

Pro Bono Practices and Opportunities in Greece

INTRODUCTION

Greece does not have a strong tradition of providing pro bono legal services. There is, however, a legal aid scheme in place under which people who cannot afford to pay for legal fees are entitled to legal assistance. Legal aid is available before all civil, criminal and administrative courts. In recent years, following the wave of immigrants and refugees arriving in Greece, legal aid services have developed to assist refugees seeking asylum and the protection of their human rights.

OVERVIEW OF THE LEGAL SYSTEM

The Justice System

Constitution and Governing Laws

The highest binding law in Greece is the Constitution, which was first adopted in 1975. The Constitution prevails over all domestic legal instruments, and in order of precedence, it is followed by statute law, presidential orders and administrative measures. International laws and conventions that have been ratified by statute and have entered into force in accordance with their provisions, also form an integral part of domestic Greek law and take precedence over any other provision of national law that contradicts them, apart from the Constitution.¹ The founding treaties of the EU are also at the same formal level as the Constitution. Unlike the common law system, court rulings do not constitute a source of law, but are rather an important source of interpretation of existing laws.

Parliament along with the President of Greece have legislative power vested in them by the Constitution. The President of Greece, acting on the proposal of a competent Minister, issues the decrees necessary to implement laws and may not suspend the implementation of laws or exempt anyone from their application.² For the regulation of more specific matters, or matters of local interest or of a technical or detailed nature, regulatory decrees may be issued by the Government on the basis of special authorization given by law, within the limits laid down in the authorization. Regulatory acts may also be issued by other administrative bodies.

The Courts

Types and levels of courts

There are three major types of courts in Greece: administrative (*Διοικητικά δικαστήρια*), civil (*Πολιτικά δικαστήρια*) and criminal (*Ποινικά δικαστήρια*).³ Disputes of an administrative nature fall under the jurisdiction of the Council of State (*Symvoulío tis Epikrateias* or *STE – Συμβούλιο της Επικρατείας*) and the administrative courts (courts of first instance and appeal). Disputes of a civil nature and voluntary jurisdiction are dealt with by the civil courts. Criminal courts deal with crimes and the adoption of all measures required by criminal laws. The Court of Cassation or Hellenic Supreme Court of Civil and Penal Law (*Άρειος Πάγος – Άρειος Πάγος*) is the supreme judiciary body dealing with civil and criminal law matters. It only examines legal issues, not factual issues.⁴

¹ Greek Constitution, Article 28.

² Greek Constitution, Article 43.

³ See European e-Justice Portal <https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-el-en.do?member=1> (last visited on September 4, 2015).

⁴ See European e-Justice Portal <http://ec.europa.eu/civiljustice/org_justice/org_justice_gre_en.htm>(last visited on September 4, 2015).

Appointed judges

Law school graduates may be appointed as judges after they have passed the relevant oral and written examination, and completed a course at the National School of Judges. For ordinary civil and criminal matters, the entry-level grade is associate judge of a court of first instance. The subsequent hierarchical positions are: judge of a court of first instance, president of a court of first instance, judge of an appeal court, president of a court of appeal, judge of the Supreme Court (*Áρειος Πάγος – Άρειος Πάγος*), vice-president of the Supreme Court, and president of the Supreme Court.

Ordinary administrative courts have a similar hierarchical system from first instance bodies to the Council of State, or Supreme Court of administrative law (*Symboulío tis Epikrateias or STE – Συμβούλιο της Επικρατείας*), and the Court of Auditors, which mainly audits public spending. In addition, the justices of peace are a special category of judges in the field of civil and criminal justice, and to become a justice of the peace, they must pass the relevant oral and written examination.⁵

The Practice of Law

Education

Any Greek citizen holding a law degree from a Greek university or who has completed equivalent studies at a recognized foreign university may register with any Bar Association as a trainee lawyer (*askoumenos dikigoros – ασκούμενος δικηγόρος*). For 18 months, the trainee lawyer must then practise under the supervision of a qualified lawyer or the Legal Council of the State.⁶ At the end of this, the trainee lawyer is entitled to take part in the Bar examination in order to obtain a lawyer's licence. All successful candidates will then enter the legal profession.⁷ There are no specific requirements for trainee lawyers to provide pro bono services as part of the trainee lawyer practice.

