



Greece

There is no independent quality assurance or monitoring of legal aid.

Legal aid is not available at the police investigation stage or when the suspect is questioned by the police.

OUTLINE OF THE LEGAL AID SYSTEM

HOW IS IT ORGANISED?

Responsibility for legal aid is shared between the Ministry of Justice, the Courts and the Bar Associations. In civil, administrative and criminal cases, a person who lacks the financial means to pay for legal aid submits an application to the Ministry of Justice. A judge or justice of the peace reviews the application and decides whether to grant legal aid. This decision is appealable to a three-judge district court. Each Bar Association creates a list of lawyers who are on duty to provide legal aid services. Irrespective of the defendant's financial means, the court must appoint a legal representative where the defendant is charged with an indictable offence (*kakourgima*), where the defendant is taken directly to court (in relation to less serious offences) and in pre-trial proceedings before the investigating judge.

There is uncertainty as to the extent to which the system operates effectively in practice. In August 2013, the Ministry of Justice raised grave concerns that particular lawyers were manipulating the appointment process to ensure access to a disproportionate number of legal aid cases and the payment of substantial sums of legal aid compensation exclusively to them. Legislation introduced in July 2014 (Law 4274/2014) sought to deal with this problem, by limiting the amount of legal aid compensation that a lawyer can be paid in a particular year to a maximum of €15,000, and by excluding from the annual appointment lists any lawyer who received more than this in the previous year.

In the midst of the socio-economic crisis faced by Greece, informal, non-state, mechanisms of legal aid—such as those supported by the charitable actions of groups including Solidarity Now, Arsis and some local bar associations—have emerged as alternatives to state-sponsored legal aid.

HOW IS IT FINANCED?

Legal aid may cover the entire cost of the trial or a portion of the costs. It provides the cost of the lawyer, plus related costs such as stamp and copy duties, witnesses and experts' fees, and security for costs. Compensation for legal aid is paid through the Ministry of Justice (Directorate of Economic-Administrative Services and Electronic Government). Lawyers submit the required documentation directly to the relevant department of the Directorate.

HOW IS IT MONITORED?

There is no independent legal aid authority with the responsibility of managing or overseeing the provision of legal aid. There are no independent codes or standards for legal aid lawyers, who must act in accordance with the general legislative and regulatory framework for lawyers.



LEGAL AID IN: Greece

MAJOR ISSUES WITH LEGAL AID

Unavailability of legal aid at the police investigation stage.

Legal aid lawyers are often not informed of their appointment until the day of the hearing, leading to poor quality assistance.

The lack of appropriate institutional mechanisms for the effective operation of the legal aid system, and the complexity of the existing system, with Bar Associations, courts and the Ministry of Justice all sharing responsibility but lacking the means for effective supervision and control.

Lack of quality control and monitoring.

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ELIGIBILITY

WHO IS ELIGIBLE FOR LEGAL AID?

Any national of an EU member state can apply for legal aid, as well as nationals of third countries who habitually reside in the EU and can show proof of residence.

MEANS AND MERITS TEST

Only those who have an annual family income that is less than two-thirds the minimum annual personal pay stipulated by the national general Collective Labour Agreement are eligible for legal aid (according to 2013 figures, anyone with an annual income lower than €6,597.36 would be eligible). When applying for legal aid, a person must submit supporting documentation showing their financial situation.

Public interest corporate bodies, non-profit organizations, and groups of persons that have the right to take part in court proceedings may also get legal aid, if the costs of the proceedings would make it impossible to accomplish the aims of the group.

THE REALITIES OF ACCESS TO LEGAL AID

ACCESS TO LEGAL AID DURING INVESTIGATIVE STAGE

Greek law provides for legal aid during trial proceedings and proceedings before the investigating judge. This includes the hearing where the investigating judge questions the person and determines bail and remand in custody.

However, legal aid is not available at the police investigation stage or when the suspect is questioned by the police. Theoretically, suspects have the right to consult with a lawyer prior to and during custodial interrogation, but the unavailability of legal aid at this stage means that this right is illusory for most people. The Committee for the Prevention of Torture has identified the unavailability of legal aid as a major problem in Greece and has asked the Bar Associations to extend the existing legal aid system to the police investigation stage of the proceedings.

QUALITY OF LEGAL AID AND EFFECTIVE CRIMINAL DEFENCE

Legal aid lawyers complain that they are often not informed of their appointment until the day of the hearing, rendering them unable to provide quality assistance. In addition, a court-appointed lawyer cannot resign. The compulsory nature of the appointment is especially problematic because the legal aid lawyer is considered to act not only in the interest of his or her client, but also in the interest of the public and the administration of criminal justice. Opinion is divided as to whether this means that legal aid lawyers can act beyond or even against the will of their client.

In 2014-15, the Athens Bar Association together with the Hellenic Bar Association, began to provide training to junior criminal law practitioners (100 lawyers have registered with the programme). They aspire to use this as a platform for the provision of certification for legal aid lawyers in the near future.



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