



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

13 January 2021

**Case Document No. 5**

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

**ADDITIONAL OBSERVATIONS BY GREEK BAR  
ASSOCIATIONS ON ADMISSIBILITY**

**Registered at the Secretariat on 18 December 2020**



## TO THE EUROPEAN COMMITTEE FOR SOCIAL RIGHTS

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

18 December 2020

By E-mail Only

Dear Sir/Madam,

I confirm receipt of Your letter of 17 December 2020, annexing the Government's additional observations, submitted upon a request for extension of the deadline given to the Government, which was granted.

As the Government affirms, it has continued to take measures for affected groups of professionals, sacrificing amounts from the State's budget and from EU funds.

The Complainants submit that all such measures are excluding lawyers from the "Covid-19 related financial aid to the self-employed". This is why the Government refers to measures taken, in general, and not to measures taken for the lawyers. This statement (and of course the underlying reality and practice) enhance the image of discrimination v. lawyers.

The Complainants in turn affirm that lawyers are in a more urgent situation than ever: they have not received any funds to cope with the rigid reduction in their work, caused by Covid-19 related measures imposed by the State, except from the small sum mentioned in their Collective Complaint, which was received upon their insulting treatment. Structures of solidarity (such as the Complainants) and peer support have by now been exhausted for lawyers, while most procedures affecting lawyers' income are either under-functioning or rendered inaccessible via State's acts and omissions. The country is and will be in lockdown at least until 7 January 2021. Most judicial deadlines' suspension has been re-extended up to that time (with a clear prospect of renewal).

Lawyers who are disabled and/or suffering from conditions rendering them vulnerable to Covid-19 severe complications remain "unnoticed" by the State, along with the general lawyers' population. So are lawyers with children, and especially single parents, who have to remain at home while schools are closed, thus being rendered unable to earn the basic income that would enable them to sustain. There is no provision in place to counterbalance the huge loss of income caused during these 8 ½ months that lawyers' work is either "shut down" or significantly impaired, to a degree and "practicalities" resembling a forced closure of business.

At the same time, no lawyer is exempted from social contributions (amounting to thousands of Euros since the first lockdown measures complained of) or, at least, from the so-called “occupation fee” (τέλος επιτηδεύματος) which a lawyer has to pay simply because of being able to work as a lawyer in Greece. In short, the Government has brought lawyers on the verge of despair by shutting down or significantly impairing their ability to work, while continuing to heavily charge them, even if this is simply because of them being lawyers. It is hereby noted that in November 2020 lawyer’s entered, again, the list of affected professionals (CAD), though without any reflection of that status in State aid and socioeconomic support. Such treatment reinforces the appearance of persecution of the lawyer’s Function or, at the least, can be validly expected to lead a significant % of lawyers to exit the profession, without a chance to re-enter, given the “incompatibility” of the Lawyer’s Function with other professions, that has been explained to the Committee in the Collective Complaint.

The Greek Government is either aware of that, or ought to be aware of that, carrying the relevant positive and negative obligations to act and omit.

The Committee will be able to perceive the degree to which the problems faced by lawyers have mounted, by taking note of the recent (8-12-20) Plenary’s decisions and announcement, stipulating, inter alia, the following:

*“The Plenary Session of the Presidents of the Greek Bar Associations, which met extraordinarily on 8.12.2020, under the chairmanship of the President Dimitris Vervesos, through a teleconference, issued the following announcement:*

*1. Lawyers have been extremely affected by the effects of the pandemic, in particular due to the suspension of the Courts and the under-functioning of services directly linked to the practice of the legal profession, which must be supported immediately.*

*Many colleagues, especially young people, are facing serious financial problems and are no longer able to meet even their basic living needs. **The situation has reached the point of no return.***

*The Plenary denounces the inaction of the Government as regards the substantial financial support of the sector and calls on it to immediately assume its responsibilities towards the lawyers. It is time [for the Government] to implement its assurances.*

*2. The Plenary requests the Government to[ensure] **immediately, now:***

*a) The payment of the grant from the special OAED account of law 3996/2011 to all eligible lawyers within the month of December 2020 and before the holidays. Lawyers have been waiting for five months to receive this aid, which has been formed, in fact, by their own contributions,*

and as we are a few days before the Christmas and New Year holidays, the applicable JMC<sup>1</sup> has not