Licensure

The legal profession in Greece is regulated by different Bar Associations (*δικηγορικοί σύλλογοι*), which a lawyer must register with. There are 63 Bar Associations – one per seat of each court of first instance (*Protodekeion – πρωτοδικείο*). There are no CLE or education requirements for qualified lawyers in Greece.

Lawyers are initially admitted to plead before the courts of first instance and justices of the peace (*Protodekeion – πρωτοδικεία*). Then after five years of practice, they may be admitted before the courts of appeal (*Efeteion – εφετεία*). Finally, after a further five years and depending on how long a lawyer has been in practice and the type of cases they have acted on,⁸ they may be admitted before the Supreme Court (*Ários Pagos – Άρειος Πάγος*).⁹

In Greece, lawyers (*δικηγόροι*) are not required to specialise in a field of law. There is no distinction between barristers and solicitors as lawyers also serve as legal advisers (*νομικοί σύμβουλοι*). With some exceptions,¹⁰ parties cannot appear before a court without a lawyer representative.

⁵ See European e-Justice Portal <http://ec.europa.eu/civiljustice/legal_prof/legal_prof_gre_en.htm> (last visited on September 4, 2015).

⁶ Another alternative is the trainee lawyer may practise under the supervision of the Courts, but only for a maximum of one semester for each trainee lawyer: Article 33 of Law No. 3910 of February 8, 2011.

⁷ See B. Nascimbene and E. Bergamini, *The Legal Profession in the European Union*, Wolters Kluwer, 2009, page 118; available at <<http://www.greeklawdigest.gr/topics/legal-profession-in-greece/item/125-the-legal-profession-in-greece>> (last visited on September 4, 2015).

⁸ An alternative to this “further five year” requirement, is that the lawyer only needs to practise for a further two years, if their overall experience is at least 12 years.

⁹ B. Nascimbene and E. Bergamini, *The Legal Profession in the European Union*, Wolters Kluwer, 2009, page 120.

¹⁰ The exceptions are before administrative authorities, in criminal cases except those before the Supreme Court and the Court of Appeal, in proceedings before justices of peace, in urgent proceedings or before ecclesiastical courts.



Presidential Order 152/2000 regulates the practice of foreign lawyers in Greece who have obtained their qualification in another member state of the EU (in compliance with the European Directive 98/5/EC). Such lawyers may practise on a permanent basis in Greece, in either a self-employed or a salaried capacity. They must register with the relevant Greek Bar Association and keep chambers in the area in which they practise.

Once their application for registration is accepted, these lawyers are subject to the same obligations and have the same rights as Greek lawyers, but may only integrate fully into the legal profession once they can show that they have actually practised their profession on a regular basis in Greece for three years. During these three years, lawyers wishing to represent a client in court must be assisted by a lawyer entitled to appear before the court hearing that case. Acts or duties which Greek law considers to constitute an exercise of public authority may be performed only by lawyers of Greek nationality. The profession may be pursued jointly by one or more lawyers practising in Greece, under their professional title of origin, as members or associates of a group in their country of origin with a branch or office in Greece.

Demographics

At the end of 2009, there were approximately 41,000 lawyers registered at all Greek Bar Associations¹¹ and, in March 2015, there were approximately 21,000 lawyers registered in the Athens Bar Association.¹² In Europe, Greece is one of the countries with the most lawyers per capita, with between 330 and 380 lawyers per 100,000 inhabitants.¹³

In 2014-2015, the Athens Bar Association, together with the Hellenic Bar Association, began to provide training to junior criminal law practitioners. 100 lawyers have enrolled in this program, aspiring to use it as a platform for the certification for legal aid lawyers in the near future.

