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Press Release

Annual Report 2013: “The proper operation of institutions is not a luxury”

“The proper operation of institutions is not a luxury, even in a period of economic crisis” stresses Ms Calliope Spanou, the Greek Ombudsman, in the annual report for 2013, submitted today to the Speaker of the Parliament, Mr. Evangelos Meimarakis.

“Nevertheless, the target of increasing the state revenues tends to take precedence over all other interests, rights, or even the institutional operation of the state itself. The basic issue at stake, therefore, is to what degree citizens’ rights and the commitment of the State to protect them can be compressed for the sake of its fiscal policy” comments the Ombudsman in the same report, which presents the work, the findings and the recommendations of the independent authority for 2013.

In 2013, the independent authority **completed 15 years of operation** and its dual, reforming and safeguarding role, remains crucial, more than ever before, due to the deep financial and social crisis experienced by the country. This is depicted in the large number of citizens’ complaints, – larger than any other year, submitted to the Greek Ombudsman in 2013.

“We aspire **to contribute in a composed and constructive way** in finding solutions, conform to the principles of good administration. Furthermore, we aim at creating safety valves for the rule of law, civil liberties and social rights of the citizens” said Ms Calliope Spanou commenting on the findings of the annual report. As shown by the statistical data for 2013, the majority of complaints submitted to the Ombudsman are related to the citizens’ inability to meet their financial obligations. In many such cases, the Ombudsman mediation does not aim at observing legality but at seeking the necessary measure of good administration and flexibility in the application of the regulations in force, in order to avert phenomena of excessive surcharge and financial exhaustion of the citizens.

More specifically, **the citizens’ complaints in 2013 mainly focus** on social security – pension problems and other financial matters, such as taxation, that seem to prevail due to the economic austerity and the restructuring of the public administration. The report, furthermore, presents with concrete examples the risk of regression concerning the protection of human rights, mainly of the most vulnerable social groups (poor, unemployed, disabled, immigrants). Finally, for the same reasons of fiscal policy, a series of other matters, such as children’s protection, gender equality at work, environmental impact of works and activities, are downgraded.

GREEK OMBUDSMAN 2013: A STATISTICAL ASSESSMENT

Unprecedented number of complaints: The 14,738 citizens' complaints submitted to the Ombudsman the previous year are a record number since the beginning of the institution's operation. In general, in the last two years, the rate of the increase is impressive (approximately 26% compared to 2012 and 38% compared to 2011).

This increasing trend is indicative of the trust shown by the citizens for the Ombudsman but it also seems to be in direct proportion with the intensifying **problems** arising from the management of the fiscal crisis by the state mechanism.

The bodies upon which the citizens' complaints focus are indicative of the above finding.

- More than one fourth (28%) of maladministration problems – with an increasing percentage – is found in the social security funds and public law entities supervised by the Ministry of Labour.
- The Ministry of Finance is next with 17.4%, with an increasing trend in the last two years.
- An increase is also noted in the problems related to Local Government, i.e. municipalities and regions, with a percentage close to 16%. Decentralized administrations (Foreign Nationals and Immigration Directorates) come next with 9%.
- Other bodies with maladministration problems are the Ministry of Public Order, with a fixed 6%, the Ministry of Education with 3.7% followed by other services (ministries, public law entities, private law entities of the wider public sector) with smaller percentages.

Services for citizens in numbers:

- 14,738 new complaints to the Ombudsman (4,411 submitted through the Internet– first year of full application of the online complaint form)
- 9,000 citizens visited the Citizens' Reception Bureau in Athens
- 32,300 citizens contacted the Ombudsman's Call Centre for advice
- 4,000 citizens' e-mails were answered

Complaints' analysis

Looking into the handling of complaints for 2013 that fall within the competence of the Ombudsman, it seems that:

- 54% were **valid**, i.e. the citizen's complaint was justified and there was actual maladministration.
- 81.5% of the valid complaints had a **positive outcome** at a big percentage and were resolved with the Ombudsman's mediation (which means that the citizen's problem was solved).

A different picture arises when the matter is related to **wider legislative and organizational proposals** to the leadership of public administration: from a total of 94 legislative proposals submitted by the Ombudsman in 2013, only 3 were accepted by the administration and 90 are still pending, while one was dismissed altogether. It seems that the administration is reluctant to respond positively to the Ombudsman's proposals, which, while realistic, are not in the fiscal priorities of its political leadership.

Apart from the complaints, in 2013 the Ombudsman proceeded to:

- **1 ex officio investigation.** It was conducted for the acceptance and advancement of foreign pupils enrolling to school with incomplete supporting documents.

- **43 public interventions.** Intensifying its mediation effort, the Ombudsman made public 43 issues of general interest related to wider population groups, intervening in this way in the public dialogue.
- **5 special reports**

SPECIAL REPORTS

More specifically, it is worth noting that **the special reports** constitute a useful methodological tool which gives the Ombudsman the possibility to gather findings and conclusions about a matter systematically investigated on the basis of the submitted complaints.

