

THE GREEK OMBUDSMAN

and the other independent authorities

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BACKGROUND

The creation of the institution of the Greek Ombudsman in 1997 reflects the steadily increasing strength of democracy in Greece. The starting point occurred in 1974 with the establishment of the first genuinely democratic regime in the country's modern history. Consolidation of the democratic system in the late 1970s and early 1980s was a major achievement, indicating a new maturity of Greek society and its political culture. Yet, the consolidation of democracy, while now considered an indisputable fact, had obviously left still considerable margins for an improvement in its quality.

Self-evaluation and the ability to create mechanisms of accountability easily accessible to citizens is one such critical aspect. Mechanisms of this nature make it feasible to identify in practice existing pathologies of the institutions and functions of the state (both central and local) suggesting the remedial actions to be taken wherever necessary. In this sense, grassroots accountability and control become additional complementary safeguarding tools of contemporary high quality democracy.

The Ombudsman is such an institution of grassroots accountability and control since it is primarily the citizens that trigger its business i.e. investigating complaints regarding problems they face during their everyday dealings with the state. As no Ministry oversees or restricts its operations, it is an independent authority reporting on a regular basis directly to the high-



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est level of government. According to its founding law, its aim is to protect citizens, to combat maladministration and to ensure observance of the laws through extra-judicial and mediatory means. Therefore, by its very set-up, it identifies existing pathologies of government in practice and acts as an early warning monitoring system indicating the path to be followed in order to remove everyday malfunctions in running the state. Thus, in a way, the Ombudsman is to the government what a market poll is to the economy: a politics-free listening tool, which, properly utilized, can allow for the fine-tuning of the state machine leading to the removal of its friction points.

Furthermore, the creation of the Greek Ombudsman is an additional step in developing the common institutional infrastructure necessary for streamlining the tools and political culture of the European Union member states¹, thus facilitating the creation of the new geopolitical entity currently in its makings. This role dimension has instigated a series of contacts and activities of the Greek Ombudsman with fellow institutions abroad (including the European Ombudsman and thematically responsible EU services) and has already resulted in officially established lines of cooperation, presented further below.

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SETTING UP A NEW MODEL

The headquarters of the Ombudsman are located at a central, easily accessed modern office building in Athens (5, Hadjiyanni Mexi str.). Nearby mass transportation networks (bus line and metro stops) and special street measures (restricted car parking, ramps, street signs) provide unimpeded access for people, including those with special needs. In a further effort to create a new model of public service and to increase effectiveness and transparency, up-to-date advanced modern electronic technology has been used throughout, while all levels of work are executed through electronic means and custom-tailored software programs. This not only facilitates day-to-day work, case monitoring and archiving, but also further allows for the automatic extraction of the all-important statistical data, which substantiate the findings. Independent researchers and students are welcome to use this information in specially reserved work-posts supplied with P.C. connected to the office network, while a staffed library has been created in order to provide the necessary bibliography support. The contents of the library are periodically increased by new volume additions while the staff is encouraged to request whatever editions it deems necessary for its work.

On 24 September 1998, the institution of the Greek Ombudsman was formally inaugurated and began accepting citizens' complaints as of 1 October 1998. The new institution was originally divided in four thematic Departments: "Human Rights", "Health and Social Welfare", "Quality of Life" and "State-Citizen Relations", headed by same-number Deputy Ombudsmen.

The first person selected to head the Office of the Ombudsman was **Niki-foros Diamandouros**, Professor of Political Science in the Department of Political Science and Public Administration at the University of Athens. He assumed office on 1 May 1998 and successfully held the post until the 15th of January 2004, at which time the European Parliament – in a tangible recognition of his effective contribution to the fight against maladministration - elected him as the new person to head the office of European Ombudsman.

In April 2004 he was succeeded to the Office of the Greek Ombudsman by **George Kaminis**, Assistant Professor of Constitutional Law at the University of Athens, (former Deputy Ombudsman of the "Human Rights" Department). He is assisted in his duties by five² Deputy Ombudsmen (see below) and a now increased staff of approx.198 scientific and administrative persons.