Legal Regulation of Lawyers

The provision of legal services in Greece is subject to the Lawyer's Code (*Κώδικας περί Δικηγόρων*), which regulates disciplinary law, fees and general advancement in status. Lawyers in Greece must also comply with a Code of Conduct (*Κώδικας Δεοντολογίας*) and the rules of the Bar Associations (*Εσωτερικοί Κανονισμοί Δικηγορικών Συλλόγων*),¹⁴ which mirror the provisions of the Code of Conduct for Lawyers in the EU provided by the Council of Bars and Law Societies of the EU (the "CCBE").¹⁵

Lawyers in Greece must at all times preserve absolute independence, comply with confidentiality rules, and serve the clients' interests diligently, conscientiously and promptly. They also cannot act in situations where a conflict of interest exists. According to the Lawyer's Code, an attorney is prohibited from providing legal services without receiving a fee, except if the client is a close relative or can prove that

¹¹ See Council of Bars and Law Societies of Europe <http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/2010_table_of_lawyer1_1337839511.pdf> (last visited on September 4, 2015).

¹² See Council of Bars and Law Societies of Europe <http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/2015_Table_of_Lawyer1_1433140834.pdf> (last visited on September 4, 2015).

¹³ J.-P. Jean, Criminal Justice in Europe in the 2014 report of the CEPEJ, Dalloz, February 2015.; X.E. Kramer and C.H. ven Rhee, Civil Litigation in a Globalising World, (TMC Asser Press, 2012), page 200.; C. Winston, R.W. Crandall and V Maheshri, First thing we do, let's deregulate all the lawyers (The Brookings Institution, 2011), page 25.

¹⁴ See Council of Bars and Law Societies of Europe <http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/code_grece_elpdf12_1187786105.pdf> (last visited on September 4, 2015).

¹⁵ See Council of Bars and Law Societies of Europe <http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/EN_CCBE_CoCpdf1_1382973057.pdf> (last visited on September 4, 2015).



they do not have the means to pay for the legal services provided.¹⁶ Attorneys' fees are freely negotiated between the attorney and client with no legally set minimum or maximum fee. In the case of legal aid, beneficiaries are exempt from the advance payment of fees. It is also possible for an attorney to negotiate and receive a monthly salary for legal services provided to a client.

LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

The Right to Legal Assistance

Citizens with low income are entitled to receive legal services without paying fees.¹⁷ Articles 194 to 202 of the Code of Civil Procedure, and 100 and 304 of the Code of Penal Procedure, respectively, also provide for the possibility of receiving legal aid in trial proceedings. In principle, the main costs of a trial have to be borne by the party who brings the action; however, the losing party will be ordered to bear the costs of trial for both parties. Legal aid exempts the applicant from all legal costs, including judicial stamp duty, duty on the writ of execution, surcharges on these stamp duties, solicitor's and bailiff's fees, costs relating to witnesses and experts, and the fees of the lawyers or other representatives.

State-Subsidized Legal Aid

Legal aid is available before all civil, criminal and administrative courts, both for contentious and non-contentious proceedings, but not for procedures before administrative authorities.

There is no special application form for requesting legal aid. Legal aid is requested from and granted by: (i) the district court; (ii) a single judge at a first instance court; or (iii) the president of the competent court where the proceedings are to be instituted or pending. For matters unrelated to trial, legal aid is granted by the district court of the place of residence of the applicant. The applicant should submit evidence justifying the application at least 15 days before the trial. The competent authority appoints an attorney, who will represent the applicant. The attorney does not have the right to object to the representation.

Eligibility Criteria

The following persons are eligible for legal aid:

- any national who can show that payment of their legal costs is liable to deprive them and their family of the means necessary for their maintenance;¹⁸
- corporate bodies that are in the public interest or non-profit-making and groups of persons who have the right to take part in court proceedings if it is shown that payment of the costs of the proceedings would make it difficult or impossible for them to accomplish their aims;
- partnerships or associations, if they cannot pay the costs of proceedings and its members cannot do so without depriving themselves and their families of the means necessary for their maintenance; or
- foreign nationals, provided that there are reciprocal arrangements between Greece and the foreign country, and stateless persons on the same conditions applicable to Greek nationals.

Legal aid may be withdrawn or restricted by the court at the prosecutor's request or by the court's own motion, if the requirements for legal aid are not met or if the circumstances warranting legal aid have changed. If the applicant succeeds in securing legal aid on the basis of false statements or information,

¹⁶ Lawyer's Code, Article 175.

¹⁷ Law No. 3226/2004.

