



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

22 June 2020

Case Document No. 1

Greek Bar Associations v. Greece
Complaint No. 196/2020

COMPLAINT

Registered at the Secretariat on 28 May 2020

Urgent - Request for Interim Measure

Department of the European Social Charter
Directorate General Human Rights and Rule of Law
Council of Europe F-67075, Strasbourg Cedex

To:

The Executive Secretary of the European Committee of Social Rights,
acting on behalf of the Secretary General of the Council of Europe
(Rule 19)

COLLECTIVE COMPLAINT**(53) Greek Bar Associations v. GREECE**

pursuant to Article 1(c) of the Additional Protocol to the European Social Charter

Providing for a System of Collective Complaints

Articles 11, 13, 16, 17, 30 and 31§2 of the Charter (rev.) taken in conjunction with Article E

Athens, Thursday 28 May 2020

By email: social.charter@coe.int

Re: Introduction of a New Collective Complaint and Urgent Request for the Indication of Immediate Measures - {53} GREEK BAR ASSOCIATIONS v. GREECE

Dear Sir/Madam,

I take the honor to introduce a Collective Complaint against Greece, lodged by the vast majority of Greek Bar Associations, each representing all Lawyers practicing in the region defined by the seat of the respective Court. The submission is signed by the authorized Counsel/Advisor and the President of the Athens Bar Association, who is also President of the Coordinating Committee of Greek Bar Associations and President of the Plenary (Summit Meeting) of Presidents of Bar Associations across Greece, Mr. D. Vervesos. The rest 52 Greek Bar Presidents' authorizations to the counsel for lodging the submission and representation before the Committee are annexed.

If the Committee so requests, we are prepared to submit an extended version of the "violations' field", additional information and/or a summary of the Complaint, as well as any clarification and extra documentation that may be required.

Please kindly note that the annexed documents are sent in scans via "*wetransfer*", due to their size not allowing a direct email transmission.

The present submission contains the following sections:

- a. Admissibility: Information on Complainants – Counsel/Advisor(s) – Greece (pg.3-8)
- b. Statement of the Facts (pg.9-31)
- c. Violations of the European Social Charter (Revised) and Additional Notes (pg.31-52)
- d. Requests: d.1 for findings of violations of the Charter - adequate measures (pg.53)
 - d.2. for priority in the examination of the case – notes on the urgency (pg.53-56)
 - d.3. for Indication of Immediate Measures to Greece (pg.56-58)

Respectfully,

Electra – Leda KOUTRA

A. Admissibility

A.1. Information about the Complainant Bars representing by Law the interests of the entirety of Lawyers practicing in the respective regions of Greece – about their Counsel lodging the Complaint & Advisers

1. The Complainants are professional associations of Lawyers, in the meaning of, inter alia, the UN Principles on the Role of Lawyers¹ (preamble) which stipulate: *“professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest”*, whereas *“adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession”*.
2. In Greece there is no Pan-Hellenic Bar Association. The complainant Bar Associations are instituted by Law (Code of Lawyers, 2013, which amended previous legislative provisions) in the periphery of every First Instance Court and mandated to act as Unions promoting the professional interests of lawyers practicing in their area. Although they are “Legal Persons of Public Law”, their executive body is elected by its members and exercises its functions without external interference. In lack of a “Bar for all lawyers of the country”, Regional Bars (63 in total) function across Greece, as many as the Court Peripheries. They are mandated to act as Unions promoting the professional interests of all lawyers, without exception, practicing in their area.

¹ UN Basic Principles on the Role of Lawyers

Professional associations of lawyers

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

25. Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.

3. In order to practice as a lawyer in Greece, one must obligatorily be registered as a member of the geographically relevant Bar Association and carry an ID issued by the Bar. The interests of a lawyer practicing in Greece are represented collectively, up to the highest level, by their respective regional Bar.
4. More specifically, Law 4194/2013 (Code of Lawyers) reads:

Article 87 The Bar Associations

The lawyers who are appointed in the Region of each Court of First Instance and legally exercise their function in any Court constitute the Bar Association, in which they are obligatorily members.

Article 88 Headquarters of the Bar Association

Each Bar Association is located at the seat of the relevant Court of First Instance and receives its name from it.

Article 89 Administrative and financial independence

1. *Bar Associations are legal entities under public law, **in the form of a union.***
2. *Bar Associations are **not funded by the State Budget.** They have their own property, **financial, administrative and managerial autonomy and independence** and are **governed by elected Boards of Directors.***

Article 90 Purposes and responsibilities of Bar Associations

Bar Associations belong to:

- a) *The defense of the principles and rules of the rule of law in a democratic state.*
- c) *The care and attention for the assistance of the conditions for the dignified exercise of the lawyers' function.*
- d) *The care for the respect and honor that the lawyer must enjoy from the judiciary and any other authority in the exercise of his or her function.*

e) The formulation of opinions and proposals concerning the improvement of legislation, its interpretation and application. In this context, the Bar Associations are recognized as advisors to the state and must participate in the relevant legislative committees.

f) The formulation of views and proposals for the improvement of the operation and the administration of justice.

g) The exercise of interventions before courts and any authority (including independent authorities) on any matter of national, social, cultural, economic interest and content of interest to members of the association or the bar in general, as well as for any matter of national, social, cultural or economic interest. For the implementation and achievement of this purpose, the Bar Associations may submit a lawsuit, principal or additional intervention, report, lawsuit, statement of civil action, application for annulment, substantive appeal and generally any legal remedy and means of any nature before any court of criminal, civil, administrative or annulment or Audit of any jurisdiction in Greece, in the European Union, as well as before any international court. Also, for the above issues, they can intervene, in any appropriate way, in any competent authority in Greece, in the European Union, as well as in any other service or authority of international law.”

Article 93 Responsibilities of the President and representation of the Bar Association

1. The President convenes and directs the meetings of the Board of Directors and represents the association before any judicial or other authority and every legal or natural third person.»

5. On 22 May 2020 the Plenary (Summit Meeting) of Presidents of Bar Associations (a body which does not have legal personality) decided unanimously that all Bar Associations across the country will seize the present regional mechanism pursuant to Article 1(c) of the Additional Protocol to the European Social Charter, including with a request for interim measures, in order to safeguard the dignity of the lawyer’s Function in a democratic society and protect – including in an urgent manner- their members’ professional interests and social rights from further detriment, as well as to avert the continuation of horizontal violations of their social rights, a prospect which would devastate a large part among the lawyers practicing in Greece and directly lead them to abandon the profession in order for them and their families to survive.
6. Each Complainant has standing to act in order to uphold the interests of the Bar’s own members and have full representational capacity of these interests, acting by Law as a Union. Moreover, the President of the Plenary of Presidents, who is also President of the Athens Bar Association, which represents nearly half of Greece’s (45.000) lawyers, except from legally authorizing hereby the appointed Counsel to submit the present Complaint on behalf of the Athens Bar association and co-represent the Bar during the procedure, co-signs its text. Another 55 (please see below) Bar Associations have duly authorized the Counsel for submission. As per the

remaining few of the country's Bar Associations (Agrinio, Thessaloniki, Trikala, Rhodopi, Katerini, Florina, Chalkidiki, Volos, Zakynthos and Chios), it is hereby noted that although their Presidents had decided on 22-5-20 to seize the Committee, they subsequently did not send in time for the urgent submission of this Complaint the necessary documents that would allow for their representation in the context of the present Complaint. Approximately 85 % of Greece's Bar Associations seize the Committee today, therefore the Complainants are not only fully representative as per their own members' rights, but the present Complaint reflects in a representative manner the situation of lawyers practicing in Greece. Please find annexed the Complainants' authorizations to the Counsel to stand before the Committee in their representation for the needs of the present Complaint. Therefore, the undersigned Counsel has proper standing to address this Committee.

7. The 53 Greek Bar Associations (thereafter "Complainants") are represented, jointly and/or individually, by Counsel [Ms.] Electra – Leda KOUTRA, Athens Lawyer (Reg.No. 30484 ABA), Address: 42, Voulgaroktonou Str., PC 11472, Athens, Greece, Tel/Fax No: +30 210 6828997, cell: +30 6973 373937, ID No: AN 662005, tax No 046708345, web: www.electrakoutra.com. The Complaint is jointly signed by the President of the Plenary of Presidents of Greek Bar Associations, President of their Coordinating Committee and President of the Athens Bar Association, and the Counsel, who has authorization, mandate and therefore competence to represent the 53 Complainants before the Committee.
8. Besides the Counsel, the Athens Bar Association appoints 2 additional Advisers to support it in the course of examination of this Complaint: a) Mr. Papadopoulos Georgios, Lawyer, Athens Bar Association Reg. No 28544, Address: Formionos 19, 16121, Athens and b) Mr. Sotiropoulos Vasileios, Lawyer, Athens Bar Association Reg. No 27027, address: Mavromichali 9, 10679, Athens. The name(s) and title(s) of any possible future adviser(s) that may be needed for supporting the Complainants will be notified to the Committee according to its Rules of Procedure.
9. In the present field, the names of the Complainants and the Presidents of each Complainant Bar, who are by law mandated (see par. 3 of the Complaint) to represent each Bar Association and are those who have authorized the submission of the present Complaint, are listed below:

NAME OF THE BAR

PRESIDENT OF THE BAR

- | | |
|---|--------------------------------|
| 1. Athens Bar Association | Mr. VERVESOS Dimitrios |
| 2. Aigion Bar Association | Mr. BESKOS Georgios |
| 3. Alexandroupoli (Evros) Bar Association | Ms. TSIRTSIDOU Zacharoula |
| 4. Amaliada Bar Association | Mr. THEODOSIS Athanasios |
| 5. Amfissa Bar Association | Ms. NIKOLAOU - PITTA Stavroula |
| 6. Arta Bar Association | Mr. NIKOLAOU Michail |
| 7. Veria Bar Association | Mr. KARAVASILIS Fotis |
| 8. Giannitsa Bar Association | Mr. TANASKOS Christos |

9. Grevena Bar Association
 10. Gythio Bar Association
 11. Drama Bar Association
 12. Edessa Bar Association
 13. Evrytania Bar Association
 14. Ilia Bar Association
 15. Heraklion Bar Association
 16. Thesprotia Bar Association
 17. Thebes Bar Association
 18. Ioannina Bar Association
 19. Kavala Bar Association
 20. Kalavrita Bar Association
 21. Kalamata Bar Association
 22. Karditsa Bar Association
 23. Kastoria Bar Association
 24. Corfu Bar Association
 25. Kefalonia & Ithaca Bar Association
 26. Kilkis Bar Association
 27. Kozani Bar Association
 28. Corinth Bar Association
 29. Kyparissia Bar Association
 30. Kos Bar Association
 31. Lamia Bar Association
 32. Larissa Bar Association
 33. Lassithi Bar Association
 34. Levadeia Bar Association
 35. Lefkas Bar Association
 36. Messolongi Bar Association
 37. Mytilene Bar Association
 38. Naxou Bar Association
 39. Nafplio Bar Association
 40. Xanthi Bar Association
 41. Orestiada Bar Association
 42. Patras Bar Association
 43. Piraeus Bar Association
 44. Preveza Bar Association
 45. Rethymnon Bar Association
 46. Rhodes Bar Association
 47. Samos Bar Association
 48. Serres Bar Association
- Mr. PAPAIOANNOU Christos
Ms. BALITSARI Anthi
Mr. POULIOS Anastasios
Ms. GAISIDOU Lemonia
Mr. GALANOS Athanasios
Mr. DIMITROULOPOULOS Dimitrios
Mr. ROZAKIS Aris
Mr. BEZAS Nikolaos
Ms. MANARA – MAVRAKI Sotiria
Ms. NAKA Maria
Mr. GRAMMENOS Georgios
Mr. OIKONOMOU Andreas
Mr. XIROGIANNIS Periklis
Mr. ANIFANTIS Georgios
Mr. BALIAKAS Georgios
Mr. KALOUDIS Georgios
Mr. SAVVAOGLOU Savvas
Ms. ARTOGLOU Evropi
Mr. DIMITROPOULOS Christos - Dimitrios
Ms. EPIVATINOY Panagiota
Mr. PETROPOULOS Athanasios
Mr. CHATZIAMALOS Emmanouel
Mr. MAKRYGIANNIS Athanasios
Ms. BASDEKI Nikoletta
Mr. PARAOULAKIS Georgios
Mr. DALAMAGKAS Vasilios
Mr. GANTZIAS Gerasimos
Mr. PAISIOS Christos
Mr. VASILOUDIS Dimitrios
Ms. MARKOU Maria
Mr. ORFANOS Dimitrios
Mr. MALAKIS Konstantinos
Ms. MEMETZI Anna
Mr. ZOUPAS Athanasios
Mr. STAMATOYIANNIS Georgios
Mr. GEORGIΟΥ Thomas
Mr. MOUDRIANAKIS Evangelos
Mr. PERIDIS Vasileios
Mr. KOLLAROS Georgios
Mr. KARIPOGLOU Panayotis

49. Sparta Bar Association	Mr. KOMNINOS Panagiotis
50. Syros Bar Association	Mr. FIFLIS Konstantinos
51. Tripoli Bar Association	Mr. ANGELAKOS Ioannis
52. Chalkis Bar Association	Mr. GKIKAS Dimitrios
53. Chania Bar Association	Mr.DASKALAKIS Ioannis

10. The service address chosen for the purposes of this collective complaint is: Electra Leda KOUTRA, 14, Georgoula Str., GR-11524, Athens, Greece and at the email addresses (jointly): electrakoutra@yahoo.gr and olomeleia@dsa.gr.

Contracting party which violated the European Social Charter

11. GREECE
12. Greece is a Party to the European Social Charter (revised) which was signed in Strasbourg on 3 May 1996 and ratified by Greece by way of Law 4359/2016 (Official Gazette A 5/20.01.2016), the provisions of which are binding on it; it has accepted the procedure of collective complaints provided for in the Protocol; it has signed the Protocol (on 18-06-1998) and ratified it (on 18-06-1998)² by way of Law 2595/98 (Official Gazette 63/A/24-3-98); The Protocol entered into force on 01-08-1998. It has made no relevant “D” (Declarations, Denunciations, Derogations), nor limited the Charter’s Territorial Application, and has not raised any Objections. Greece had previously also ratified the European Social Charter of 1961 (by law 1425/1984).
13. This complaint concerns various provisions of the revised Charter, which are set out below, along and in conjunction with the prohibition of discrimination in the enjoyment of the rights protected by the Charter. In particular, the conduct of the Greek authorities in relation to social support given to all “non-scientist” self-employed who were recognized as “affected” by the Covid-19 pandemic, has deprived lawyers of their right to work, to work in a safe environment, to the protection of their health, to social security, to social assistance, to benefit from social welfare services, to social, legal, and economic protection for their families, to social, legal, and economic protection for their children, and even their right to housing; the Greek Government has harassed Lawyers practicing in Greece, by provocatively excluding them from social protection or providing inferior and inadequate social protection to them than to all other affected professional groups, allegedly on the basis of their professional qualities (being “scientists”) and, in substance, because of their Function in society entailing an HRD status (a Function that is essential and crucial, especially in times of crisis), which amounts to discrimination.
14. The conduct of the Greek authorities has resulted in failures in practice to implement the European Social Charter (Revised). We detail how this has happened below.

² https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=RkZeGj0i

B. Statement of the facts

15. Since mid-March, Courts and other services related to the Lawyers' Function have been closed and citizens have been quarantined in order for the Covid-19 spread to be contained, following the virus' characterization by the WHO as a pandemic³, and taking into consideration the dire condition of neighboring European countries such as Italy, where the virus had spread to large amounts of the general population.
16. For the purposes of swift legislative regulations in the interest of public health, the Greek Government proceeded to a series of Joint Ministerial Decisions and Acts of Legislative content, special procedures stipulated by the Constitution (please find annexed a translation of the relevant provisions of the Greek Constitution).
17. The legislative measures would aim in the direction of two axes; firstly, the promotion of self-isolation and social distancing, which brought about the closure of schools, Courts and many businesses and the restriction of financial activity for individuals; and secondly, the enhancement and support of the national health system and the national economy, which was already receiving blows both from the legislative measures of the 1st axis as well as the worldwide financial effects of the Coronavirus Pandemic in global markets.
18. It is hereby noted that upon the closure of Schools, many lawyers who have children had to remain at home and obtain a postponement of hearings on this account. It is also noted that as in Greece there are no provisions for homeschooling, it took weeks for the Government to set up a program of e-class: many parents had to communicate via email with schools, receive assignments, print them out and play the role of teachers to their children. Then, they had to upload them and send them back to teachers' emails. Even where e-class was made possible, children had to have a laptop or tablet of their own, which was not possible for all families. Some lawyers asked schools for support with laptops but the Ministry promised that it would distribute in the future a number of PCs or tablets that was highly inadequate to cover for the needs (one for every 45 students). But, even that, was not finally offered in time. The Ministry announced that the children would not "proceed" with the educative material, but, simply, "keep contact with their class" until Schools open again. In such context, lawyers with children had to devote a significant part of the day in tasks related to the occupation of their children and their educational and recreative activities in the house.
19. On 11-03-2020, a Legislative Content Act titled "Urgent measures to address the negative consequences of the occurrence of COVID-19 coronavirus and the need to limit its spread" was issued and published in the Governmental Gazzette (FEK) no. **55/A/11-3-2020**. **It provided for wide powers in the competent ministers to proceed to swift and wide-reaching regulations in order to stand up to the occasion of the Covid-19 pandemic and promote public health and order.**
20. Article 11 in particular stated:
"Article 11- Temporary suspension of courts and prosecutorial authorities- 1. For the purpose of avoiding the risk of occurrence or /and possibly COVID-19 coronavirus spread, which could have a serious impact on public health, the measure of provisional, partial or complete suspension of the operation of the courts may be ordered, including country's public prosecutorial authorities,

³ <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

and military courts, as well as the national School of Judges. 2. The measure referred to in paragraph 1 shall be imposed by joint decision of the Ministers of Health and Justice, and of Minister of National Defense in the case of military courts, following the opinion of the National Committee on the Protection of Public Health against coronavirus COVID-19. A similar decision shall also specify any relevant and necessary provision for the issues; suspension or extension of procedural time limits, suspension or extension of limitations; enforcement and enforcement procedures; provision of temporary judicial protection; as well as for all other issues that concern them under the temporary suspension arrangements courts and prosecutors' offices in the country”.

