

PROMISE VERSUS REALITY:

**ACCESS TO
JUSTICE FOR
REFUGEES
IN GREECE**



**GREEK
COUNCIL
FOR
REFUGEES**



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This report was written by Vivi Paschalidou, lawyer and researcher at the Greek Council for Refugees (GCR). The author expresses her gratitude primarily to those who accepted the challenge of participating in the present research project: The legal professionals and members of the judiciary who made time in their heavy schedules to participate in our project, but most importantly to the beneficiaries of international protection who entrusted us with their experiences. Furthermore, I would like to extend my deepest gratitude to the following organisations and individuals for their contributions and assistance: Arsis, Equal Legal Aid (ELA), European Lawyers in Lesvos (ELIL), Human Rights Legal Project, Irida Women's Center, the Migrant Integration Center (KEM) of Thessaloniki, Solidarity Now, and most importantly, all the colleagues and long-time friends from the Greek Council for Refugees who assisted, each in their own invaluable way, in the completion of this project. Finally, this paper would not have been possible without the unparalleled support of Dr. Andriani Fili, co-director of Border Criminologies and a Wellcome Trust Postdoctoral Research Fellow at the Centre for Criminology, University of Oxford. Her contributions and the creative liberty offered are an integral part of this work.



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EXECUTIVE SUMMARY

The project titled “InteGRation: Tackling chronic challenges in the field of integration of refugees in Greece” was funded by the Oxford Policy Engagement Network (OPEN) at the University of Oxford and supported the partnership of the Border Criminologies research network with the Greek Council for Refugees. The present report is one of the outputs of the above project. In response to requests from refugee participants for information about state funded free legal aid in Greece, we created a new leaflet that provides practical information on the topic. It includes essential guidance on how to navigate the free legal aid system and a list of contact points for requesting aid at the courthouses in Athens and Thessaloniki. This leaflet has been distributed in the two major Greek cities’ Courts of Law in four languages: [English](#), [French](#), [Arabic](#) and [Farsi](#).

This builds on an ongoing collaboration between the two organisations. Together they have contributed to a number of key developments in the field of academic and policy inquiry into border control and immigration detention in Greece, including increasing public access to knowledge about immigration and creating a leaflet on access to rights in immigration detention.

Greek Council for Refugees is a specialized Non-Governmental Organization that has been leading efforts to protect asylum and human rights in Greece since 1989. It provides free legal and social services to refugees and individuals from third countries who are entitled to international protection, with special emphasis on the most vulnerable cases, such as unaccompanied minors and victims of human trafficking.

Border Criminologies is an international research network and website based at the Centre for Criminology at the University of Oxford, which showcases original research from a range of perspectives, supports advocacy work and creates practical resources to help those working in the migration field.

This report examines a specific aspect of the integration of applicants and recipients of international protection in Greece: The effectiveness of their access to the Greek justice system. We undertook thirty interviews with respondents from fourteen countries. Our questions focused on the refugees’ experience with the Greek justice system, the difficulties they faced and their recommendations for its amelioration. We also interviewed members of two key stakeholders, namely the judiciary and legal professionals handling asylum and migration law.

Our findings highlight the discrepancies between legal provisions for the unhindered, equal access of beneficiaries of international protection to justice and the reality for those on the ground. Testimonies indicate that awareness on rights is low, as is trust in the Greek justice system. Those who cannot afford expensive legal fees are often left without information, advice or legal representation.

Based on the interviews and an analysis of several published studies and data we argue that provisions for accessing justice are not effective and do not comply with fundamental rights under international, EU or Greek law. We recommend that Greece acts promptly to respect its International and European commitments in these eight key areas:

- 1 Training the police, the judiciary, the court public servants and the corrections department personnel on non-discrimination, anti-racist behaviour.
- 2 Providing ongoing training to the judiciary on legal and practical aspects of refugee and migration law.
- 3 Assuring access to free, effective interpretation services.
- 4 Setting up independent, accessible accountability mechanisms for the investigation of complaints against biased behaviour of police officers, judges and prisons personnel.
- 5 Simplifying access to free legal aid, the procedure and the requested documentation for it.
- 6 Providing information to refugees about their legal rights by asylum services and information points set in refugee camps and other official accommodation structures.
- 7 Offering actively engaged social services which would refer people to the appropriate legal services.
- 8 Compiling lists, set in every bar association, consisting of qualified lawyers specialized in refugee and migration law, accessible to any interested party, whether refugees or judges, in need of assisting in asylum-specific cases.

INTRODUCTION

In Greece, access to civil, criminal, administrative justice is -by law- granted equally to recognized refugees and Greek citizens alike. However, in practice,¹ refugees find it very hard to avail themselves of rights and protections and instead, often experience negligence, misinformation and/or misguidance from those responsible for providing them information about access to legal rights. As a result, they find it difficult to access key areas, including health care, education, housing and the labour market, all of which are crucial sites of integration.

Equality before the law is deemed essential for the integration of foreign citizens in Greece, a notion clearly emphasized in the current National Integration Strategy,² which was launched in January 2022. This strategy outlines specific objectives regarding access to justice, particularly highlighting “strengthening the provision of legal aid by providing lawyers and legal advisers who will provide, inter alia, information and support on asylum procedures, returns, family reunification and relocation. Provision of informative sessions on the legal framework in force in Greece for third-country nationals, such as in criminal, civil and administrative law, recognized rights and obligations an integral part of the integration procedure”.

In this report, we highlight the lack of effective access to legal justice for refugees and explore the implications for their integration into Greek society. Numerous studies have demonstrated³ that the integration of refugees is essential for a prosperous and peaceful society and serves as a benchmark for effective democratic governance.⁴ However, the question remains: Does Europe, and Greece specifically, genuinely intend to leverage

1. European Commission (June 2024) Governance of migrant integration in Greece. Available at: https://migrant-integration.ec.europa.eu/country-governance/governance-migrant-integration-greece_en; Paraskeva-Gkizi, E. (2017) Asylum seekers and refugees in Greece: Can we talk about integration? Available at: <https://cemmis.edu.gr/index.php/publications/middle-east-flashpoints/item/537-asylum-seekers-and-refugees-in-greece-can-we-talk-about-integration>

2. National Integration Strategy (2022). Available at: <https://migration.gov.gr/wp-content/uploads/2022/09/NATIONAL-STRATEGY-FINAL.pdf>

3. UNHCR (2011) *The Benefits of Belonging: Local integration options and opportunities for host countries, communities and refugees*. Available at: <https://www.refworld.org/reference/themreport/unhcr/2011/en/81054> <https://www.unhcr.org/media/benefits-belonging-local-integration-options-and-opportunities-host-countries-communities-and>;

International Organization for Migration (IOM) (2017) Integration and Social Cohesion: Key Elements for Reaping the Benefits of Migration. Available at: <https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf>;

International Rescue Committee Hellas (2020) The time is now: A plan to realise the potential of refugees in Greece An analysis of the benefits of integration support from the reception stage. Available at: https://eu.rescue.org/sites/default/files/2020-09/IRC_TheTimeisNow_Greece_ENG_final.pdf

4. Migrant Integration Policy Index 2020. Available at: <https://www.mipex.eu/key-findings>

this potential? Is there a sincere commitment to advance in this direction, or do current refugee deterrence policies overshadow efforts aimed at promoting integration?

While this report cannot cover all aspects of the Greek justice system for refugees, it aims to serve as a representative documentation of people’s experiences in the courts of mainland Greece.⁵ Hopefully, it will spark conversations about the ways that access to justice and trust in the justice system as a whole can and should be a part of the refugee integration process.