¹⁸ Only those with an annual family income of less than 2/3 of the minimum annual personal pay, as stipulated by the national general Collective Labour Agreement, are eligible for legal aid. Based on the 2013 figures, anyone with an annual family income less than €6,597.36 would be eligible. See European e-Justice Portal <https://e-justice.europa.eu/content_costs_of_proceedings-37-el-maximizeMS-en.do?member=1> (last visited on September 4, 2015).



the court will order the withdrawal of legal aid and will impose a fine, without prejudice to the obligation on the applicant to repay the sums received and with the possibility of criminal prosecution. Furthermore, if the aided party loses a case, the applicant may still have to pay some or all of the costs of the winning party as soon as the aided party's circumstances improve and have been verified.

Mandatory Assignments to Legal Aid Matters

The attorney undertaking a legal aid case is appointed by the court that granted the aid at the aided person's request, on the basis of lists of attorneys compiled and kept by the local Bar Associations. The attorneys are included on these lists on their own initiative and, if chosen, they are obliged to provide their legal services without receiving fees from the client. In practice, the aided person can however influence the choice of attorney so appointed. The Ministry of Justice will cover the legal fees owed to these attorneys and the amount will be the minimum statutory fee issued by the Ministerial decision.¹⁹

Unmet Needs and Access Analysis²⁰

Under Greek law, legal aid may be granted during trial proceedings and proceedings before the investigating judge (e.g. bail and remand in custody hearings). Legal aid is not available at the police investigation stage or when the suspect is questioned by the police. In theory, suspects have the right to consult with a lawyer before and during custodial interrogation. The unavailability of legal aid at this stage means that the statutory right to legal services is merely theoretical for most people. The Committee for the Prevention of Torture of the Council of Europe has identified the unavailability of legal aid at this stage as a major issue in Greece and has requested that the Bar Associations extend the existing legal aid mechanism to the police investigation stage.

Legal aid lawyers state that they are often not informed of their appointment until the very day of the hearing, which impacts the quality of their assistance. In addition, it is not possible for a court-appointed lawyer to resign. The compulsory nature of the appointment is especially problematic because the legal aid lawyer is considered to act not only in the interests of their client, but also in the interest of the public and administration of criminal justice. Opinion is divided as to whether this means that legal aid lawyers may be required, in certain circumstances, to act beyond or even against the will of their client.

Alternative Dispute Resolution (“ADR”)

Various specific provisions under Greek Law regulate the ADR processes, including conciliation, judicial or court-settlement, judicial mediation and mediation, in order to resolve disputes in an amicable, cost-effective and time-effective way.²¹

Arbitration

All private law disputes, other than those relating to the provision of dependent labor, can be taken to arbitration, provided that the parties to the arbitration have the authority to dispose freely of the subject matter of the dispute. The parties are even free to make future disputes subject to arbitration. In that case, there must be a written agreement referring to a specific legal relationship from which disputes may originate. An agreement to submit to arbitration may also be made before a court during the hearing of a case. One or several persons or even an entire court may be appointed as arbitrators.²²

¹⁹ Law No. 3226/2004, Article 14.

²⁰ See Open Society Foundations <<https://www.opensocietyfoundations.org/sites/default/files/eu-legal-aid-greece-20150427.pdf>> (last visited on September 4, 2015).

²¹ See European e-Justice Portal <http://ec.europa.eu/civiljustice/adr/adr_gre_en.htm#103> (last visited on September 4, 2015).

²² Greek Code of Civil Procedure, Chapter Seven, Articles 867 to 903.



