EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

6 November 2020

Case Document No. 3

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

RESPONSE BY THE GREEK BAR ASSOCIATIONS TO THE GOVERNMENT'S OBSERVATIONS ON ADMISSIBILITY AND REQUEST FOR IMMEDIATE MEASURES

Registered at the Secretariat on 30 October 2020

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

Greek Bar Associations v. Greece

Complaint No. 196/2020

30 October 2020

Dear Sir/Madam,

Following up to the Collective Complaint of (56) Greek Bar Associations v. GREECE that I have transmitted to You, pursuant to Article 1(c) of the Additional Protocol to the European Social Charter, and having received Your letter annexing the State party's observations on admissibility and on the Complainants' request for Immediate Measures, I take the honor to submit the complainants' relevant observations and comments within the time limit indicated by the Committee.

Respectfully,

On behalf of the 56 Complainant Greek Bar Associations

The Counsel

Electra – Leda Koutra

TO THE EUROPEAN COMMITTEE FOR SOCIAL RIGHTS

Greek Bar Associations v. Greece

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COMPLAINANTS' OBSERVATIONS AND COMMENTS ON THE ADMISSIBILITY OF THE COLLECTIVE COMPLAINT, ON THE GOVERNMENT'S OBSERVATIONS & ON THE REQUEST FOR IMMEDIATE MEASURES

I. COMMENTS ON THE ADMISSIBILITY OF THE COLLECTIVE COMPLAINT

1. The Greek Government, in its observations, claims that the Greek Lawyers' –admittedly- absolutely representative syndicalism is not entitled to request an assessment by the Committee about the compatibility of the Greek State's acts and omissions with the (rev.) European Social Charter, because of the Bar Associations' legal form.
2. The Complainants are surprised by this argument and consider it as yet another proof that -in the Greek Government's view- lawyers ought to be excluded from "tasting" in full their social rights, which include the safeguard of the Committee's scrutiny.
3. The Complainants note that have been entrusted by the State itself, as well as by their members, with the mandate of upholding lawyers' fundamental individual and social rights in the professional sphere. They underline that their members –dozens of thousands of lawyers practicing in the respective 56 Court seats- should be deemed as able to enjoy the rights enshrined in the Charter, and to be able to complain before the competent supranational body in case the respective State's obligations stemming in the Charter are not respected. That should be considered a given in a democratic EU member State that has ratified the Charter.
4. Nevertheless, the Complainants take note of the Government's objection and would in relevance wish to make the following observations.
5. They refer to paras 1-4 of their complaint, in which they have informed the Committee about the structural and functional aspects of their organization, citing in translation the relevant legal provisions, serving as a statute for the Bar.
6. The Complainants would initially wish to observe that the Committee has avoided excessive formalism in the definition of a trade union and has adopted a criterion which refers not so much to the structure of an organization, but rather concentrates on the function and the representative character of an organization, in order to conclude whether it acts as a trade union or a representative organization and is thus entitled to seize the Committee. More specifically:

7. In its Decision on the admissibility of the Collective Complaint No. 102/2013 (*Associazione Nazionale Giudici di Pace* v. Italy), this Committee accepted that the legal form of an association acting as a trade union is not decisive for the assessment of admissibility of a collective complaint. A trade union may in some European jurisdictions not even be recognized as an association, or even lack a legal personality. It suffices if the association has made representations of a working group before public authorities, regarding its working conditions, and has called for strikes. Specifically, the Committee accepted:

   - *As to whether the ANGdP can be considered as a trade union, the Committee recalls that* ***there is no registration requirement for trade unions*** *in Italy, and that formally trade unions* ***do not possess legal personality****; they have* ***the status of "non-recognised associations" subject to ordinary law*** *(Articles 36, 37 and 38 of the Civil Code).*
   - *The Committee notes from the information before it that the ANGdP* ***has made representations,*** *inter alia, to the Ministry for Justice and Superior Council of Judges regarding its members' working conditions, including their lack of social protection, and has* ***in fact also called for strikes****.*
   - *The Committee finds that the ANGdP* ***exercises functions which can be considered as trade union prerogatives****, and therefore it can be considered as a trade union for the purposes of the current complaint.*

8. In its *Decision on admissibility in Panhellenic Association of Pensioners of the OTE Group Telecommunications (FPP-OTE)* v. Greece, Complaint No. 156/2017, "the Committee recalls that it has already considered as representative trade unions complainant organisations representing pensioners of **both public and private** Greek enterprises (Federation of employed pensioners of Greece (IKA–ETAM) v. Greece, Complaint No. 76/2012, decision on admissibility of 7 December 2012; Panhellenic Federation of Public Service Pensioners v. Greece (POPS) v. Greece, Complaint No. 77/2012, decision on admissibility of 23 May 2012; Panhellenic Federation of pensioners of the public electricity corporation (POS-DEI) v. Greece, Complaint No. 79/2012, decision on admissibility of 23 May 2012)"

9. In its Decision on admissibility in the Collective Complaint No. 105/2014, *Associazione sindacale « La Voce dei Giusti »* v. Italy, Complaint No.105/2014, the Committee reiterated its previous findings, noting that the State party recognizes freedom of association and in that context allows to non-recognized associations to engage in trade union functions or, as specified, "activities safeguarding economic and social interests", such as negotiation and conclusion of collective agreements, taking collective action and litigation before Courts in representation of a professional group. These are all activities in which the Complainants in the present case engage in. Moreover, in this case there is a special mention on the mission of the complainant to "safeguard the dignity" of its members. The law instituting Bar Associations (the Code of Lawyers) specifies (art.90 c and d) that Bar Associations engage in "*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"….

More specifically, in the assessment of the admissibility of Complaint No. 104/2014, this Committee has said:

- *in any event that Italian law recognises **freedom of association and imposes no organisational model for trade unions**, non-recognised associations, governed by Articles 36 to 38 of the Civil Code, being allowed to negotiate and conclude collective agreements, to take collective action and to bring legal proceedings.*
- *The Committee also notes that under **Article 2 of its Statutes, the purpose** of the Associazione sindacale « La Voce dei Giusti » is to **defend workers' rights,** in particular those of teachers and especially of teachers of the third category, and to **safeguard dignity and economic and social interests by promoting all necessary measures including trade union activities to this end**.***"

10. In its decision *on admissibility and on immediate measures* in *Unione Italiana del Lavoro U.I.L. Scuola – Sicilia* v. Italy, Complaint No.113/2014, the Committee accepted that if the activities carried our by a union "include trade union prerogatives", then the Committee considers the complainant as a trade union validly seizing the mechanism of protection of the Charter. Specifically:

- *The Committee, noting that **the activities carried out** by UIL Scuola – Sicilia **include trade union prerogatives**, holds that the complainant organisation is a trade union within the jurisdiction of Italy in accordance with Article 1§c of the Protocol.*

11. It is also useful to note what was **not** considered a trade union by the Committee –and why. For example, the Committee considered inadmissible the Complaint of *Movimento per la liberta' della psicanalisi-associazione culturale italiana* v. Italy, Complaint No. 122/2016. In the assessment of the admissibility of this case, the Committee reiterated its criteria of considering an organization as a trade union, for the purposes of a Complaint for violations of the Charter. The Committee noted, again, that if the activities of a union "*could properly be said to amount to trade union activities*" it would be accepted as a complainant before the Committee. The Committee further specified that such activities included "*participating in collective bargaining, calling strikes, bringing legal proceedings against employers and/or on behalf of its members, taking action in order to support or improve its members' working terms and conditions etc*.". These are all, without exception, activities that the Greek Bars, without exception, engage in.

