

Profile of Partner Equality Body

Name:

Greek Ombudsman
Synigoros tou Politi

Address:

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Date established:

10 April 1998

Mode of establishment:

Enabling legislation: Law 2477/1997, amended by Law 3094/2003.
Constitutional Amendment 2001: Articles 101A & 103, par. 9.

Status:

Independent Authority
Law No. 3094, 22 January 2003
Title of Act: "The Ombudsman and other provisions"
http://www.synigoros.gr/en_law.htm

Mandate/objectives:

The Ombudsman's mission is to mediate between citizens and public services, local authorities, private and public organisations, with a view to protecting citizens' rights, combating maladministration and ensuring respect for the law. The Ombudsman also has the mission of defending and promoting children's rights (Art. 1 par.1, law 3094/2003).

Grounds of Discrimination covered:

Racial and ethnic origin, age, religious and other beliefs, sexual orientation, disability and gender (within a wider jurisdiction for human rights).

Competences and responsibilities:

The Ombudsman has jurisdiction over issues involving services of: a) the public sector, b) local and regional authorities, c) other public bodies; public private partnerships, public corporations, local government enterprises and undertakings whose management is directly or indirectly determined by the state by means of an administrative decision or as a shareholder. Banks and the Athens Stock Exchange are exempted. Whenever the term "public service" or "public services" appears in this law, it encompasses the services listed above. For the protection of children's rights the Ombudsman also has jurisdiction over matters involving the private sector and the violation of children's rights by natural or legal persons (Art. 3, par.1, law 3094/2003.)

Investigative power: The Ombudsman investigates cases in which a unit of the public service, whether individual or collective: i) by an act or by omission, infringes upon a

right or interest protected by the Constitution and the law, ii) refuses to fulfil a specific obligation issuing from a court decision against which there is no right of appeal, iii) refuses to fulfil a specific obligation imposed by a legal provision or by an administrative act, iv) acts in violation of the principles of good administration and transparency or in abuse of power, or fails to act in a lawful way (Art. 4 . law 3094/2003).

Type of remedy: Recommendation (non-binding). Refusal of public servants to cooperate with the Ombudsman is a disciplinary and criminal offence.

(Note: If there is tangible evidence of the perpetration of a criminal act, the Ombudsman shall refer the case to the competent public prosecutor. The Ombudsman relays to ministries reports on the findings of important cases in order to promote administrative remedies. Also, the annual report of the Ombudsman presents important cases and formulates recommendations for the improvement of the public administration through the adoption of legislative measures.)

Main activities:

Independent investigation is the Greek Ombudsman's main method of action. Findings have proven useful to individual complainants and NGOs for further legal proceedings. Advice is case based and part of the citizen/user-friendly orientation of the Ombudsman services.

Publications:

Annual Reports, thematic publications and leaflets:

http://www.synigoros.gr/en_index.htm

Contact the Ombudsman's offices for further information.

Management:

The Ombudsman of Greece with 5 Deputy Ombudsmen who head the following departments: a) Department of Human Rights, b) Department of Health and Social Welfare, c) Department of the Quality of Life (environment, urban planning, land use, public works, etc.), d) Department of State-Citizen Relations (quality of services provided, maladministration), and e) Department of Children's Rights.

The Deputy Ombudsman for Human Rights is acting Ombudsman in the Ombudsman's absence.

Nomination of senior staff and board:

The Ombudsman is nominated by the Parliament. According to the amendment of 2001, the Greek Constitution provides that heads of independent authorities (e.g. Greek Ombudsman) enjoying constitutional status are selected by the Conference of Parliament Chairmen (Presidium), with unanimity, if possible, or with an increased majority of four-fifths of its members.

The Deputy Ombudsman is appointed by decision of the Minister of Interior, Public Administration and Decentralisation on the recommendation of the Ombudsman. Staff members (senior and junior investigators) are selected through public competition by a committee presided by the Ombudsman and have indefinite contracts.

Number of Staff:

175 (including administrative support staff)

Budget:

€ 5 913 000 per annum (2005)

The Ombudsman proposes its budget to the Ministry of Finance for subsequent inclusion in the annual state budget and approval by Parliament.

Accountability:

Annual Report submitted to the Parliament of Greece. The relevant parliamentary committee may summon the ombudsman for a public hearing.

Additional relevant information:

The Law implementing the Race Directive and the Framework Employment Directive was recently passed by Parliament and its publication is pending.

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