All Investigators (scientific staff) hold university degrees while over 3/4 of these hold post-graduate and PhD degrees. Unlike the Ombudsman Bureaus of other nations staffed almost exclusively by lawyers, the professional personnel of the Greek Ombudsman covers a wide range of specialization in order to be able to provide a comprehensive investigation on the complaints received through a multi-disciplinary approach. The selection of staff was completed in sub-stages in order to provide the time necessary to evaluate and validate the disciplinary needs of the different departments, based on the nature of the cases submitted by the citizens. Strict meritocracy was consistently observed in the process of the selection procedures

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attracting professional staff of the highest standing, an accomplishment which is one of the Authority's most significant assets.

JURISDICTION

The Ombudsman is an Independent Administrative Authority empowered by its founding law (2477/1997, amended by L. 3094/2003) to combat maladministration (i.e. acts in violation of the principles of good administration, transparency or in abuse of power), to defend citizens' rights and to ensure respect for legality (including acts of omission). The Ombudsman acts as an independent extra-judicial control body and mediator and his powers range from simple intervention aimed at resolving conflicts between citizens and public services through to the publication of the results of investigations conducted by the Authority. He has jurisdiction over issues pertaining to the public sector, first and second tiers of local government, public corporate bodies, public utility companies and cases related to the protection of the environment and, as of Feb. 2003, the rights of children. He can also proceed ex officio to the investigation of cases, which have aroused particular public interest. The Ombudsman can not investigate cases pending before a judicial authority and has no jurisdiction over government ministers or deputy ministers for acts pertaining to their political function. Furthermore, he has no jurisdiction over religious public corporate agencies, the military services with regard to issues of national defense and security, the National Intelligence Service, the Ministry of Foreign Affairs for matters related to the country's foreign policy, the Legal Council of the State and the Independent Adminis-

trative Authorities with regard to their main function.

As of the year 2000, the Ombudsman is also a member of two more bodies, which benefit from his experience on issues related to the protection of human rights and the fight against maladministration. These are the National Committee for Human Rights (full member) and the National Council for Administrative Reform (established by virtue of article 2 of law 2889/2000).

INSTITUTIONAL MEANS AVAILABLE

The institutional possibilities given to the Ombudsman to allow him to fulfill his mission are laid down in the Authority's founding law and operating regulations and include:

- The drawing up of an annual report with the work of the Authority, presenting the most important cases dealt with during the year, indicating pathologies of the administration and formulating recommendations for the improvement of the public services and the adoption of the necessary legislative measures. This report is submitted each March to the Speaker of the House Parliament. The annual report is debated in a special plenary session of Parliament, in accordance with the provisions of the Parliamentary Rules of Procedure, and is published in a special edition by the Government Printing Office. An abridged English version of this report is also prepared and made available to interested parties (also available in electronic form under www.synigoros.gr).

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- During the course of the year, the Ombudsman may submit additional thematic reports on important issues in need to be corrected. These reports are presented to the Prime Minister and to the Speaker of the House of Parliament and notified to the relevant ministries. These reports are also available under the above electronic address.
- The presentation of specific findings to the relevant minister and departments involved. Should there be no amending response on their part, the Ombudsman may proceed to publish his findings in the Mass Media.
- Should investigated cases come across sufficient indication of a criminal act, the Ombudsman hands over the case to the prosecuting authorities.
- unjustified discrimination on the basis of nationality or ethnic origin in the provision of administrative services;
- violations of the principle of meritocracy in selection procedures for public sector positions;
- denial of the right of petition or the right to effective legal protection;
- denial to implement irrevocable judicial decisions.

1998-2006 overall statistics show that of all complaints submitted to the Ombudsman, this department handled 12,970 cases i.e. a mean annual average of 15,7%³. Of this, approximately one third are filed by foreigners and economic immigrants. Their complaints are dealing with issues of discrimination based on nationality and point to the malfunction of the legal system governing entry, residence and employment of aliens as well as the existing naturalization procedure. Maladministration, in the wider sense of the term, is perhaps the most serious cause of human rights violations in this country.