International commercial arbitration is governed by the law²³ under which Greece adopted the UNCITRAL Model Law on international commercial arbitration.²⁴ The Greek Code of Civil Procedure is applicable for international arbitrations, usually on an ancillary basis, if an issue is not directly regulated by Statute No. 2735/1999.²⁵

Mediation

According to Greek law, a mediator must be a lawyer with a special certification.²⁶ The Mediator Certification Board (*Επιτροπή Πιστοποίησης Διαμεσολαβητών*) operates under the authority of the Ministry of Justice, Transparency and Human Rights and is responsible for certifying mediators. A mediator is certified after passing an examination before a board composed of two members of the Mediator Certification Board and one judicial official. The Legal Profession and Bailiff's Department (*Τμήμα Δικηγορικού Λειτουργήματος και Δικαστικών Επιμελητών*) of the Directorate-General for the Administration of Justice of the Ministry of Justice, Transparency and Human Rights is responsible for certifying mediators and issuing administrative acts required for certification. The Department also ensures that tables of licensed mediator training organizations and certified mediators are drawn up and distributed to courts.²⁷ Mediated agreements are not subject to judicial stamp costs²⁸ in order to become enforceable, but only to a procedural fee of € 100.²⁹

Conciliation

The Greek Code Civil of Procedure provides two mechanisms to encourage parties to resolve disputes outside the court with or without the engagement of a third person: one before any complaint has been filed (attempt at conciliation),³⁰ and the other after the filing and before any court decision (out-of-court settlement).³¹ These mechanisms seem however to be rarely used in practice.

For the latter, the parties are required to try to reconcile their interests. The summons to the hearing must also include an invitation to the defendant to attend the office of the plaintiff's lawyer, on a specific day at a specific time to attempt to reach an out-of-court settlement. At the meeting, the parties, with their lawyers or self-represented, and assisted also (if they wish) by a third person chosen jointly, examine the dispute in its entirety, as well as any cross-action by the defendant, without being bound by the provisions of substantive law.

If the parties arrive at a resolution of the dispute in whole or in part, a minute is drawn up, with exemption from duties, stating the content of their agreement and, in particular, the nature of the acknowledged right,

²³ Statute No. 2735/1999.

²⁴ See UNCITRAL <<http://www.uncitral.org/uncitral/en/index.html>> (last visited on September 4, 2015).

²⁵ See Georgia Karnachoriti and Eleni Daskalaki, 'Arbitration Under Greek Code of Civil Procedure' (Greek Law Digest, January 9, 2012) available at <<http://www.greeklawdigest.gr/topics/judicial-system/item/17-arbitration-under-greek-code-of-civil-procedure>> (last visited on September 4, 2015).

²⁶ Law No. 3898/2010, which transposes European Directive 2008/52/EC.

²⁷ Lists of certified mediators may be found on the [website of the Ministry of Justice, Transparency and Human Rights](#).

²⁸ According to Greek Law No. 4111/2013 such specific costs for filed cases are fixed at 8% of the value of the claim surcharged by 37.4%.

²⁹ Ministerial Decision No. 85485/2012.

³⁰ Greek Code of Civil Procedure, Articles 208 to 214.

³¹ Greek Code of Civil Procedure, Article 214A provides that suits concerning disputes in private law which by reason of their subject-matter fall within the jurisdiction of the multi-member court of first instance in ordinary proceedings, and in respect of which conciliation is permissible under substantive law, may not be heard unless there has been a prior attempt to find an out-of-court settlement. When drawing up the record of the filing of the suit and setting the date of the hearing, the registrar shall affix a clear stamp on the original and the copies stating that the case cannot be heard if there has not been a prior attempt to achieve an out-of-court settlement of the dispute.



the sum attaching to the due performance and any terms under which the performance will be fulfilled. The minute is dated and signed by the litigants or their lawyers and ratified by the court of first instance before which the action is pending. If an agreement is not reached, a minute noting the failure of the attempt to find an out-of-court settlement, in which the causes of the failure may be set out, is drawn up and signed.

Ombudsman³²

The Greek Ombudsman (*Συνήγορος του Καταναλωτή*) is a constitutionally sanctioned Independent Authority. It was founded in October 1998 and operates under the provisions of Law No. 3094/2003. The Ombudsman provides its services to the public free of charge, and received more than 8,500 complaints in 2011.³³

The Greek Ombudsman investigates individual administrative actions or omissions or material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities. Complaints can be submitted by any citizen, regardless of nationality, who has an issue with a Greek public service anywhere in Greece or abroad. Before submitting a complaint to the Greek Ombudsman, the complainant should first come into contact with the public service involved with his or her case. Only if the issue is not resolved by the service concerned should a complaint be submitted to the Ombudsman.