Drawing on preliminary work in the field, we identified three key groups of participants, refugees, their advocates, and the judiciary. Based on semi-structured interviews with representatives from each group, we explored their views on access to justice and the effectiveness of legal remedies, as well as their experiences in dealing with or working in the justice system and the challenges they faced. We also discussed remedies to the problems they identified with the system. Our recommendations to the Greek state and civil society organisations are shaped by these interviews. By foregrounding the voices of refugees and liaising directly with key stakeholders in the field, we hope that any effort to provide an equal and safe space in a European state cannot be made without considering the perspectives of those affected the most by these policies. This does not just address access to justice as an integration tool, which has been under-researched, but it further contributes to the growing discussions about refugee integration globally.

5. The situation in courts on the islands, particularly those on the Greek-Turkish border, poses entirely distinct challenges.

METHODOLOGY

The present study followed a mixed-method approach. Our research was conducted between February and July 2024. Our research design included first the completion of surveys and then follow-up interviews when deemed necessary and/or complimentary to the surveys. The interviews were semi-structured, enabling the conversation to be directed by respondents and their specific situations. Our questions were built in three layers: The respondents' experience so far, the areas they consider problematic and the solutions they would propose to address those. More specifically, our research included:



20 interviews with refugees, out of which eleven (11) were done in-person and nine (9) via telephone



One (1) in-person interview and two (2) telephone interviews with criminal judges



Ten (10) surveys completed by refugees and two (2) by criminal judges



Ten (10) surveys completed by an equal number of law practitioners actively engaged in refugee and immigration law, either self-employed, members of the free legal aid scheme, NGO staff, or acting in multiple capacities



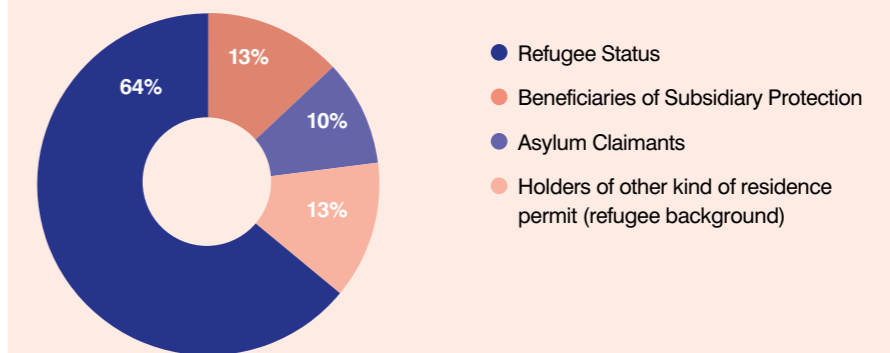
One focus group discussion with seven (7) administrative judges

Regarding the refugee population, the questions focused on their experience with the Greek justice system, their rights, and access to legal aid and representation. While the majority of this group's respondents agreed to be interviewed in person, they were extremely reluctant to be recorded, with some of them explicitly stating that this practice would make them feel "like in asylum service". This served as an indication of the level of mistrust towards the state system in general⁶ on one hand and the traumatic effects of the asylum procedure on the other.⁷ All personal information was kept anonymous and no personal details were retained from interviews, to protect the identity of individuals, many of whom remain in precarious situations. Carrying out many of our interviews over the phone made respondents feel safer to share their experiences in an anonymous manner.

The common factors among our sample of judges and legal advocates were their overall experience in applying/practicing law and their specific experience in hearing/representing refugees respectively. Administrative judges who participated have mostly handled petitions for annulment of rejecting asylum decisions, applications for suspension of rejecting asylum claims and objections to the detention of refugees, while criminal judges have served or currently serve in first and second instance courts, or as public prosecutor(s) and investigating magistrate(s). All of them are experienced both in years of service and well versed in the nature of cases this paper is focused on, having serviced in both mainland Greece and the islands, in rural and urban areas of the country.

All respondents were invited to participate either in person or by e-mail. The pool of refugee interviewees came mostly from Greek Council for Refugees' wide network, and access to a

Legal Status of the Refugee Participants



6. Mistrust in public institutions is quite widespread in Greek society. See for example: *OECD Survey on Drivers of Trust in Public Institutions 2024 Results - Country Notes: Greece (2024)*. Available at: https://www.oecd.org/en/publications/oecd-survey-on-drivers-of-trust-in-public-institutions-2024-results-country-notes_a8004759-en/greece_56edc018-en.html;

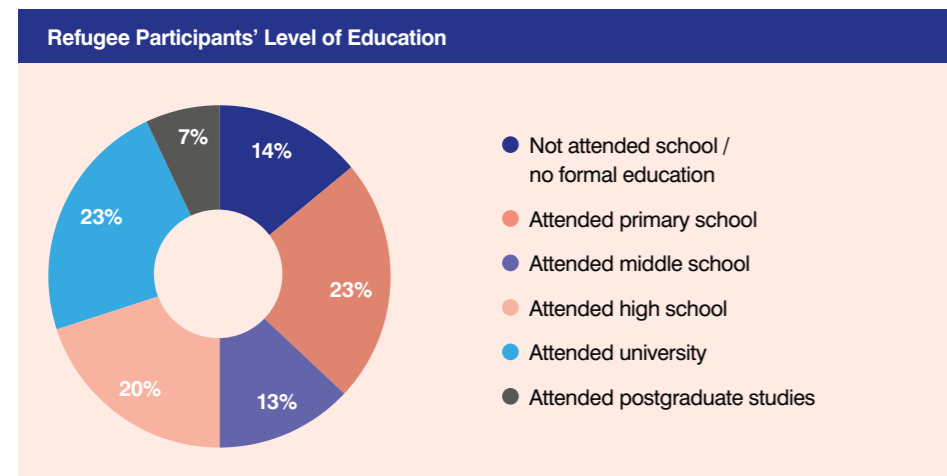
EKathimerini (2023) *Poll: Most Greek voters deeply distrust all institutions*. Available at: <https://www.ekathimerini.com/news/1208329/poll-most-greek-voters-deeply-distrust-all-institutions/>

7. Bloemen, Evert & Vloeberghs, Erick & Smits, Celine. (2006). *Psychological and psychiatric aspects of recounting traumatic events by asylum seekers*. Available at: <https://www.pharos.nl/wp-content/uploads/2018/11/psychological-and-psychiatric-aspects-of-recounting-traumatic-events-by-asylum-seekers.pdf>.

For a direct correlation between the asylum interview and the risk of mental health deterioration see: Schock K, Rosner R, Knaevelsrud C. (2015) *Impact of asylum interviews on the mental health of traumatized asylum seekers*. *Eur J Psychotraumatol*. Available at: <https://www.tandfonline.com/doi/epdf/10.3402/ejpt.v6.26286?needAccess=true>

large number of beneficiaries, but also through the valuable contributions of other refugee-oriented NGOs, which are active in Greece. They were mostly recognized refugees (19 individuals), but also beneficiaries of subsidiary protection (4 individuals), asylum claimants (3 individuals) and holders of other forms of legal residence permits with a refugee background (4 individuals), all of which have been in Greece for more than two years.

The refugee statistical sample was comprised of 18 men and 12 women, all of whom were adults, between the age of twenty (20) and sixty-five (65), coming from various educational backgrounds, spanning from self-education and/or near illiteracy to post graduate status.