The remainder of the cases handled by the Department concerned the investigation and substantiation of human rights violations committed by public bodies and pertaining to freedom of religion and religious belief, education, employment and professional freedom, equality of citizens, free access to information, freedom of the mass media, protection of personality and effective judicial protection.

STRUCTURE

The work of the Greek Ombudsman is currently divided into the following five areas/departments:

1. The "Human Rights" Department supervised by Deputy Ombudsman Andreas Takis. This undertakes cases involving individual, political or social rights. Cases of maladministration and other infringements of legal principle by public services are handled as violations of citizen's rights, which are protected by the Constitution, by international agreements, or by law. Investigations cover the full spectrum of public administration, including:
 - violations of personal freedom by the police;
2. The "Health and Social Welfare" Department, supervised by

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Deputy Ombudsman Patrina Papiropoulou. It is responsible for complaints concerning:

- social insurance, including pension rights, payment of and receipts for contributions, register of insured persons, etc.;
- health, including issues of public hospital and outpatient care, sickness benefits, health professionals and in general the National Health System;
- public health;
- welfare, including different benefits (for permanent disabilities, maternity, large families, social tourism, workers' housing, etc.);
- care of the elderly, children, people with special needs and the unemployed.

As of 2004 – following the implementation of Law 3293/2004 – this Department also includes the Ombudsman of Health and Social Solidarity, providing services to all citizens/users of public health services, focusing its mediatory and supervisory efforts on securing the rights and interests of vulnerable social groups (i.e. aged, poor, disabled, the Roma, refugees, aliens etc.). The cases handled cover a wide spectrum of public services, including hospitals, insurance funds, welfare services, prefecture health committees and the Treasury.

1998-2006 overall statistics show that this department handled 21,958 cases i.e. a mean annual average of 26.5% of all complaints submitted to the Ombudsman. The main problems with regard to administrative action were linked to instances of mal-

administration, particularly within social security institutions and Supplementary Insurance & Pension Funds. The fundamental conclusion to be drawn is that social administration, in as much as it is directly linked to major problem areas in this country, such as social security and health care, is riddled by excessive red tape, deficient organisation and operational insufficiencies.

3. The “Quality of Life” Department, supervised by Deputy Ombudsman Chryssa Hatzis. The Department investigates complaints regarding maladministration actions involving issues primarily related to:

- the built environment, (urban plans, building permits, violations of the Building Code),
- land uses (such as industrial parks, waste disposal or sewage treatment plants),
- the natural environment (i.e. violations of protection measures and restrictions pertaining to forests, lakes, rivers and coastline zones),
- public works misconstructions posing dangers to users or neighbouring properties,
- violations of legislated protection measures for monuments, historical settlements or traditional buildings,
- misconstructions or malfunctions of Public Utility Company networks,
- certain aspects related to the Port and Airport Authorities,

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(such as fair allocations of rented port zone open areas to restaurants and cafeterias) as well as the Armed Forces, and, finally,

- air, water noise and visual negative side effects of the above (pollution issues).

The investigations cover the actions of all levels (central, district and local) of public administration agencies such as the Ministry of the Environment, Urban Planning and Public Works, town planning bureaux, Prefectures, forestry, local authority technical agencies, et.al.

1998-2006 overall statistics show that this department handled 17,312 cases i.e. a mean annual average of 20.9% of all complaints submitted to the Ombudsman. Approximately two thirds of its complaints are related to issues falling within the responsibility of Local and Regional Authorities. The remaining findings clearly indicated extensive and serious violations of environmental legislation and particularly in ecologically vulnerable areas, such as those included in the NATURA 2000 network. Through its mediation work, as recorded in its reports and proposals for the improved operation of public services, the Department seeks to contribute to the administration's work in order to:

- Achieve the delicate, but crucial balance between the right to the environment and the right to property (in particular in connection with land use) as required by law, the Constitution and E.C. directives pertinent to the subject.
- Clearly specify essential concepts and rules contained in

national and community legislation on the environment. The recent revision of article 24 of the Constitution, which establishes the individual right to the environment and the principle of sustainability and expressly recognises the obligation of the state to draw up a forest and land registry, significantly extends the Ombudsman's capacity to investigate and mediate in environmental matters.