    In complaint No. 122/2016, the Committee concluded that the activities carried out by the complainant organisation "*do not essentially involve trade union prerogatives*", such as the ones specified above, and dismissed the application.

It is of great interest that the Committee also took into account how the organization self-defines, highlighting that it calls itself "a cultural organization" and not a professional organization promoting members' interests and rights. On the contrary, Bar Associations self define as the lawyers' –elected- body for the promotion of their economic and social rights.
Specifically, in the latter inadmissibility decision, the Committee stated the following:

- *The Committee also notes that under Article 2 of the complainant's Statutes, the aim of the Movement "…is to promote, disseminate and defend the practice of psychoanalysis as a speech-based practice, ongoing intellectual research and practical experience, using the instruments that may be deemed appropriate, such as for example the promotion of conventions, seminars and conferences etc., awareness-raising initiatives within political and judicial circles, media and cultural campaigns, initiatives to secure legal protection, support and assistance including in relation to any proceedings to uphold the freedom to practise psychoanalysis and the freedom of the psychoanalyst.*
- *The Committee further notes that according to the Movement, it was established in order to ensure that non - registered psychoanalysts have the freedom to practice.*
- *The Committee considers, having regard to all of the information at its disposal, including that contained in the response of the Movement to the Committee's questions, that the activities of the Movement primarily relate to training of psychoanalysts and awareness-raising activities, as well as cultural activities. While it has organized seminars and meetings on the difficulties faced by psychoanalysts wishing to practice in Italy (and elsewhere), and has petitioned/lobbied the European Commission on a few occasions,* ***the Movement has not engaged in activities that could properly be said to amount to trade union activities, such as participating in collective bargaining, calling strikes, bringing legal proceedings against employers and/or on behalf of its members, taking action in order to support or improve its members' working terms and conditions etc.*** *It notes in addition that it calls itself a "cultural association" and claims that it can be assimilated to a professional organisation.*
- *The Committee therefore concludes that the activities carried out by the complainant organisation do not essentially involve trade union prerogatives and that the Movement cannot be considered as a trade union organisation for the purposes of the collective complaints procedure."*

12. In another, very recent inadmissibility decision, in *Associazione Medici Liberi* v. Italy, Complaint No. 177/2019 the Committee repeats what it considers to be "activities" that build a trade union identity, or "amounting to core trade union activities":

- *The Committee notes that the activities of Medici Liberi primarily relate to promoting the interests of health professionals, awareness-raising, as well as advisory and assistance activities for its members, in particular on economic and pension issues.*

- *However, the Committee observes that Medici Liberi has* ***not engaged in activities that could be said to amount to core trade union activities, such as participating in collective bargaining, calling strikes or concluding collective agreements.*** *The Committee further considers that* ***the mere fact that Medici Liberi lodged the current complaint cannot be construed as evidence of a trade union activity.*** *On this basis, the Committee considers that Medici Liberi cannot be considered as a trade union within the meaning of Article 1(c) of the Protocol.*

13. It is therefore clear from the above that the activities of the Greek Bar Associations include what is considered by the Committee as "core trade union activities" and the Complainants should be recognized and accepted as such, for the purposes of the examination of their Complaint.
14. Greek Bars are self-governing and enjoy administrative and financial independence from the State. The legal form of their Unions (legal entities of public law), as dictated by the legislator, has never been able to undress lawyers from syndicalist action like collective bargaining and negotiations, public interventions to different ministries and public authorities in representation of lawyers, interventions to the legislator, recourse to Courts in representation of the interests of the lawyers practicing in the country, and even calling general or targeted strikes.
15. The fact that their function is stipulated in Law, is but a direct recognition of the importance attached to the Lawyer's Function and the contribution of this professional sector to Justice and society in general. Its institutional and social upgrading is carried out and more solid conditions are set for the Function.
16. Professional Associations being under the legal form of N.P.D.D. (Lawyers', Doctors', Notaries' Associations, etc.) does not deprive them of **Trade Union** ***function / activity***.
17. A Professional Association as an entity of public law (NPDD)
18. The State establishes a corporate form of NPDD for professions that serve sensitive areas of social life (Justice, Health etc.) in order to ensure a better functioning of the professional activity of the persons who exercise them.[1]. This should not be interpreted as a form of "policing" the profession, but as a means of better fulfilling its institutional, scientific and social mission, for the benefit of society as a whole.
19. It is exactly because of Lawyers' institutional role, that their professional interests cannot disregard the general interest of society, that lawyers are obligatorily subscribed to the local Bar and are subject to supervision for compliance with the principles and values of the legal profession (the Greek and CCBE's Code of Ethics), including via disciplinary proceedings for compliance with them. This mandate is entrusted by the legislator (and not directly by the Government) to the Bar and, in order for it to be validly effectuated, it requires a) that the Bar has legal standing as an NPDD, since, in a part of its mandate it must have the capacity to

[1] Handbook of Administrative Law, E. Spiliotopoulos, professor at the University of Athens

impose sanctions on those breaching the values and standards of the Function and b) that all lawyers are registered to the Bar Association. However, in several other of the Bar's functions and activities, there is no exercise of public authority, but, instead, **one that fully coincides with Trade Unions' function**, such as recording the problems of the professional sector, negotiating with Governments and consulting the latter about how to resolve them, proposing legislation or its amendment in regard to lawyers' professional interests, seizing national Courts for the protection of lawyers' rights and interests, declaring strikes, etc.