Our respondents included people from fourteen (14) different countries, Afghanistan, Syria, Palestine, Iran, Iraq, Jordan, Morocco, Senegal, Nigeria, Democratic Republic of Congo (DRC), Somalia, Sudan, Guiana, Pakistan.

The data obtained from this study can offer insights into the diverse experiences and perspectives of the individuals who participated in the research, given the heterogeneity of their backgrounds in terms of ethnicity, religion, gender, and age. Therefore, this research is reflective of the situation in Greece, but does not provide a comprehensive representation of all experiences.

In order to support our findings from interviews, we tried to correlate them with statistical data maintained by the Greek authorities, only to find that the official collection of statistical data in Greece is not as comprehensive as it should be; on the contrary it is erratic and presents a number of limitations, which have been long documented.⁸ For example, annual police statistics reflect the situation in the Greek criminal system landscape by showing the number of migrants convicted of a crime or their number in the Greek correctional system.⁹ However, these pertain solely to the criminal justice system and fail to mention the country of origin or the legal status of the perpetrator. Furthermore, they do not include statistics on foreign citizens who are victims of crimes. The statistical representation in the civil and administrative justice systems is even more problematic, as there is a complete absence of statistical data on the immigrant population that reaches these courts in any capacity or on the nature of their pending cases, leaving the experience of a large number of people unaccounted for.¹⁰

8. Antonopoulos, G. (2005). *The limitations of official statistics in relation to the criminality of migrants in Greece. Police Practice and Research*, 6 (3), 251-260. <https://doi.org/10.1080/15614260500206269>

9. <https://www.astynomia.gr/file/2023/04/epetirida2022.pdf>;

<https://www.astynomia.gr/file/2024/04/epetirida2023.pdf>

10. https://ministryofjustice.gr/?page_id=1603

ACCESS TO JUSTICE

and effective remedy in the legal context

To understand the significant differences between legal structures and practices in Greece, this section will provide a brief overview of the policies and legal frameworks related to refugees' access to justice and effective remedies at both the European and Greek levels. Access to justice is a core principle of the rule of law and includes the right to address a court of law to resolve a legal issue. According to IOM's International Migration Law Unit, "access to justice is a crucial tool to address impunity and ensure the rule of law".¹¹

The document further outlines that access to justice must remain unhindered, particularly for migrants with irregular status. Ensuring full access to legal and judicial mechanisms is essential for upholding this right, as it plays a vital role in combating impunity and maintaining the rule of law. Summarised in four crucial points, access to justice is meant as "the right to an effective remedy before a tribunal; the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law; the right to be advised, defended and represented; and the right to legal aid for those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice".¹²

11. IOM (2022) *Migrants' access to justice: International standards and how the global compact for safe, orderly and regular migration helps paving the way*. Available at: <https://www.iom.int/sites/g/files/tmzbd486/files/documents/access-to-justice-and-the-gcm-eng-final-march-2022.pdf>

12. European Union Agency for Fundamental Rights (2010) *Access to justice in Europe: An overview of challenges and opportunities*. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/1520-report-access-to-justice_EN.pdf.

Other useful documents on the subject can also be found in IOM's 2019 publication "Access to justice: A migrant's right". Available at: https://www.iom.int/sites/g/files/tmzbd486/files/our_work/ICP/IML/june-17-access-to-justice-info-note-publisher-format-newest.pdf

International context

On an international level, it was not until 2012 that the UN General Assembly unanimously adopted the Resolution 67/187 named “United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems”.¹³ This was the first specific international instrument addressing the right to legal aid, although it is limited to criminal offenses. This resolution followed an earlier one adopted by the General Assembly on September 24, 2012, which was titled “Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels”.¹⁴ Prior to these documents, the Universal Declaration of Human Rights, as early as 1948, established standards for “equality before the law and the presumption of innocence, as well as the right to a fair and public hearing by an independent and impartial tribunal, along with all the guarantees necessary for the defense of anyone charged with a penal offence, other minimum guarantees and the entitlement to be tried without undue delay”.¹⁵ Moreover, the International Covenant on Civil and Political Rights,¹⁶ in its articles 14 to 16 states that “everyone charged with a criminal offence shall be entitled to be tried in his or her presence and to defend himself or herself in person or through legal assistance of his or her own choosing or assigned to him or her where the interests of justice so require, in a fair and public hearing by a competent, independent and impartial tribunal established by law”.¹⁷

Access to justice is also recognized in the Resolution adopted by the General Assembly on September 25, 2015, titled “Transforming Our World: The 2030 Agenda for Sustainable Development.”¹⁸ This resolution identifies access to justice as the 16th of 17 sustainable development goals,¹⁹ emphasizing the need to “promote peaceful and inclusive societies for sustainable development, ensure access to justice for all, and build effective, accountable, and inclusive institutions at all levels.” Additionally, the Global Compact for Safe, Orderly, and Regular Migration,²⁰ adopted in 2018, addresses the topics of rule of law, due process, and access to justice in the context of migration through its articles 14, 19, 23, and 29.

13. *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* (2012). Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

14. *Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels*. Available at: <https://documents.un.org/doc/undoc/gen/n12/478/66/pdf/n1247866.pdf?token=c82oNkfheqmikZsjsO&fe=true>

15. United Nations (2013) *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. Available at: <https://tinyurl.com/3k6semae>

16. General Assembly resolution 2200A (XXI) (1996) *International Covenant on Civil and Political Rights*. Available at: <https://tinyurl.com/2z2j2ms9>

17. United Nations (2013) *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. Available at: <https://tinyurl.com/3k6semae>

18. United Nations General Assembly (2015) *Transforming our world: the 2030 Agenda for Sustainable Development*. Available at: <https://documents.un.org/doc/undoc/gen/n15/291/89/pdf/n1529189.pdf>

19. Available at: <https://sdgs.un.org/goals/goal16>

20. United Nations General Assembly (2018) *Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, Outcome of the conference*. Available at: <https://documents.un.org/doc/undoc/gen/n18/244/47/pdf/n1824447.pdf>

European context

The core legal instruments that enshrine the notion of access to justice and effective remedy in Europe are the European Convention on Human Rights (Articles 6 and 13)²¹ and the Charter of Fundamental Rights (Article 47),²² in which the terms are used explicitly to define these rights as fundamental to the rule of law.

Directive 2013/32/EU of the European Parliament and of the Council (recast), dated June 26, 2013, outlines common procedures for granting and withdrawing international protection. Article 20 (3) of this directive is particularly relevant because it addresses the concept of an effective remedy, which is a crucial step in ensuring the right to a fair trial.²³

21. Article 6 of the European Convention on Human Rights: “In the determination of his/her civil rights and obligations or of any criminal charge against him/her, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice. Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he/she understands and in detail, of the nature and cause of the accusation against him/her;

(b) to have adequate time and the facilities for the preparation of his/her defence;

(c) to defend himself in person or through legal assistance of his/her own choosing or, if he/she has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her;”, (Art. 13) “Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”.

22. Article 47 of the Charter of Fundamental Rights: “Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice”.

23. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Article 3 states: *Member States may provide that free legal assistance and representation not be granted where the applicant’s appeal is considered by a court or tribunal or other competent authority to have no tangible prospect of success. Where a decision not to grant free legal assistance and representation pursuant to this paragraph is taken by an authority which is not a court or tribunal, Member States shall ensure that the applicant has the right to an effective remedy before a court or tribunal against that decision. In the application of this paragraph, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant’s effective access to justice is not hindered*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032>.