4. The "State-Citizen Relations" Department, supervised by Deputy Ombudsman Kalliopi Spanou. The Department is responsible for issues concerning information and communication with public services, the quality of services provided, maladministration by local government authorities, public utility companies, transport and communications, labor, industry, energy, taxation, customs, fiscal matters, commerce and state procurement, agriculture and agricultural policy, and education. The complaints submitted concern:

- Maladministration in general (including the civil service in the narrow sense, i.e. ministries, general secretariats, etc.);
- Tax Offices – taxation issues;
- Public Institutions of Education – Center for the Recognition of foreign academic titles
- Local government
- Billings of public utility corporations (water, electricity, etc.)
- Greek Post Office;
- Other public services (Customs, Deposit and Loan Fund, Treasury etc.)

1998-2006 overall statistics show that this department handled 29,650

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cases i.e. a mean annual average 35.8% of all complaints submitted to the Ombudsman. The most important instances of maladministration concern: general problems of organization in public enterprises; delays or refusal on the part of the services involved to respond to requests from citizens and supply them with requested information; incidents of direct violation of substantive law; anti-contractual behavior or failure to act as required by law. Moreover, the identification of cases of sudden and unjustified modification of the terms and conditions for receiving benefits and allowances, or the issuing of individual administrative acts, was of particular concern to the Department, since these cases constitute typical examples of the flagrant violation of the principle of justified trust, which should govern the actions of the administration. The non-enforcement of court decisions was the main cause of violation of the legality principle, a fact which led to the introduction of constitutional provisions allowing for sanctions, should the administration fail to comply with the decision of the court (article 95, paragraph 5 of the Constitution).

5. The “Children’s Rights” Department, supervised by Deputy Ombudsman Yorgos Moschos. The main object of this Department is the protection and promotion of children’s rights, fulfilling the mission of Children’s Ombudsman, which was assigned to the institution of the Greek Ombudsman by Law 3094/2003. Any person under 18 years old is defined as a child, and the Department investigates complaints that are submitted by the child itself, its parents or relatives, or by third parties who have become directly

aware of violations against the child (such as cruel treatment, not providing minimum obligatory education, etc.). Especially in cases of violations of children rights, the Ombudsman has competence for actions or omissions of private individuals, natural and legal entities – and in this respect his competence goes beyond the strictly public domain of the other four Departments, into the private (personal) terrain.

A significant part of the activity of the Children’s Ombudsman includes monitoring of the implementation of their rights, regular communication with children and the professionals working with them, and, finally, – based on the insight gained - formulating relevant institutional policy proposals.

2003-2006 overall statistics show that this department handled 863 cases i.e. a mean annual average 1% of all complaints submitted to the Ombudsman. The relatively limited number of overall cases is both a result of the shorter life period of the Department (three years vs. eight), the nature of the problems dealt with (personal vs. public administration) and the age of the beneficiaries (children vs. grown-ups) who do not know-of its existence or how-to use it. In order to by-pass these endemic obstacles and reach a wider number of beneficiaries, the Department has provided a special reception area for children at its premises, a free phone line for minors and a special website for children. As a result of these steps, the number of incoming cases increased by 6% in relation to previous year.