21. On 12-03-2020, Joint Ministerial Decision No. Δ1α/ΓΠ.οικ. 17734/2020 was issued and published in the Governmental Gazette (FEK) no. **833/B/12-3-2020**. It ordered the closure of all courthouses and prosecutorial offices in the totality of the Greek State, for the timespan of **13-03-2020 until 27-03-2020**.
22. As such, the activity of all courthouses from all jurisdictions and serving all legal fields were discontinued for this time-frame. This meant the discontinuance of not only court hearings, but any activity completed inside the courthouses. Not only were the locations barred from access to the public, but the activities of public servants working as administrative clerks in the Courthouses was also discontinued, either by law or voluntarily, since people did not wish to expose themselves to the health hazards of the pandemic.
23. The only exceptions from this general rule were procedures of a time-sensitive nature, such as in *flagrante delicto* procedures, criminal procedures at risk of prescription, injunction and interim measures petitions and petitions regarding remand prisoners close to exceeding 18 months of remand detention.
24. Therefore, a tiny and exceptional segment of lawyers' work was allowed to be brought forward during the pandemic, notably, in a context where no safety protection measures had been taken in Courthouses, in order to reduce the risk of contagion and to protect co-functionaries of Justice, including Lawyers, to catch the disease in the workplace which by its nature is “high-risk”.
25. No infrastructure or provision was or had ever been made along the years, despite relevant promises by previous governments, for the modernization of the legal profession in Greece, resulting in a dire situation where simple work which could be done electronically had to be done manually and in person, resulting in chronic issues of mass influxes in the Courthouses, long waiting lines, and useless burdening of citizens, lawyers and clerks, forcing them to work in outstandingly poor conditions, perceived by many as humiliating from both a human and a legal point of view.
26. On 16-03-2020, Joint Ministerial Decision No. **Δ1α/ΓΠ.οικ.18176/2020** was issued and published in the Governmental Gazette (FEK) no. 864/B/15-3-2020. It further regulated exceptions to the general rule of closure and ordered the continued closure of legal activity and courthouses until 27-03-2020, where the matter would be revisited.
27. On 17.3.2020 the Chairman of the Plenary Session of the Complainants sent to the Ministers of Finance, Justice and Labor a letter, requesting that lawyers be included in the affected sectors for which protection and support measures are taken by the State.
28. On 19-03-2020, Joint Ministerial Decision No. **Δ1α/ΓΠ.οικ.19738/2020** was issued and published in the Governmental Gazette (FEK) no. 936/B/19-3-2020. It ordered the closure of all Land Registries and Cadastre offices for the time frame of 20-03-2020 until 02-04-2020,

further limiting the already extremely narrow range of legal activities left for lawyers across the country. The closing of the Cadastre and land registries now added the ban on legal work pertaining to land titles and legal provisions on land. No provision of modernization existed for this strand of legal work, either.

29. On 19-03-2020, the **European Commission** adopted a **Temporary Framework** to enable Member States to use the full flexibility foreseen under State aid rules to support their economy and help overcome the extremely difficult situation triggered by the Coronavirus outbreak. From direct grants to authorized public loans to State guarantees for loans, the Temporary Framework provides for these types of aid, which can be granted by Member States. An amendment to the original Temporary Framework was adopted on 3rd April 2020. This amendment extended the original five types of aid within the Temporary Framework to include, inter alia, the facilitation of research and development and expanded production into Coronavirus related products, and to facilitate the protection of employment in the Member States. This Temporary Framework is based on Article 107(3)(b) TFEU and complements other possibilities available to Member States to mitigate the social-economic impact of the coronavirus outbreak in line with EU State aid rules, notably the possibility under Article 107(2)b TFEU to compensate specific companies or specific sectors for the damages directly caused by exceptional occurrences, such as the coronavirus outbreak.
30. By adopting the Temporary Framework on 19 March 2020, the Commission acknowledged (in Section 2) that “*the COVID-19 outbreak affects all Member States and that the containment measures taken by Member States impact undertakings*”. The Commission concluded that “*State aid is justified and can be declared compatible with the internal market on the basis of Article 107(3)(b) TFEU, for a limited period, to remedy the liquidity shortage faced by undertakings and ensure that the disruptions caused by the COVID-19 outbreak do not undermine their viability, especially of SMEs*”.
31. On 20-03-2020, Joint Ministerial Decision No. **Α1α/ΓΠ.οικ.12687/2020** was issued and published in the Governmental Gazette (FEK) no. 939/B/20-3-2020. Pursuant to article 15 of Legislative Content Act dated 11-03-2020. The JMD ordered the discontinuance of work for the Athens Central Asylum Service, restricting legal activity that lawyers could provide in the context of refugee and asylum law.
32. On 20-3-2020 the Greek Ministry of Finance announced in a Press Release⁴ that **Lawyers were included in the list of “affected sectors”. This recognition – inclusion was a prerequisite for receiving financial support.** More specifically, the P/R was titled “Activity Code Numbers (CAD) of the sectors affected by the spread of the corona” and stipulated that “The Activity Code Number (CAD) of the sectors affected by the spread of the corona is listed below. Private companies that own one of the following are included in the support measures. In the case of a four-digit KAD, all sub-categories of six-digit and eight-digit are included. In the case of a six-digit number, all categories of eight-digit numbers are included. It is noted that this list is dynamic and will change with the relevant Ministerial Decisions during the crisis.”. Lawyers’ CAD was included in the list, as was reasonably expected, given that Courts and relevant Services had been closed and lawyers were by Law required to “stay home”.
33. In the meantime and in the spirit of supporting national economy and protecting the citizens from financial ruin, **the Greek Government announced via its Prime Minister**, among other measures aimed at protecting workers and businesses, that **all affected freelancers and self-**

⁴<https://www.lawspot.gr/nomika-nea/kai-oi-nomikes-drastiriotites-sti-lista-ton-kad-poy-dikaioyntai-tin-enishysiton-800-eyro>

employed in Greece would be given a sum of 800 Euros, intended to cover for their immediate needs.

34. The goal of these measures would be the counterbalancing of loss of income from mid-March to the end of April 2020. Since the quarantine was projected to last until the end of April, and the national economy was in a state of paralysis, the ensuing situation of minimal or zero income would have to be mitigated by analogous measures to counterbalance the ongoing costs towards the Public sector. Such costs could include insurance dues, taxation, compensation of clerks or workers employed in a stagnating business, postponement in the payment of utilities, etc.
35. The President of the Athens Bar Association, and also President of the Plenary (Summit Meeting) of Bar Associations sent, on 17-03-2020, a letter to the competent Ministers, requesting affirmation of the lawyers' inclusion in the package of financial relief and proposing certain measures that would further relieve legal professionals from further harm (annexed).
36. On 18-03-2020, the inclusion of, specifically, lawyers in the groups for which the 800 EUR sum would be provided was confirmed by the Minister of Development⁵⁶; the tax category "legal services" was included in the Governmental list of affected professions⁷ to be supported.
37. On 19-03-2020, the Prime Minister of Greece, Mr. Mitsotakis, reiterated the Governmental assurance that freelance lawyers would be included in the measures of financial relief⁸ and would receive the support of 800EUR⁹. A notice was posted on the website of the General Secretariat for Citizen's Protection, further confirming the above and repeating the affirmations also included in the non-paper of 18-03¹⁰, while the Minister for Development, Mr. Georgiadis, also repeated the aforementioned assurances, stating "*well, we did close the courthouses.....so it goes without saying that they [the lawyers] would be included in the [800EUR] package*"¹¹.
38. On March 20th, the Minister of Finance, Mr. Staikouras, gave a press conference and also adhered to the initially announced measures of financial endorsement and the inclusion of lawyers in the package¹². This position was uploaded as an official press release in the Ministry's website¹³.
39. On 20-3-20 Plenary Session of Bars' Presidents published an Announcement informing that lawyers on were included in the affected sectors of the economy and would therefore be granted the following measures of relief: a) 800 euros for the period from 15/3 to 30/4, b) suspension until 31.7.2020 of Obligations (payment of VAT, installments of regulations, etc.),

⁵ <http://www.mindev.gov.gr/%cf%84%ce%bf%cf%80%ce%bf%ce%b8%ce%ad%cf%84%ce%b7%cf%83%ce%b7-%cf%85%cf%80%ce%bf%cf%85%cf%81%ce%b3%ce%bf%cf%8d-%ce%b1%ce%bd%ce%ac%cf%80%cf%84%cf%85%ce%be%ce%b7%cf%82-%ce%b5%cf%80%ce%b5%ce%bd/>

⁶ https://www.youtube.com/watch?v=zhOEQbn_0_U&feature=youtu.be&t=121

⁷ <https://www.minfin.gr/web/guest/-/ypologizetai-oti-perilambanontai-peri-tis-440-000-idiotikes-epicheireseis-me-1-ekatommyrio-ergazomenous-kai-meniaio-tziro-peri-ta-6-5-dis-euro-?inheritRedirect=true&redirect=%2F>

⁸ <https://twitter.com/PrimeministerGR/status/1240704667274764289>

⁹ <https://primeminister.gr/2020/03/19/23609>

¹⁰ <https://www.civilprotection.gr/el/22-hrisimes-erotiseis-kai-apantiseis-gia-ola-ta-nea-metra-kai-tis-rythmiseis-shetika-me-ton-koronoio>

¹¹ <https://www.youtube.com/watch?v=6fRtUaXkdV0&feature=youtu.be&t=466>

¹² <https://www.youtube.com/watch?v=T-5gLBbure0&feature=youtu.be&t=77>

¹³ <https://www.minfin.gr/web/guest/-/d-t-topothesi-tou-ypourgou-oikonomikon-k-chrestou-staikoura-gia-ten-trite-desme-metron-antimetopises-ton-oikonomikon-epiptoseon-tou-koronoiou?inheritRedirect=true&redirect=%2Fweb%2Fguest%2Fanakoinoseis>

- c) suspension for 3 months of insurance liabilities EFKA and ETEAEP, starting in February 2020, d) suspension for 3 months of payment of loan obligations to Banks and Debt Management Companies by statement of the debtor to the creditor Bank, if the latter is aware, etc.
40. On the same day, another legislative content Act was issued and published in the Governmental Gazette (no. 68/A/20-03-2020). Article 8 stipulated that the exact procedure and means of receiving the incoming financial support would be promptly regulated within the week by JMD of the competent Ministers.
 41. Although this level of support can be considered largely incapable of covering for the needs of a large part of the lawyers practicing in Greece, and although it would be significantly smaller than the one afforded to Greek Lawyers' European Colleagues (please find a brief comparative study prepared by the NGO Lawyers Without Borders Greece, annexed to the present Complaint), the news of monetary support as an immediate aid were received with great relief, whereas efforts were being made to widen the scope of the package to include trainee lawyers¹⁴, and other measures for freelancers.
 42. The requested measures also included stalling in the payment of taxes, utilities etc., which so far had been reserved for businesses of a more structured nature, and not for freelancers, who legally merge their physical entity status with their legal entity status when registering with Taxation Services to open their law office.
 43. On 23.3.20 the President of the Plenary of Presidents addressed a letter to the Ministers of Finance, Labor and Justice with a request to include the trainee lawyers too in the measures of protection and support.
 44. On 23-03-2020, a ban on circulation of citizens was decided by the Greek Government.
 45. Lawyers agreed with the circulation measures, given that in reality it was not a "general ban" on circulation, but a "restriction" in movement.
 46. This measure was legally enforced as an implementation of the Legislative Content Act adopted by the Greek Government to deal with coronavirus. Regarding Legislative Acts, according to Art 44 of the Constitution: *"In exceptional cases of extreme and unforeseen urgency, the President of the Republic may, on a proposal from the Council of Ministers, adopt legislative acts. Such acts shall be submitted to Parliament for ratification in accordance with the provisions of Art. 72 par 1 within forty days of their adoption or within forty days of convening the Parliament in session. If they are not submitted to the Parliament within the aforementioned deadlines or if they are not approved within three months of their submission, they shall cease to apply"*.

¹⁴ As institutionally weaker members of the professional field, and as a way to protect the lawyers cooperating with them; traineeship is mandatory in Greece for 18 months before one is allowed to sit for the bar. No legal provisions exist to fully determine the status of the trainee in the work field, often leading to their exploitation as providers of cheap labor, and the inherent perpetuation of a public discourse that denigrates them to mere clerks or secretaries instead of fledgling colleagues who ought not to be subjected to a hierarchical scheme of financial dependence. In turn, no State legal or financial scheme exists for lawyers or legal offices or firms who wish to recruit (and not "employ") trainee lawyers in order to teach them the practicalities of the legal profession. As such, the lawyer is demeaned to the position of "employer" instead of "colleague" and expected to provide and bear all financial burdens that might come with a "worker". This further perpetuates humiliating discourse and the assumption of the elevated financial situation of lawyers harming freelancers and actually advantaging legal corporations, institutionally stronger entities.

47. Since then, legal circles widely discussed, as would be reasonably expected, the implications that this crisis could have on fundamental rights.
48. The Bars raised the issue of auctions of citizens' 1st residence, because of debts to banks, and made public interventions about this, including during the Covid-19 crisis.
49. The situation of prisons was also an issue of concern, as the Government had not taken any decongestion measures and had forbidden access of lawyers to prisons for long.

Exclusion of lawyers from benefits

50. Amidst mounting discussion of Governmental policies, it was decided that they would "after all" be excluded from the 800 euro support. The news reporting the lawyers' sudden exclusion from the financial relief measures, while 70% of working persons had been included, surprised lawyers, as well as society. It was initially difficult to believe and awaited confirmation.
51. On 24-03-2020¹⁵ the Government announced that lawyers would be excluded¹⁶ from any financial support, "because they are scientists" ("επιστήμονες")¹⁷. To be precise, while legal activities were still in the list of Codes of Professional Activity (CAD) that were to receive support from financial blows which were sure to cripple them, the updated legislative provisions via their wording essentially excluded them from immediate monetary support such as the 800EUR package.
52. On 25.3.20 the Complainants' Plenary's Coordinating Committee made an announcement, stating that the exclusion of lawyers among the affected branches for which protection and support measures would be taken was evident and a reminder that "the legal profession has been severely affected by the statutory suspension of the operation of , the Mortgage Offices and Cadastral Offices imposed by the State, the abstention of bailiffs, the underperformance of public services and the ban on the movement and movement of citizens, all of which do not allow judicial or extrajudicial work. In essence, the courts and law offices are closed. Lawyers are tested more than any other branch of the self-employed, and a large part of them not only cannot meet their current obligations, but also face the risk of survival, both for themselves and and for their families. That in other European countries (eg Spain, Italy, France, Germany, etc.) lawyers were included in the supported affected sectors. "
53. This spurred unprecedented criticism, but also terrified most lawyers, who shifted from flaming social issues to their own, wondering how they would ensure their own survival.
54. Subsequently, it was announced that the Government would be providing them with Training Vouchers of 600 EUR worth¹⁸.
55. On 27-03-2020, Joint Ministerial Decision No. Δ1α/Γ.Π.οικ.21159/2020 was issued and published in the Governmental Gazette (FEK) no. 1074/B/28.03.2020. It ordered the continuance closure of all courthouses and prosecutorial offices in the totality of the Greek State, for the timespan of **28-03-2020 until 10-04-2020**.

¹⁵ <https://www.amna.gr/pr-print/209091>

¹⁶ https://www.efsyn.gr/ellada/koinonia/236675_tha-paroyn-oi-dikigoroi-epidoma-ton-800-eu

¹⁷ <http://www.avgi.gr/article/10811/10865477/tmema-dikaiosynes-syriza-o-g-broutsese-anairese-ten-exangelia-tou-prothypourgou-gia-katabole-800-euro-pros-tous-dikegorous>

¹⁸ <https://www.makthes.gr/ti-provlepei-i-nea-desmi-metron-poy-paroysiase-o-g-vroytsis-268430>

56. On 27-03-2020, the Minister of Employment and Social and the Minister of Justice as well as the Minister of Finance and the Minister of Development, via press releases¹⁹, stated the following “clarifications” on the financial support to be given to freelancers and self-reliant business owners, particularly specific fields characterized as “scientific in nature”, when lawyers were categorized.

57. According to the “clarifications”, people employed by individuals belonging in these categories legally (with a contract of dependent employment) were eligible for the package of 800EUR. Other than that, they would benefit from stallment in certain payments to the Public sector and be granted Training Vouchers worth 600EUR.

58. The joint press release stated, regarding the not-yet legislated measures:

“The Government is directly supporting 166,000 scientists, coming from all 6 key disciplines: Lawyers, Doctors (including dentists, psychiatrists and other medical staff), Engineering / Architects, Economists / Accountants and Researchers through an open program, 180mil. EUR high, with a voucher, with the method of asynchronous teleconferencing. The program will aim at upgrading the digital skills of the beneficiaries and the digital transformation in the relevant industry.