National context

In Greece, Article 20 par. 1 of the Greek Constitution,²⁴ affirms that: “Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law”. It is important to emphasize that Article 20 cannot be suspended under any circumstances, even in a state of emergency, and it cannot be revised or amended in any manner. This article applies to all individuals residing in Greece, regardless of their legal status, including those who are beneficiaries of international protection.²⁵

The above is closely linked to the state’s obligation to ensure that individuals with limited financial resources have unfettered access to adequate, free legal aid, which is to be provided unconditionally for serious criminal offenses. Law 3226/2004²⁶ governs access to free legal aid in civil and criminal cases, outlining the eligibility criteria and requirements, as it is further detailed in the civil and criminal justice system through Articles 194 and 340 of the relevant codes, while access to free legal aid in administrative justice, along with the specific requirements for it are laid out in Articles 276 and 276A of the Code of Administrative Procedure.

24. The constitution of Greece. Available at: <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/THE%20CONSTITUTION%20OF%20GREECE.pdf>

25. Kaidatzis, A. Social rights, citizenship and migration. Available at (in Greek): <https://www.constitutionalism.gr/1622-koinwnika-dikaiwmata-idiotita-toy-politi-kai-metan/>

26. Law 3226/2004. Available at (in Greek): <https://www.lawspot.gr/nomikes-plirofories/nomothesia/nomos-3226-2004>.

APPLYING THE LAW

in a multi-layered reality: Legal provisions versus everyday practice

Respondents from the judiciary and legal professionals were asked if they perceived any legal gaps concerning the judicial resolution of a refugee legal dispute: Despite the fact that less than 30% of them identified existing legal gaps while 70% were confident in the system’s capacity to formally address any existing need, the entirety of the participants recognised discrepancies between legal provisions and their actual implementation. This highlights concerns that policy makers and practitioners at EU and Greek level must address when considering legislation intended to protect the rights of vulnerable groups in society, and the institutions responsible for upholding those rights.

Participants from all interviewee groups expressed the view that refugees were often unaware of the legal resources available to them. The lack of awareness of fundamental rights and access to justice is widely documented, directly affecting the practical implementation and effectiveness of relevant legislation.²⁷ This situation, they claimed, reflected a lack of effort by the Greek state to inform beneficiaries of international protection of their legal rights once they obtain their refugee status. Indeed, the “Information Guide for Beneficiaries of International Protection,” published annually by the Ministry of Asylum and Migration (last updated in December 2023), does not specifically address this matter.²⁸

27. European Union Agency for Fundamental Rights (2010) Data in Focus Report. Rights Awareness and Equality Bodies: Strengthening the fundamental rights architecture in the EU III. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/854-EU-MIDIS_RIGHTS_AWARENESS_EN.PDF

28. Information Guide for Beneficiaries of International Protection. Available at: https://migration.gov.gr/wp-content/uploads/2024/04/ENGLISH_BROCHURE.pdf

A good practice, established by law in 2016,²⁹ are the Migrant Integration Centers, which aim, among other objectives, to “provide legal information to third country nationals with regards to issues that concern them pertaining to their lawful residence in the country (e.g., residence permits, refugee identification cards, issue of “AMKA” social security number, etc.)”.³⁰ However, at present there are only 11 operational centres throughout Greece, many of which are heavily understaffed and overwhelmed with caseload,³¹ rendering this provision inadequate to provide timely assistance and valuable information.

Two key examples: Free legal aid and interpretation services

1. Access to free legal aid

In Greece, as in many European countries, people are obliged by law to appear with a lawyer (or represented by him/her) in the majority of the cases heard before a court of justice. This reaffirms the absolute necessity of simple procedures, easy access to information, and raising awareness of the existence and effectiveness of free legal aid.

An existing, functional, efficient free legal aid scheme is paramount to effective access to justice. Limited financial resources means few can afford the help of a private lawyer. Instead, most depend on legal aid to obtain representation in court, whether as a defendant or as a plaintiff, as provided by Law 3226/2004 as amended and currently in force, covering all fields of Greek criminal and civil justice along with articles 276 and 276A of the Greek Code of Administrative Procedure concerning administrative justice. However, a striking 90% of the judges interviewed were adamant that foreign citizens in general, who approach the courts on their own, are aware of the procedure for requesting the appointment of a lawyer and will eventually be granted one.

Nevertheless, our findings reveal a significant lack of awareness about free legal aid among the refugee population, especially among those who have lived in Greece for an extended period: Only one out of six respondents reported knowing about its existence and availability, and among those, just three individuals had taken advantage of it.

Notably, two of these individuals were referred to legal aid resources by law enforcement officials or NGOs. The third individual, who was fluent in Greek, attended court proceedings without representation and requested a legal counsel appointment. In two other instances, although respondents were aware of free legal aid, court employees discouraged them from pursuing it, citing concerns about the perceived complexity of the application process. In the absence of free legal aid, the chances of obtaining effective representation in court diminish. This may lead individuals to face trial or appear before a judge without proper preparation and the necessary skills to advocate for their claims.

29. Law 4368/2016, Government Gazette, Series I, No 21. Available at: https://migration.gov.gr/wp-content/uploads/2021/01/fek_a_21_2016.pdf

30. Migrant Integration Centers. Available at: <https://migration.gov.gr/en/migration-policy/integration/drasis-koinonikis-entaxis-se-ethniko-epipedo/kentra-entaxis-metanaston/>

31. 3rd report on the functioning of migrant integration centres (2022). Available at (in Greek): <https://migration.gov.gr/wp-content/uploads/2023/09/Booklet-%CE%9A%CE%95%CE%9C-2022.pdf>

I reported to the police that I am a victim of human trafficking. The policemen did not inform me of my legal rights or of the right to ask for a free attorney”
Rosa, Nigerian, beneficiary of subsidiary protection

From the moment I was arrested...until my trial there was never a translator for me, not at the police, not at the prosecutor’s office, not at the hearing of my case. They were all addressing me in broken English, even though I made it clear I spoke no English at all”
Azim, Afghan recognized refugee

I think I have a right to legal services, although when I tried to ask at Thessaloniki’s courthouse how could I get a free lawyer, I was discouraged and was told that the procedure is complicated, so it would be best to find a private lawyer instead”
Leyla, Syrian recognized refugee

I know nothing of the free legal aid institution, it’s the first time I hear about it’
Kadir, Iraqi recognized refugee

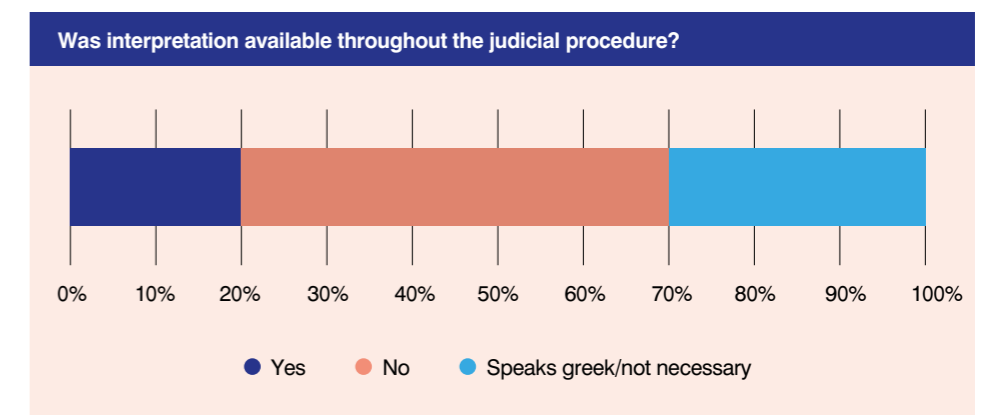
I was never appointed a translator, I communicated in broken Greek, I did not understand the procedure, basically they sentence was announced to me once given”
Mariam, Syrian recognized refugee

2. Access to translation / interpretation

The right to interpretation, translation and information in a language understood by the defendant in all stages of the judicial proceedings is rooted in the right to a fair trial, as outlined in Article 6 of the European Convention on Human Rights and Article 47 of the EU Charter of Fundamental Rights. In European Union Law, the Directive on the Right to Interpretation and Translation in Criminal Proceedings (2010/64/EU of 20 October 2010), and the Directive on the Right to Information in Criminal Proceedings (2012/13/EU of 22 May 2012) are pertinent.³² Additionally, Greek national law includes relevant legal provisions in the Criminal, Civil and Administrative Codes of Procedure (Articles 233, 252 and 137 respectively), while the abovementioned EU Directives have also been integrated into Greek legislation accordingly (Law 4236/2014).