20. The local Bar is the central coordinating body of all lawyers practicing in the respective area, it exercises the general supervision in this professional branch, it provides recommendations and proposals to the state or other, relevant bodies, as a rapporteur and advisor. This role is essential and cannot normally be ignored, provided that the entity has been legally recognized by the state to fulfill this very role and function. This means that in addition to the Bar's greater financial ability (with the obligatory payment by all of the annual subscription), in addition to the more effective guarding of the profession (by disciplinary control, or the control of degrees and licenses) this legal form turns the Bar into a consultant to government agencies on all institutional issues directly or indirectly related to the lawyer's profession. The Bar is required to give an opinion and make proposals on issues such as those concerning the training of lawyers, the validity of foreign degrees, the organization of the provision of legal services, indicated fee levels, amelioration of Courts and other sites functioning as a workplace for lawyers and, especially, about everything that concerns the professional rights of lawyers.
21. In professional organizations having the legal form of NPDD, the members are obligatorily subject to it with their general professional status, as it is determined by the degree and the license to practice their profession (doctors, lawyers, nurses, etc.) and not in the special capacity given to them by the form of their professional occupation (self-employed persons, public or private sector employees, etc.).
22. The issues concerning this general professional status of its members, as directly institutional, are promoted by the NPDD legal form.
23. The establishment of a professional NPDD provided for directly in Law, does not mean the abolition of trade union characteristics, function and activities: on the contrary, it gives institutional weight to them and thus enhances them.
24. To the extent that the legal order has recognized in an NPDD *"The ability to act functionally,* ***independently of state power****, similar to other subjects of private transactions",* invocation of fundamental rights is allowed, provided of course that the nature of the rights is compatible with such an application.[2]
25. It is incontestable in Greek jurisdiction that a professional organization under the legal form of an NPDD, CAN turn against the State for the protection of its members interests.

[22] D. Tsatsos, Constitutional Law, Volume DG, Fundamental Rights, I. General Part, Athens – Komotini, 1987, p. 174.). Manitakis and Chrysogonis also refer to these criteria.

26. Among several Greek scholars, just like in German theory, there is also the view that if the NPPDs **do not act as bodies of public power** but in the field of private law as *Fisci*, they are recognized as fundamental rights bodies[3].
27. Similarly, the Bar does not act as a body of public power, except for its function to impose disciplinary sanctions on its members.
28. Many suggest that due to the growing liquidity between public and private law, NPDD should be recognized as individual rights holders, in particular in relation to their management of assets. Some NPDDs function as elements of the "group" structure of modern society "[4], such as professional associations.
29. These examples are used to demonstrate the degree of penetration in theory of the "social criterion": what is the function of a legal person in society largely defines its character as public (or not).
30. Public legal entities are carriers of individual rights not only whenever they engage in trading activity but when "they operate from a place of social autonomy", ie they are agglomerations in which or through which individuals –in this case, professionals- exercise a constitutionally protected social activity.[5]
31. If an NPDD defends fundamental rights in a sector in which the NPDD is independent of the State, then it should be recognized as the holder of the relevant rights, with the most typical example being universities, which must be recognized as bodies of academic freedom. Also, the professional organizations (medical, legal, pharmaceutical associations etc) although associated with important public functions (administration of justice, health), should be recognized as rights holders inherent in their nature (property, strike, collective negotiations or litigation for the amelioration of working conditions and professional interests etc.) because in this way the interests of their members are served. In any case, all NPDDs should be recognized as carriers of procedural rights of the judicial protection and the legal judge, as well as the latter are not merely individual rights but 'objective procedural principles" which should apply to all parties.
32. Seizing the competent Court or tribunal on the national level may not be enough to secure the members' fundamental rights. Therefore it is imperative that the representative organizations acting as trade unions for the professional sector represented by them are able to seize supranational Courts and Tribunals, in order to secure these rights on behalf of the members.

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[3] See, inter alia, E. Forsthoff, Der Staat als Auftraggeber, Stuttgart 1963, p. 14, H.H. Klein, Die Teilnahme des Staates am wirtschaftlichen Wettbewerb, Stuttgart 1968, pp. 235-236. Cf. F. In Greek: M. Vrontakis, The issue of constitutional protection of the property of Public Lawyers Of Persons, Contribution to the delimitation of the circle of subjects of individual rights, in: Volume Honorary Council of State 1929-1979, Vol. II, Athens-Komotini 1982, p. 415.)

[4] A. Manesis, Constitutional Rights, Individual Freedoms, University Traditions, 4th edition, Thessaloniki 1982, p. 46.)

[5] A. Kaidatzis, Property rights of public legal entities: three interpretive versions of their constitutional protection, ToS [Greek Constitution] 1/2002, pp. 52-53, which in fact refers to Manesi

33. The law governing trade unions in Greece (Law No. 1264/1982) expressly excludes "the professional organizations which are instituted by law as NPDD".[6] The latter law replaced the previous relevant Law No 330/1976, which in its text (art.1, para 3) was also specifying exactly the same: that the text does not bind "professional organizations instituted by law as legal persons of public law". The need for an explicit mention is exactly that, for the respective professional sectors' trade union functions, there are special provisions, because of their special place in society. This exclusion cannot possibly be interpreted as stripping the respective professionals, en masse, from their right to unite in order to collectively claim their interests. On the contrary, it serves as a confirmation that, for these professionals, there are special provisions for the exercise of their equivalent right. In the case of lawyers, this body is their respective Bar Association.
34. An overview of the provisions of the law governing trade unions reveals the analogy in the goals of both legal types of unions (for example, the similarity of art.4 of Law No. 1264/1982 to art.90 of the Code of Lawyers). However, in regard to lawyer's special Function in society, the Bar has additional mandates, which refer to the protection of citizens' rights and to the promotion of the goals of Justice as a whole. This special mandate and this special place of Lawyers in a democratic society required a legal form ensuring potency and recognition.
35. All the "tools" given by Law to Trade Unions, are exercised by Bar Associations and their Plenary for the promotion of lawyers' rights and interests. These include: "3. A. to report to administrative and other authorities for every matter that is associated to their goals, their members, their professional relationships and the interests of their members. B. to report and bring civil action before administrative and judicial authorities, about the violations of labour and social security legislation and rules that concern themselves or their members".
36. The Government's allegation that Bar Associations are not allowed to call a strike, is **inaccurate**. Not only has the Bar declared a (general or targeted) strike, without the State ever contesting that right, but –in recognition by the State of the role of the Bar as a trade union- the strike called by the Bar is instituted as a reason for an obligatory postponement of Court hearings. It is of course not possible that this would happen if the strikes called by the Bar were considered "illegal"! Examples of long lasting lawyers' strikes were the strike of 2016 (which lasted for months), to avert the adoption of a law on social security which heavily burdened lawyers and the strike of 2015, for the amendment of the Code of Civil Procedure.
37. A strike declared by the Bar may not be general, but targeted (for instance, lawyers participating in trials involving the social security authority, EFKA or blocking the service of lawyers working for the national medical prescription authority, EOPPY, in trials of interest to that authority).