An educational allowance will be paid in two installments upon completion of each module. Beneficiaries will also receive certification for training courses. The program will be implemented directly by the General Secretariat of Labor of the Ministry of Labor and Social Affairs and will be co-financed by resources. Beneficiaries’ educational allowance will be EUR 600 for each of them and will cover 100 hours of training.

The Government is taking responsibility for the country’s scientific potential, adopting fast and efficient active support policies, not only to support it financially in the crisis caused by the coronavirus, but also to develop its skills by building new technologies and digital tools, useful for the profession or function, irrespective of the age or professional experience of its representatives. At the same time, it is working towards a speedy return to regularity by taking all appropriate measures to allow all disciplines to recover their incomes. To this end, it has already been decided to extend this judicial year.

We stand by everyone, with solutions that suit every group of the country’s active population. We turn the crisis into an opportunity for growth and learning”.

59. On the same day (27.3.20) the Board of Directors of the Athens Bar Association issued a Press release stating that lawyers decry the Government's withdrawal from the payment of the 800 euro allowance to lawyers as well as [decry] the participation of lawyers in subsidized voucher training programs (€ 600 each) which is a provocative mockery that underestimates everyone's intelligence. The Athens Bar Association claimed: a) The inclusion in the allowance of € 800, as it is a matter of survival, but also of dignity of the bar, b) The inclusion of lawyers, as an affected sector, in the status of reduction of rent for professional housing, c) The abolition of the obligation to pay a “work fee” (τέλος επιτηδεύματος), d) The abolition of advance tax payment for next year, e) The immediate activation and payment of the unemployment benefit from the special account of OAED for Lawyers, which has been set up with the money of

¹⁹ <https://www.eea.gr/epikairoτητα-eea/pos-tha-stirichthoun-giatri-michaniki-ikonomologi-logistes-ekpedeftiki-ke-erevnites/>

lawyers since 2011, as well as the information - accountability from the competent bodies for its management to date, f) The immediate payment of public debts to lawyers, in particular the debts of TACHDIK from legal aid, the debts of public and wider public sector bodies to cooperating lawyers and debts from benefits in kind and money of EFKA, past years, g) The exceptional granting of tax and insurance information for a certain amount, which will be set, in order to enable the collection of the debts owed by public and wider public sector,; h) The suspension of the power outage by PPC, during the current period of the pandemic, for all the citizens who may have debts, i) The suspension of the electronic seizure process in citizens' bank accounts during the current period of the pandemic, j) legislation of the suspension of loan obligations, informed and non-debtors, to banks and claims management companies from loans and credits, k) Ensuring the possibility of electronic filing of the declaration for the conduct of the trial without the presence of a lawyer and a party, where this is provided for procedurally)

60. Also, on 27.3.20 the Plenary Session's Coordinating Committee publicized an announcement in which it says that the Government has the obligation, legal and moral, to observe what has been announced by the Prime Minister himself and to grant the allowance of 800 euros to each lawyer and the reduction of the rent of the professional roof. This is the claim of the whole bar, primarily for reasons of principle and dignity.
61. In addition, on 27.3.20 a resolution of the Board of Directors of Aigion Bar was publicised, in which it states that "We have dignity as a branch and we are not beggars. And we will always have this dignity. You want to downplay the contradictory decisions, the prime minister and the co-responsible ministers, the legal function in the middle of a pandemic when you have devalued the sector that has been hit hardest by any scientific sector, with an aid that ended up a voucher via training centers when other sectors receive fully the 800 euro allowance, when they are hit by only reflective effects»
62. On 28.3.20 a resolution of the Board of Directors of Larissa Bar was issued, which condemns in the most unequivocal way the backwardness of the Government, regarding the inclusion of the sector in the affected professional groups that are entitled to the 800 euro allowance, and rejects the training coupons of 600 euros. He says that "in today's" war "era, the government must defend equality and show social sensitivity in practice" and insists on a fair request for 800 euros in emergency financial aid for lawyers, as announced by the Prime Minister himself.
63. Lawyers as freelancers and self-employed persons were thus excluded by omission from the package of immediate financial relief that would provide them with at least some liquid financial resources to be able to sustain themselves, at least for the immediate future and the particular demands of a life in quarantine while raising a family.
64. The utterly devaluating character of the employment of a scheme to selectively "combat illiteracy" of the most well educated segment of the population, in the middle of the Covid crisis, in order to allegedly avert the risk of poverty and soothe the consequences of State-ordered closure of Courts and banning of movement, infuriated and humiliated lawyers.

- Further than that, though, it could not be translated into actual funds²⁰. It could not feed the children, pay the rent, pay taxes and contributions.
65. Not only their collection would run to the future and be uncertain and bureaucratic, but they were reportedly interlinked with the ESPA programme, an EU funding program aiming to **combat illiteracy** in the digital world.
 66. According to no. 1.5188 / ok.3.968 / 2011 JMD (Government Gazette 915 / B / 20.5.2011), the Training Voucher system concerns the operation of a system of provision and management of education and vocational training services that enables the immediate beneficiaries to receive training services from EKEPIS (National Lifelong Learning Structures Certification Center) certified according to predefined pricing units for such services.
 67. The training voucher most obviously would incorporate a specific financial value with the sole purpose of exchanging it with education and training services. The use of the above model of service enables the beneficiaries to choose the service and the body from which they will receive such services according to their personal needs²¹.
 68. For the most well educated part of the population, the indicated support during the Covid-19 crisis months March and April would therefore be 100 hours of “education” and a prospect of receiving education vouchers²². At the same time, categories of beneficiaries of the 800 euros were enlarged, so as to include not only professionals, but also voluntary athletes and other similar groups²³. The “additions” were attributed to an exploitation of good public relations of some individuals with the Government.
 69. The exclusion of lawyers was largely attributed to the targeting of the profession in Greece, which has been mounting during the previous years.
 70. A huge outcry followed²⁴ on the part of lawyers, who perceived the recent stance as “persecution”, having culminated via a series of victimizing treatments and events during the past few years²⁵. Large segments of the lawyers’ community declared extremely traumatized and devaluated. Many wondered if they are going to feed their kids with education coupons while they are not enabled to work and are required to stay at home.
 71. The media circulated the lawyers’ decry of their treatment by titles such as “lawyers reject the support of 600 euros offered to them and ask for their inclusion in the 800 euro scheme”.
 72. A series of comments in regular on-line media and social media attacked lawyers for allegedly being dishonest with their taxes, being rich, not in need of support and like.
 73. The Athens Bar Association declared in a statement, *inter alia*, that: “*The Board of Directors of the Athens Bar Association condemns in the most manifest way the provocative withdrawal of the Government on the issue of the 800 euro allowance. When the Prime Minister himself and the allied ministers, unequivocally and unconditionally, assured that lawyers will receive*

²⁰ <https://www.lawspot.gr/nomika-nea/ti-simainei-ekpaideytiko-epidoma-600-eyro-pros-epistimones>

²¹ <https://gogosgrouplaw.gr/%CF%84%CE%AF-%CE%B5%CE%AF%CE%BD%CE%B1%CE%B9-%CE%BF%CE%B9-%CE%B5%CF%80%CE%B9%CF%84%CE%B1%CE%B3%CE%AD%CF%82-%CE%BA%CE%B1%CF%84%CE%AC%CF%81%CF%84%CE%B9%CF%83%CE%B7%CF%82-%CF%80%CE%BF%CF%85-%CF%80%CF%81/?fbclid=IwAR0dX4ZzFm5Xr38BTAOqAVhQjbFkt7QL-406loUVLlceBbfjBxVql-THyXk>

²² <https://www.newsbeast.gr/financial/arthro/6147996/vroytsis-i-kyvernisi-prochora-amesa-sti-stirixi-ton-epistimonikon-kladon-tis-choras>

²³ <https://www.betarades.gr/theloun-to-epidoma-twn-800-eurw-oi-podosafiristes/>

²⁴ <https://www.cnn.gr/news/ellada/story/213109/dikigoroi-empaigmos-to-voucher-ton-600-eyro-prosfevgoy-n-gia-to-epidoma-ton-800>

²⁵ <http://www.avgi.gr/article/10842/10871679/sp-lappas-giati-exairountai-oi-dikegoroi-apo-to-epidoma-ton-800-euro->

the allowance and right afterwards disputed themselves, it is not just a matter of political inconsistency, but of the depreciation and stigma of an entire sector, which in the present urgent circumstances is fully deprived of its income²⁶. It is, after all, irrefutable that lawyers, more than any other branch of the self-employed, are tested by the coronavirus pandemic, as courts, registries and land offices are suspended by law, public services are under-served, law enforcement officers and bailiffs have declared a suspension of services and a ban on the movement of citizens has been imposed, which, as a result, does not allow judicial or extrajudicial work. In the face of the existential agony of a for-profit industry, a large part of which is no longer able to meet its current obligations and meet its needs, today's announcement of lawyers' participation in funded training programs via vouchers (worth 600 Euro each) constitutes a provocative mockery, which underestimates everyone's intelligence."

74. In order to further provocatively insult the sector of lawyers, keeping to its decision to not provide to them a financial assistance, the Greek Government announced its decision to "prolong the judicial year" (suspending the summer judicial leaves), reassuring the lawyers that they will be able to work in July, in order to counterbalance the damage from the Courts' preceding long closure.
75. In the meantime, governmental officials and MPs proceeded to public statements regarding the matter which further exacerbated the feelings of indignation and humiliation experienced by lawyers nationwide.
76. A narrative then emerged that the vouchers would somehow be translated into actual funds, after completion of the modules. However, no precise and legally justified explanation was provided for this claim.
77. The treatment of lawyers, as paired to the proposed "solution" of suspending Judicial vacations, spurred an immediate reaction from the Prosecutors' Union (Judges and Prosecutors were not consulted prior to such decision), which addressed the Government with a fierce response²⁷, ending with the phrase: "*we invite you to review the decision to adopt this measure, which will undoubtedly prove to be ineffective, and to take the necessary steps to properly and promptly financially support the lawyers, who are co-functionaries of Justice, but without including in them hasty, fragmented and ineffective solutions, which have no purpose other than to further entrench the system of attribution of justice*".
78. The Union of Administrative Judges also circulated on 29-3-20 a press release in support of the lawyers²⁸: "*NOTICE ABOUT THE EXCLUSION OF LAWYERS FROM THE BENEFIT OF 800 EUROS: The Association of Administrative Judges considers it unfair to exclude self-employed lawyers from the 800 euro allowance, as they too suffer from the consequences of the health crisis and supports the just request of lawyers and law firms to be included in the measure*".
79. On 30.3.20 an announcement of the Coordinating Committee of Bars' Presidents was issued, with which it again requested what is mentioned in the press release of the Athens Bar

²⁶ "...περί απαξίωσης και ονειδισμού ενός ολόκληρου κλάδου, που στις παρούσες έκτακτες συνθήκες στερείται πλήρως του εισοδήματός του."

²⁷ Public Statement available here: https://www.ethnos.gr/ellada/96873_oi-eisaggeleis-diamartyrontai-gia-tin-paratasi-dikastikoy-etoys

²⁸ https://edd.gr/index.php/updating/announcements/334-800-subsidy-lawyers-exception-announcement?fbclid=IwAR0zXnolASZzJx55jrChnEvu5_WYr1knmnE8wh-xogKxFn7lhumeS2psbFs

Association of 27.3.20, insisting on the allowance of 800 euros, without any “education” prerequisite.

80. On 31.3.20 an announcement of the Plenary Session of the Bars’ Presidents was issued, in which the Plenary expresses its explicit and unequivocal opposition and continues to consider “a mockery” the Government's attempt to show, as a means of direct financial support for lawyers, the issuance of a 600-euro tele-training check through the NSRF program. Instead of the compensation of ‘800 euros for special purpose’, taking advantage of the dire financial situation in which the sector has fallen and the need for the survival of colleagues, and requests
- A. The granting of compensation for special purpose, amounting to 800 euros, for March and April, according to Government announcements and the Prime Minister himself, B. The removal of the unjustified exclusion of lawyers from the reduction of the rent for their professional housing, C. The payment of the unemployment benefit from the special account of OAED, which consists of contributions paid exclusively by lawyers since 2011. It demands accountability for the management of this amount to date, D. The direct payment of the debts of the State to the lawyers (and in particular: - debts of TACHDIK from the legal aid.- the debts of the bodies of the State and the wider public sector to the cooperating lawyers. - debts from benefits in kind and in cash of EFKA of previous years), E. The abolition of the obligation to pay a performance fee (τέλος επιτηδεύματος). F. The abolition of the «advance tax» of the next year. G. The rapid advancement of e-justice proceedings H. The exclusive granting of tax and insurance information up to an amount, in order to enable the collection of the debts owed by the public and the wider public sector. I. The inclusion in the protective framework of practicing lawyers. I. The legislation of the suspension of loan obligations, informed and non-indebted, to the banks and the companies managing claims from loans and credits. IA. The suspension of power outages for this critical period of time for all Greek citizens.
81. On **2-4-2020** the Prime Minister announced in public that lawyers would “for now” be supported via education, but **committed that they would be immediately afterwards included in the 800 Euro allowance scheme, like the other self-employed, which they would receive at the onset of May 2020.**
82. On, 2-4-20, in execution of the above mentioned announcement dated 31.3.20 of the Plenary Session of the Bars’ Presidents, followed a) a letter of the President of the Plenary Session to the Minister of Labor and the Commander of OAED for the activation of the Unemployment Account in favor of lawyers and b) On 6-4-20, a letter from the President of the Plenary Session to the Minister of Justice and the President of TACHDIK on the acceleration of the liquidation and repayment of the due remuneration for legal aid
83. It should be noted that in the Communication from the European Commission – Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak, **19 March 2020**, OJ C 91I, 20.3.2020, p. 1-9, as amended by Communication from the Commission C(2020) 2215 final of **3 April 2020** on the Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 112I , 04.04.2020, p. 1–9, **it was clear that lawyers could and should be multiply supported during the crisis, including by financial benefits.**
84. Even without knowing that the EC had supported this prospect, it was received with great concern that lawyers in almost all EU member States had already been supported by State and EU funds. Even lawyers in non EU member States, such as the neighbouring Albania, had received EU support in the form of a financial benefit, in order to be supported during the

crisis. This was reasonable, as Courts, along with Schools, were the first premises to close in order for States to contain the transmission rate and rapid spread of the virus.

85. On 6-4-20 there was an announcement of the Board of Directors of the Athens Bar Association in which it declared that it adopts in its entirety the above mentioned decision of 31.3.2020 of the Plenary Session.
86. On 7-4-20 the Plenary Session of the Board of Directors and the Athens Bar Association sent a joint letter to the Minister of Finance, the Presidents of the ISA, the TEE, the OEE, requesting the immediate subordination of scientists - freelancers to the reduction of professional roof rent.
87. On 10-04-2020, Joint Ministerial Decision No. Δ1α/Γ.Π.οικ.24403/2020 was issued and published in the Governmental Gazzette (FEK) no. 1301/B/11.04.2020. It ordered the continuance closure of all courthouses and prosecutorial offices in the totality of the Greek State, for the timespan of **10-04-2020 until 27-04-2020**.
88. On 16.4.20 a report of the Board of Directors of Aigion Bar was sent to the Ministers of Development and Finance for the omission of support measures for lawyers and non-payment of the tele-education benefit of 600 euros, despite the contrary announcements.
89. On 21.4.20 the Coordinating Committee and the Plenary Session of Bars' Presidents made an Announcement in which they declared that the telecommuting scheme is a mockery and a monument of sloppiness, with its content completely degraded, while the installments for it have not been paid as it was announced and they ask for payment again of the special benefit allowance of 800 euros for the period 15-3 to 30-4. They note that there is also a growing potential for digital filing and digital decision making. The Plenary Session also states that it adheres to the assertion framework, as decided at its meeting on 31.3.2020.
90. On 22-4-2020 it was announced in the media²⁹ that in a few days a segment of Civil Courts would open. This mainly referred to procedures facilitating bank transactions and loans (mortgages etc). The proceedings would exceptionally take place without litigants and lawyers.
91. On 22-4-2020, and while many lawyers had already spent 100 hours suffering largely incomprehensible (often making no sense at all), hastily drafted texts, the Prime Minister announced that the training programs are abolished and that "scientists" would receive 600 euros in cash, irrespectively of whether they had engaged in the on-line training or not. He relevantly declared to the media: *"...the key to upgrading the skills of trainees and creating added value to the economy was to create a quality training content. Unfortunately, the content, in many respects, was not what corresponds to such a Program. And, of course, it does not fully serve the purpose for which it was originally chosen by the Government. For this reason, after a relevant research was preceded by a decision of the Prime Minister, the program of financial support of scientists via telecommunications is abolished. However, the scientists to whom the Program concerned will normally receive the aid of 600 euros for the month of April without other pre-conditions. [...] In the midst of an unprecedented health crisis, the government is not stopping reforms. Things happen in a few days or weeks that haven't been done for years. We are building, together, an effective State that inspires confidence. Any failures, as in other cases, are identified and corrected."*
92. Given that the news surfaced documents proving that the European Commission had approved the support to self-employed, the preceded hardship seemed completely unexplainable to the lawyers' sector, **especially given the fact that among the so-called "scientists", only**

²⁹ For example, <https://www.capital.gr/epikairoτητα/3447656/giati-anoigoun-prota-ta-dikastiria-stoxos-i-xorigisi-daneion-epanekkinisis>

lawyers' work had been truly and to such an extent shut down by State's decisions and relevant urgent legislation. It also seemed unexplainable, since the "training scheme" would be abolished, why all the "non-scientist" affected professionals would not be immediately included in the general aid scheme and receive a sum that is equivalent to the one received by the general category of the self-employed in the country. Moreover, what would happen with May, when the Courts were clearly expected to remain closed? Lawyers were relying on the PM's previous assurances that in May lawyers would receive 800 euros of aid, just like other affected freelancers.