Despite the existing legal framework, the vast majority of refugees reported encountering issues with interpretation, both during preliminary investigations and trials. Even though civil and administrative proceedings are primarily carried out in writing by an authorized Greek lawyer, which means that the defendant’s personal appearance before the judge or investigative authorities is often not required, the respondents expressed difficulties in understanding the documents related to their cases. Access to interpretation services however remains more challenging in criminal cases, as navigating the criminal process without adequate interpretation at every stage is nearly impossible.

Out of the thirty refugees interviewed, only six noted having unhindered access to interpretation services, while fifteen indicated they had absolutely no access to such services in their cases. The remaining nine respondents were proficient in Greek, eliminating the need for an interpreter.



Judges’ views on this issue differed somewhat from the refugees’ expressed reality, especially concerning the courts’ role in this context. From their perspective, interpretation is typically accessible and adequate, except for less common languages that are more difficult to interpret, such as Urdu. In these cases, they do not consider the defendants’ right to interpretation to be violated. They suggest that, at worst, a hearing may be postponed or conducted with challenges due to ineffective communication, which raises concerns about individuals’ understanding of the proceedings and their outcomes.

32. The Judgement of the Court of Justice of the EU (Grand Chamber) in case C-564/19 holds significant importance for both. Available at: https://curia.europa.eu/juris/document/document_print.jsf?mode=lst&pageIndex=0&docid=249861&part=1&doclang=EN&text=&dir=&occ=first&cid=3782228

On the other hand, judges' responses varied regarding the circumstances during preliminary court proceedings, particularly concerning interrogations at police departments. In many criminal cases, interrogations typically occur before the police. Some criminal judges involved in our research noted that the case files compiled by the police and submitted to the prosecutor often lacked essential documents, such as the defendant's official statement and/or plea. The absence of interpreters in police departments hindered the ability to obtain statements from defendants. This observation is also supported by the refugees themselves, as every one of them who underwent a police procedure reported being compelled to sign documents in Greek, the content of which they did not understand, and/or having their statements taken in broken English or Greek.

The majority of legal professionals presented a similar account. In particular, they emphasised the absence of interpretation throughout the entirety of the proceedings, encompassing both the preliminary and court hearings, as well as criminal, civil and administrative trials. Furthermore, they cited specific cases in which an interpreter was not appointed because when questioned by the judges as to their knowledge of the Greek language, the refugees replied that they only spoke it "just a little.". This level of proficiency is clearly inadequate for fully comprehending court procedures and actively participating in them.

Legal practitioners, too, expressed dissatisfaction with their experiences during police preliminary proceedings, which they viewed as discriminatory towards individuals from migration and refugee backgrounds, due to, among others, lack of effort on the police's behalf to offer effective interpretation services. Participants collectively criticized the lack of adequate translation during police procedures, asserting that this was the standard rather than the exception, in clear violation of the aforementioned Greek state's legal obligations.

Another area of concern is the lack of a structured system for communication between appointed free legal aid lawyers and their refugee clients. In practice, even if a refugee manages to obtain a free legal aid lawyer, it is typically the client's responsibility to initiate contact with the lawyer, often requiring assistance from a friend, as there is no official process in place to facilitate this. Apart from NGOs that employ interpreters in various languages, independent lawyers and, more crucially, state legal aid lawyers in Greece do not have access to a list of certified, state-funded professionals to aid communication with their refugee clients. According to the advocates' responses, the solutions they resort to mainly involve attempting to communicate in broken English or Greek, utilizing various internet tools, or relying on a fellow citizen of the client who speaks Greek or English at an adequate level.

“Even though I told the policemen that I don't understand the content of the document they gave me to sign, they told me I had no choice but to sign it. Until today I have no idea as to what I signed for”

Malanda, recognized refugee from DRC

ACCESSIBILITY

and effectiveness of the greek justice system

“There is prejudice against refugees, as poor and uncivilized people, that cannot possibly have an understanding of the legal system”

Milad, Iranian recognized refugee

In order to evaluate the accessibility and effectiveness of the Greek justice system, we explored the experiences of refugees in accessing legal services and/or assistance, if any, and asked them to rate the accessibility of different procedures. We also asked the judiciary and the legal professionals to evaluate how accessible they believed Greek justice was to refugees in the country.

While most refugees rated the accessibility of the system quite favourably, this was largely attributed to their representation by an NGO lawyer or their ability to afford a private lawyer, who could assist them in navigating the system and explaining the various procedural steps. NGO lawyers were either reached in-situ, in the NGO offices where they are based, approached by refugees during info sessions in camps or other refugee hosting structures, referred to by other NGOs or reached out via various platforms, such as WhatsApp, Viber, Messenger. On the other hand, independent lawyers were approached mostly through acquaintances, members of the refugee community, and their peers. State legal aid lawyers were contacted through the official state pathway, or, in some cases, directly contacted by an NGO which could not, for several reasons, represent the person facing the legal issue at stake.

However, refugee interviewees identified financial constraints and the unavailability of interpretation services as the primary challenges they faced. It is noteworthy that even those who found the Greek legal system to be relatively straightforward to follow, nevertheless perceived it to be unduly lengthy, complex, time-consuming and frustrating. Very few of the participants actually tried and managed to navigate the procedure on their own, for they were either accompanied or represented by a lawyer.

It should be noted, moreover, that most of the refugee participants resided in the two major Greek cities -Athens and Thessaloniki-, where most of the organisations offering legal services are located. Those residing in rural areas, who represent only 10% of the participants, present a bleaker picture due to the complete lack of legal services in those places, describing the system as 'difficult' and 'incomprehensible'; thus, effectively limiting their access to it.

Members of the judiciary rigorously defended the accessibility and effectiveness of the Greek legal procedure, which they described as "easy." They also estimated that foreigners could effortlessly find services and guidelines for each of their legal needs. Representatives of criminal justice were somewhat more equivocal. In contrast to their colleagues in administrative law, they referred to the lack of financial means and language as potential barriers to equal access to the Greek judicial system.

Legal practitioners unanimously described the legal procedures as being unnecessarily complicated and hostile to foreign citizens who cannot afford a private lawyer. When asked to assess the accessibility of the Greek justice system, they were all highly critical. For example, based on their everyday observations, they find that the list of documents required by a refugee in order to pursue a legal claim are too many and too difficult to be collected by a non-native, or that information on basic court procedures, such as how and where to file a lawsuit, remains inaccessible.