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MODUS OPERANDI

The Ombudsman undertakes the investigation of any issue in his jurisdiction, following a signed written complaint⁴ lodged by any directly concerned person or legal entity or union of persons that has dealings with the Greek public sector, whether inside or outside the borders of the state. A complaint must be lodged within six months from the date on which the applicant is informed of the acts or omissions for which he/she has the right of recourse to the Ombudsman. Complaints can be sent by mail, e-mail, or fax or can be delivered in person at the Citizens' Reception and Information Bureau located on the third floor of the building. This Bureau is staffed by Investigators on a daily rota basis assisting citizens in need of help to prepare their documents or advise them on the line of action they should follow to solve their problem. Likewise, two additional Investigators answer incoming phone calls of citizens. Through these means, the Ombudsman ensures direct, personal and friendly communication with citizens.

Furthermore, on an annual basis, the Ombudsman and/or Deputy Ombudsmen, followed by a skeleton interdepartmental staff, set up temporary premises each time at a different city (usually a regional administrative centre). Representatives of the Administration are also invited to attend. During these publicly pre-announced sessions (through local radio and press inserts), citizens are encouraged to visit the staff, receive information, discuss their problems and submit their complaints. Direct communication enables the Ombudsman to better understand the problems faced by people living outside Attica, to inform them about

the office, and to help them understand and take action concerning their rights. It also allows establish first hand contacts with the local public services/administrators, thus building a more personal line of communication, cooperation and trust. As mentioned earlier, the Ombudsman on his own authority (i.e. without receiving a written complaint), may also proceed to the investigation of cases.

Complaints received are entered in the electronic register. This allows the progress of each case to be followed easily and also ensures the essential follow-up, control and transparency in the operation of the institution. Once a complaint has been registered, it is given a preliminary examination ascertaining whether there are any reasons for which the complaint falls outside the Ombudsman's jurisdiction, as defined in the law, after which it is assigned to the relevant department. A letter is mailed out to the complainant, informing him/her of the department and name/phone number of the Investigator who has undertaken the case.

The investigation of a case follows a series of steps safeguarding the fairness of the results:

- Determine competency and jurisdiction parameters of the Ombudsman.
- Identifying all relevant to case legislation, E.C. directives, international agreements, etc.
- Contacting, by phone or in writing, the public service(s) / administrator(s) involved, communicating the nature of the complaint,

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in order to receive the other side's input and point of view. All public sector services are obliged by law to facilitate the investigation in every possible way. Refusal of a person or service to cooperate becomes the object of a special report by the Ombudsman to the competent Minister.

In many instances, this first contact proves sufficient mediation for the solution of the problem. If not, the actual investigation works starts by...

- Verification of actual case events. This often involves on-site visits of specialists (members of the Ombudsman's staff and/or outside experts) to establish the facts and parameters of the case. Furthermore, other aspects (such as possible negative environmental side effects, violations of constitutional rights, etc.), of which the complainant may not be aware, may be introduced to the case by the Investigator. In this way, the Ombudsman utilizes its inter-disciplinary staffing to carry out a more in-depth comprehensive approach⁵, not limiting the investigation to legal matters alone (i.e. the respect of legality). Once all the pieces are in, the Senior Investigator – often assisted by the input opinions of other scientific disciplines – proceeds to...
- Drawing up of conclusions and submitting solution/suggestions towards the public service/person(s) involved. The service is obliged by law to respond informing the Ombudsman on actions intended to be taken to remedy the problem, or to submit its' legally documented and

substantiated positions in case of non-agreement. Should there be no response, once again this becomes the object of a special report by the Ombudsman to the competent Minister or can be presented through the Mass Media (Press, TV). As stated earlier, should the investigation findings produce:

- a) Sufficient evidence that a public functionary, civil servant or member of the administration has committed a criminal act, the Ombudsman refers this to the relevant Public Prosecutor. Once a case has been turned over to the judicial system, the Ombudsman has no authority to intervene or even follow it up;
 - b) Establish that there has been unlawful behavior on the part of the public functionary, civil servant or member of the administration, the Ombudsman must submit a report to the competent supervising authority calling for disciplinary action.
- The Ombudsman may further define a reasonable time limit, in view of the circumstances, at the expiry of which, if no action has been taken, he may himself order the control.