93. On 24.4.20 the Board of Directors of Aigion Bar decided to send a letter to the Prime Minister for a) immediate payment of the allowance of 800 euros for the months of March, April, as was done in all affected sectors through the AADE platform, b) on compliance with the PM's announcement before the Greek Parliament and his commitment to support scientists in May with the allowance of 800 euros. The decision states that: "*In the midst of a pandemic, the state must also take care of lawyers and their families who have come to a standstill. The lawyers' sector does not deserve such disparaging behavior that has now become mockery.*"
94. On 25-04-2020, Joint Ministerial Decision No. Δ1α/Γ.Π.οικ.26804/2020 was issued and published in the Governmental Gazzette (FEK) no. 1588/B/25.04.2020. It ordered the continuance closure of all courthouses and prosecutorial offices in the totality of the Greek State, for the timespan of **28-04-2020 until 15-05-2020**. The only exceptions from this general rule were procedures of a time-sensitive nature, such as in *flagrante delicto* procedures, criminal procedures at risk of prescription, injunction and interim measures petitions and petitions regarding remand prisoners close to exceeding 18 months of remand detention, also few actions brought before an Administrative Court were allowed as long as personal attendance of the parties was not required.
95. On 28.4.20 the President of the Plenary Session of Bars' Presidents sent a letter to the Ministers of Finance, Labor and Development-Investment for the payment of the allowance of € 600 (after the abolition of tele-education scheme) to those who did not manage to submit a declaration for engaging in tele-education.
96. On 3.5.20 the Coordinating Committee of the Bars publicized an announcement - intervention by which it was requesting the payment of 800 euros to the lawyers for May according to the announcement of the Prime Minister of 2.4.2020
97. On 4 May 2020, the general ban on movement was lifted. A lot of restrictions remained regarding the use of means of transportation, gatherings, working hours of services etc.
98. On 6.5.20 a joint letter was sent to the Prime Minister by the Panhellenic Medical Association, the Plenary Session of the Presidents of the Bar Associations of Greece, the Hellenic Dental Federation and the Coordinating Committee regarding the Ministerial Decision on the granting of compensation for a special purpose, in May, amounting to 800 euros, to the scientific branches of the country.
99. By electronic notification of 6 May 2020, Greece notified (out of time) aid in the form of wage subsidies to support self-employed individuals including self-employed managers of small undertakings in sectors affected by the COVID-19 outbreak ("Special purpose compensation to support undertakings due to the onset and spread of COVID-19") under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, as amended ("the Temporary Framework").

100. Since the beginning of the coronavirus outbreak, many³⁰ State aid measures have been adopted under Article 107(2)b, Article 107(3)b and under the EC's Temporary Framework, including Greece³¹. The relevant entry was registered for Greece on 27-4-2020 and has as follows:

State Aid Cases

SA.57165 COVID 19 – Wage subsidies to self-employed

Member State:	Greece
Legal basis primary:	Art. 107(3)(b) TFEU – Remedy serious disturbance
Legal basis secondary:	Covid-19 – Temporary Framework Covid-19
Aid instrument:	Other
Case Type:	Scheme
Duration:	until 31.12.2020

Notification or Registration Date: 27.04.2020

DG Responsible: Competition DG

2020/N

³⁰ https://ec.europa.eu/competition/state_aid/what_is_new/covid_19.html

³¹ 7 April: €1 billion Greek scheme providing repayable advances to support the economy in the coronavirus outbreak (press release: IP/20/611)

8 April: €1.2 billion Greek scheme providing grants for SMEs to support economy in coronavirus outbreak (press release: IP/20/624)

30 April: Modification of Greek guarantee measure to support companies affected by the coronavirus outbreak (press release: IP/20/786)

5 May: €10 million Greek scheme to support companies in the floriculture sector affected by the coronavirus outbreak (press release: IP/20/809)

11 May: €500 million Greek scheme to support the self-employed affected by coronavirus outbreak (press release: IP/20/858)

Decision on 11.05.2020: Decision not to raise objections

Press release: [IP/20/868](#)

Decision Text: Letter to the Member State – authentic language [en](#)
Published on 12.05.2020

101. The letter (in English) of the EC to Greece, dated 12-05-2020, describing the situation on the ground and the aid requested and approved, is annexed to the present submission. The Complainants would like to highlight some among its contents that describe the aid asked for by Greece, as if it included lawyers, and also the several **admittances** about the damage provoked to freelancers – the self employed, including by measures taken by the State:

“2. DESCRIPTION OF THE MEASURE

(4) Greece considers that the COVID-19 outbreak has started to affect the real economy and threatens the continuation of business activities by self-employed individuals that have partially or entirely suspended their activities due to the compulsory closure of enterprises and the significant effect, both on demand and supply, of the restrictions and containment measures enforced by the national authorities in response to that outbreak.

[EC letter’s footnote No3 is placed hereby, which reads as follows:

The compulsory closure of undertakings and the significant effect of the restrictions, both on demand and supply, have taken a severe toll on economic activity. The Greek Government has imposed the closure of all business operations that are considered of high risk for the spread of the virus, namely the ones involving high concentration of people i.e..... As restrictions and compulsory closure measures are still in effect and may also continue, the impact on economic activity is gradually increasing. The Ministry of Finance estimates that more than 790,000 businesses with monthly turnover of approximately EUR 8.3 billion, are forced to closure or ceasing of their activities or are significantly negatively affected by the imposed restrictions and the downturn of the economy.]

The measure thus aims to preserve employment which, due to the COVID-19 outbreak, would otherwise have been affected and to allow undertakings to resume their activities immediately after the confinement period.

(5) By the measure, the Greek authorities aim to ensure the continuation of business activities of self-employed individuals in sectors that have suffered significant loss of business due to the COVID-19 outbreak. The measure forms part of an overall package of measures and aims to counter the serious disturbance inflicted upon the economy by the outbreak and to preserve the continuity of economic activity during and after the outbreak.

(6) To the extent the scheme is co-financed by European Structural and Investment Funds (ESIF), the measure will be implemented in full compliance with the rules applicable under these Funds.

(7) The compatibility assessment of the measure is based on Article 107(3)(b) TFEU, as interpreted by Section 2 and Section 3.10 of the Temporary Framework.

2.1. The nature and form of aid

(8) The measure provides aid in the form of direct grants as compensation to selfemployed, including self-employed managers of small undertakings, for the loss of income suffered for the period 17 March 2020 to 30 April 2020 in sectors that have suffered significant loss of business due to the COVID-19 outbreak.

2.2. Legal basis

(9) *The legal basis for the measure is:*

- *Article 8 of the Legislative Act of 20.03.2020,³² as amended by Article 1 of the Legislative Act of 13.04.2020,³³ and Article 3 of Law 4684/2020,³⁴*
- *Article 6 of the Act of a Legislative Content of 20.03.2020,³⁵ 25 authorized by Article 1 of Greek Law 4683/2020,³⁶ and Article 8(1) of the same Act, as amended by Article 1 of the Act of a Legislative Content of 13.04.2020,³⁷*
- *the Joint Ministerial Decision No 39162 /16.04.2020,³⁸ the Joint Ministerial Decision No 88/24.04.2020³⁹ and the Joint Ministerial Decision No 89/25.04.2020⁴⁰ of the Ministers of Finance, Development and Investment, Labour and Social Insurance,*
- *the Joint Ministerial Decision No 19024/17.03.2020,⁴¹ the Joint Ministerial Decision No 21268/28.03.2020⁴² and the Joint Ministerial Decision No 24406/10.04.2020.⁴³*

³²Act of a Legislative Content ‘Urgent measures to address the consequences of the risk of coronavirus COVID-19 spread, to support society and business initiative and to ensure the proper functioning of the market and the public administration’ (Government Gazette A’ 68/20.03.2020).

³³ Act of a Legislative Content ‘Measures to address the consecutive consequences of the coronavirus COVID-19 pandemic and other urgent provisions’ (Government Gazette A’ 84/13.04.2020).

³⁴ Greek Law 4684/2020 “Ratification of the Act of a Legislative Content of 30.03.2020 ‘Measures to address the coronavirus COVID-19 pandemic and other urgent provisions’ (A’ 75) and other provisions” (Government Gazette A’ 86/25.04.2020).

³⁵ Act of a Legislative Content ‘Urgent measures to address the consequences of the risk of coronavirus COVID-19 spread, to support society and business initiative and to ensure the proper functioning of the market and the public administration’ (Government Gazette A’ 68/20.03.2020).

³⁶ Greek Law 4683/2020 “Ratification of the Act of a Legislative Content of 20.03.2020 ‘Urgent measures to address the consequences of the risk of coronavirus COVID-19 spread, to support society and business initiative and to ensure the proper functioning of the market and the public administration’ (A’ 68) and other provisions” (Government Gazette A’ 83/10.04.2020).

³⁷ Act of a Legislative Content ‘Measures to address the consecutive consequences of the coronavirus COVID-19 pandemic and other urgent provisions’ (Government Gazette A’ 84/13.04.2020).

³⁸ Joint Ministerial Decision No 39162 ΕΕ 2020/15.04.2020 ‘Special purpose compensation to support undertakings due to the onset and spread of COVID-19’ (Government Gazette B’ 1457/16.04.2020).

³⁹ Joint Ministerial Decision ΓΔΟY88/24.04.2020 ‘Amendment of the Joint Ministerial Decision No 39162 ΕΕ 2020/15.04.2020 and extension of the deadline of the relevant applications until 28.04.2020’ (Government Gazette B’ 1578/24.04.2020).

⁴⁰ Joint Ministerial Decision ΓΔΟY89/ 25.04.2020 ‘Amendment of the Joint Ministerial Decision No 39162 ΕΕ 2020/15.04.2020’ (Government Gazette B’ 1587/25.04.2020).

⁴¹ Joint Ministerial Decision Δ1α/ΓΠ.οικ. 19024/17.03.2020 of the Ministers of Development and Investment, Citizen Protection, Labour and Social Insurance, Health, Culture and Sports, Interior ‘Imposition of the measure of the temporary prohibition of private undertakings’ operation in the whole territory of Greece for the period 18.03.2020 – 31.03.2020 to limit the spread of coronavirus COVID-19’ (Government Gazette B’ 915/17.03.2020).

⁴² Joint Ministerial Decision Δ1α/ΓΠ.οικ. 21268/28.03.2020 of the Ministers of Development and Investment, Citizen Protection, Labour and Social Insurance, Health, Culture and Sports, Interior, Infrastructure and Transport ‘Imposition of the measure of the temporary prohibition of private undertakings’ operation and other meeting places in the whole territory of Greece for the period 28.03.2020 – 11.04.2020 to limit the spread of the coronavirus COVID-19’ (Government Gazette B’ 1081/28.03.2020), as amended by the Joint Ministerial Decision Δ1α/Γ.Π.οικ.22821/03.04.2020 (Government Gazette B’ 1167/03.04.2020).

⁴³ 15 Joint Ministerial Decision Δ1α/ΓΠ.οικ.24406/10.04.2020 of the Ministers of Development and Investment, Citizen Protection, Labour and Social Insurance, Health, Culture and Sports, Interior, Infrastructure and Transport ‘Imposition of the measure of the temporary prohibition of private undertakings’ operation and other meeting

2.3. Administration of the measure

(10) *The Directorate General for Financial Services of the Ministry of Finance is responsible for administering the measure. It will be supported in its functions by the Independent Authority for Public Revenues.*

2.4. Budget and duration of the measure

(11) *The estimated budget of the measure is EUR 500 million.*

(12) *The measure will be co-financed by European Structural and Investment Funds (ESIF).*

(13) ***Aid may be granted under the measure no later than 31 December 2020.***

2.5. Beneficiaries

(14) ***The beneficiaries of the measure are self-employed individuals and self-employed managers of small undertakings of up to 20 employees active in Greece which are negatively affected by the COVID-19 outbreak. Financial institutions are excluded from the measure.***

(15) ***Pursuant to Article 2 of the Joint Ministerial Decision No 39162/16.04.2020, a self-employed individual¹⁶ is a person who practices a freelance profession⁴⁴***

(49) *The measure aims at preserving employment by compensating self-employed individuals and self-employed managers of undertakings with no more than 20 employees for a loss of income resulting from measures adopted at national level to respond to the COVID-19 outbreak, which affects the wider economy and has led to severe disturbances of the real economy of the Member States. In particular, it aims at supporting self-employed individuals and self-employed managers of small undertakings whose business activities are suspended, significantly reduced or even ceased, in compliance with a State order, and whose income is reduced, if not lost.*

102. On 8.5.20 an announcement of the Plenary Session of Greek Bars was published, requesting the immediate implementation of the government's commitment for the granting of special compensation for the month of May, amounting to 800 euros, as well as a) the immediate payment of the amount of 600 euros (April) to those beneficiaries who had not received it so far, b) the abolition of the otherwise reduction of the VAT rate for court proceedings and the exemption from the obligation to be subject to VAT for incomes up to the amount of 25,000 euros, c) the reduction by 40% of the rent for professional housing and for the month of May, as well as the reduction, by 40%, of the rent of student housing, children of lawyers, which today are not covered by the current regulation, d) the exemption of lawyers from the performance fee of this year, otherwise its drastic reduction, in proportion to income, e) the inclusion of lawyers in subsidy programs for a restart of their law firms, as well as lending with state support, as provided for other freelancers. The Plenary Session reiterated that, as it has repeatedly stated, the financial support of lawyers is not only an economic issue, but is, above all, a matter of dignity and the necessary condition for the proper performance of their institutional role.

103. On 11-5-20 parliamentary control was initiated under the theme “relief measures for lawyers and rest of scientific sectors in Greece”.

104. On 12-5-20, the Bar, following up on previous moves on the issue of upcoming massive auctions of citizens’ only homes, made a massive public call to social organizations and unions.

places in the whole territory of Greece for the period 12.04.2020 – 27.04.2020 to limit the spread of the coronavirus COVID-19’ (Government Gazette B’1299/10.04.2020).

⁴⁴ The notion of self-employed individual is defined in Article 2 of Greek Law 4387/2016 (Government Gazette A’ 85/12.5.2012), as replaced by Article 22 of Greek Law 4670/2020 (Government Gazette A’ 43/28.2.2020).

The call was titled “*Call of the President of the Plenary Session of the Presidents of Bar Associations of Greece to the institutional, social bodies of the country for the formation of a common front for the protection of the first home and the establishment of a joint committee to formulate specific proposals, in the form of a draft law on private and red loans*” and included the following:

“The President of the Plenary Session of the Presidents of Bar Associations of Greece, Dimitris Vervesos, sent a letter today to the President of the Supreme Administration of Public Employees’ Associations ADEDY, Ioannis Paidas, the President of the Greek Embassy GSEE, Ioannis Panagopoulos, the President of the Athens Chamber of Commerce (EEA), Giannis Chatzitheodosiou, the President of the General Confederation of Professional Craftsmen of Greece (GSEVEE) the President of the Technical Chamber of Greece, Georgios Stasinou, the President of the Coordinating Committee of Notary Associations of Greece, Georgios Rouskas, the President of the Panhellenic Medical Association, Athanasios Exadotorios, the President of the Economic Supervisor Spyridonas Mamalis, the President of the Federation of Judicial Bailiffs of Greece, Demosthenes Tsirigotis, and the President of the Athens Chamber of Commerce, Stavros Kafounis, for joint proposals, which will create a fair and effective framework for the protection of the 1st home, which will balance the conflicting interests and safeguard the interests of bona fide debtors.

In this context, the President of the Plenary Session calls on other social institutions to participate, in the framework of their institutional role and social mission, in the establishment of a Commission for the Proposal of a relevant draft law for the protection of the 1st home, the so-called "private bankruptcy " and in general the " red loans ", which will be made known to all political parties in the country and society at large.

...The protection of the first home is a major social issue and as such should be addressed, especially in today's difficult times, the post-memorandum era and the health crisis due to the corona pandemic.

The crucial solution to the problem of "red loans" and the immediate continuation of the protection of the first home is a necessary condition for the protection of our economically weak fellow citizens, the maintenance of social cohesion and the creation of conditions for economic development.

The extension of the protection of the first home from auctions until 31.7.2020, although it does not permanently resolve this issue, should be considered to be moving in a positive direction, as it provides ample time for further substantive consultation with social actors and political parties. on this problem.

At the same time, however, news reports suggest that committees have been set up to work out the relevant final regulations to resolve the issue, without the participation and information of institutional social actors such as chambers, scientific bodies and trade unions.

Following these, and in the context of our institutional role and our social mission, we consider it necessary to take the initiative to create a wider, as far as possible, social front, with the participation of all social actors, with the aim of joint elaboration. proposals, with a legislative formulation of a draft law, which will create a fair and effective framework for the protection of the first home, which will balance the conflicting interests and ensure the interests of bona fide debtors and which will be made known to all political parties in the country and of society at large.

In this context, we invite you to find out if you would like this initiative to be organized jointly, with the establishment of a Commission for Proposals and a relevant draft law for the protection of the first home, the so-called "private bankruptcy" and "red loans" in general."