The responses from refugees highlight several key factors contributing to the inaccessibility of the Greek justice system for them:

“They [refugees] are so often being treated as second class citizens, their rights are set in paper but never in essence”
Eleni, NGO lawyer

1. Indifference and racism:

Many refugees perceive a lack of concern from civil servants, which they interpret as indifference or even racism. This perception can discourage them from seeking help or engaging with the judicial process, as they may feel unwelcome or discriminated against.

2. Inadequate interpretation services:

A significant barrier identified is the insufficient availability of interpretation services. Without proper interpretation, refugees may struggle to understand legal proceedings, communicate effectively, or comprehend their rights, leading to further marginalization.

3. Lack of training for civil servants:

The absence of training for public servants on how to interact with non-Greek citizens suggests a gap in cultural competence and awareness. This deficit can exacerbate misunderstandings and reinforce feelings of exclusion among refugees.

4. Lack of political will and financial resources:

Refugees mentioned a lack of political will and financial resources within the Ministry of Justice to address their specific needs. This could impede the development of tailored services and support systems necessary for effective access to justice.

5. Need for multilingual information:

The demand for information in multiple languages underscores the importance of accessibility. Without materials available in languages that refugees understand, they cannot fully comprehend legal processes or their rights.

6. Infrastructure limitations:

The generalized lack of appropriate courthouse infrastructure may hinder access to justice, making it physically or logistically difficult for refugees to participate in legal proceedings.

7. Digital illiteracy among public servants:

The mention of digital illiteracy suggests that public servants may struggle with technology that could enhance communication and access to information. This could impede the implementation of digital resources intended to assist refugees and immigrants.

Overall, these responses illustrate a multifaceted issue where systemic barriers, cultural insensitivity, and resource limitations collectively hinder refugees' ability to navigate the justice system. Addressing these challenges would require comprehensive engagement from the government to improve training, resources, and the overall infrastructure of the judicial system to ensure equitable access for all individuals, regardless of their background

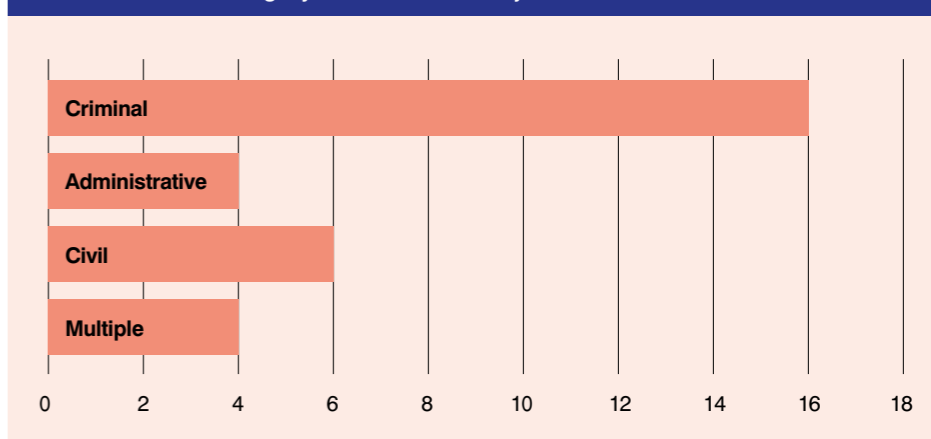
DIFFERENTIAL TREATMENT

and levels of fairness and trust in the greek justice

In this section we delve deeper into refugees' experiences of the Greek justice system, analysing the reasons they interacted with the Greek legal system, whether they had legal representation, and their opinions on the fairness of Greek justice.

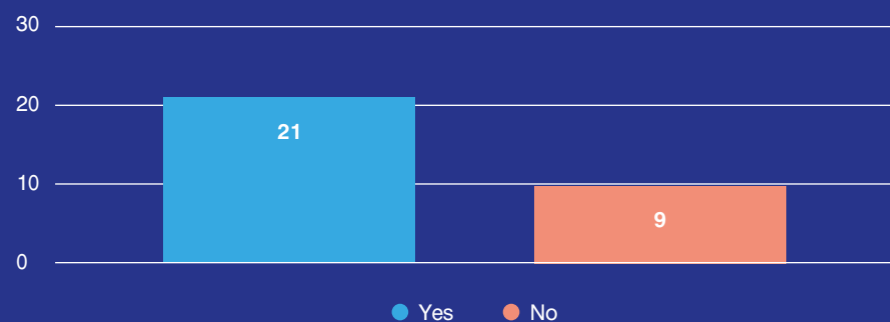
Given that irregular entry into Greek territory is a criminal offence,³³ and due to the lack of financial resources and state support, many refugees are forced to engage in illicit activities. Half of the refugees who participated in the survey had been subjected to police or criminal investigation. In the majority of cases, the nature of the wrongdoing was some form of breach of aliens' law or a low-level offence, allegedly committed to support everyday survival (such as selling goods on the street without a legal permit). It is notable that while there were cases of drug use, theft, domestic violence and the use of forged documents, these instances represent a minority of the total number of offences the participants were charged with. The administrative cases the participants

What kind of case brought you before the Greek justice?

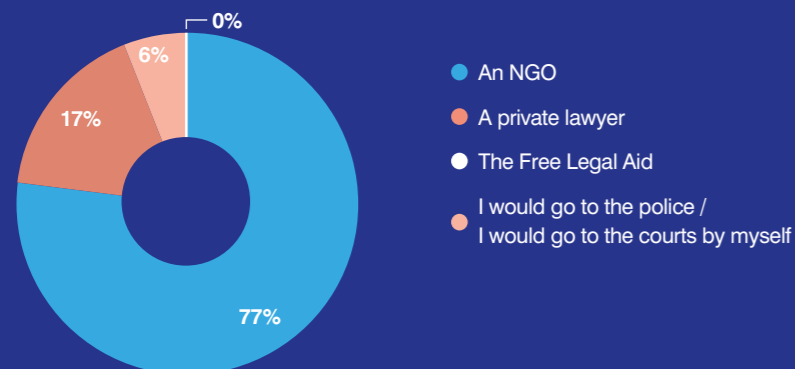


33. Article 83 Law 3386/2005. Available at: <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/EN%20-%20Law%203386%20%202005.pdf>

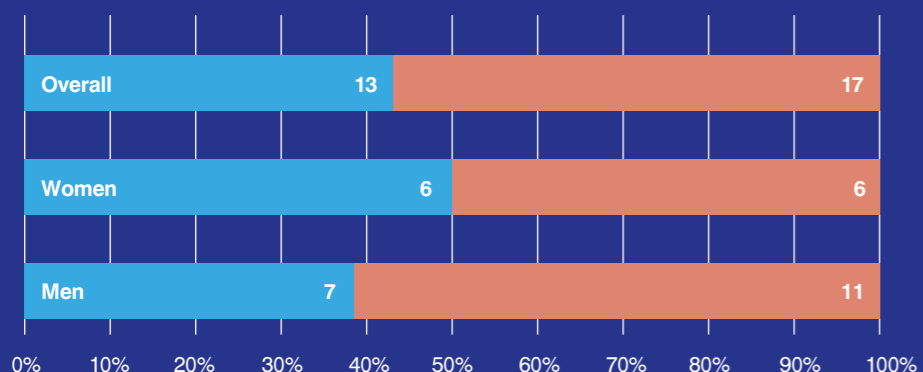
Did you have court representation?



What is your first point of contact when you have a legal need?



Did you experience racism/discrimination against you through the judicial procedure?