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[6] https://www.kodiko.gr/nomologia/document_navigation/31936/nomos-1264-1982

38. An example of a short (daily) strike, called "an abstention", related to the present complaint, also revealing the trade union function of the Bar, took place on 28-4-2020. The Athens Bar Association relevantly announced:

"The Board of Directors of DSA, which met extraordinarily on 24.4.2020, under the chairmanship of President Dimitris Vervesos, by teleconference, in view of the latest critical developments, issued the following announcement:

1. Abstention of the lawyers-members of DSA on Tuesday 28.4.2020.

The Board of the DSA is in favor of the safe reopening of the courts, based on the consent of the competent health authorities and the observance of specific prevention and protection measures, which will guarantee the safe provision of services and ensure public health.

The government's decision on the full operation of the mortgage offices and the limited operation of the courts, namely in Magistrates' and Courts of First Instance proceedings directly related to the operation of the mortgage offices, was taken, as the Minister himself stated on television without the prior consent of the health authorities and the prevention and protection measures proposed by those authorities.

It should be noted that this decision was taken without prior consultation with the bar and without sufficient explanations to date as to why the reopening of these services and procedures was chosen and not others, which can be considered safer, such as those that do not require the personal presence of lawyers and parties.

It is obvious that, after the suspension of the above Services for a sufficient period of time, a large number of people will gather in the premises of these services to carry out their cases, with the risk that these premises will be possible new outbreaks of the virus, which imposes taking precautionary measures of individual and general protection, also taking into account the fact that the criticality of the circumstances forced the government to extend the restrictive measures of citizens until 4.5.2020.

Following these and given that, by the time of the meeting of the Board of Directors, the relevant joint ministerial decision for the reopening of mortgage offices and courts had not been published nor were we informed of the proposed prevention and protection measures proposed by the competent health authorities and the Ministry. Despite our letters to this effect, the Board of Directors decided to remove the lawyers, members of the DSA, from their duties on Tuesday, April 28, 2020, without the possibility of granting licenses, in order to ensure the necessary time for obtaining and applying the appropriate protective measures.

The Board of Directors also decided to send a letter to all bodies involved in the operation of courts and mortgage offices so that on Monday 27.4.2020 there will be a meeting of the representatives of these bodies to assess the situation.

On the day of the abstention (28.4.2020) delegation of the DSA with the participation of the Chairman and the members of the Board will go to the services that will be reopened in order to be informed by the heads of these services about the precautionary and protection measures taken and the disposal or not the necessary general and personal protection materials, in accordance with the instructions of the health authorities which are expected to be issued.

Then, on the same day and at 13:00, the Board of Directors of the Association will meet extraordinarily, by teleconference, to re-evaluate the situation, based on the findings from the on-site audit and to take decisions.

The Board understands the need for the gradual restoration of social and economic life, but also the need for colleagues to work after a sufficient period of complete inability to practice their profession, but this should be done on terms that will ensure the safe provision of services and public health, for the implementation and observance of which the sole responsibility will lie with the Government and the heads of the relevant services."

39. The Bar has been a litigant in internal Courts for several matters touching the professional interests and the social rights of lawyers. For example, just for the social security contribution (EFKA), the Bar has initiated 7 litigations before Court v. the State. Indicatively, other litigation, notably, refers to cut-offs in the salaries of the State's lawyers.
40. There are hundreds of the Bar's interventions in defense of lawyers who are being fired and have claims v. their employers.
41. State authorities have often contracted with the Bar, for issues of professional interest to lawyers. For instance, see the recent Program contracts between the Bar and the Ministry of Justice, for lawyers' remote access to the land registry, or, again with the Ministry of Justice, a program contract regarding the electronic filing of petitions. Between the Bar and the Ministry of digital policy, a contract for the Bar's data base for lawyers to be included in the ESPA programs.
42. The Bar regularly negotiates with the Government, via letter and visits of representations, and makes legislative interventions, which are often adopted by the legislator. There are currently various legislative initiatives for legal aid, for the participation of lawyers in union elections, for the possibility for lawyers to issue certificates themselves instead of salaried cadastral officers, etc.

COMPLAINANTS' OBSERVATIONS

II. INITIAL REMARKS

a. Regarding the current epidemiological landscape in Greece

43. When the present complaint was lodged (28-5-20), Greece was gradually returning to an alleged "normality", exiting the 1st wave and slowly opening up several sections of the economy, including some of its Courts. Daily Covid-19 incidents were almost inexistent (at a level of **3** per day[7]) and the total number of Covid-19 incidents (since March 2020) was **2.906**.
44. In order to open up the country to tourists of most countries, and upon the alleged pressure of airlines and tourist agencies, the Greek Government decided that a negative Covid-19 test was in most of the cases[8] not required for tourists to enter Greece. Moreover, no one would be quarantined upon entry. This led to millions of tourists visiting Greece during July, August and September 2020, the vast majority of which were never tested for Covid-19. Such opening started for most tourists at the onset of July (when Greece had around 20 registered covid-19 cases per day).
45. As the Greek Government has admitted in the concluding phrase of its brief observations, by mid-August Greece was already facing the 2nd wave of Covid-19 pandemic. At the time the Government's Observations were submitted (14-08-20), the total number of Covid-19 recorded cases (since the onset of the pandemic in Greece, in March 2020) was **6.381** and there were about **200** recorded incidents of Covid-19 per day[9], more than 10% of which were spotted during random checks at Greece's entry points (mainly airports and land border crossings).
46. By the time the present observations are finalized, the officially registered Covid-19 incidents have surpassed 1.500 per day and the total number of recorded Covid-19 cases has reached **35.510**.
47. The intensive care units restricted for Covid patients are full, having already led Greece's capacity to cope with the consequences of the pandemic to a stretch.
48. The University of Athens (EKPA) announced on 28-10-2020 in the media that according to their ongoing survey assessing Attica's sewage waste, the current active Covid-19 cases in the capital are estimated up to 40.000 (approximately 1% of the population).

b. The situation of lawyers upon the submission of their Bar's Collective Complaint

49. Lawyers have suffered an incredible blow in the context of the pandemic, which is ongoing.
50. The gradual opening of Courts has led to different "rules" in different seats of Courts, rendering lawyer's everyday practice stressful and uncertain, filled with delays . The main protection measure had to do with the restriction of lawyers visiting judicial secretaries' offices, a fact which created queues, loss of working hours, quarrels between lawyers and

[7] https://eody.gov.gr/0528_briefing_covid19/
[8] With the exception of some countries of "less wealthy" tourists
[9] https://eody.gov.gr/0813_briefing_covid19/

judicial secretaries, sometimes leading to reports for criminal and disciplinary action. Even today, lawyers cannot freely lodge civil actions and memorandums.