105. On 14-5-20 a Bar Association sent a letter to the Prime Minister, which included the following:

*"To all the lawyers of the country, in view of the difficult situations we are experiencing, your statements in the Greek Parliament that took place at the end of April are a point of reference: "Especially the Scientists will receive the allowance of 800 euros starting from the beginning of May". Your corresponding statement was not finally implemented. We have reached the middle of May and while you have publicly pledged to give the benefit to the scientists for May, there has been no relevant forecast, as it has taken place for other affected sectors. The Minister of Justice had clearly stated that the opening of minimum procedures, which consist mainly of consensual notes on lending to citizens and businesses, does not automatically mean that the employment of lawyers has begun, as it concerns a very small percentage of legal employment. We know from data from our Association that are very clear, depending on the data concerning the whole State, that in the corresponding period from March 2019 to 14-05-2019 860 Bars' bills were issued for representations by our colleagues in courts while the corresponding time **During the period when the measures were taken due to the pandemic, 18 Bars' bills have been issued** (those who refer to the exceptions). This comparison **does not leave the slightest doubt that our sector is the most severely affected among all scientific disciplines.** [...]*

Unfortunately, thousands of our colleagues and their families are currently struggling to survive and meet their basic needs.

We observe that government officials are expressing thoughts on reducing VAT in restaurants, etc., but for our own undeniably affected sector, no forecast is heard and there is no provision. We have repeatedly sent letters to the co-responsible ministers to increase the income tax exemption from 10,000 euros to 25,000 euros, which is also a memorandum obligation, the only one that has not been implemented, as well as the reduction of VAT in the acts before courts. But once again, no care is taken for our specific reasonable and fair demands, especially in the difficult situations we are experiencing.

The "all together" you have announced, ought not to exclude lawyers and their families. It's really unfair. We call on you to fulfill your commitments and to ensure that all the co-competent ministers pay attention, a substantial one, to the legal function."

106. On 15-05-2020, Joint Ministerial Decision No. Δ1α/ΓΠ.οικ. 30340/2020 was issued and published in the Governmental Gazzette (FEK) no. 1857/B/15.05.2020. It ordered the continuance closure of all courthouses in the totality of the Greek State, for the timespan of **16-05-2020 until 31-05-2020**. Exceptions from this general rule were procedures of a time-sensitive nature, such as in *flagrante delicto* procedures, criminal procedures at risk of prescription, injunction and interim measures petitions and petitions regarding remand prisoners close to exceeding 18 months of remand detention, also few actions brought before an Administrative Court were allowed as long as personal attendance of the parties was not required. Furthermore, Prosecutorial Offices and Court Registries are back in operation, gradually.

107. On 16.5.20 another announcement of the Coordinating Committee of Greek Bars was issued, in which, among other things, it is stated that it continues to fight for the major problems

of the lawyers' body and the financial support of the sector (special purpose compensation 800 euros, insurance-tax facilities and relief, VAT, reduction of rent, etc.).

108. On 18 May 2020 the Schools opened for students of highschoools and lyceums. The last class of lyceum had already started functioning for 5 days. Parents were allowed to declare that the child will not go to school, on grounds of a member of the family being "high risk". Primary schools have not opened.

109. On 19 May 2020 a Bar Association addressed a letter to the Prime Minister of Greece, the Minister of State, the Minister of Finance and the Minister of Development, in which it was inter alia stating:

*"In view of the announcements regarding the financial support measures for the affected sectors of the economy, which consists, among other things, in the reduction of VAT, it is unthinkable and is now a mockery for the legal function that you have not yet decided to reduce VAT calculated on the Legal Services or the extension of the exemption from the obligation to pay VAT -from the current limit of 10,000- within the limit of 25,000 euros, which is valid in all European countries except ours and is a memorandum obligation that all governments have forgotten. Our sector is one of the most affected by the current crisis, as the suspension of the operation of the courts was one of the first measures taken and is still in force, as there is a suspension of their operation until 31-05-2020. Our Association, the Coordinating Committee of the Bar Associations and the Plenary Session of the Presidents of the Bar Associations of the country and all the Bar Associations individually, we have repeatedly sent requests in this direction and **we have never received any response**, a fact which does not resonate with the dignity of the Lawyers' Body and demonstrates that you are not interested in the impass in which thousands of lawyers and their families have found themselves in.*

*We are now waiting for your announcements to provide for a drastic reduction of VAT on the legal services, a fact that will facilitate the access of the Greek citizens to Justice. It is unthinkable that -while all European countries take strong care of the legal profession, the standard of living of which is far from that of the average Greek lawyer- in our country the governments of recent years **not only do not take measures but they do not even respond to our requests, discrediting us in this way too**. In all the governments of the European countries, there is respect for the legal function and constructive dialogue on the issues that concern it, with the sole exception of our country, unfortunately, so far.»*

110. On 20.5.20 a letter of the President of the Larissa Bar Association was sent to the Prime Minister, with a request for the payment of the special purpose compensation of 800.00 euros to the lawyers.

111. On 21.5.20 a request for an immediate meeting of the Coordinating Committee of the Greek Bars with the Prime Minister was submitted.

112. On 21 May 2020, the Prime Minister announced the additional beneficiaries –among the self employed- of the 800 euro allowance for May. Contrary to previous official and publicly expressed assurances, lawyers were, again, not included.

113. Although support measures to all affected professionals who have been granted them refer to the period of March and April, and now to May too, it is clear that **gradual** return to normality will not be concluded before 15 June (when Greece announced it will accept tourists), which will of course not include Courts and activities which require crowd gatherings and which are in any case extremely limited during the Judicial vacations.

114. On 22-5-20, MP Sofia Sakorafa's (the Vice President of the Parliament) Question was discussed in the Parliament. She reminded the PM's assurance that lawyers would receive at

the onset of May the 800 euro allowance, explained how hard it is for lawyers to continue being unassisted during the crisis and also noted some proposed measures, for example lowering VAT on lawyers' services, or at least setting a plaffon of 25.000 euros of income for the imposition of VAT, as happens in most EU countries (in Greece the exemption is for those lawyers with an income of less than 10.000 euros). The competent vice-Minister of the Min of Finance⁴⁵ answered⁴⁶ that, initially, the Ministry of Finance is not competent to answer on the issue, but the Ministry of Labour, and that the protection of health and the support to the "true economy" were the Government's goals, which were successfully pursued. That, "although the funds were not unlimited", they could be allocated fairly. And that, after the abolition of the tele-education scheme, a 600 euro benefit has been deposited to most lawyers, "regularly" (sic). The MP returned by saying that the PM's assurances have not been honored and that lawyers truly suffer. She explained that only petrol and lawyer services are that heavily taxed, among all "goods" in the country and that the Government has not even considered to relief lawyers even from a yearly contribution called "work fee" («τέλος επιτηδεύματος»), which is paid to the State irrespectively of income, simply because they are lucky enough to be able to work. It is already clear that for at least half of 2020 lawyers will not be able to work. The competent Vice-Minister answered that lawyers have been adequately supported with the 600 euros, that they were not excluded from the right to postpone the payment of their fiscal obligations or have a discount in case they pay in time, neither were they barred from requesting a discount of 40% for their office rent, which were additional relief measures available to all of the self-employed, without exclusions. He concluded that in case the Government considered in the future there is a need to take additional support measures, it will do it. The plan is that it will re-assess the measures to be taken in July 2020. He added that the PM is even considering to decrease the sum for the so-called "pre-deposit of tax"⁴⁷. He also said that the consequences of the pandemic create new data which in their turn require that the Government's plans (assurances upon which the Government was elected on 1-7-2019) to relieve taxpayers from extreme taxation, need to be postponed. "Tax reduction is in the core of our policies. Whenever there will be room for tax reduction, taxes will be reduced".

115. The Government has announced that Civil Courts will open on 1/6 and Criminal Courts on 15/6 (having all been closed since 12/3). Some measures for the protection of Judges and Prosecutors have taken place (i.e. plexiglass dividing the Judges' seats from the rest of the Courtrooms).

116. Judicial vacations in Greece normally start on 1 July and end on 15 September. However, the Government has announced that in order to help affected lawyers to earn some income, the Courts will exceptionally function during the month July and Judges' leaves will be reduced.

117. Greece has made no coherent provision for virtual trial; the replacement of the current procedure with one employing technology to such an extent is highly unlikely to take place promptly.

⁴⁵ Please also see EC's letter of 12-5-20, in which it is verified that Greece confirmed to the EC its Min of Fin being competent for support to freelancers

⁴⁶ Video available here: https://www.youtube.com/watch?v=WwzKLeV6n0A&fbclid=IwAR283fqpN-Y_3vtV0iQ6l33iNNbDcphjNiJzacyHrHweNidbeHAM_DPTEdQ&app=desktop

⁴⁷ In Greece, taxpayers have to pay, along with the tax of the present fiscal year, 100% of the tax of the next (!) fiscal year, which is calculated on the sum of their previous fiscal year's income. Researchers and scholars have considered over-taxation in Greece as insufferable and conducive to massive exit from freelance professions, such as lawyers'

118. At the same time, lawyers registered as such with the Taxation Services cannot “freely enter any other profession”, as they are by law barred⁴⁸ from exercising any other subsidiary or secondary professional activity in a legal manner, as this is considered incompatible with lawyer’s dignity and the increased honor associated with the exercise of the legal profession.

119. In this context, lawyers will actually have to stay out of work for at least six months, without any adequate support for them and their families.

120. On 22 May 2020, the Plenary Session of the Presidents of Greek Bar Associations convened and adopted, inter alia, the following:

“In the context of financial support, we continue to claim:

1. The payment of the special purpose compensation for the month of May, amounting to 800 euros.

2. The exemption, otherwise, of the reduction in the lowest VAT rate of legal services and the extension of the exemption from VAT of income of freelancers from the amount of 10,000 euros to the amount of 25,000 euros. The Bar Association has already prepared a relevant amendment on these issues.

3. The inclusion of all lawyers in the status of refundable tax advance and not only those who employ at least one person as staff.

4. The non-payment, otherwise the proportional reduction, of the “work fee” for the year 2020.

5. Expanding the legal materiae in procedures to ensure the legitimate interests of citizens, the security of transactions and the simplification and acceleration of procedures, in particular:..”

121. On 23.5.20 a statement from the Plenary Session of the Complainant Bars was publicized, in which, among other things, it states that *“as has been repeatedly pointed out, lawyers have been hit more than any other professional branch by the restrictive measures taken to tackle the pandemic, resulting in for about three months to be in substantial cessation of all their professional activities. Even today, most, almost all, litigation remains pending. Under these circumstances, the need for immediate financial support of the sector from the State becomes obvious, since lawyers have been deprived of any income to cover their professional and family needs”*. The Complainants noted that out of the legal framework of the body of legal provisions for the financial support of the sector, only a few relief measures were implemented, which are inadequate to tackle the problem created by the pandemic: these are the financial aid of 600 euros⁴⁹, after the abolition by the Government of the “tele-education” program, and -“as for the other freelancers”- a short suspension of fulfillment of tax and insurance obligations, the 25% discount of insurance contributions *in case of timely payment*, the offsetting by 25% of VAT, *in case of timely payment*, and reduction of rent by 40% for the professional roof (not

⁴⁸ This ban is provided for in the Code of Lawyers, article 7 para. 1: *“Article 7 - Loss and miscarriage of the capacity of lawyer - 1. One automatically eliminates the status of lawyer and is deleted from his bar registry when: [...] (c) One has been appointed or holds paid position under contract of employment or has an employment relationship to any natural or legal person; or public (civil or military), judicial, municipal or legal person of public or private law or Local Government Organizations in accordance with Article 31 of the Code, (d) One who acquires the position of a trader on the basis of commercial law or performs tasks or duties as a manager or a consultant, commander, administrator or a representative in any company with shared capital or personal business or joint venture (unless in the latter case, another specific law provides different), (e) One practicing another profession, in particular dealer or broker, as well as any other work, service or employment that is not in the same line with the law function”*.

⁴⁹ A sum equivalent to the social contribution most lawyers will have to pay for the same period of reference (75 days of forced inability to work), and which is normally charged on them

for the home) for the month of April and May. The Complainants announced in public that “*Lawyers continue to demand: a) The payment of special compensation for the month of May, amounting to 800 euros, b) The exemption, otherwise, the reduction of the lowest VAT rate in the judicial services and the extension of the exemption from VAT on free income professionals from the amount of 10,000 euros to the amount of 25,000 euros, c) The inclusion of all lawyers in the status of refundable tax advance and not only those who employ at least one person as staff, d) Non-payment, otherwise the proportional reduction, of “work fee” («τέλος επιτηδεύματος») for the year 2020 and e) The expansion of the legal material in procedures to safeguard the legitimate interests of citizens.*”

122. As regards the ACTIONS to be taken, the Plenary of the Bars’ Presidents decided, *inter alia*, to promote the issue of lack of support to lawyers, in violation of the principle of equality, to the Committee and lodge a Collective Complaint under the Additional Protocol to the European Social Charter.

c. Violations of the European Social Charter

C.1. Applicability

123. The provisions of the European Social Charter (rev.) are applicable to self-employed lawyers practicing in Greece, who are all, without exception, legally residing in the country, as a pre-requisite to have a license to remain in the Profession. They are also applicable to their families and children, where provisions of the Charter protect the latter. Where fundamental rights are implicated, it would be problematic to argue that the core rights of the “employed” persons are wider than those of the “self-employed” or “freelance”. Therefore, as regards these core rights, a “worker” enjoying fundamental rights related to his professional occupation and the due protection by the State, can be seen as any person who engages in an activity to earn a living, be them employed or self-employed. An analogous view is afforded to the rights of lawyers’ children and families. It would be incompatible with the object and purpose of the Charter, as well as with the core values of the European Union and the CRC, to consider that children and families of the employed deserve a higher level of protection than those of the self-employed.
124. The Complainants would wish to stress the interpretation given by the Committee to the Charter⁵⁰, concerning its object and purpose, in that it is a human rights treaty which aims to implement at a European level, as a complement to the European Convention on Human Rights, the rights guaranteed to all human beings by the Universal Declaration of Human Rights of 1948. As the Committee has said⁵¹, the purpose of the Charter, as a living instrument

⁵⁰ *Inter alia*, in para.53 of the complaint No. 114/2015, *Eurocef v. France*

⁵¹ *International Federation of Human Rights Leagues v. France*, Complaint No. 14/2003, decision on the merits of 8 September 2004, §§ 27 and 29

dedicated to the values of dignity, equality and solidarity, is to give life and meaning in Europe to the fundamental social rights of all human beings, without exception.

125. It is precisely in the light of that finding that a teleological approach is adopted when interpreting the Charter, i.e. it is necessary to seek the interpretation of the treaty that is most appropriate in order to realise the aim and achieve the object of this treaty, not that which would restrict the Parties' obligations to the greatest possible degree⁵². It is in point of fact this **teleological approach** that has led the Committee not to interpret the Charter in such a way as to deny persons the guarantee of their fundamental rights, including of course the right to preservation of their human dignity. Each State is required to respect and safeguard each individual's right to life and integrity. A strict interpretation which would result in the non-recognition of the States Parties' obligation to guarantee to a particular group the enjoyment of these fundamental rights, would be incompatible with international *jus cogens*⁵³.
126. Any restriction on personal scope contained in the Charter's text is thus to be interpreted – as is generally the case for any provision of an international treaty – in the light of the object and purpose of the treaty concerned and in harmony with other relevant and applicable rules of international law (Vienna Convention on the Law of Treaties, 23 May 1969, Article 31, paragraphs 1 and 3), including first and foremost the peremptory norms of general international law (*jus cogens*), which take precedence over all other international norms and from which no derogation is permitted (Vienna Convention on the Law of Treaties, 23 May 1969, Article 53).
127. In addition, regarding lawyers' children, any restrictive interpretation of the Charter's text, which would deprive minors of the guarantee of their fundamental rights, would not be in harmony with the United Nations Convention on the Rights of the Child, which all member states of the Council of Europe have ratified. The Committee has considered it justified to have regard to this convention and its interpretation by the United Nations Committee on the Rights of the Child, when it rules on an alleged violation of any right conferred on children by the Charter.⁵⁴ There is a mandatory, universally recognised requirement to protect all children. Articles 11, 13, 16, 17, 30, 31§2 of the Charter require States Parties to fulfill positive obligations relating to the basic care and protection of children and young persons. Not considering that States Parties are bound to comply with these obligations would therefore mean not guaranteeing their fundamental rights and exposing the children and young persons in question to serious threats to their rights to life, health and psychological and physical integrity and to the preservation of their human dignity⁵⁵.
128. The Complainants invite the Committee to find that Greece fails to fulfill its obligations under the Charter with regard to the rights of lawyers, their children and families, to appropriate

⁵² World Organisation against Torture v. Ireland, Complaint No. 18/2003, decision on the merits of 7 December 2004, § 60

⁵³ DCI v. Belgium, Complaint No. 69/2011, §33

⁵⁴ See complaint No. 114/2015, Eurocef v. France decision on the merits of 14 January 2018, § 54, World Organisation against Torture v. Ireland, Complaint No. 18/2003, decision on the merits of 7 December 2004, § 61.