“-once a person is recognized as a refugee- is left in his/her own devices. Legal and social gaps grow bigger and bigger the more they depart from the asylum procedure, people are left to fend for themselves”

Nikos,
independent lawyer

faced were all petitions for annulment against a second instance asylum decision that had been rejected,³⁴ while civil cases concerned matters such as the legal custody of minors or the correction of official documents.

Two-thirds of the interviewees were represented in court by a lawyer, whether an NGO, an independent legal practitioner, or a free legal aid provider. The overwhelming majority of respondents indicated that they would initially approach an NGO that offers services to refugees. They would only consider a private lawyer or seek free legal aid if they were unable to obtain assistance from the NGO due to capacity or resource limitations. This is an important finding in itself that requires further investigation as it suggests the possibility of overreliance on non-governmental organisations (NGOs) and members of the civil society, even years after the recognition of refugee status.

NGOs serve as the primary responders to asylum claims, assisting individuals from the moment they arrive in Greek territory until their asylum cases are resolved. However, despite people becoming progressively self-reliant, the grim reality of access to basic rights in Greece and shrinking of civil society space, which create conditions where the aid sector operates as a surrogate welfare state, hinder any attempts from refugees to engage in sustainable livelihoods.

When asked whether they had experienced discrimination during the judicial process on the grounds of their country of origin, religion or gender, 43% of the refugees responded they had. Nevertheless, when queried as to whether they considered their socioeconomic status to have been a contributing factor in the outcome of their legal case or to any case coming before the Greek justice in general, the above percentage rose to 63% of them, who identified it as a significant factor.³⁵

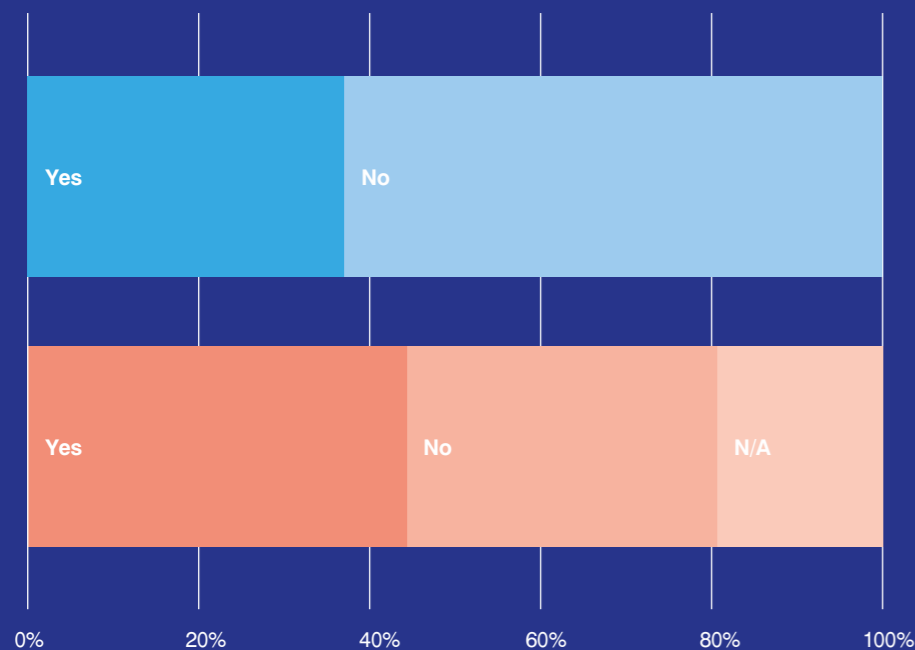
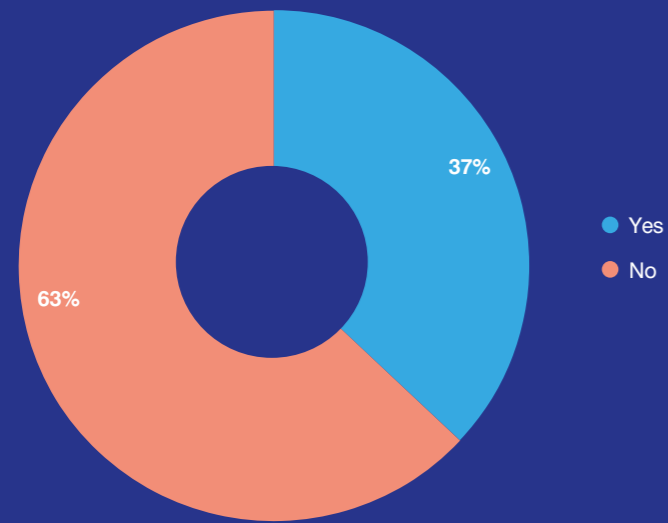
This raises an important opportunity for further exploration of the role class plays in shaping both institutions and general perceptions.³⁶ The impact of class can significantly influence individuals’ access to resources, their interactions with institutional frameworks, and the biases they encounter within the justice system. Additionally, it is crucial to acknowledge the disturbingly high percentage of individuals who reported experiencing discrimination from justice institutions based on inherent characteristics, such as their ethnicity or gender, as well as their personal beliefs. This intersection of class and discrimination highlights systemic inequalities and the need for reforms to ensure that justice is administered fairly and equitably for all individuals, regardless of their background or social standing.

34. Applicants for international protection can file an application to annul a second-instance decision made by the Appeals Committees only with the Administrative Court of First Instance that holds territorial jurisdiction. (Article 114 of Law 4939/2022). Available at: <https://migration.gov.gr/en/appeals/b-vathmos/?fbclid=IwAR07a1rJBtW8W9fZNPi8itgC3sxcVd9N8ENgpEgIQIXMWJ9ruTSIsAwjk>

35. This case has been acknowledged and discussed by other researchers as well, e.g. Prettitore, P. (2022) Do the poor suffer disproportionately from legal problems? Available at: <https://www.brookings.edu/articles/do-the-poor-suffer-disproportionately-from-legal-problems/>

36. See for example: Monteith, K., Quinn, E., Joseph-Salisbury, R., Dennis, A., Kane, E., Addo, F., & McGourlay, C. (2022). *Racial Bias and the Bench: A response to the Judicial Diversity and Inclusion Strategy (2020-25)*. (Racial Bias and the Bench: Report Launch, United Kingdom, 18/10/22). University of Manchester. Available at: <https://documents.manchester.ac.uk/display.aspx?DocID=64125>; Seron, Carroll & Munger, Frank. (2003). Law and Inequality: Race, Gender...and, of Course, Class. *Annual Review of Sociology*. 22. 187-212. 10.1146/annurev.soc.22.1.187. Available at: https://www.researchgate.net/publication/234838473_Law_and_Inequality_Race_Gender_and_of_Course_Class

Do you think everyone in Greece is equal before the law despite their socioeconomic status?



- Do you trust Greek justice?
- Based on your experience, do you think the Greek justice system is fair?

As for levels of fairness and trust we initially assumed that the two of them would be mutually reinforcing concepts. If a justice system is perceived as fair, we thought, it would also be regarded as trustworthy. Conversely, if an individual places trust in a system, it is likely that they also perceive it as fair. Yet, our research suggests otherwise: While respondents were almost evenly divided in their opinions about the fairness of the Greek justice system, with 13 interviewees expressing the view that the system was fair and 11 describing it as unfair, 63% of the respondents expressed a significant distrust of the system.