51. The “abnormalities” encountered by many lawyers when faced by judicial secretariats, reached such a degree that the Bar proceeded to interventions towards the direction of the Courts and even suggested to its members, in a public announcement, to file law suits against the officers obstructing them to perform their duties based on informal, improvised internal circulars.
52. Criminal Courts resumed their function on 1st July, just to close up after 2 weeks, in view of the “judicial vacation”. The Greek “judicial vacation” deserves a special mention, since it could be said to have an autonomous meaning, especially when seen in comparison to the equivalent situation in other EU countries. It in fact has the meaning of the vacation of the majority of the functions of the Justice system, which remain closed during a period of 2 ½ months each summer. Some penal cases, interim measures, labour law cases and some other cases which are characterized as urgent, can be heard before the 2-6 sections which remain functional in Courts across Greece to deal with urgent cases. Other than that, the Courts’ function stops at the onset of July and resumes in mid September of each year. It is in that context that the Greek Government presented the functioning of Courts during the periods of 1-15 July and 1-15 September as a kind of “assistance” to lawyers via the so-called “extension of the judicial year” in 2020.
53. But, even for the 2 weeks (1-15 July) that criminal lawyers were allowed to work before Courts during last summer, the situation was not “normal”: a great number of hearings set for hearing were postponed for Covid-19 related reasons.
54. The function of civil and administrative Courts was also problematic, including via temporary closures of some Courts because of Covid-19 cases manifesting among Judges or personnel.
55. Deposition of civil actions faces restrictions because of Covid “safety measures”, often resembling, in terms of consequences, a partial closure of Courts: lawyers can lodge (or not) up to 3 documents, depending on the last number of their registration at the Bar. That is, twice a month!
56. Postponements of trials are also not uncommon, on Covid-19 related grounds.
57. For some lawyers, it stood impossible to remain in the profession: more than 5 months out of work, in relation to lack of social support devastated the most vulnerable ones. Many more are on the verge of having to quit the profession, if measures are not immediately taken.
58. The function of Courts is highly unsafe for lawyers, who risk their health to perform their duties. Protection measures that –as mentioned in the Collective Complaint- had been taken only for Judges, Prosecutors and Judicial secretariats, have still not been implemented for lawyers. The protection measures in place have in fact been exhausted on barring lawyers’ effective and unobstructed protection in court-related services, such as judicial secretariats, and also access to other services relevant to the lawyer’s function, such as prisons, and cadastral offices.

III. COMPLAINANTS' COMMENTS ON THE GOVERNMENT'S OBSERVATIONS

a. Some comments on the Government's allegations of "measures concerning the legal sector"

59. In its written observations on the measures taken to support the legal sector in the COVID-19 framework, the Government is in fact accepting all the allegations made in the complaint at hand.
60. The Government sets out in detail the arrangements taken by ministerial decisions at the crucial time of the non-functioning period of the courts (pages 5-7).
61. The complainants reiterate that this was the period from 13.3.2020 to 31.5.2020 (for the civil courts) and to 1.7.2020 (for the penal courts).
62. The Government confirms the Complainants' allegation that while for all scientists the allowance set for social support during March and April was 800 euros, as regards lawyers, it opted to restrict the amount at 600 euros.
63. This means that the only monetary state aid for lawyers, with the courts -from which their income comes- closed, was € 600 for the period of the lockdown.
64. The Government also confirms that no other state aid has been given to lawyers since March 2020, a period during which lawyers suffer from the consequences of the pandemic with a decrease in their work flow of more than 40%.
65. In order to understand this degrading categorization of lawyers, it is worth mentioning that the amount of 600 euros is the officially determined monthly fee received by trainee lawyers, according to Joint Ministerial Decision 74953 / 22-8-2011 (Government Gazette B 1866 / 23 -8-2011).
66. That is, the state granted as an allowance to all the currently enrolled lawyers in the country, for their survival for a period of more than 5 months' (either complete or significant) State - imposed restriction of their work, the same amount that the state has instituted as a remuneration of a trainee lawyer for a period of one month.
67. This inequality is obvious, especially if we take into account that for the other -"but some scientific"- professions the state did not reserve such treatment, but granted them an allowance of 800 euros, ie an increase of 200 euros compared to the allowance granted to lawyers.
68. The Government, in a special chapter (p. 7) mentions the taking of additional remedial measures that are also applied to lawyers.
69. This chapter refers to the postponement of the collection of the Value Added Tax and the suspension of the collection of debts to the State. This is a provision that rules only the lawyers who had real income for the first quarter (January - March 2020) and debts to the State. It does not concern the whole legal world in Greece. Therefore, the real beneficiaries of this postponement are just an unspecified, possibly small, percentage of the entire legal world of the country.

70. A relief measure also includes a reduction to 6% of VAT on personal hygiene and protection items, the acceleration of tax and VAT refund procedures in cases up to 30,000 euros, a 25% reduction in timely tax payments, under certain conditions, extensions or deferrals and deadlines of the tax code such as deadlines for appealing tax disputes. While the reduction of VAT on personal hygiene and protection items concerns the entire population (and therefore not only lawyers), respectively the cases of tax refunds and VAT as well as the other reported tax relief measures, concern only a part of the country's legal world that fell into these cases and therefore both measures were not aimed at alleviating the specific problems faced by the legal profession, as they were overall measures for the whole population.
71. As noted in the Complaint, the latter measures were discriminative too: only those who could pay in time during the pandemic would savour a discount. The most unprivileged economically, those lacking savings, would end up paying more than those who had the ability to pay sums to the State during the pandemic.

b. Some comments on the Government's allegations of measures taken in the field of Justice for the security and support of the interested parties (citizens - lawyers - notaries – judges):

72. The Government refers to measures for the implementation of the electronic submission and receipt of certificates, a process that has been foreseen for twenty-two (22) years since the adoption of the relevant institutional framework in Greece, with the enactment of citizens' right to submit applications by e-mail to public services and the corresponding obligation of public services to respond by e-mail. This is general legislation and certainly not measures taken to protect the rights of lawyers in the context of the pandemic. This possibility is provided by article 14 of Law No. 2462/1998.[10]

[10] which reads as follows:

"Article 14

Circulation of documents by electronic means (fax - e-mail)

1. The circulation of documents is allowed between the services of the State, the Public Legal Entities and local authorities or, inter alia, interested natural persons, legal persons governed by private law and associations of persons by fax and e-mail.