⁵⁵ *Idem*, para. 57

economic and social protection, in breach of Articles **30, 11, 13, 16, 17 and 31 § 2** of the Charter, **read alone and/or in conjunction with Article E.**

129. The Complainant Bars point out that legal, social, and economic protection constitutes a vital precondition for the preservation of human dignity. Any practice which denies to a certain professional group or excludes it –notably, in a time of national emergency and upon rendering the majority of its members fully dependent on State support- from the enjoyment of the right to social, legal and economic protection must therefore be deemed incompatible with the Charter.
130. Discriminative exclusion and intent to harm, as well as non observance of the guarantees afforded to lawyers and human rights defenders, as well as to children and defenders’ families, exacerbates the severity of the treatment and its appalling character in a democratic society. In order to assess this parameter, pivotal human rights texts, soft law, resolutions and commitments of the Council of Europe towards lawyers and human rights defenders more generally, should be taken into account.
- 131. The Complainants claim that the acts and omissions of the Greek authorities have violated the following provisions of the European Social Charter (Revised): a. Article E, taken with all of the provisions mentioned below; b. Article 30; c. Article 11; d. Article 13; e. Article 16; f. Article 17; g. Article 31 § 2.**

C.2. Article E of the Charter

132. The prohibition of discrimination, which is enshrined in Article E of the Charter, establishes an obligation to ensure that any individual or group, who fall within the scope *ratione personae* of the Charter, equally enjoy the rights of the Charter.
133. Based on the evidence that is available about the State’s stance and treatment of lawyers, as juxtaposed to the treatment of other professional sectors and especially freelancers and the self-employed in Greece, it appears that the Government’s failure to treat lawyers in an analogous manner (if not more favorably, given the special guarantees they are afforded to, the empirically undisputed fact that they were much more affected than other self-employed “scientists” and the special restrictions they face because they are lawyers) with other affected freelancers, cannot possibly find an objective justification. On the contrary, the unfavorable treatment has been repeated and presents itself as underlined by intent.
134. It may be of relevance that the Greek Government, during the pandemic and the exceptional measures imposed on citizens and general activity, decided to pass urgent legislation on several major issues regarding “rights”; the circumstances that emerged had a **chilling effect** on protests and mobilisations related to the defense of fundamental rights.
135. This is part of a pattern across the country of mounting “anti-lawyerism” and anti-defenderism in general. The fact that Lawyers were recognized as an affected sector and then persistently excluded from adequate and equivalent support, while being by law required to

stay indoors and banned from engagement with any other profession, can even be perceived as **persecution**, especially of the most vulnerable among lawyers, who will have to quit lawyering in order to survive, upon gradually losing contact with the dignity of the profession. It is noted that according to pertinent legislation, if they quit and engage in other kind of occupation, they will not be able to get back to the profession.

136. The “voucher scheme” exacerbated the intent in the devaluation and degradation of lawyers. It is impossible to explain why the most well educated segment of the population would be in need of -instead of funds to survive the crisis and “feed the children”- “education”, notably, in an official scheme “to combat illiteracy”.
137. Lawyers across the country were in fact being directed away from the dignity of their Function and from their Role as watchdogs of the Rule of Law. An attentive perception on the dynamics of the –expected- consequences of lawyers’ exclusion from the requisite support, enhances the presumption that every violation alleged below is connected to direct discrimination against lawyers.
138. Reverse discrimination is also present. While lawyers always commune the status of human rights defenders in the discharge of their professional activity and in the exercise of their institutional Function, there are special guarantees for them, which reflect the international standards.
139. It is our submission that these standards should have been interpreted as imposing a positive obligation on the Greek authorities to provide to lawyers enhanced, specialized and multiple support and protection. The same should have happened with those among lawyers who bear other statuses and as such are afforded to special protection by the State, such as mothers (and their children), the disabled, and the family. The Greek authorities’ failure to observe these guarantees and act analogously, has reversely discriminated against a) the professional group of lawyers, as a profession and a sector of economic activity, b) lawyers, as co-functionaries in the administration of Justice, and human rights defenders in need of special support, especially in times of crisis and c) those lawyers who have special statuses worthy of protection, such as mothers (and their children), disabled or with compromised health, classifying them in the “Covid-19 high risk group”.
140. In support of this argument, and while the special support to mothers (especially single mothers), children and the disabled, as well as the family, is common place in most constitutions of the States that have ratified the Charter, and widely jurisprudentially sculpted, we would like to make some further analysis on the lawyer and HRD status (shared by all lawyers), the assurances escorting it in the CoE and the guarantees afforded to it.

Lawyers as HRD – Guarantees in the CoE

141. Lawyers in Greece have from March to May been under a state of severe restriction of their freedom of movement resembling home arrest, which had been imposed on them by urgent

legislation. While other social groups were enabled to work or they were supported by “benefit of special purpose”, lawyers have not only been excluded, but have been mocked that they should be supported via education, in order to “combat illiteracy” in the digital world. No special measures have been adopted for vulnerable persons, such as single mothers, the disabled and children. Moreover lawyers are not allowed to engage in any other professional activity without having to priorly give up their lawyer identity and unregistering from their bar. Humiliating and degrading lawyers and putting the living and integrity of the most vulnerable among them at risk, carries particularly grave semantics, given *the publicity of the treatment, the institutional role of lawyers in democratic societies and the special guarantees afforded to them.*

142. The Complainants would hereby wish to invoke the *CoE’s commitment* to adequately protect lawyers and all those who professionally defend human rights in case of imminent harm, especially when the damaging measure is –clearly- discriminative, affects horizontally the protected group and appears to be coming as a result of the exercise of their function and the qualities-to-be-protected.
143. The UN Basic Principles on the Role of lawyers (1990) is complemented by "special" standards, developed at global⁵⁶ and regional⁵⁷ levels to provide guarantees and protection for those who act for human rights and fundamental freedoms.
144. The duty of Council of Europe’s member States and Institutions to protect human rights defenders, support them and create an enabling environment for their activities is enshrined in the Council of Europe’s legal framework, including treaties, soft-law standards, as well as recommendations made by the relevant institutions, including the CoE’s Human rights Commissioner’s Office. EU Guidelines⁵⁸ guarantee, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.
145. Universal Principles on the Independence of Justice (para.75) and the UN Basic Principles on the Role of Lawyers (Principle 16) guarantee that lawyers be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and should not suffer, or be threatened with economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

⁵⁶ UN Declaration on Human Rights Defenders (1998); UN Resolution on the protection of human rights defenders (2013); UN Resolution on Recognizing the role of human rights defenders and the need for their protection (2015).

⁵⁷ Inter alia, European Union Guidelines on Human Rights Defenders (2004); Declaration of the Council of Europe action to improve the protection of human rights defenders (2008); CoE PACE Strengthening the protection and role of human rights defenders in Council of Europe member States (2016)

⁵⁸ Article 8 (2), Article 9, 9(3) Article 11

146. The Complainants argue that, despite such guarantees being in place with global consensus, lawyers have in practice been excluded from protective measures (note: to which they had been initially included!) right upon a number of them exercising their institutional role and function to criticize in public measures that affect fundamental rights of citizens.
147. The protective measures from which they were excluded were, notably, offered to other groups of working persons in the same jurisdiction, based on the inclusion of these professional groups in the category of “affected sectors” of the economy. However, lawyers were also, naturally, included in this category, a fact which rendered their exclusion even more loudly discriminatory.
148. Furthermore, OSCE’s Guidelines on the Protection of HRDs clarify too that “Lawyers should not suffer or be threatened with any sanctions or pressure when acting in accordance with their professional standards,”⁵⁹
149. The latter is echoing the PACE, which has expressed serious concern about illicit pressure on lawyers who defend human rights and other acts of intimidation. In its Resolution 2154 (2017) the Parliamentary Assembly has already noticed the importance and the crucial role of defense lawyers in the prevention of severe human rights violations. Taking this into account, PACE further acknowledged⁶⁰ that “*In recent years the bar faced numerous cases of violations of advocates’ professional rights, narrowing the independence and selfgovernment of the bar through illegal pressure, ...legislative changes without taking into account the opinion of the legal community.*” While at the same time noting that “*advocates and lawyers must have guarantees for the full and effective performance of their professional functions*”. *Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ...*”
150. The Assembly therefore called on all competent bodies of the Council of Europe and the member States to take steps aimed at providing and protecting the principles and guarantees of advocacy.
151. Council of Europe’s Committee of Ministers **has called on States to refrain from putting pressure on lawyers and members of their family**⁶¹.
152. The ICJ, in its Legal Opinion of 18 June 2013 (an analysis of international law and standards) stated that “*...unless lawyers are protected against such abuses, the independence of lawyers is compromised and the justice system cannot operate effectively in accordance to the rule of law.*”

⁵⁹ See “Document of the Fourteenth Meeting of the Ministerial Council”, Brussels Declaration on Criminal Justice Systems, 2006

⁶⁰ PACE, Doc. 14376 29 June 2017, The principles and guarantees of advocates, Motion for a resolution tabled by Mr Georgii LOGVYNSKYI and other members of the Assembly

⁶¹ Council of Europe Committee of Ministers, “Resolution CM/Res(2010)25, 10 November 2010, paras. 1-2 and 4

153. On 29 March 2019, the CoE’s HR Commissioner Ms.Mijatovic publicized a Report⁶² in which she found⁶³ that “... *lawyers are increasingly being targeted due to their activities in the fields of human rights protection⁶⁴, the promotion of accountable governance or the fight against corruption. ... The nature and seriousness of attacks varies greatly depending on the local context.*”⁶⁵, reported as increasingly used to silence, punish or dissuade human rights defenders from acting according to their Function or from continuing their activities in the area of human rights in many European countries. She characterized **the targeting of lawyers as “a newer tendency”**,⁶⁶ which was in some instances perceived as “*part of an intensifying crackdown on lawyers, impeding their possibility to exercise their profession*”. She inter alia underlined⁶⁷ that “Defenders ...are facing increasing pressure, restrictions and stigmatisation.”⁶⁸ Regarding women and womens’ rights defenders, the Commissioner stressed that they “encounter risks and threats that are gender-specific and require particular attention”.⁶⁹
154. The Commissioner stressed the importance of CoE’s Institutions in the direction of protecting defenders. The report highlights⁷⁰, for example, that “42. The possibility of recourse to the ECtHR is particularly important to guarantee the implementation and execution of existing standards. Human rights defenders can come to the ECtHR for the protection of their own rights.”
155. However, even if some lawyers found refuge in seizing the ECtHR, this would not be sufficient to alter the situation on the ground, given that the violations are based on violations of social rights which affect a whole group (albeit with different intensity, depending on individual circumstances) horizontally, and thus “lie below” the violations of the individual rights that are also violated. The Committee is thus a much more well suited protection mechanism to alleviate the collective hardship provoked by a crackdown-like stance of the State towards lawyers.
156. The present Complaint is based on the urgent need to engage the Committee in preventing the continuation of such violations of the Charter (closely associated with other international standards) which is now horizontally taking place against lawyers in Greece.

⁶² CommDH(2019)10, titled: “HUMAN RIGHTS DEFENDERS IN THE COUNCIL OF EUROPE AREA: Current Challenges and Possible Solutions”

⁶³ “Safety and Liberty of Human Rights Defenders 1.1 Reprisals against human rights defenders: current trends and new challenges - Attacks against personal safety, par.19+ of the 29 March 2019 report

⁶⁴ Idem, par.9

⁶⁵ Idem, par.10

⁶⁶ Idem, par.18

⁶⁷ Idem, par.19

⁶⁸ Idem, par.20

⁶⁹ Idem, par.24. [For further information, see, except from the Report CommDH(2019)107, the Report of the UN Special Rapporteur on human rights defenders, Mr. Michel Forst, on the situation of women human rights defenders, A/HRC/40/60, 10 January 2019]

⁷⁰ Idem, par.42

157. Taking into account that, although these violations are horizontal, they most rigidly affect those among the lawyers who are economically and socially weaker and also belonging to vulnerable social groups, such as persons with disability and chronic illness, single parent families, families with three or more children, and all those having income below the line of poverty.
158. It is in this context, trusting that the CoE will also notice that the current situation of self-employed lawyers in Greece is utterly different from that of their colleagues practicing in other CoE's member States (a preliminary NGO drafted comparative study has been annexed), their levels of protection being significantly and unacceptably lower than those with which other workers and enterprises in Greece are met with, in dire contrast to the guarantees of, inter alia, the (revised) European Social Charter.
159. It is also in this light that we request the Committee to grant the Complainants' urgent request for Immediate Measures, given that there seems to be an extremely harmful unexplainable discrimination, its intense and horizontal consequences amounting to a crackdown on lawyers today in Greece⁷¹, rendering the most vulnerable among this professional group at risk of imminent and irreversible harm because of the Greek State's loudly discriminative stance in the distribution of social support: there are lawyers who even lack access to food, which is an element that is essential for the preservation of human life, and this happened to them while their freedom of movement had been by law restricted, and their work by law shut down, as well as their ability to engage in any other work is by law forbidden, thus trapping them into a desperate situation and depriving them of the possibility to find redress. Also, forcing them to exit the profession, in order to engage in other kind of work: a fact which will irreversibly block them from becoming lawyers again, due to pertinent legislative provisions in force.
160. The Committee has clarified that the purpose and aim of the Charter is to protect rights not merely theoretically, but also in fact⁷² and that the satisfactory application of the Charter cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised.
161. As to the means of achieving the aims set out in the Charter, the Committee has stressed that "for the application of the Charter, it is incumbent on States Parties not only to take legal initiatives but also **to provide for the requisite resources and procedures to facilitate full exercise of the rights guaranteed by the Charter**".⁷³

⁷¹ Even Unions of Prosecutors and Judges in Greece have protested the unfair and discriminative stance of the Government towards Lawyers (see Statement of the Facts field)

⁷² International Commission of Jurists (ICJ) v. Portugal, Complaint No. 1/1998, decision on the merits of 9 September 1999, §32; European Federation of National Organisations Working with the Homeless (FEANTSA) v. Slovenia, Complaint No. 53/2008, decision on the merits of 8 September 2009, §28

⁷³ International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §61

162. It is worth mentioning that the Committee has recognized the obligation States Parties to pay particular attention to the impact of their choices on the most vulnerable groups.⁷⁴
163. Human Rights Defenders are one of the most vulnerable groups in society –including because States tend to –as in this case- target them, in ways that often affect not only them, but their children and families too. Often, multiple other vulnerabilities intersect with this status. It is therefore of the utmost importance that the Committee recognizes the vulnerability and adequately jurisprudentially protects them, their children and their families from horizontal, retaliatory practices and harassment that stems in repulsion for and tendency to repress what is truly valuable: the efforts to professionally uphold human rights.

C.3. Article 30 of the Charter

164. Article 30 of the Charter reads:

Article 30 – The right to protection against poverty and social exclusion

Part I: *“Everyone has the right to protection against poverty and social exclusion.”*

Part II: *“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:*

a to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b to review these measures with a view to their adaptation if necessary.”

165. Article 30 of the Charter requires States Parties to give effect to the right to protection against poverty and social exclusion by adopting measures, within the framework of a co-ordinated approach, aimed at preventing and removing obstacles to access to fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance (Statement of interpretation on Article 30, Conclusions 2003)
166. This Committee has said that “such a coordinated approach should consist of an analytical framework, as well as of a set of priorities and measures **to prevent and remove obstacles** to access to fundamental social rights. Monitoring mechanisms should be put in place, involving all relevant actors, including civil society and persons affected by exclusion and poverty.

⁷⁴ International Association Autism-Europe v. France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §53.

Policies should moreover be linked and integrated in a consistent way, that is in a manner reaching beyond a sectorial or a targeted group approach” (International Movement ATD Fourth World v. France, §134) and that there is a “very close link between the effectiveness of the right recognised by Article 30 and the enjoyment of the rights recognised by other provisions of the Charter which relate to a number of different social needs (such as Articles 1, 9, 10, 12, 13, 14 and 31 Statement of interpretation on Article 30, Conclusions 2013), including the right to family housing under Article 16. For this reason, when assessing Article 30, the Committee takes into consideration the national measures or practices which fall within the scope of other substantive provisions of the Charter in the framework of both monitoring systems (the reporting procedure and the collective complaint procedure).

167. The Complainants invite the Committee to find that the situation of certain lawyers could expose them to poverty and social exclusion; that the exposure to this risk is related, as a *conditio sine qua non*, to Greece’s acts and omissions; that exposure to such risk is discriminative; that it also affects the children and the family; that exposure to this risk ought to be mitigated by targeted State actions; that the Greek State ought to have included the Complainants in designing measures to fulfill its obligations under Article 30 of the Charter, as well as provide for special support measures for the most vulnerable; that Greece failed to adequately protect lawyers’ right under Article 30 of the Charter;
168. The Complainants submit that the treatment of Greek lawyers during the Covid-19 pandemic not only has not “protected” lawyers from poverty, but it has in itself **pushed** many among them into poverty (including in some cases to acute and life-threatening poverty), to risk of poverty and social exclusion and has exposed some among them to living in conditions of acute deprivation.
169. **This treatment is also expected to lead many lawyers to a forced exit from the legal profession.**
170. Although lawyers being in such a difficult situation, the Greek State did not take any measure to promote their effective access to
- a. Social Assistance: On the contrary, the Government discriminatively excluded lawyers from the social assistance the vast majority of the population was afforded to.
 - b. Employment: on the contrary, lawyers are by law barred from engaging in other profession. Courts are still closed. No measures for electronic access to Justice have facilitated lawyers to keep having some income during the crisis.
 - c. Housing: on the contrary, while workers who received the 800 euro allowance were in parallel entitled to a reduction of 40% in the rent of their home, lawyers do not have such a possibility. Lack of financial support during the period of closure of Courts –for the 3rd month- has exposed the most financially unprivileged to the risk of eviction or homelessness.
 - d. Training and Education: The Government used this field to insult and degrade lawyers, as described in the “Statement of the Facts”. Training has been proposed not as additional relief, but as “the” help lawyers would get during the crisis. The quality has been

scandalously and insultingly low, taking into account the general high educational level of lawyers,

C.4. Article 11 of the Charter

171. Article 11 of the Charter reads:

Article 11 – The right to protection of health

Part I: *“Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.”*

Part II: *“With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia:*

1. to remove as far as possible the causes of ill-health;”

172. The Complainants submit that while the vast majority of the self-employed in Greece could benefit from the measures taken by the State to protect their health during the pandemic, lawyers were discriminatively excluded from these benefits, as detailed in the “Statement of the Facts” field. They thus complain that there has been on that account a violation of Article 11 of the Charter (Part I), in conjunction with Article E (because of their HRD status and the unreasonable consideration that they are “scientists” and as such they were not entitled to equal social support).