A standardized electronic record is kept for each case, including its specific data/characteristics, a log of the investigation actions, inputs received, results, etc. This information is automatically passed on to a central data basis where it is statistically processed, providing the service with fingertip updated overall progress figures and facts (such as geographic distribution of complaints and admin-

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istrative services involved, thematic of complaints, etc.). It thus also acts as a special problem identification warning system by marking-out:

- Specific administrative pathologies with high occurrence rates. This then often leads to preparing special thematic reports focusing on the systematic weaknesses of the administration, which are then submitted to the Government. In year 2003 one such report was submitted (“Mobile Phone Base Stations”), followed by three reports in 2005 (“Administrative Detention and Deportation of Alien Minors”, “Law 2643/1998-Access to Employment of Disabled Persons, Victims of War, National Resistance Fighters etc.” and “Expropriation, Deprivation, Seizure on Property and Compensation”);
- Specific services or administrators with an unusually bad record, often the result of corrupt practices. In such instances, the Ombudsman contacts the responsible overseeing administrative authority (or the Public Prosecutor) so that an in-depth investigation is carried out and measures are taken to establish legality.

At the end of the year, each Department prepares input sections for the annual report. This includes a selection of important demonstrative cases corresponding to the findings of the statistical data, which bring forward specific pathologies of the administration. Conclusions are drawn and specific measures addressing the pathologies are proposed. The final document is submit-

ted by the Ombudsman to the Government no later than end of March.

OTHER INTERNATIONAL ACTIVITIES OF THE OMBUDSMAN

- *The EUNOMIA* programme operates under the auspices of the Office of the Council of Europe Commissioner for Human Rights with special funding from the Ministry of Foreign Affairs, and acts on the decisions of a three-member coordinating committee comprising the Commissioner for Human Rights, the European Ombudsman and the Greek Ombudsman, the latter supervising the programme. Decisions are carried out by the programme’s planning unit in Athens. This unit also directs and co-ordinates the activities of the 30-member panel of experts who contribute to the creation and provide support for the modus operandi of new ombudsman institutions in the countries of South-eastern Europe. *Eunomia* is carried out on a bilateral and a multilateral level, exchanging and transferring experience and line-of-action approaches between fellow European institutions, establishing links and building the necessary infrastructure which will allow a closer cooperation in a Europe moving towards a more united scheme. *Eunomia* is already playing an instrumental role in the Council of Europe action plan for the promotion of Ombudsman-type institutions and it has been commended by the Council of Europe, the OSCE and the European Ombudsman.

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- In addition, the Ombudsman continued and extended his contacts with his international counterparts (latest of which was its participation to a twinning project with the newly established ombudsman of Kazakhstan) and organized numerous capacity building seminars (such as the “Ombudsman’s oversight on the Police”, which took place on the island of Syros) and international conferences (such as the “10th Round Table of European Ombudsmen and the Council of Europe Commissioner for Human Rights”).
- The Ombudsman for Children Rights has also organised or/and taken part in similar international activities with thematic counterparts (such as the annual conference of the European Network of Ombudsmen for Children).

All of the above activities contributed substantially in the adhesion of the Greek Ombudsman to international networks related to ombudsman activities. These contacts also facilitated the transfer of experience and know-how, and enhanced its outward orientation, creating possibilities for initiatives and co-operation within the framework of both the European and the wider international community of ombudsmen. To the reader interested to find out about these activities in a more detailed level, it is suggested to request copies of the abridged annual reports (available in English) or seek information under www.synigoros.gr which is continuously updated in relation to the institution’s activities and outgoing reports.

ASSESSMENTS

The completion of approximately eight and a half years since the start of the Ombudsman’s activities is an appropriate milestone at which to draw some general conclusions concerning the progress of the Greek Ombudsman to date.

The Ombudsman emphasises in particular the conditions that ensure the success of the institution and safeguard its independence. These are: recognition by the citizen/user, the creation of a relationship of trust with the mass media and the support from the political leadership. The progress made has been satisfactory in all these areas.