4. In this context, the Plenary: A. Requests an immediate meeting with the Minister of Finance and the Minister of Labor and Social Affairs within the week. B. Starts the **mass collection of signatures of lawyers, electronically, on a resolution of protest against the governmental stance towards the sector, which will be delivered to the Government, the parties and all the deputies, will be registered in Sunday newspapers and will be broadcasted on radio and internet media.**<sup>2</sup>

On 11 December 2020, and in follow up of the above, the Board of Directors of DSA<sup>3</sup> met on 11.12.2020 by teleconference. Following an interactive discussion, the following decisions were taken, which were announced in public<sup>4</sup>:

*“1. Claiming framework: The Board of the DSA strongly condemns the governmental mockery against the lawyers’ Body, which, while it has been irreparably affected by the pandemic, both in the first wave, where the courts were completely closed, and in the second wave, with the majority of proceedings still not working, it has received disproportionally less support than any other affected social groups.*

***The numbers are eloquent: In March the prepaid bills decreased by 70,353 (-94.18%), in April the bills decreased by 102,385 (-95.30%), in May the bills decreased by 53,622 (-63.48%), while during the month of November, the bills were decreased by 53,499 (-45.29%) compared***

<sup>1</sup> Note placed by the Counsel: Joint Ministerial Decision necessary for making any lawyer eligible for a sum (that may range from 150 to 400 euros and is expected to cover for less than 10% of the lawyers, given eligibility criteria expected to be in place)

<sup>2</sup> Announcement available on line in the Athens Bar Association’s website, also available here:

[https://www.dsa.gr/%CE%B4%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CF%84%CF%8D%CF%80%CE%BF%CF%85/%CE%B1%CF%80%CE%BF%CF%86%CE%AC%CF%83%CE%B5%CE%B9%CF%82-](https://www.dsa.gr/%CE%B4%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CF%84%CF%8D%CF%80%CE%BF%CF%85/%CE%B1%CF%80%CE%BF%CF%86%CE%AC%CF%83%CE%B5%CE%B9%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%AF%CE%BD%CF%89%CF%83%CE%B7-%CF%84%CE%B7%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82-%CF%84%CF%89%CE%BD-%CF%80%CF%81%CE%BF%CE%AD%CE%B4%CF%81%CF%89%CE%BD-%CF%84%CF%89%CE%BD-%CE%B4%CE%B9%CE%BA%CE%B7%CE%B3%CE%BF%CF%81%CE%B9%CE%BA%CF%8E%CE%BD-%CF%83%CF%85%CE%BB%CE%BB%CF%8C%CE%B3%CF%89%CE%BD--4)

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[/ Last accessed on 18-12-2020](https://www.dsa.gr/%CE%B4%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CF%84%CF%8D%CF%80%CE%BF%CF%85/%CE%B1%CF%80%CE%BF%CF%86%CE%AC%CF%83%CE%B5%CE%B9%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%AF%CE%BD%CF%89%CF%83%CE%B7-%CF%84%CE%B7%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82-%CF%84%CF%89%CE%BD-%CF%80%CF%81%CE%BF%CE%AD%CE%B4%CF%81%CF%89%CE%BD-%CF%84%CF%89%CE%BD-%CE%B4%CE%B9%CE%BA%CE%B7%CE%B3%CE%BF%CF%81%CE%B9%CE%BA%CF%8E%CE%BD-%CF%83%CF%85%CE%BB%CE%BB%CF%8C%CE%B3%CF%89%CE%BD--4)

<sup>3</sup> Athens Bar Association

<sup>4</sup> The relevant announcement being available on line at the Athens Bar Association’s website, here:

[https://www.dsa.gr/%CE%B4%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CF%84%CF%8D%CF%80%CE%BF%CF%85/%CE%B1%CF%80%CE%BF%CF%86%CE%AC%CF%83%CE%B5%CE%B9%CF%82-](https://www.dsa.gr/%CE%B4%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CF%84%CF%8D%CF%80%CE%BF%CF%85/%CE%B1%CF%80%CE%BF%CF%86%CE%AC%CF%83%CE%B5%CE%B9%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%AF%CE%BD%CF%89%CF%83%CE%B7-%CF%84%CE%B7%CF%82-%CE%BF%CE%BB%CE%BF%CE%BC%CE%AD%CE%BB%CE%B5%CE%B9%CE%B1%CF%82-%CF%84%CF%89%CE%BD-%CF%80%CF%81%CE%BF%CE%AD%CE%B4%CF%81%CF%89%CE%BD-%CF%84%CF%89%CE%BD-%CE%B4%CE%B9%CE%BA%CE%B7%CE%B3%CE%BF%CF%81%CE%B9%CE%BA%CF%8E%CE%BD-%CF%83%CF%85%CE%BB%CE%BB%CF%8C%CE%B3%CF%89%CE%BD--4)

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*to the corresponding periods of last year. Of course, it should not be forgotten that, at the same time, the services that are directly linked to the practice of the legal profession are under-functioning. Despite the fact that the Government is aware of the alginate situation that has developed, it systematically nullifies its promises, both with the known regression of the first wave of the pandemic, and with the extension of the reference period of the 4th cycle of the repayable advance, which resulted in to deprive the vast majority of colleagues even of this last [chance of] financial support, but also with the unjustified postponement of the grant from the OAED account (pursuant to article 66 of law 4576/2020).*

*The result is that a very large number of colleagues, especially young people, face very serious financial problems and in many cases are unable to meet even their basic living needs. The Government must assume its responsibilities directly to the bar.”*

The ABA’s Board referred to “the government's attitude” as “highly disparaging towards lawyers” and called on the Government to take measures “**immediately - as no more delays can be tolerated**”, including granting a special purpose allowance for as long as the suspension of the courts continue, to “immediately suspend the current tax and insurance liabilities, to ensure the financial support of lawyers, “based on the reduction of their income”, for previous months as well.

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Although the Complainants are not invited to provide comments on the Government’s last 2-paged letter, which in any case does not respond to the Committee’s request for comments and limits itself to briefly reiterating the Government’s previous submissions (which were, again, not providing any comments on the Complainants’ request for interim measures), and criticizes the Committee’s capacity to indicate provisional measures, in general, the Complainants would warmly wish to provide some clarifications about the only new element the Government submits, which is the phrase in the last section of para.4 “*at present, by virtue of Law 4756/2020, lawyers, along with other categories of free – lancers, are entitled to a lump – sum financial assistance*”, escorted by footnote No2.

More specifically, the Complainants would wish, in a properly documented manner, to draw the Committee’s attention to the fact that the latter provision is not self-standing, but requires a Ministerial Decision to become enforceable, i.e. to designate who will be the beneficiary, what is the height of the sum, what are the criteria of eligibility etc., in order to give an enforceable right to lawyers to claim any sum whatsoever (to be “entitled”, as the Government calls it); what is more, it refers to an account of “solidarian aid” (ταμείο αλληλοβοήθειας) for “unpemployed lawyers” (the definition of the latter term being another-practically crucial- matter) built by lawyers’ (and not Governmental) funds, which may have so far been used in a manner not yet clarified to the Complainants’, despite their several requests for information to the competent authorities, leading the Complainants to announce via a press release their relevant recourse to

criminal Justice, so that what appears as a possible misuse of lawyers' funds is investigated for criminal liability.

I would be very much obliged if You informed me whether I am allowed to make such a submission, which I am prepared to submit to the Committee within 24 hours from the acceptance of this request.

Even if that is not advised, the Complainants hereby wish to emphasize that the lawyers' treatment has been persistently discriminative and inconsiderate of the most fundamental of lawyers' social rights, and that the resulting situation of lawyers at present has mounted to become the most critical one in the respondent State's modern history.

Without a rigid intervention by the Committee, with the indication of provisional measures in the direction of adequately supporting lawyers in Greece and guaranteeing their integrity and safety, one can validly expect not only individual tragedies and an incredible blow on the dignity of the most vulnerable members of the Bar, but an unprecedented, massive, forced exit from the Lawyer's profession in Greece.

Lack of urgent –truly urgent- protection may not only **irreversibly** exile the weakest (socio-economically and on grounds of health or other vulnerability, i.e. single parents) from serving the lawyer's Function, but affect the image of the levels of respect for the Rule of Law in the whole EU.

Respectfully,

On behalf of the Complainants

The Counsel



Electra Leda KOUTRA