The main mission of the Greek Ombudsman is to mediate between the public administration and citizens, in order to help citizens exercise their rights effectively. The Greek Ombudsman also defends and promotes children's rights, promotes equal treatment and fights discrimination in the public sector based on race or ethnicity, religious or other conviction, disability, age or sexual orientation, and promotes and monitors the equal treatment of men and women in matters of employment both in the public and the private sector. The Greek Ombudsman also makes recommendations and proposals to the public administration. The Ombudsman does not impose sanctions or annul illegal actions by the public administration.

PRO BONO ASSISTANCE

Pro Bono Opportunities

Private Attorneys – Law Firm Pro Bono Programs

There is typically no pro bono legal assistance provided by lawyers in Greece.³⁴ However, some law firms undertake to provide pro bono legal services to charitable organizations and non-profit institutions (advising, in particular, on the formation, ongoing governance and compliance requirements of such organizations), as well as individuals and start-up companies created by young entrepreneurs.³⁵ Some firms encourage their lawyers to take part in pro bono work through firm-wide policies, but these initiatives remain isolated instances.

³² See The Greek Ombudsman <<http://www.synigoros.gr/?i=stp.en.home>> (last visited on September 4, 2015).

³³ See The Greek Ombudsman <<http://www.synigoros.gr/resources/docs/oi-drasthriothtes-ths-xronias.pdf>> (last visited on September 4, 2015) (in Greek only).

³⁴ See European e-Justice Portal <https://e-justice.europa.eu/content_access_to_justice_in_environmental_matters-300-EL-en.do?clang=en> (last visited on September 4, 2015).

³⁵ See e.g. initiatives from Greek law firms available at: Papapolitis & Papapolitis <<http://www.papapolitis.com/about-us/pro-bono/>> (last visited on September 4, 2015), Dalakos Fassolis Theofanopoulos <<http://dftlaw.gr/pro-bono/>> (last visited on September 4, 2015), Felios & Associates <<http://www.felioslawfirm.gr/en/firm/pro-bono-work/>> (last visited on September 4, 2015) and Lykourezos Law Offices <<http://lykourezoslawoffices.gr.s85244.gridserver.com/?p=1056>> (last visited on September 4, 2015).



Recent examples of pro bono legal services provided by Greek law firms include worthwhile non-profit and non-governmental initiatives such as:

- Greece Debt Free (GDF) aimed at reducing Greece's national debt;³⁶ and
- the Hellenic Initiative launched by the Greek diaspora to support economic revival in Greece through entrepreneurship and business development. In collaboration with the Libra Group, the Hellenic Initiative established the Hellenic Entrepreneurship Award program, which awards money to Greek entrepreneurs for their original thinking and entrepreneurship.

In addition, various groups of lawyers have been constituted in an effort to provide help to migrants and refugees, to ensure respect for their rights. One example is the "Group of Lawyers for the Rights of Migrants and Refugees" (*Ομάδα Δικηγόρων για τα δικαιώματα προσφύγων και μεταναστών*) which is a group of lawyers who work on a volunteer basis. Their objective is to provide legal consultation, covering all issues emerging from the current Greek legal framework relating to migrants' and refugees' status. This group also provides pro bono court representation in particular cases.³⁷

Non-Governmental Organizations ("NGOs")

The only cases of pro bono court representation are those provided by certain human rights NGOs in cases concerning migrants and refugees. Because of the particular geographical location of Greece, and the numerous migrants and refugees it has been receiving lately, a special niche for pro bono legal services in relation to their rights has been created.

According to 2014 UNHCR statistics, 42,432 refugees and individuals in refugee-like situations (including asylum seekers and stateless persons) were residents in Greece.³⁸ In July 2015, UNHCR stated that 77,100 people had arrived in Greece by sea since the beginning of 2015. The UN Refugee Agency also reported that an average of 1,000 refugees were arriving in the Greek islands every day, thereby creating an unprecedented emergency for Greece and other countries.³⁹

The following are examples of foundations or programs that are active in providing pro bono legal services to refugees:

The Marangopoulos Foundation for Human Rights ("**MFHR**"),⁴⁰ established in 1978, offers free legal services to people (without any discrimination as to race, religion, sex, language, nationality or social origin) whose fundamental human rights and freedoms have been infringed and who are unable to pay for legal counsel. MFHR has accepted many different cases, including the following:

- offering legal assistance to refugees and asylum seekers by submitting asylum applications and assisting in the procedures for determining refugee status in accordance with the provisions of the 1951 Geneva Convention. Although the implementation of Greek law on political asylum is strict, MFHR has achieved a positive outcome for a satisfactory number of cases;
- supporting detainees and prisoners by providing legal aid and defending them before the court;
- examining the conditions and terms under which detainees and prisoners are being kept, especially in mental hospitals, in addition to taking action to ensure that their rights are not being violated;
- Greeks of Northern Epirus have received special attention and assistance concerning their settlement in Greece, residence, and work permits, including procedures to obtain Greek citizenship;

³⁶ See Greece Debt Free <<http://www.greecedebtfree.org/>> (last visited on September 4, 2015).

³⁷ See <<http://omadadikigorwn.blogspot.com/>> (last visited on September 4, 2015) (in Greek only).

³⁸ See UNHCR <<http://www.unhcr.org/pages/49e48e726.html>> (last visited on September 4, 2015).

³⁹ See UNHCR <<http://www.unhcr.org/559fe2ef6.html>> (last visited on September 4, 2015).

⁴⁰ See Marangopoulos Foundation for Human Rights <<http://www.mfhr.gr/?ln=1>> (last visited on September 4, 2015).



- intervening in deportation cases wherever necessary and preventing the deportation of foreigners who are in danger of torture or physical and psychological oppression in their own countries;
- offering assistance to the homeless and those outside the social security system; and
- assisting individuals to resolve problems with Greek public authorities.

The Ecumenical Refugee Program (“ERP”)⁴¹ is a special service of the Holy Synod of the Orthodox Church of Greece that assists refugees, asylum seekers and migrants. ERP runs different projects that have been funded by various sources, including the European Commission, UNHCR, European Refugee Fund and the Greek Ministry of Health. The ERP provides primarily legal and social assistance, translation facilities and legal representation to asylum seekers in the Athens area and is one of the main organizations in this field in Greece. Advocacy is also a primary goal of this organization. Since March 2011, ERP is a partner of UNHCR within the Asylum Reform Project in Greece in the areas of legal assistance and representation of asylum seekers in Greece. ERP is a member of the legal, social, national and European networks in the field of refugee protection and advocacy.

The NGO AITIMA⁴² (Greek word for “Request”) was founded in December 2008 to defend human rights and protect the environment by providing free legal advice and consultation to vulnerable groups, including refugees, minority and newly arrived communities, delivering training, education, cultural events and conferences, conducting research, and appealing to the judiciary system.

The Greek Council for Refugees (“GCR”)⁴³ is a Greek NGO, founded in 1989 to support refugees and asylum seekers in Greece. Through various psychosocial and legal services, it assists with their integration in Greece. The GCR works with diverse partners at various levels – from ministries and local governments to international organizations, and offers legal support and representation services. In case other organizations do not respond, the Greek Council for Refugees promises to respond when contacted.⁴⁴

Others

In 2010, the General Secretariat for Youth of the Greek State launched a program called “Youth Legal Aid” aiming to provide free legal aid to minors and socially vulnerable target groups of young citizens (up to 30 years old). Legal services are provided by young lawyers (up to 35 years old). The program seeks to serve two purposes: (i) to fight against social discrimination and isolation often experienced by the program’s target groups; and (ii) to encourage and support young lawyers to undertake similar cases.⁴⁵

The program deals with criminal-law related cases (abuse, intra-family violence, human trafficking, drug-related offences), civil cases, administrative cases and labor law-related cases. This program, which focuses on the youth, is supplementary to the general legal aid system in place in Greece.

Historical Development and Current State of Pro Bono

The provision of pro bono legal services in Greece is not well-established or widespread.

⁴¹ See UNHCR <<http://www.unhcr.org/4ea917d211.html>> (last visited on September 4, 2015).

⁴² See Aitima NGO <<http://www.aitima.gr/>> (last visited on September 4, 2015).