2. For the application of this article are defined:

a. As a fax, the faithful reproduction of documents remotely with the help of suitable terminals.

b. As a fax, the received copy on the receiving terminal.

c. As an email, the system for sending and receiving messages over a network, to and from the email address of the users.

d. As an e-mail message, information, text or data file or other document transmitted via e-mail system.

e. As a digital signature, the digital signature on data or attached to data or logically related to them, used by the signatory as an indication of acceptance of the content of this data, provided that said signature:

(aa) is unambiguously linked to the signatory;

bb) identify the signatory,

cc) is created by means by which the signatory can maintain under his control and

(dd) is linked to the data to which it relates in such a way that any subsequent alteration of that data can be disclosed.

3. The provisions of this Article concerning the handling of documents by fax shall apply to documents drawn up by the bodies referred to in paragraph 1 or by natural persons, legal persons governed by private law and associations of persons, in particular decisions, opinions, certificates, certificates, questions, applications, circulars, instructions, reports, studies, minutes, statistics, service notes, written submissions and answers. The documents that are circulated by fax between the services of the State, the N.P.D.D. and the O. T.A. a` and b` grade may be certified by the authorized official of the service to which they are sent and have the effect of an exact copy.

4. Among the services referred to in paragraph 1, messages containing, in accordance with the provisions of this Article, messages containing opinions, questions, requests, answers, circulars, instructions, reports, studies, minutes, statistics, service notes and written submissions. In the above way, messages are circulated between these services and natural and legal persons under private law, which contain information requests and relevant answers.

5. The handling of documents by fax or e-mail to natural persons, legal persons under private law or associations of natural persons requires their consent. Natural or legal persons governed by private law may, by submitting their application or by moving the message, state their preference for the means of reply. Otherwise, their consent to circulate the response by the same means is presumed.

6. The following are excluded from the provisions of paragraphs 3 and 4:

a. The secret documents and in general those whose copies are hindered by the provisions of the current legislation.

b. Documents containing sensitive personal data, in accordance with the provisions of current legislation to protect individuals from the processing of personal data. [Note: "sensitive data" are defined by Article 2 (b) N.2472 / 1997 regarding racial or ethnic origin, political views, religious or philosophical beliefs, participation in a trade union, health, social welfare, love life, related with criminal prosecutions or convictions as well as participation in associations of persons related to the above].

c. Requests, tenders and supporting documents for the recruitment of personnel in any relation, to tenders or procedures for the award of public works, studies, procurement, services or other public tenders, on the basis of a call for tenders, are excluded from the provisions of paragraphs 3 and 4. only in the case specified by special provisions, or the relevant announcement or invitation to participate based on specific reasons.

d. The documents for which the present provisions provide for their submission in original or certified copies, as well as documents that are used as supporting documents for the payment of payment invoices.

. Receipts of any kind of collection.

f. By decisions of the Minister of Interior, Public Administration and Decentralization and the competent Minister on a case by case basis, published in the Government Gazette and issued within an exclusive period of four (4) months from the publication of this law, other categories may be excluded.

if special reasons require this exception.

[The following ministerial decisions have been issued concerning exceptions to additional documents:

a) Decision 1031022/472 / 0006Δ, Government Gazette B '486 / 28.4.1999, "Exemption of documents and messages of competence of the Ministry of Finance from the according to the provisions of par. 3 and 4 of article 14 of L.2672 / 1998 their distribution by electronic means (fax and e-mail respectively)

b) Decision 2/30049/0004. Government Gazette B '462 / 28.4.1999 for documents of competence of the G.L.K.

c) Decision Φ.5 / B3 / 2427, Government Gazette B '462 / 28.4.1999 for documents of recognition of diplomas by DIKATSA

d) Decision Δ15 / A / Φ5 / 7199, Government Gazette B '484 / 28.4.1999 for documents for exploration of exploration and exploitation of hydrocarbons (trade of petroleum products, etc.)

and a p.d. Regulation (EC) No 342/2002 repealed]

8. Applications submitted by fax are not stamped. If the issuance of a certificate or other type of certificate requires the payment of a fee, fee or other amount in favor of the State or third parties, the relevant documents must be presented upon receipt. In this case it is not possible to send the certificate or the certificate by fax.

9. For the purposes of this Article, the mechanical means (telemax device) by which the document is transmitted must leave a clear imprint so that the sending device can be identified. This imprint includes the calling number of the sender and recipient's fax machine, the

date and time of upload, as well as the number of the current page.

10. Documents sent by the services referred to in paragraph 1 and individuals, natural or legal persons, by fax must be accompanied by a consignment note.

11. For documents sent by the above services, the consignment note must contain:

a. the full title and address of the sending service,

b. the identity of the document sent, such as the full title of the issuing service, the protocol number and the date of issue,

c. the number of pages of the document to be sent and

d. the name, capacity, telephone and fax machine number, and signature of the operator.

73. The fact that the Government facilitated the better implementation of this existing possibility with a more specific application through the system of "SOLON"[11] is in a positive direction, but the issue was purely technical and the result is exactly the same as sending each citizen his application, according to article 14 of Law 2462 / 1998 and to receive the certificate. Therefore, **first, this is not an innovation and second, it is not a special measure to strengthen the social rights of lawyers**.
74. The observation that for the period of quarantine the citizens were exempted from affixing a "Megarosimo" in their applications for certificates does not concern the legal world, because it is a general measure. On the contrary, the exemption from the obligation of citizens to affix a trademark harms the legal world in the long run, as it deprives the public treasury of

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12. For documents sent by an individual, the consignment note must contain:

a. the name or address, address, telephone number and, if available, of the fax machine of the natural or legal person signing the document and the date of issue;

b. the number of pages of the document being sent and

c. the sender's signature.

If the document is sent by a legal entity, the consignment note must also contain the information referred to in indent d of the previous paragraph.

13. The documents received by fax to the services referred to in paragraph 1 shall be recorded on the date and in the order in which they were received. A decision of the Minister of Interior, Public Administration and Decentralization determines the manner of establishing and maintaining a single protocol for the documents contained in the service, whether submitted to it or sent by mail or fax.

14. The information referred to in paragraphs 10 to 12 and the contents of the document transmitted by fax shall be deemed to have been received in full and clearly, unless the recipient requests that it be re-sent within a reasonable time.

15. The e-mails between the services referred to in paragraph 1 hereof must contain, at least, the e-mail address of the sender and recipient, the full title of the sending service, the identity of the e-mail sent, the name, the status and the phone number and operator. If data files are attached to the message, the character and identity of that data are indicated.

[Paragraphs 7,16,17,18,19,20,22,23 and 24 WERE ABOLISHED with paragraph 4 of article 48 L.3979 / 2011, Government Gazette A 138 / 16.6.2011.]

21. The fax shall have the validity of the transferred document, provided that the conditions are met and the procedure provided for in this Article is observed.