Relations with the mass media have been established in an equally satisfactory manner. The ultimate aim of the Ombudsman is to promote its work by making its activities known to the public and informing citizens about its efforts. In the period of time that has elapsed since the establishment of the Greek Ombudsman’s Office, the latter seems to have successfully created information and communication mechanisms for the mass media based on mutual trust and openness.

THE OTHER INDEPENDENT AUTHORITIES

The foundation of independent authorities constitutes a novelty of the 2001 revised Greek Constitution. The revised constitution provides the establishment of five independent authorities. According to the provisions of articles 9A, 15par 2, 19par 2 and 103par 7, the protection of personal data, the control of radio and television, the secrecy of correspondence, and the engagement of em-

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employees in public administration are being ensured by independent authorities. A special provision (103par 9) refers to the Greek Ombudsman, but it does not specify exactly its competences. The competences of the Greek Ombudsman has been determined by law (3094/2003), issued according to the above, mentioned constitutional provision. Among Ombudsman's duties are the combat of male administration, the defense of citizens' rights and to ensure the respect of legality by public administration

The establishment of independent authorities sets up a new model of administration in Greece. Thus, the Greek Constitution includes also a provision (101A), which refers to all independent authorities and provides the rules regarding the appointment of their members, their tenure, the matters relating to the selection of their staff and the relation between the authorities and the parliament, determining the "external" limits of their "independence". The first clause of the above mentioned provision guarantees the personal and operational independence of their members. Such independence is similar to the independence that President of the Republic and the Judges enjoy. Personal and operational independence of their members is necessary, due to the nature of the duties entrusted by the Greek Constitution to the Independent Authorities: protection of individual rights (9A,19par2), regulation of radio and television (regulation of mass media's influence), mediation between citizens and public administration (103 par9) and guarantee of equality principle concerning the engagement of employees in public administration.

Their selection guarantees also that the members of independent authorities enjoy a wide approval. They are selected by decision of the Conference of Parliamentary Chairmen seeking unanimity or in any case by the increased majority of four fifths of its members (101A par2). The increased majority is an additional guarantee of their personal and operational independence, and secures their impartiality and integrity. According to the constitution, the agreement of the major political parties on the candidates is a precondition for their selection. There is no exception to the majority of the four fifths. Hence political parties have to come to an agreement.

Supervision over Independent Authorities is exercised by Parliament. It is a particular form of parliamentary supervision. Under the provisions of the standing orders of the Greek Parliament, every year every Independent Authority submits to the President of the Parliament a report with its proceedings. The Special Permanent Parliamentary Committee of Institutions and Transparency examines the report and publishes its findings, which includes the views of the minority.

The Greek Independent Authorities are the following:

Hellenic Data Protection Authority

The mission of the Hellenic Data Protection Authority is to supervise the implementation of Act 2472-1997 and the totality of regulations pertaining to the protection of the individual with respect to the processing of personal data. After the Constitutional revision on 2001 it is a constitutionally sanctioned authority (9A). The

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Authority strives to promote: respect of and protection as regards the rights of the individual, mutual cooperation between the individual and public administration-private enterprises, action of preventive, suppressive and corrective character in the field of personal data protection. The authority is composed of a judge of a rank corresponding at least to that of a Conseiller d'Etat as President, who may be on active service or not, and a Board of six members. Selection of the President and the Board is made according to the procedure specified above.

The Hellenic Data Protection Authority has the status of an Independent Authority. Despite the fact that, according to the law, the term used is that of an "independent public service", the Authority constitutes an exemplar of constitutionally sanctioned Authorities. The involvement of the Parliament in the selection of the members of the Board and the President, in combination with the obligation of the Authority to report to the Parliament, the violations in legislation and to submit an annual report consolidates its status of independence.

