills, as well as administrative omissions during construction and operation of landfills. In addition, there is a serious issue of non-compliance with environmental conditions during the operation of existing waste management projects. In addition to the above, the number of complaints regarding problems identified in the management of excavation, construction and demolition waste is also significant”. This Special Report is dedicated by the Ombudsman to the recently departed Deputy Ombudsman Ionas Sagias as a sign of gratitude for his offer and the deep and indelible mark he leaves on its associates in the Authority.

2.2. From institution to community: alternative care for vulnerable children and family support

The Ombudsman reiterates the issue of protecting the rights of children who are temporarily or permanently deprived of their family environment, by publishing up-to-date information, findings and data. It highlights problems related to the operating model followed, distortions in the institutional framework, heterogeneity of practices, deficits in the envisaged structures, public authorities and



services, which lead to unacceptable shrinkage in the safeguarding of the rights of children placed in institutional care structures. It lists the necessary interventions, reforms and policies that will allow for the abandonment of the institutional care model and the transition to the model of family support and alternative care in the community.

The English summary of the Special report can be found here.¹⁹

19. https://www.synigoros.gr/resources/docs/eidikh-ek8esh-prostasia-eyalwtwn-paidiwn_140820_apodoxh_english--8.pdf

The Ombudsman as “amicus curiae” before the European Court of Human Rights

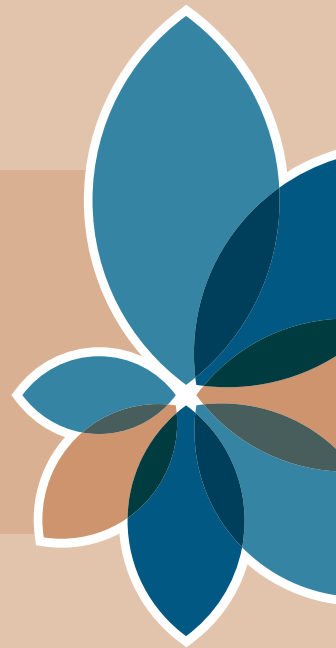


The Ombudsman as “amicus curiae” before the European Court of Human Rights

The European Court of Human Rights (ECtHR) has in many cases in the past referred to the findings of the Ombudsman, which were taken into account by the applicants. The case “Stavropoulos v. Greece” is the first case in which the Court itself, applying Article 36 §2 of its Rules of Procedure, addressed ex officio to the Ombudsman inviting him to file a memorandum as “amicus curiae”.

The disputed legal issue concerned the process of providing new-borns with a forename, for which, in its previous interventions and in the Annual Report 2006, the Ombudsman had found that, despite the clear relevant provision of Law 344/1976, many registries still register baptism as an alternative process of acquiring a forename, resulting in the unintentional revelation of the religious beliefs of the parents. In December 2019, at the hearing of a relevant appeal and invoking those interventions, the European Court of Human Rights summoned the Ombudsman to intervene, who submitted its views and informed the ECtHR in detail about the latest relevant developments. With its judgment of 25.6.2020, the Court condemned Greece for violation of religious freedom (article 9 of the ECHR), referring extensively to the Ombudsman’s memorandum.

Referrals to Prosecution
Authorities - Disciplinary
Bodies & Enrichment of the
legal framework



Referrals to Prosecution Authorities - Disciplinary Bodies

In addition, the Ombudsman made referrals to Prosecution Authorities - Disciplinary Bodies, in certain cases, when deemed necessary.

Enrichment of the legal framework of the Institution in 2020

In 2020, it was deemed appropriate to upgrade the role of the Ombudsman as a National Mechanism for the Investigation of Arbitrary Incidents by the Security Forces, in order to ensure the valid and effective exercise of the remit assigned to the Ombudsman by Law 4443/2016.

The provisions of article 188 of Law 4662/2020, strengthen the Mechanism with institutional means concerning the investigation of cases of arbitrariness (summoning witnesses, taking affidavits, ordering expert testimonies, providing for referral to the competent Minister of the decision of the disciplinary body, in cases of unjustified deviation from the Ombudsman's findings) offer the possibility of independent investigation of incidents, introduce provisions to facilitate the special competence of the Mechanism regarding the monitoring of the implementation of ECtHR judgments.