⁴³ See Greek Council for Refugees <<http://www.gcr.gr/index.php/en/>> (last visited on September 4, 2015).

⁴⁴ See also International Refugee Rights Initiative – Greece Pro Bono Directory available at <<http://www.refugeelegalaidinformation.org/greece-pro-bono-directory#sthash.s3hagT1O.dpuf>> (last visited on September 4, 2015).

⁴⁵ See General Secretariat for Youth <<http://www.neagenia.gr/frontoffice/portal.asp?cpage=RESOURCE&cresrc=1287&cnode=1>> (last visited on September 4, 2015) and <<http://www.neagenia.gr/frontoffice/portal.asp?cpage=RESOURCE&cresrc=140&cnode=48&cuser=E22A303F-23CE-49EC-A3A4-92096D4D24A0>> (last visited on September 4, 2015).



Barriers to Pro Bono and Other Considerations

The economic situation in Europe has had an impact on the capacity and readiness of many countries to strengthen their protection systems. Austerity measures have also hit civil society organizations that provide services to asylum-seekers and refugees. Xenophobia and intolerance have led to incidents of discrimination and violence. States have responded by concentrating on curbing irregular movements, including through tighter border controls and detention or penalization for illegal entry.⁴⁶

Greece's volatile economic situation, combined with the increasing number of new arrivals of refugees, is putting a severe strain on small Greek island communities that lack the basic infrastructure and services to adequately respond to the growing humanitarian needs. UNHCR stated that the number of people arriving in Greece was now so high that, despite all efforts, the authorities and local communities can no longer cope.⁴⁷ This situation creates an even more important need for pro bono initiatives directed towards refugees and asylum seekers that cannot be fully addressed by the existing NGOs initiatives.

The Greek judiciary system suffers from inefficiency. Delays in the judicial system are vast and often deleterious. The increasing number of new lawsuits filed combined with the sluggish disposal of cases contributes to a growing backlog. In May 2011, there were 140,000 cases pending in the administrative court of first instance and 11,000 pending in the court of appeals. Trial lengths, which add to this build-up, are in turn adversely impacted by the backlog they help to cause.⁴⁸ It is therefore necessary to implement structural reforms to the judicial system aimed at streamlining and speeding up the processes to facilitate the provision of pro bono legal services in Greece.

Laws and Regulations Impacting Pro Bono

There is an explicit prohibition on providing free legal services in Greece: indeed, according to Article 175 of the Lawyer's Code, attorneys should always receive fees for the provision of legal services. The exceptions to these principles are very concrete and on applicant who wishes to benefit should provide all the necessary documentation showing the lack of necessary means to cover the legal services provided.

As stated earlier, there is also a "Loser Pays" statute applicable in Greece, whereby the losing party in court proceedings will be ordered to bear the legal costs for both parties.

Pro Bono Resources

The following organizations may provide pro bono opportunities for lawyers in Greece:

- The Marangopoulos Foundation for Human Rights: <http://www.mfhr.gr/?ln=1> (last visited on September 4, 2015)
- The Ecumenical Refugee Program: <http://www.unhcr.org/4ea917d211.html> (last visited on September 4, 2015).
- The NGO AITIMA: <http://www.aitima.gr/> (last visited on September 4, 2015).
- The Greek Council for Refugees: <http://www.gcr.gr/index.php/en/> (last visited on September 4, 2015).

CONCLUSION

The number of applicants requesting legal services free of charge in Greece has increased in recent years, due mainly to the number of immigrants and refugees arriving in Greece and the recent severe economic crisis. Although legal aid and some limited free legal advice is available, there seems to be no established pro bono culture and further legal reform in this area is necessary.

⁴⁶ See UNHCR <http://www.unhcr.org/pages/49e48e726.html> (last visited on September 4, 2015).

⁴⁷ See UNHCR <http://www.unhcr.org/559fe2ef6.html> (last visited on September 4, 2015).

⁴⁸ See The Inefficiencies of the Greek Legal System by Megan Colville available at <https://martindale.cc.lehigh.edu/sites/martindale.cc.lehigh.edu/files/Inefficiencies.pdf> (last visited on September 4, 2015).



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