Greek National Council for Radio and Television

The Greek National Council for Radio and Television is an Independent Authority which regulates the radio television market, founded in 1989. It operates under the provisions of law 2863/2000. The mission of the National Council for Radio and Television under the provision of article 15par2 of the Constitution is to secure the enforcement of the constitutionally sanctioned principles regarding pluralism, quality and protection of childhood in relation to the

content of the television and radio programs. National Council for Radio and Television can also take the necessary measures that promote financial transparency of the radio and television market. Within the framework of its suppressive and corrective competences the National Council for Radio and Television can issue directives and recommendations addressed to the public and private enterprises, regarding the implementation of the legislation that regulates radio and television market. The Council can also impose fines upon broadcasting enterprises, due to violations of the regulatory framework. The Council is composed of the President, the Vice-President and five members. Their selection is made according to the provision of article 101A of the Constitution. Members of the Council are being appointed, persons who have become well known for their scientific grounding and their experience in respect to the fields concerning the competences of the Council.

Hellenic Authority for the Information and Communication Security and Privacy

It has been established under article 1 of the law 3115-2003, following the guidelines set in paragraph 2 of the article 19 of the Greek Constitution, in order to protect the secrecy of mailing, the free correspondence or communication in any possible way, as well as the security of networks and information. The concept of privacy encompasses the control of observing and regulating the terms and processes of waiving of privacy protection rights as foreseen by the law. The authority is able to investigate the facilities, the equipment and the files, kept by National Intelligence Service and by public and private en-

terprises dealing with correspondence and communication in any possible way. The Authority can impose seizure on means used to violate the rights protected by the law and the Constitution. Investigation of cases follows an individual complaint but the authority can also proceed ex officio investigations. The Authority is responsible to submit its decisions to the Minister of Justice. Every October all the activities performed and the actions taken are submitted to the President of the Parliament, the Minister of Justice and the Greek Parliament. The selection of the members of the Authority is made under the provision of article 101A of the Constitution. Members of the Authority can be selected persons who become well known as legal expertise or for their scientific grounding in respect to the field of telecommunications.

High Council for the Selection of Personnel

It has been established under law 2190/1994. After the Constitutional revision on 2001 it is a constitutionally sanctioned authority. Its competences according to article 103 par 7 of the Constitution include the control of the hiring of employees in the Public Administration and in the wider Public Sector. Hiring of employees in the above mentioned entities shall take place either by competitive entry examination or by selection according to predefined and objective criteria, and shall be subject to the control of High Council. High Council can also issue directives regarding the unitary enforcement of the criteria prescribed by the constitution and can control whether or not the hiring of personal provided to fill unforeseeable and urgent needs (103par2), is within the scope of the exception provided by the laws. The Authority is

composed of the President, two Vice- Presidents and a Board of 21 members. Members of the Authority should be selected among persons who become well known for their scientific grounding and enjoy wide acceptance. It is an additional qualification if they have served as judges. The selection of the members of the Authority is made under the provision of article 101A of the Constitution. The authority submits an annual report to the Parliament.

¹ The institution of the Ombudsman was first set up by Sweden just over 200 years ago and was progressively followed by other States since. Though each State has developed different legal frameworks governing the duties and activities of their Ombudsmen, the basic model has remained similar in nature, i.e. safeguarding the legality of state actions.

² As of July 2003 - following the April 17, 2001 Constitutional Reform's sanctioning Independent Authorities and the subsequent Feb. 2003 legal amendment (L. 3094/2003) – the number of Departments was increased to five in order to include "Children's Rights".

³ Since percentages vary slightly from year to year, average figures are presented in this report. Exact annual figures with extensive analysis of findings are presented in the Ombudsman's annual reports as well as their abridged English language versions.

⁴ Exception to this legal requirement is the complaints regarding children's rights, where a personal communication is sufficient to start the rolling of the ball.

⁵ This has been particularly appreciated by consequent court proceedings, as judges have often found the comprehensive case presentation very informative as to the parameters of the problem examined.

USEFUL LINKS

[The Greek Ombudsman
www.synigoros.gr](http://www.synigoros.gr)

[Citizens Service Centers
www.Ke.gov.gr](http://www.Ke.gov.gr)