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gUG (haftungsbeschränkt)

Reflexion – Institutional Oversight and Responsibility

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26. Juli 2026

Institutional Oversight and Responsibility

One of the central issues that emerged throughout numerous complaint procedures concerns the role and self-understanding of supervisory authorities. In principle, these institutions are expected to act independently, impartially and in the public interest, examining whether the organisations under their supervision comply with the law and uphold the principles of equal treatment and non-discrimination.

In practice, however, oversight often appears to be reduced to little more than forwarding the response of the institution concerned. Rather than conducting an independent assessment, the supervisory authority may simply adopt the position of the very organisation whose conduct is being questioned.

This effectively reverses the purpose of oversight. Instead of critically examining the actions of the institution, attention shifts to the legitimacy of the complaint itself. The result is a paradox: the organisation that may have committed discrimination effectively becomes the primary assessor of its own conduct, while the supervisory authority accepts its account without independently evaluating the available evidence.

Such an approach not only undermines public confidence in institutional oversight, but also conflicts with the principle of official investigation, which requires public authorities to establish the relevant facts independently, objectively and comprehensively. Where the



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pace and direction of proceedings are determined by the institution that is the subject of the complaint—whether through silence, delay or procedural justification—a structural imbalance of power emerges. The individual remains dependent upon the willingness of the very institution whose actions are under review.

Responsibility Beyond Procedure

An effective system of oversight should instead be guided by a simple principle:

"The existence of a complaint is a reason for independent examination—not for institutional passivity."

Beyond its legal responsibilities, the manner in which supervisory authorities communicate also carries an ethical dimension. An oversight authority that retreats behind procedural formalities while maintaining institutional distance leaves those affected with the impression that they are not being heard, but merely administered. In cases of discrimination, this experience is particularly burdensome, as the attempt to be heard may itself become another form of institutional rejection.

Within this context, a fundamental question arises: How independent can institutional oversight truly be if, in substance, organisationally and emotionally, it remains part of the very administrative structure it is expected to examine?

Summary – Responsibility, Power and Humanity

The way power remains connected to responsibility determines the moral quality of every public institution. Where structures begin to protect themselves, people lose their voice. A complaint is not an attack—it is an expression of trust: trust that a democratic state is capable of correcting itself. When that trust is disappointed, a complaint becomes a



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symbol of powerlessness.

Precisely where people are already in a vulnerable position because of disability, age or illness, the conduct of public authorities becomes a measure of the health of a democratic society. It reveals whether public administration continues to serve the common good—or has become an end in itself. Empathy, the willingness to listen, and the ability to acknowledge mistakes are not signs of weakness, but expressions of maturity and civilization.

Oversight exercised with humanity reflects the true spirit of the law. Oversight that hides behind procedural formalities betrays it.

Institutions protect the law

Oversight protects justice

Humanity protects dignity

Communication is Dignity

Dignity begins where nobody owns the conversation