With the decision No. F. 10/23145/2020 of the Ombudsman published in the Government Gazette (Issue B' 2359/16.6.2020), in application of the above article, the Regulation of Operation of the National Mechanism was issued, which regulates, among other things, operational and organizational issues thereof.

Organization and Staff



Organization and Staff

The human resources (scientific and administrative) of the Ombudsman on 31.12.2020 amounted to 210 staff members, including the Ombudsman and the six (6) Deputies, of which 54 were men (25.71%) and 156 (74.28%) women. The scientific staff consists of 144 Senior Investigators and the administrative staff totals 62 members.

Of the scientific staff, 42 people (29.16%) hold doctoral degrees, 86 (59.72%) hold postgraduate degrees and 16 (11.11%) are university graduates. From the administrative staff and the secretarial support staff 2 persons (3.22%) hold doctoral degrees, 20 persons (32.25%) hold a postgraduate degree, 13 (20.96%) are university graduates, 4 (6.45%) Technical Tertiary Education graduates, 19 (30.64%) hold secondary education degrees and 4 (6.45%) are graduates of compulsory education.

The scientific potential covers a wide range of specialties. These include: 92 jurists, 15 political scientists, 5 philologists, 1 theologian, 10 economists, 12 sociologists, 8 archaeologists, 2 communication experts, 5 psychologists, 3 geologists, 1 physicist, 1 chemist, 1 chemical engineer, 2 civil engineers, 3 educators, 1 statistician and insurance scientist, 1 doctor, 2 surveying engineers, 6 computer scientists, 2 librarians and 1 archivist, 7 business administration scientists, 5 humanities scientists, 1 health structures manager and 1 translator and 2 journalists.

Abbreviations



Abbreviations

AMIF:	European Commission's Asylum, Migration and Integration Fund
AOM:	Association of Mediterranean Ombudsmen
AOMF:	Association des Ombudsmans et des Médiateurs de la Francophonie
ASEP:	Supreme Personnel Selection Council
CPT:	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRIA:	Child Rights Impact Assessment
CRONSEE:	Children's Rights Ombudsmen Network in South-East Europe
DEDDIE:	Hellenic Electricity Distribution Network Operator
DEH:	Public Power Corporation
DOATAP:	Hellenic NARIC
ECRI:	European Commission against Racism and Intolerance
ECtHR:	European Court of Human Rights
EFKA:	Unified Social Security Fund
ELAS:	Hellenic Police
ELTA:	Hellenic Post
EMHDIPA:	National Mechanism for the Investigation of Arbitrary Incidents
ENO:	European Network of Ombudsmen
ENOC:	European Network of Ombudspersons for Children
EOPYY:	National Organisation for Health Care Services Provision
Equinet:	European Network of Equality Bodies
ERGANI:	Business Information Service of the Ministry of Labour And Social Affairs

ETEAEP:	Subsidiary Insurance Fund
EYDAP:	Athens Water Supply and Sewerage Company
FEK:	Official Journal
FRA:	European Union Fundamental Rights Agency
FReM III:	European Programme of Forced-Return Monitoring III
FRONTEX:	European Border and Coast Guard Agency
FY:	File Number
HEDNO:	Hellenic Electricity Distribution Network Operator
ICCPR:	International Convention on the Rights of the Child
IMDA:	Marangopoulos Foundation for Human Rights
IMPEL:	European Union Network for the Implementation and Enforcement of Environmental Law
IOI:	International Ombudsman Institute
IPCAN:	Independent Police Complaints' Authority Network
JMD:	Joint Ministerial Decision
KEPA:	Disability Certification Centres
MD:	Ministerial Decision
NPM:	National Preventive Mechanism against Torture
OAED:	Manpower Employment Organisation
OASA:	Athens Transport Organisation
OECD:	Organization for Economic Co-operation and Development
OEK:	Workers' Housing Association
OPCAT:	Optional Protocol to the UN Convention against Torture
OSCE:	Organization for Security and Co-operation in Europe
PAAYPA:	Provisional Insurance and Health Care Number for Aliens
PAAYPA:	Temporary Social Security and Health Care Number for Aliens

PWD:	Persons with Disabilities
RIC:	Reception and Identification Centres
SPT:	UN Subcommittee on Prevention of Torture
UN:	United Nations
UNCRC:	International Convention on the Rights of the Child
UNCRPD:	Convention on the Rights of People with Disabilities
UNHCR:	United Nations High Commissioner for Refugees



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