1. RACIST VIOLENCE IN GREECE AND ITS TREATMENT

The Ombudsman **proposes** inter alia in its special report specific legislative and operational measures for the more effective operation of the police units combating racist violence: investigation of possible racist motive, the security and protection of the stay of victims and essential witnesses, review of “Xenios Zeus” mass sweeping police operation, special training of police officers, thorough investigation of complaints against police officers so as not to give the impression of tolerance and cover-up. With regard to combating the racist phenomenon in the school community, the Ombudsman proposes organized discussions held by the schools, teachers’ support, establishment of conflict resolution procedures with the students’ participation and, in general, educational activities to inform and raise the awareness of the students and the school community.

2. IMPROVEMENT AND SIMPLIFICATION OF ADMINISTRATIVE PROCEDURES

It is a group of proposals pertaining to matters of the Code of Administrative Procedure, e-governance, administrative checks and out-of-court resolution of disputes but also individual matters regarding the improvement and simplification of administrative procedures with a view to serving citizens better. The Ombudsman in the special report proposes inter alia to widen the scope of the Code of Administrative Procedure to encompass entities of the broader public sector (Public Power Corporation, Athens Water Supply and Sewerage Company etc); to systemize and codify the provisions governing access to documents; to clarify the regulatory framework governing the processing times necessary in handling the citizen cases etc. The proposals for e-governance include the broadening of the procedures handled by KEP, the interoperability of information systems in public sector agencies/bodies such as KEP (One-stop centres) – TAXIS (Tax Information System), KEP-digitalized municipal population registers etc), the standardization of administrative procedures and documents and the establishment of a list of supporting documents for administrative procedures.

3. OBSTACLES IN THE EXERCISE OF BUSINESS – PROPOSALS FOR ITS SUPPORT (PART ONE): THE BUDGETARY DIMENSION

The Ombudsman focuses on the obstacles arising from the application of rules by public services for the collection and payment of debts, resulting in the shrinkage of the businesses’ liquidity. Furthermore, there are no effective debt settlement methods for the enterprises and no appropriate environment for the restart of their business.

In the special report, a series of measures are **proposed** to deal with problems of delay of the public services in paying their debts to private parties/ enterprises, but also to deal with the problems arising from the intensification of the method of finding and collecting debts (strict adherence to the provisions for the prescriptive date within which the debts of the public services should be confirmed in the ledger, adherence to the principles of proportionality and good administration when taking measures of compulsory distraint, provision of alternative payment methods of the debts e.g. via real estate transfer etc). In order to investigate the debt set-off possibilities between private parties/ enterprises and public services, the Ombudsman **proposes** the provision of real facilitations for enterprises affected by the economic crisis via settlements whose inclusion conditions will not be prohibitive and their beneficial results will not be able to be lifted by the State at any time, provided the entrepreneur adheres to the

settlement. Furthermore, to set off, under conditions, taxation and other financial liabilities towards the narrow public sector with a debtor's unquestionable and netted claims against local authorities and the wider public sector etc. **Many of the above proposals have already been accepted by the Administration.**

4. OPERATION OF THE DISABILITY CERTIFICATION CENTER (KEPIA)

The Ombudsman highlighted serious organizational problems in the examination procedure for the degree of disability of the citizens by the health committees of the newly founded center (KEPA), in the early 2013 (the operation and management of which were assigned to IKA-ETAM, Institution of Social Security), which caused big delays and corresponding protection gaps. The Ombudsman in its special report **proposes** inter alia to increase the number of doctors participating in the health committees, to add in the list a number of new diseases and defects for which invalidity for life is foreseen, to group the more frequent reasons of re-referral etc. Furthermore, in order to mitigate the consequences caused by big delays, to continue the insurance benefits and extend the health booklets' validity for the period reexamination by the health committee remains pending. **IKA-ETAM has responded positively for most of the proposed measures.**

5. COASTAL ZONE MANAGEMENT

The maladministration problems related to the coastal zone management concern non adherence to legal deadlines within which the shore zoning procedure, which is associated with the deficits of land services, is concluded. There are also inaction phenomena in the legislation implementation, checks and penalties. The Ombudsman in the special report **proposes** the staffing of the land services in every region with personnel of suitable expertise and their support with the necessary material-technical infrastructure for the determination of the shore; also the adherence to the deadlines by all services involved in the zoning procedure and the monitoring of the timely implementation of the procedures following the shore and coast zoning; the control of the Local Authorities Organizations by the land services regarding the proper management of the relevant land use concession rights; the control of the licensing following the illegally constructed works and the creation of appropriate audit mechanisms for the shore and coast zoning decisions and the concession contracts for the single use of the land zone of the port.

The 2013 special report on **combating discriminations**, as well as the annual report on **gender and work relations**, are included in the **annual report**, in separate sections, under the special competence of the Ombudsman as a body promoting equal treatment. The [full text](#) of the annual report may be found at the website of the independent authority: www.synigoros.gr.