25. The validity of this article begins two (2) months from the publication of this law in the Government Gazette. "

[11] (www.solon.gov.gr)

revenues devoted solely to maintaining the good condition of courthouse infrastructure, with a direct adverse effect on the quality of their workplaces. The measure of removal of the mark was not offset by another measure that would ensure adequate coverage of the financing of the restoration of judicial infrastructure, which could include protection materials for lawyers in courtrooms (which have so far been provided only for judicial and prosecutorial functionaries –again, excluding lawyers). It is therefore a measure to the detriment of the quality of lawyers' workplace and to their social rights.

75. The Government refers to the suspension of the operation of courts and prosecutorial offices in the country as a measure in favor of the rights of lawyers. At this point, *the Government admits that it has taken the measure of suspending the operation of the courts, ie the place of work of lawyers, but without taking adequate measures to compensate them for the income deficit caused by this suspension*. Unlike judges, who as civil servants naturally continued to receive their salaries, without of course having to go to court as they did not function, lawyers lost their main means of livelihood which is the representation of citizens in the courts.
76. The Government's remark on the "extension of the judicial year" (*sic*), with a reduction in court holidays, after the suspension of the courts (ie in the summer), is a measure without compensatory effects for the legal profession. On the contrary, it constitutes yet another period that the State closes up the most functions of lawyers' workplace, without remunerating them for the relevant loss of income this provokes. In the majority of EU member States, it is the Judges going on vacation (in rotation), and not the Justice system as a whole.
77. Specifically, according to article 11 of the Code of Organization of Courts and Judicial Officers (Law 1756/1987), the judicial holidays begin on July 1 and end on September 15. According to Law 4684/2020, especially for the year 2020, court holidays were limited for the period from 16/07/2020 to 31/8/2020. This means that the restriction of court holidays provided as working time for lawyers a total of only 15 days in July and 15 days in September, so a total of 30 days.
78. These 30 days, however, do not offset the lockdown of the courts for 2.5 (civil Courts) / 3.5 (criminal Courts) months of the lockdown. The so-called "extension of the judicial year" was 150% shorter than the time that the lockdown lasted. The measure of allowing lawyers to work for a few weeks in a semester, before closing down their work again, cannot be considered as being an adequate measure "in favor of lawyers", but an expression of the State's positive obligation to keep the judicial system functional throughout the year.
79. On the contrary, closing down Courts "for vacation" of 6 weeks, upon lawyers having been devastatingly cut off from their work for so long, is yet another obstruction of lawyers to perform their function during the period under assessment.

c. Some comments on the Government's observations regarding the (alleged) digitization and (alleged) simplification of court proceedings

80. The so-called digitization of proceedings carried out by the Government in the year 2020 **concerned a very small percentage of the proceedings,** mainly the filing of petitions to bring the case to the civil courts of Athens and the administrative courts. This procedure applies only to the courts of first instance as well as to the administrative courts of appeal, but has not been fully extended to the civil courts of appeals, where, despite the fact that an appeal can 'theoretically' be lodged online with the court that issued the decision, **the system does not support the online completion of the process** (namely the determination of the trial date, since **the lawyer is still obliged to visit physically the court of appeal to request the determination of the trial's date**). Furthermore, the judgements of the civil courts are now digitized and sent to the lawyers at their request. However, this takes too long (to the degree lawyers report "longing for the old procedure", so that their work can proceed and their income be collected) and does not apply to criminal courts, where lawyers must appear at the registry office of these courts to obtain copies of court decisions. In practice, lawyers, even when the courts opened after the lockdown, were **required to perform a series of actions before the courts in person:** the submission of motions or memoranda and the relevant documents submitted must be done in person, submission of documents to the court registries. In addition, cases are still heard in the physical presence of lawyers in the courts, as **the infrastructure that would allow the conduct of remote trials by video conference has not been implemented**.
81. The Government's failure to install video conferencing systems, forcing lawyers to appear in person in court, posed a particularly high risk to the health of lawyers, who are thus exposed by their physical presence in the small courtrooms of Greek courts, along with a large number other persons, such as witnesses and litigants in civil and administrative cases, without any protection measure such as plexiglass dividents (as implemented for judges, prosecutors and judicial secretaries). These risks could have been avoided by setting up information systems to conduct teleconferencing.
82. As stated above, in many courtrooms, the Government has installed panels of plexyglass that only protect the sitting judges. Nevertheless, the Government did not install panels in the seats designated for lawyers. This omission by the Government has resulted in lawyers being exposed more and more directly to the aerosol created by the speech of witnesses and the parties to the hearing. This omission was made with the following criterion: while for the judges' seats the Government placed protective glass, it failed to add protective glass to the seats of the lawyers for the sole reason that they were lawyers. In other words, instead of providing uniform and equal treatment for the two categories of 'Functionaries of Justice', the Government took care to protect the judiciary, but not the lawyers. The only criterion for discrimination is the status of lawyers, whom the Government deemed to have a lower need for protection in their workplace than the rest of those involved professionally in the administration of Justice. For this reason, there has been an discrimination based on the status of a lawyer, in relation to the treatment reserved by the Government for judges as employees in the exact same workplace, the courtrooms.

d. Comments on the final remarks of the Government

83. The Government claims that it has taken all the appropriate measures to protect lawyers in the context of the pandemic. However, this allegation is contradictory, as is evident in the very text of the Government's observations.
84. The Government admits that it has given an allowance of 800 euros to all those whose work was affected by the pandemic[12], except for those it allegedly values the most: for lawyers it approved an allowance of only 600 euros and only once for half of March and April, an amount corresponding to the official state monthly fee for trainee lawyers. With this remark, the Government admits that it has violated the obligation under the Charter for equal social protection of all workers without discrimination. In this case, the reason for the distinction was the status of the lawyer, therefore the reason why the lawyers were excluded from the allowance of 800 euros was their mere inclusion in the specific professional category or, at least, the fact that they were classified as "scientists".
85. Other "scientists" were not as loudly affected as lawyers: doctors were obviously working during a pandemic, while economists and accountants could (and did) work on-line during the lockdown. Engineers could also work electronically. No other "scientist's" sector was completely shut down, as happened with lawyers. Moreover, no other sector would have to face a well anticipated upcoming "obligatory vacation" (such as the "judicial vacation"), entailing a State imposed closure of the workplace.
86. The lawyer's or "scientist's" status was not an appropriate neither a relevant reason for this exclusion. That is, the Government did not defend with a relevant reasoning this discriminative treatment against lawyers.
87. In particular, the lawyers were additionally excluded from their main source of livelihood, as the courts remained closed for 2.5 /3.5 months due to the lockdown. The claim that during this time lawyers could continue to work by filing online petitions for new legal proceedings does not justify their non-eligibility for the social security benefit, as the online proceedings concerned only certain categories of cases, which were in fact extremely limited. They did not concern the criminal courts, but only certain civil and administrative courts. Also, no trials were held so that lawyers could appear before the courts. The video conferencing system was not implemented to conduct remote trials. On the contrary, judges are provided with the possibility to hold their private deliberations in order to adopt judgments by teleconference remotely, that is, in the context of the judicial decision-making process. This is another discrimination against lawyers: while for judges the maximum protection is provided, for lawyers, even today, the teleconferencing system has not been applied, as a result of which the trials are conducted in the physical presence of lawyers, evidence that exposes them to a significant risk of becoming infected with COVID-19 and puts their integrity and even their lives at risk. Moreover, there is absolutely no excuse for the

[12] On an EU level, the EC defines those mostly affected as those having a turnover decrease of 40% or more.