173. The Complainants also submit that in view of the Government’s announcement that Courts would gradually open in June 2020, measures have been taken for the protection of Judges and Prosecutors in Courtrooms, such as plexiglass dividers between Judges “and the rest”, but no adequate measure has been taken for the safety of lawyers. They thus argue that, unlike the measures taken by the State for their co-functionaries in Justice, an analogous care has not been demonstrated for the protection of lawyers; in contravention with Part II 1 of Article 11 of the Charter, in conjunction with Article E (because lawyers are “obviously” considered less worthy of protection than their Co-functionaries in Justice).

174. They therefore invite the Committee to find that Greece is not taking all necessary measures to guarantee the right of lawyers to the equal protection of their health, as required by Article 11 of the Charter -the difference in treatment, that is, the difference between measures to protect Judges and Prosecutors in a Courtroom (completely protecting them) and Lawyers in a Courtroom (completely exposing them), cannot be objectively justified, including in light of the fact that Judges, Prosecutors and Lawyers are the “threefold” of the administration of Justice (“co-functionaries of Justice”).

C.5. Article 13 of the Charter

175. Article 13§1 of the Charter reads:

Article 13 – The right to social and medical assistance

Part I: *“Anyone without adequate resources has the right to social and medical assistance.”*

Part II: *“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:*

I to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition; ...”

176. The Complainants initially wish to note that the Greek State, by including lawyers in the “affected CAD” has acknowledged that they are –at least in terms of current income- lacking adequate resources. At the same time, no authority performed a check (i.e. about whether some lawyers could counterbalance that sudden emergency from other sources) or attempted to officially dispute this characterization. Therefore lawyers have been characterized by the State itself as having being rendered “in need of special assistance”, following the decisions taken by the State and the urgent rights-restrictive legislation it adopted, in order to protect public health.

177. Lawyers’ subsequent exclusion from the financial assistance granted to working persons to cope with the crisis measures constitutes a flagrant violation of Article 13 of the Charter, also taken in conjunction with Article E –given that the exclusion targets their profession. Therefore, despite the misleading term “scientists”, the Government really aimed at targeting lawyers, to a degree that has been perceived by most as “persecution” of the profession.

C.6. Article 16 of the Charter

178. Article 16 of the Charter reads:

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

179. The Complainants submit that the Greek Government has failed to ensure the necessary conditions for the full development of lawyers' families. Not only did it not promote the economic, legal and social protection of their family life by means such as social and family benefits, fiscal arrangements, protection of lawyer families' housing, and other appropriate means, but it has discriminatively excluded lawyers from the protection given to approximately 70% of the working population in the country, despite the fact that the EC approved the support of those self-employed who were affected by the crisis. The difference in treatment has not and cannot objectively and reasonably be explained. Moreover, the discriminative exclusion of lawyers from the "general support"—emergency aid sum- during the Covid-19 crisis, further indirectly discriminated against the most vulnerable among lawyers' families, especially those that had already been living at the margin of poverty. The latter, as revealed by desperate requests to the local Bars for support, reach a worryingly high percentage among active lawyers. This is perceived to be a result of over-taxation of the last decade.
180. The concept of indirect discrimination and the determination of EU member States to combat it, implies that there is a positive obligation on the State to produce statistics that allow an understanding of the extent to which vulnerable groups may be affected by a horizontal measure and ensure that the latter are not disproportionately harmed.
181. The Complainants ask the Committee to find that the Greek Government failed to record and assess the needs of those most vulnerable among lawyers and cover for the most basic needs of their families, during a phase in which lawyers were incapacitated to earn income because of State-ordered closure of Courts, Services and Schools and a ban on movement. There has been no institutional concern about "lawyers with families". The relief measures referred to the support of a professional group (or not), irrespectively of whether the professional had a family or not.
182. Instead of exploiting the interest of national Bars for the well being of their member lawyers (and their continuous efforts to be involved in designing measures of relief for lawyers) by necessarily consulting with them before the adoption of the measures, the Greek Government completely and scornfully ignored the Bars of the country their Presidency and, via them, the approximately 45.000 legal practitioners of the country, in a manner which, as compared to an utter lack of parallel procedures being in place *ex officio*, failed to "perceive" that a part of lawyers' families was being exposed to conditions of existence that are not only literally incompatible with the dignity associated with the lawyer's profession *as an 'international standard'*, but incompatible with the protection afforded to them by Article 16 of the Charter, alone and taken (multiply) in conjunction with Article E.

183. Greece thus placed the most vulnerable among lawyers, as well as their families and children, in a precarious situation of mounting debt to the State that cannot be served and inability to cope with basic expenses such as the monthly paid rent of the lawyer's family home and for basic amenities such as food, electricity, water, telephone, internet. It thus exposed some among these families to degrading conditions and difficulty of survival, and placed many more families at imminent risk of acute deprivation, eviction, homelessness, exposure to physical hazards and to conditions that are sources of ill-health or even (during the 2nd month of the traffic ban) life-threatening.
184. None of these conditions is compatible with human dignity, not to mention the dignity afforded to the lawyer's function, an element and "standard" which all lawyers have a "duty and obligation"⁷⁵ to maintain.
185. Moreover, while those employed in Greece benefitted not only from an 800 euro urgent aid but also of a significant reduction to their rent, and while the latter would be relieved from paying social security contributions for the period of reference, self-employed lawyers would remain without any aid in March and April, while in May they would receive a sum that equates their social security contribution for the said period –which, unlike the support offered to those employed, was charged to them and they would have to pay the sum in the near future. This difference in treatment as regards the protection by the State of the family's home cannot be reasonably and objectively justified. Why would the families of lawyers be considered as afforded a lower standard of protection than those of the employed in Greek jurisdiction? And, what is more, **why would lawyers' or "scientists' families be deemed as unworthy of any (at all!) of the protection offered to the general population for maintaining their home during the Covid crisis?**
186. A letter sent to EC's Ms. Margrethe VESTAGER on behalf of some lawyers (single mothers) who had seized the ECtHR recently, is indicative of these concerns. It contains, inter alia:

"As in all EU member States, and beyond, lawyers have been one of the most gravely affected professions during the Covid-19 crisis. At the same time, in most EU jurisdictions they have been one among the most generously assisted, in order to counterbalance the consequences of protection measures adopted, sooner or later, in the member States to prevent the spread of Covid-19.

...the relevant Press Release (available here https://ec.europa.eu/commission/presscorner/detail/en/IP_20_858) of Your Office that the European Commission has approved a €500 million Greek scheme "to support self-employed individuals", including self-employed managers of small companies in sectors affected by the coronavirus outbreak. The scheme was mentioned as approved under the State aid Temporary Framework adopted by the Commission on 19 March 2020, as amended on 3 April and 8 May 2020.

Regarding this development, you said, in your capacity as Executive Vice-President, in charge of competition policy, that: "The €500 million scheme we approved will support the Greek economy

⁷⁵ UN Principles on the Role of Lawyers

by assisting **the self-employed** and small family-owned businesses in maintaining activity during these difficult times. We will continue to work closely with Member States to find solutions to support the economy, in line with EU rules.”

In Greece, lawyers have been excluded from the “special 800 euro aid” given to the self-employed for March and April, although it goes without saying that lawyers have been and still are one of the most –if not the most- gravely affected sectors among the self-employed. They also are not entitled to ask for support to cope with their home rents (although some relief has been provided for their office rents), as are the rest freelance beneficiaries of the scheme –that is all freelancers, except from those “who are scientists”. Additional relief measures concern only those who already have the funds to pay their tax and social security obligations on time. That is impossible for lawyers who have remained out of work and unassisted for the 3rd month now. As such, **the relief measures have deepened inequality even further and constitute, in my opinion, horizontal discrimination against the economically weak and most unprivileged.**

This creates the appearance that relief is provided only to those who need it the less –most lawyers do not have any “money aside” and work for a living, given the detrimental fiscal obligations imposed on them during the last decade in the context of the economic crisis in Greece. Fiscal and social security obligations which reached the point to equate confiscation of the lawyer’s income and which of course did not allow for saving.

Furthermore, lawyers in Greece have suffered an intense blow in their dignity, as, almost 2 months ago, the Government decided, in substance, that they and their children should “eat education” and pay the rents of their homes with it, during the crisis and, more specifically, that lawyers should, instead of receiving some monetary support, enter a “tele-education” program aiming to “combat illiteracy” in the digital world, for which they would receive a 600 euro voucher. Upon intense turmoil ... this scheme was abandoned and 600 euros, which were intended to be an “education benefit” for those who would spend 100 hours on line, were given in cash to all lawyers during May. Other than that, there has not been any monetary support of lawyers during this crisis. Courts have been closed for 10 weeks and will remain closed at least until the end of the month. Judicial vacation and a traditionally present, drastic reduction of demand during the summer months (which is expected to be even more intense, given the consequences of the pandemic on the general economy) cannot be reasonably expected to counterbalance the detriment to which lawyers have now found themselves in, in lack of adequate support by the State.

In the light of the above, I would kindly ask you

- a) when will the sums referring to the approved scheme for the self-employed become available – versed to Greece? Is the 800 euro benefit a “one time support” or could it be periodically versed to the beneficiaries?
- b) Did the approval you provided to the aid scheme exclude lawyers from support and assistance? If this is so, I would be obliged to be informed about the reasons why lawyers, their children and their families are not treated in a manner that allows them to survive the crisis and uphold their duty to maintain the honor associated to the Lawyer’s Function.
- c) Has Greece attempted to justify the exclusion of lawyers from the aid scheme when asking the EC for help and, if not, does this exclusion implicate on the examination of whether EU’s fundamental values are being violated in the process of allocation of the EC- approved sums by the member State?
- d) Does the scheme approved by the Committee take into account existing vulnerabilities in the supported professional groups? (i.e. single mothers, persons with disability, chronic illness or considered “high risk for Covid-19” and of course those already at the margin of

poverty, who just need “a push” to enter poverty and social exclusion). Or does everyone “get the same support”, irrespectively of whether there are increased needs or not?

e) Does the scheme approved by the Committee take into account or attempt to mitigate the risk of homelessness?”

187. The Complainants allege that they have been denied the right enshrined in Article 16 of the Charter, in a discriminative manner and that **the urgent and “exceptional in nature” legislation restricting their rights** (closing Courts and services, barring their clients from visiting them, barring visits to prisons, closing schools without adequate balancing of the absence of education for children and youth, and the circulation ban) **could only be considered proportionate if parallel support measures were immediately in place, in order for the affected families to survive and to continue developing in dignity and safety during and after the public health crisis.**
188. But, Alas, not only the State has not provided some financial relief to lawyers while barring them from work and imposing on their families to remain at home, but, for the period of reference, it has instead charged them with taxes on perceived income, calculated based on the income of last year, with the so-called “solidarity contribution”, calculated on perceived income, with a 100% “pre-deposit of next year’s tax”, with social security contribution (summing up approximately 600 euros for the period of reference of 75 days), and even the sum working persons pay to the State because “they work” (work fee – τέλος επιτηδεύματος of 650 euros per year). A suspension of the time of payment does not mean that the sums are not charged on the lawyers who were barred from work. They will have to pay them a little later. Before a reasonable chance to make income again is resumed.
189. Other than that, lawyers who did not have “money aside” to pay taxes and social contributions right now, will end up paying far more than the less-at-risk ones, who can pay now and savour a generous reduction in the sum to be paid. In other words, the poorer and more devastated ones are charged with more and are going to pay more. This renders the legislation on relief measures discriminative v. the poorest ones. By the latter, the Greek State has pushed the poorest even deeper into poverty, exposed them to a risk of substandard conditions for unprivileged lawyer families’ households and –especially if lawyers’ inability to work continues- placed at risk of homelessness the families of those among lawyers who are most vulnerable from an economic point of view.
190. The Committee has considered that **Article 16 of the Revised European Social Charter provides for the right to housing of families as an element of the right of the family to social, legal and economic protection. According to the Committee’s case law, in order to satisfy Article 16, states must take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and include essential services (such as heating and electricity).**
191. The Complainants also urge the Committee to assess the present complaint under a lense which is rather unusual: incorporating international standards for the enhanced protection of HRDs’ family members, which are considered a vulnerable group in need of special attention,

protection and, where needed, special support. Exceptional scrutiny is required when some (individual or horizontal, as in this case) victimizing State's act or omission affects the family(-ies) of human rights defenders in a harmful manner. This would require to go beyond the difference in treatment between the families of the "scientific power" of Greece and the rest of the families of working persons, which is an objective element that can definitely be observed in this case. It would moreover require a dive into the motivation of the current treatment of lawyers in Greece, as sculpted during the past few years. It would also require a closer look to the humiliation instigated to them, i.e. by the "tele-education" scheme, the repeated devaluation of lawyers' Unions, the provocative non abidance with the assurances given to lawyers about their support, which reveal a tendency to devaluate and demean this specific professional group as unworthy of attention, support and its very dignity. It is definitely not an easy conclusion to jump to, however, it is definitely worth it to be puzzled about the reason why a Function which is traditionally valued in democratic societies has been treated with such colossal disrespect in the context of a crisis bringing the whole planet in existential agony, fear as well as hope.

192. If a State appears to act, especially at such times of crisis, in a manner that not only disempowers a massive number of defenders but their families too, even closer scrutiny is required, to assess the possibility that the defenders' families being excluded / remaining unsupported in crisis is indeed a means to increase pressure on defenders and discourage them from actively pursuing their activities in upholding citizens' fundamental rights, which often requires a dynamic opposition to legislative reforms and policies, for instance, those that are about to render a part of the population in Greece homeless (massive auctions of "1st residence" have been postponed till July, upon public interventions of Lawyers' Bars, please see par.108 of the present submission as an example of "State-annoying" Function of Lawyers and Bars, which is nevertheless absolutely necessary in a democratic society, as lawyers are the "watchdogs of the Rule of Law and citizens' fundamental rights").

193. In the light of the above, the Complainants invite the Committee to find that Article 16 has been violated, taken alone and in conjunction with Article E of the Charter.

C.7. Article 17 of the Charter

194. Article 17 of the Charter reads:

Article 17 – The right of children and young persons to social, legal and economic protection

Part I: "Children and young persons have the right to appropriate social, legal and economic protection."

Part II: “With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b. to protect children and young persons against negligence, violence or exploitation;

c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools. “

195. Article 17 concerns the aid to be provided by the state where the minor’s parents are unable to provide such aid. The “care” of par.1(a) entails that the parents are able to fulfill their duty to provide nutrition in good quality and quantity, cleanliness, sanitation and maintain an environment that is conducive to health and protection from hazards.

196. According to the CRC, when parents are temporarily unable to provide “the basics” the State should step in and support the parent “appropriately”. A failure to apply art.17 would obviously expose a number of children and young persons to more or less serious risks to their health, their dignity or physical integrity.⁷⁶

197. The Complainants argue that the Government, by (discriminatively) depriving lawyers from adequate social support and funds during the Covid-19 crisis, while having closed Courts, access to prisons and several services and while forbidding or severely restricting movement, in conjunction with closing schools and not providing for adequate on-line courses to help lawyers’ children proceed with their educational activity⁷⁷, did not take into account children’s rights and the extent to which lawyers’ children would be affected, in violation of Part I of Article 17 of the Charter. ***Lawyers’ children, in contravention to the children of all “non-scientist” free lancers and self-employed in Greece, did not enjoy their right to have appropriate –and equivalent with children with parents practicing other professions- social, legal and economic protection. This unfavourable treatment to these children was due to***

⁷⁶ DCI v. Belgium, Complaint No. 69/2011, op. cit., §73

⁷⁷ The “goal” of on-line courses with some teachers in some among the schools was announced by the Ministry as “to keep contact with class, and not to proceed with material and knowledge”.

their parents' statuses as lawyers –the CRC does not allow any discrimination in the enjoyment of these rights nor any unfavorable treatment on grounds of their parents' status (including occupational status).

198. The discriminative treatment of lawyers has led to some lawyers' (notably, the most unprivileged and vulnerable among them) children being facing difficulty to maintain an adequate standard of living and were thus exposed to substandard conditions and the resulting extreme stress in the family, in violation of art. 17.1(c) of the Charter.
199. The Complainants allege that there was an utter lack of examination by the competent authorities on whether children in low income lawyers' families would be in danger, as well as a lack of incorporation in State's policy of this parameter. Moreover, there has been an utter lack of response to the complainants' written pleas to Governmental actors, in which the parameter of the devastation of lawyers' family was raised as "an existential agony". They attribute this lack to the intent underlying the violations suffered by lawyers.
200. In the light of the above, the Complainants urge the Committee to conclude that the described situation is in violation of Article 17 of the Charter, in conjunction with Article E, including because of the lack of provision of the requisite support, lack of examination of the needs of lawyers' children, because of the (discriminative) delay in providing to lawyers who are parents of children and young persons the requisite financial support that would be reasonably required to guarantee their rights under the Charter, notably, in circumstances in which lawyers were deprived of their income and their ability to work by legislation and strict instructions of the authorities.
201. In addition to the above, the Complainants invite the Committee to look into another aspect regarding their childrens' rights: some among the lawyers who are parents of minors have had to play the role of teachers or/and buy –in times of extreme financial shortage- equipment (i.e. laptops) for their children, which not everyone had available at home⁷⁸. During the Covid-19 lock-up measures, there was a lack of practical and effective access to education, in violation of art.17.1(a) and 17.2 of the Charter, a situation which has been reported to have deprived 30% of students in Greece to follow any e-class or even register for on-line support during the months of the Covid-19 crisis, for about 10 weeks.
202. As regards childrens' education, the Complainants invoke Article E in conjunction with Article 17§2 of the Charter on different grounds, that is, the discrimination's ground was not their HRD status but the low economic status of a part of lawyers. Article 17§2 of the Charter requires that equal access to education must be guaranteed for all children, with a particular focus on vulnerable groups, which could not have accessed it with special measures being taken by the State.
203. The Committee has clarified that, where necessary, special measures should be taken to ensure equal access to education for children belonging to vulnerable groups⁷⁹ and that access

⁷⁸ It has been calculated that 30% of the students could not register for on-line classes. The competent Ministry responded by stating that it would arrange for... 1 computer for every 45 students.

⁷⁹ Conclusions 2011, Turkey

to education is crucial for every child's life and development, in particular in a situation of vulnerability.⁸⁰

204. The Complainants sustain that the poorest among lawyers could not come up to the expenses required for their children to “keep contact with class” during the quarantine and, as a result, their children have been deprived of educational activity on these grounds. They allege that children of very low income families (as are some lawyers' families) are a vulnerable group and that equal access to class, including “E-class”, should have been ensured for them too. The Complainants argue that special measures (such as provision of laptops or tablets to students coming from families of low income, supported access to the internet etc) should have been taken with parents – lawyers of very low income, so that the children in poor families are not deprived of contact with their class on grounds of poverty.

C.8. Article 31§2 of the Charter

205. Article 31§2 of the Charter reads:

Article 31 – The right to housing

Part I: *"Everyone has the right to housing."*

Part II: *"With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:*

2 to prevent and reduce homelessness with a view to its gradual elimination; ..."

206. Regarding the situation of lawyers who do not owe the houses they live in, the 3 month deprivation of income has pushed some among them (and their children) to the risk of eviction and homelessness.

207. The Complainants' allegations regarding Article 31§2 also fall under Article 17 of the Charter. The scope of Articles 31§2 and 17 overlap to some extent, and specifically on the issue of the right of children to a shelter of under the scope of Article 31§2.

208. It should also be noted that a “house” (or even a “shelter”) cannot be called as such, if it does not ensure that the dignity of the persons sheltered is respected. Shelters must meet adequate health, safety and hygiene standards. Complete lack of income and support, which

⁸⁰ see Statement of Interpretation on Article 17§2, 2011

was imposed on lawyers during the crisis, risked (and still risks) that the above qualities, which require funds (detergents, sanitizers etc) to be in place, may become scarce or even completely inaccessible, as far as the poorest among lawyers are concerned. Solidarity structures among lawyers and their Bars cannot be asked to step in again, in order to counterbalance for the State's failure to ensure respect to the Charter, for all.

209. The Complainants also submit that while 70% of those working in Greece received the 800 Euro aid for March and April and the 533 aid for May, and, inter alia, they were also eligible for 40% discount in the rent of their home. Lawyers are not allowed to ask for a discount in the rent of their home, which is discriminating against them (and their families and children) in the enjoyment of their right protected by Article 31§2 of the Charter, in conjunction with Article E. The difference in treatment cannot be objectively justified and is another element revealing the unfavorable treatment and targeting of the profession.

C.9. Additional Notes on the alleged violations

210. Although the collective nature of the complaints only raise questions concerning non-compliance of Greece's laws and practice with the above provisions of the Charter, the Complainants would wish to also bring the Committee's attention to the fact that the treatment of Lawyers is also reflected in the Complainants' treatment by the Executive and the Legislature. False or inaccurate information provided to the Bars, lack of consultation with the Bars in view of the measures to be taken in a "matter of life or death" of the lawyer members, lack of response to any of the –dozens of- letters to Ministers and the Prime Minister, which gradually became more and more agonious for the fate of the lawyers in a continuing situation of remaining in a dead-end situation, in deprivation, in stress and often in true desperation, all synthesized an ambiance of neglect and a sense of hopelessness that rigidly undermined the appearance of usefulness in collective claiming and therefore of the very right to act collectively in the pursuit of interests related to the lawyers' profession. In this context, and although not required for the Complaint being declared admissible, the Complainants wish to underline that they are not only representing the interests of the affected group, but have victim status themselves too.

211. The Complainants take note of the fact that, for their Collective Complaint to be declared admissible, they need not necessarily have "exhausted domestic remedies". However, it is very relevant for the assessment of the kind, the extent and the consequences of the violations complained of, especially in light of the positive obligation of Greece to give effect to the provisions of the Charter in good faith by creating a context –including a legislative one- that enable persons in Greek territory to enjoy the rights enshrined in the Charter, to note that lawyers in Greece currently do not seize the Charter's mechanism of protection in order to succeed to acquire an ex posteriori finding of one or more violations of the Charter, but, most importantly, in order to exit their victim status, as a group, and prevent further violations of

their social rights (which are closely inter-linked with their individual – human rights). These violations are more intense among the weakest, most vulnerable members of the lawyers’ family, namely single parent families, lawyers with disability, families with 3 or more children and others. Also, young lawyers having freshly entered the profession and lawyers of low economic capacity. In many cases, these vulnerabilities intersect.

212. It is also noted that there does not seem to have been any assessment about vulnerability in designing the measures to be taken for lawyers and their families or dependents during the pandemic. There is no differentiated treatment towards the most vulnerable ones. Importantly, the presence and well-being of children who are members of the un-supported lawyers’ families which find it now difficult to survive have not been subject to a best interest assessment, neither was there any special measure taken for families with children. Notably, parents also took the role of teachers and professors, in lack of an adequate homeschooling system to become available in the community. Some children were thus exposed to the risk of living in substandard conditions, risk of homelessness and of exposure to unsanitary environments, as well as to the extreme stress associated with parents suddenly being deprived of their income, stopped from work and even banned for several weeks to move out of their home, while at the same time being left helpless, right upon being rendered completely dependent on State support and social attention, suffering one humiliation and defamation after the other, perpetrated by institutional acts and omissions.

D. Requests

D.1 Finding of violations of the ESC, in conjunction with Art.E (also taking into account the lawyers’ HRD status)

213. In the light of the above, we kindly request the Committee to declare the Collective Complaint admissible, protect in urgency the affected group from further detriment of absolute rights and find that Greece has violated several provisions of the European Social Charter (rev.), in conjunction with Art.E of the Charter.
214. We urge the Committee to, under the principle *jura novit curia*, assess possible other violations of the Charter too, even if the Complainants have not brought them up.
215. Ensure that Greece will provide assurances to avoid the repetition of these violations, including by adopting legislation enabling an urgent response mechanism in case of horizontal violation of lawyers’ (HRDs) rights, ensuring accountability and fighting impunity for such violations.

D.2. Request for Priority in the examination of the Complaint

216. This is an urgent Complaint, in particular because:

a) A large segment of the protected group (lawyers, who have HRD status, and their children and families, for whom there are also guarantees echoing international standards, not only because of them being children, but also because of them being members of families of a HRD), although being afforded special guarantees by national and international law and standards, have reached a point where –especially the most vulnerable- run a risk to their life or at least to degradation of their health, due to lack of access to nutrition, sanitation and lack of ability to cover for basic needs. After having been rendered completely dependent on State support and legally required to “stay at home” for almost 2 months, they are required by pertinent emergency legislation and/or circumstances (i.e. parents of children in age of primary school, persons with compromised health belonging to “risk groups” which still have to be quarantined) to restrict or stop their professional activity. Many among them are also now facing a real risk of homelessness. Hundreds of offices have closed or are about to close and, especially if the State does not respond to its obligation to adequately support lawyers immediately, many lawyers will have no option than permanently exit the Profession.

Courts are still closed, for the vast majority of cases.

Lawyers’ freedom of movement has been significantly restricted since the onset of the pandemic and their work has been suspended as a direct consequence of the State’s urgent decisions to contain the spread of Covid-19 disease, while no alternative measures are in place to enable and facilitate them to continue exercising their profession from home. Although lawyers have not been barred from going to their offices, no client could visit them, as “visit to the lawyer” was not a reason allowing circulation of persons in the city, according to the urgent relevant decree. Prisoners cannot be visited by them either since late February 2020, while at the same time most prisoners are not granted access to video-conferencing with their lawyers; they are not furnished with State-paid telephone cards either.

Most interestingly, and, in contrast to any other freelancer, lawyers are by law not allowed to enter a different profession, even temporarily, because that is considered incompatible with the dignity associated to the profession; they would have to priorly give up their lawyer's identity and unregister from their Bars, in order to turn to professions that would "feed their children", that do not require specialization, are considered accessible (i.e. delivery services, super market staff etc) or are considered by the Government as worthy of State support during this crisis.

While Greece has been exceptionally fiscally charging lawyers to a degree largely exceeding their income for the current year (taking into account the "pre-deposit" of next years' perceived tax), the financial crisis and legislation of the past decade has already exhausted and overcharged them, leading many lawyers to the border of poverty and humiliation. This can be interpreted as a valid assumption that the majority of the group that is represented by the Complainants is falling into the notion of vulnerability: lack of income for a month, not to mention 3, with the prospect of another 3, is capable of leading them out in the streets homeless or out of the profession. The situation of the past 3 months which lawyers had to suffer, is "the push" most lawyers needed to enter the threshold of degradation, deprivation and devastation

The above, as paired to the fact that lawyers in Greece are to a large extent and progressively more and more targeted and devaluated by the Greek Governments of the past decade, synthesizes an entrapment into an explosive situation which, especially in case it is prolonged, will smash the protected professional group's mental and physical health and introduce them speedily to acute poverty and social exclusion, notably, while they find themselves and their children under a form of State-induced deprivation.

c) because of other circumstances linked to the status of the affected professional group as lawyers – human rights defenders, and because of the special vulnerability attributed to the latter status, especially in "times of crisis"; because of the vulnerability of lawyers' children; and because the latter are members of family of persons who have been targeted as a group – excluded from social policy and support, facing danger of life threatening deprivation of basic goods, causally linked to the professional occupation of their parents.

d) because of the role of lawyers in democratic societies and the importance of lawyers' dignity in upholding human rights, especially at times of crisis and in "exceptional circumstances". Treating

the defenders of rights in such a manner gives out a loud and clear message to society that no one can defend those hurt by unfair State policies.

All the above are contributing to the urgency and the importance of this Complaint, and at the same time factors which highlight the said groups' vulnerability.

Moreover, the present Complaint refers to violations of social rights which have given rise to a series of violations of individual – human rights. Especially as regards lawyers with intersecting vulnerability and their children, the violations of the Charter give a good idea about the degree to which these rights are inter-related and inter-dependent. The violations of Charter protected rights raise, as a *conditio sine qua non*, issues under Articles **2, 3**, and 5 of the Convention (“core rights”), in conjunction with Articles **13, 14 and 18** ECHR, which have given rise to direct threats to the physical integrity and dignity of many lawyers, as well as to that of their families. It moreover refers to violations of human rights which exacerbate the appalling character of Greek lawyers' treatment, as members of a social groups bearing increased significance and semantics in a democratic society, afforded to special guarantees that are related to inter alia restrictions of rights (i.e. “incompatibility” of other work to the Function), to which an enhanced protection is –t least in theory- guaranteed. These also involve their rights under art.**1, 6, 8, 10** and **11** ECHR, as well as the 1st and 2nd Articles of the 1st Protocol to the Convention. They of course engage the protection of several other legal instruments of supranational – constitutional hierarchical standing.

We argue that the above factors are, taken separately and jointly, an indication for the present Complaint's examination to be prioritized⁸¹ by the Committee, according to its Rules.

D3. Request for Indication of Immediate Measures

217. Rule 36 of the Rules of the Committee's Procedure provide for the prospect of Immediate measures to be indicated to the respondent State. The Rule stipulates:

⁸¹According to a document publicized in the Court's internet site, titled “The Court's Priority Policy”, available here: https://www.echr.coe.int/Documents/Priority_policy_ENG.pdf

“1. At any stage of proceedings, the Committee may, at the request of a party, or on its own initiative, indicate to the parties any immediate measure, the adoption of which is necessary to avoid irreparable injury or harm to the persons concerned.

2. In case of a request for immediate measures made by a complainant organisation, the request shall specify the reasons therefore, the possible consequences if it is not granted, and the measures requested. A copy of the request shall forthwith be transmitted to the respondent State. The President shall fix a date for the respondent State to make written submissions on the request of immediate measures.”

“irreparable injury or harm to the persons concerned”

218. It is reasonable to believe that the Committee, upon taking charge of a Complaint, will not allow further violation of the rights at stake without ensuring that the harm is able to be repaired later and does not have implications on rights that are “absolute in nature”.

219. The present complaint depicts a treatment that has already severely affected horizontally the rights of a group of persons, that are absolute.

220. It should also be noted that the targeting of lawyers in a CoE’s member State, bears particularly grave semantics.

221. In accordance with Rule 36 of the Rules of the European Committee of Social Rights, and, given that without a rigid urgent intervention it is clear that the lives, integrity and health of many people, including single mothers, people with disabilities and children, will be at stake, while the dignity of the legal profession and lawyers practicing in Greece will suffer an irreversible strike, with immeasurable consequences on the Rule of Law and the defense on the ground of individual, economic and social rights, which needs lawyers in times of crisis the most, we kindly ask the Committee to indicate to the Greek Government the following immediate measures:

- a. to ensure that adequate relief measures, including sufficient monetary support in the form of a monthly benefit, is in place for lawyers, without discrimination, until the full and safe operation of Courts is fully restored, and for as long as lawyers remain a sector affected (in reality, and not only as a matter of registration in the relevant catalogue) by the consequences of the Covid-19 pandemic;
- b. to take special measures designed to mitigate the effects of the pandemic on lawyers who are single mothers and their children, the disabled or “high risk for Covid-19” persons, families with 3 or more children as well as on those physically and mentally affected by the State’s conduct towards them during the pandemic;
- c. to ensure that lawyers in Greece can work in conditions of dignity and safety, without disproportionate risks for their health and integrity; that they are able to come up to their “duties and responsibilities” to “at all times maintain the honour and dignity of their

*profession as essential agents of the administration of Justice*⁸² and fulfill their Function in a democratic society which includes them being in a position to uphold “*citizens’ rights and fundamental freedoms as recognized by national and international law*” and “*at all times acting freely and diligently*”⁸³; to guarantee and ensure⁸⁴; that lawyers are “*able to perform all of their professional functions*⁸⁵ *without intimidation, hindrance, harassment or improper interference*”; that they do “*not suffer, or be threatened with administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics*”; and to safeguard lawyers, so that their safety is not threatened⁸⁶ as a result of discharging their functions.

With the utmost respect,

On behalf of the Complainants

⁸² Wording of Principle No 12 of the UN Principles on the Role of Lawyers

Duties and responsibilities

12. Lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice.

⁸³ Wording of Principle No 12 of the UN Principles on the Role of Lawyers

14. Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.

⁸⁴ In accordance with UN Basic Principles on the Role of Lawyers:

Guarantees for the functioning of lawyers

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

⁸⁵ Which include taking a stance on important matters in a democratic society, fighting injustice or the stay of exceptional measures disproportionately limiting the rights of citizens

⁸⁶ UN Basic Principles on the Role of Lawyers

Guarantees for Lawyers

Principle No 17.

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

1. The President of the Plenary of Presidents of Greek Bar Associations,
President of their Coordinating Committee and President of the Athens Bar Association

Dimitrios VERVESOS

2. The Counsel / Advisor

Electra – Leda KOUTRA

Appendices

AUTHORIZATION – FORM OF EMPOWERMENT

I, the undersigned, ANTHIPPIE ZANNARA
 President of the CHIOS Bar Association,(member number
 104/1986) born on 12/12/1957 in PENNSYLVANIA U.S.A.
 , Greek citizen, holder of ID No AZ 933821 , issued on 11.5.2009
 by the competent Greek Authority, permanent resident in the address:
 TSELEPI 14 CHIOS 82100

Tel: 6944325836

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hereby appoint Ms. **Electra – Leda Koutra**, Lawyer practicing in Athens, Greece(Member of the Athens Bar Association Reg.No. 30484), 42, Voularoktonou Str., P.C.11472, Athens, Greece, tel: +30 210 6828997, fax.: +302106897899, mob.: +30 6973373937, email address: electrakoutra@yahoo.gr, to represent the Bar, separately and/or jointly with other Bars, and lodge with the European Committee of Social Rights under the Additional Protocol, providing for a mechanism of Collective Complaints, a Collective Complaint v. Greece on behalf of the CHIOS Bar Association based on the Decision no of the Plenary of Presidents adopted on 22 May 2020 for all Greek Bar Associations to seize the ECSR protection mechanism and proceed to all relevant acts towards this goal, for the finding of violations of the (rev.) European Social Charter, in conjunction with art.E, also including to make an urgent request for interim measures, in order for lawyers – members of the Bar Associations across Greece to avoid the continuation of a treatment that detriment a large part of the Bars' members, risking their very survival.

I declare that I wish every communication concerning the procedure before the ECSR to take place in English, in the email indicated above, and I recognize all the relevant counsels' acts on the Bar's behalf as valid and binding, throughout the procedure of examination of the Collective Complaint as well as the follow-up procedure.

I acknowledge that seizing the regional social rights protection mechanism entails publicity of the submitted information.

Athens, 23 May 2020

On behalf of the Bar Association

The President