Government to choose to put protective covers on the judges' seats and judicial secretariats, but not on the lawyers' seats. This is a basic security measure that should have been taken by the Government, which preferred to protect only judges, but not lawyers, in the exact same workplace, for no apparent reason, due to their status as lawyers. The shortening of the court holidays cannot be seen as a measure in favor of the lawyers, especially in the context of the present case: lawyers had, still, absolutely no possibility to adequately cover their livelihood needs during July and August. The opening of criminal Courts for just 2 weeks, interrupting the period 13 March – 1 September, can in no way be seen as a means for lawyers to counterbalance the devastating loss which they had to suffer for consecutive months.

On the Complainants' Request for Immediate Measures

88. The Complainants initially note that the Greek Government did not provide any substantial comment to the Committee regarding the Complainants' allegations about the urgency of their situation and the imminence of devastation for the most vulnerable among lawyers.
89. Instead, it came to admit that it has treated lawyers in a different manner, without making any attempt to explain to the Committee why it did so. In the absence of any argument attempting to undermine, or even comment on the Complainants' allegations about the imminent irreversible harm to lawyers, their children and their families, the Complainants have nothing to refute.
90. The only "proof" invoked by the Greek Government to demonstrate that lawyers are currently respected and recognized in this jurisdiction, is the general mention that "their high participation in public affairs being an explicit indicator of this".
91. The Complainants note that absence, they note that a large number of lawyers could not cope with such hardship and also note that an even larger number of lawyers is about to forcibly exit the profession. They invite the Committee to step in and prevent such an sad and irreversible development.
92. The Complainants observe that the Greek Government affirms that it recognizes lawyers' role in human rights protection, as an equivalent to the role of "other categories of workers – officials, who have been called upon under dire and unprecedented circumstances to offer their services under conditions of restriction and quarantine, such as the medical personnel, the nursing personnel, the civil protection personnel, the personnel in services whose operation has not been suspended and remained in their posts to serve public interest (for example the personnel of security forces, public transportation, pharmacists, journalists and relevant media professions, people employed in the food production, processing and retail sectors and the transport and tourism sector etc)."
93. The association made by the Government of a sector who was forced to stop working or to dramatically decrease it workload, with professions such as food, delivery, transportation and tourism services, or even the analogy to soldiers, is not clear to the Complainants. They nevertheless note that the analogy to professionals of the private and public sector who were still receiving their salaries or profiting as freelancers during the period of reference, should

be considered irrelevant. The Complainants would remind the State party that, by State's acts they were completely and then partially obstructed to work –and are still obstructed to work freely- while on the other hand they were discriminatively excluded from social support, a fact which has rigidly impacted on the most vulnerable among them.

94. The Complainants note that in the Government's observations the State party, upon describing eloquently their exclusion from the state support afforded to other categories of working persons, it alleges that it has taken all appropriate measures to support lawyers!
95. However, the State party's allegation that it took all the measures available to protect the social rights of lawyers must be rejected. It has now been proven that it excluded lawyers from appropriate and related measures it took for other working groups, without presenting to the Committee any justification whatsoever about this difference in treatment. There is no relevant and justified reason for this exclusion.
96. In relevance, the Governmental stance, as reflected in the Observations, reveals that it intends to continue leaving lawyers exposed to risk in the workplace, unprotected and unassisted, in dire contrast to its stance towards other working sectors, including freelancer artists, which it continues to support with a state aid of 534 EUR per month (along with other benefits), because of the loss of their income related to the pandemic.
97. It is indicative of its stance towards lawyers that right upon the Bar Associations seizing the Committee, the Greek Government <u>removed lawyers from the list of "affected professionals",</u> for the whole month of June, that is, when the Criminal Courts were closed by legislation.
98. Upon that point, and although lawyers face significant "unofficial" obstructions (such as having access to lodge up to 3 civil actions only twice a month!) lawyers are still considered "unaffected".
99. Lawyers are still exiled from social support, while the affected groups keep on receiving 534 euros a month, besides other measures of relief afforded to them
100. Regarding the Government's allegation that it has acted within its budgetary margin, the counsel wishes to inform the Committee that in a communication with the EC which approved the measures of support of "Freelancers in Greece", including the 800 euro state aid sum, it derived that the Greek Government did not request any assistance for its lawyers, as the other EU countries did. It latently omitted "scientists" in a footnote from the requested EU funded support it secured for -as also published by the relevant DGI's press release- "all freelancers".
101. It is noted that the 600 EUR aid received by lawyers is an equivalent of 2 months of payments for the low scale of social security (EFKA), which the State has not refrained from collecting during the period of lockdown, closure of Courts, "judicial vacation" and now practices of significant obstruction of lawyers to maintain an adequate workload that would allow them to maintain their dignity and the dignity of the profession.
102. It is evident from the text of its Observations that the Greek Government intends to proceed in that same pace and "aesthetics", leading lawyers to devastation, including a

coerced, massive exit of lawyers from the profession.

103. At the same time the –interrelated and indivisible- fundamental rights of lawyers, their families and their children are placed at risk of irreversible harm, as stated in the Complainants' request for immediate measures,

104. Therefore, there is an even more urgent need for the indication of the Immediate Measures that the Complainants have asked for, in order to protect the lawyers in Greece (as well as their families and children) from violations of their rights to social protection, including:

- the direct inclusion of lawyers in the category of beneficiaries for receiving retroactively the allowance of 800 euros for April, May, June, July, August, September, October 2020, and for as long as the State does not ensure a safe presence and unobstructed access of lawyers in Courtrooms and judicial secretariats, nor an adequate teleconferencing provision, especially as regards lawyers who belong to vulnerable groups, susceptible to serious implications in case they contract Covid-19, or lawyers whose nuclear family members are vulnerable.

- the immediate taking of measures for conducting trials through the teleconferencing process

- the immediate taking of measures for the realization of the possibility of submitting all the files, evidence, documents, memos in all court proceedings by means of internet and

- immediate action to add protective glass in the courtrooms for lawyers.