The above results indicated a gap between perceived fairness in principle and confidence in its practical implementation. In other words, although respondents acknowledged the system's underlying principles as just, concerns remain regarding its effectiveness, transparency, or consistency in practice, as explained in the section above. The identified gap, in turn, underscores the paradox in public perception and highlights the nuanced difference between the concepts of fairness and trust. The responses, however, align closely with the degree of perceived independence that Greek citizens attribute to their own justice system.³⁷ Notably, Greek citizens consistently express skepticism regarding the transparency, integrity, and reliability of the Greek judiciary. Overall these findings suggest that fostering greater transparency and strengthening the integrity of the judiciary are essential steps toward bridging the gap between public perceptions of fairness and trust in the justice system.

37. Eurostat, Perceived independence of the justice system. Available at: https://ec.europa.eu/eurostat/databrowser/view/sdg_16_40/default/map?lang=en

THE ADVOCATES:

The experience of representing refugees in a greek court of law

Providing legal representation for members of the refugee population in Greece presents significant challenges. Therefore, the opportunity to conduct surveys with legal professionals allowed for a deeper understanding of their experiences and an exploration of any concerns they might face. This insight is crucial, as it ties into our analysis of findings, highlighting the systemic issues within the legal framework that impact both practitioners and the refugee population they aim to serve.

Concerning the nature of the cases the legal professionals handle, it was evident that private and legal aid lawyers deal with the bulk of criminal/civil/administrative cases of their refugee clients, whereas NGO lawyers mostly handle asylum related cases. This emphasis on asylum cases is likely due to “the lack of funding of NGOs for non-asylum related cases, and the generalized shrinking of funding of Greek-based NGOs”, as N. K. an NGO lawyer we interviewed aptly put it. Despite the differences in the nature of the cases, the responses from legal professionals about their experiences in representing refugees in court did not vary greatly. Their responses mainly differed in terms of communication pathways with their refugee clients, including how they were approached, how they maintained communication, and whether they stayed in contact after the conclusion of the court case. Generally, NGO lawyers tend to follow a much more structured and streamlined process, whereas independent lawyers need to approach each case individually, taking into account the resources available to their refugee clients.

Our study sought to examine the perceptions of legal professionals on two key issues: The extent to which their professional experience had exposed them to institutional discrimination expressed against their refugee clients, and the prevalence of discrimination directed towards them by authorities in their capacity as representatives of refugees.

In response to the initial query, our findings point to a generalized differential treatment by the authorities based on people’s country of origin. Asked about the impartiality of the judiciary towards their clients, a resounding 80% of the legal professionals exhibited a complete dismissal of the notion, while the remainder offered a more nuanced response, suggesting that while the judiciary may not be entirely impartial, such instances are rare.³⁸

38. This is a reality that has been documented in other countries as well. For example, in the UK

Additionally, they noted a pervasive mistrust on the part of court employees and the judiciary alike of foreign documents presented as proof of claims, as well as instances of overtly racist behaviour towards their clients, including expressions of suspicion as to their legal motives or even refusal to provide services.³⁹ Moreover, the advocates identified a consistent failure by the authorities to inform refugees of their rights in a timely and effective manner, with advocates often being relied upon to fulfil this obligation when they are appointed.

In relation to the treatment afforded to refugee lawyers themselves by the authorities, numerous grievances were also reported. Notably, 80% of the respondents indicated that they had encountered discriminatory treatment at least once during the course of their practice, despite the fact that lawyers in general and human rights defenders in particular are well protected by international and European law, considered to be primary allies to the goal of promoting democracy and the rule of law.⁴⁰

The forms of differential treatment reported included devaluing expressions, disparaging remarks about their work, denial of services or unnecessarily delayed services, and even expressed mocking comments directed at their decision to represent refugees, particularly by members of the police or the corrections department. This differential treatment was especially prevalent when the lawyers in question were affiliated with NGOs, a finding which only adds to the fact that Greek society’s trust in NGOs lies in a historically low level.⁴¹ These issues underscore the urgent need for reforms aimed at improving the treatment of both legal representatives and the vulnerable populations they serve.

see: Monteith, K., Quinn, E., Joseph-Salisbury, R., Dennis, A., Kane, E., Addo, F., & MCGourlay, C. (2022). *Racial Bias and the Bench: A response to the Judicial Diversity and Inclusion Strategy (2020-25)*. (Racial Bias and the Bench: Report Launch, United Kingdom, 18/10/22). University of Manchester. Available at: <https://documents.manchester.ac.uk/display.aspx?DocID=64125>.

For such cases in the US see: A/HRC/54/CRP.7: International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement - Visit to the United States of America. Available at: <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-international-independent-expert-mechanism-advance-racial>

39. The 2023 Annual Report from the Racist Violence Recording Network has alarmingly documented instances of intolerance that constitute racist behavior and/or denial of services by public servants. For example on page 18, it states: “The incidents recorded by the Network with the perpetrators being public servants, show lack of tolerance towards diversity and the promotion of a climate of harassment for both, asylum-seekers and refugees, as well as LGBTQI+ individuals. In some cases, harassment results in the denial of services, thus depriving individuals of access to essential Annual Report 2023 19 public goods and services. While these incidents strongly suggest discriminatory treatment, it’s important to note that when a public servant intentionally breached their service’s duties, with the intention of harming the state or another individual, such actions may be considered a breach of duty (Article 259 of the Penal Code)”. The report is available at: https://rvrn.org/wp-content/uploads/2024/07/2023-RVRN-Annual-Report_eng-v_fn.pdf

40. United Nations Specialised Conferences, *Basic Principles on the Role of Lawyers*, United Nations, 7 September 1990. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; European Union Agency for Fundamental Rights (2023) Protecting human rights defenders at risk: EU entry, stay and support. Available at: <https://fra.europa.eu/es/publication/2023/human-rights-defenders?page=3#read-online> https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/ROL/EN_ROL_20240214_CCBE-Contribution-for-the-2024-Rule-of-Law-Report

41. Dianeosis (2024) What Greeks believe in (brochure). Available at: https://www.dianeosis.org/wp-content/uploads/2024/04/Brochure_TPE24_Meros_A-3.pdf

THE JUDICIARY: Experiences on handling refugee-related cases and their self-evaluation of greek justice

The present section explores the experiences of the judiciary in managing refugee-related cases, focusing on their self-assessment of the effectiveness and accessibility of the Greek justice system in addressing the unique needs of refugees and asylum seekers.

In criminal judges' experience, the offenses committed by refugees or asylum seekers that have come before them predominantly involve (attempted or completed) irregular entry or exit from Greek territory. These are followed by minor property offenses, illegal sales of goods, drug-related charges—primarily for personal use—document forgery—mainly of passports or residence permits—and instances of domestic violence. Serious felonies like human smuggling or homicide were encountered only on rare occasions.

The responses regarding the representation of refugees in court by independent lawyers, NGO-affiliated lawyers, or those providing free legal aid were diverse and inconsistent. Nonetheless, all criminal judges shared the view that most refugees they encounter in their practice, particularly in initial criminal court proceedings, frequently lack legal representation altogether. In contrast, when cases reach the appellate level (Court of Appeals) and the individual cannot afford to hire a private lawyer, a state-appointed lawyer is provided as mandated by law. It is important to highlight, though, that the judiciary, perhaps inadvertently, acknowledged a significant gap: While Greek legislation grants a wide range of beneficiaries the right to be assigned a state-paid, free legal aid lawyer, none of the participating judges had ever themselves informed refugee or asylum-seeking defendants of their right during court proceedings. This observation is particularly striking, not because judges are legally or morally obligated to do so—since they are not—but rather as a reminder of a missed opportunity, reflecting the chaotic nature of criminal court procedures that often relegates information about rights to a secondary status.

The final aspect to examine is how judges evaluate the quality and speed of justice in Greece in relation to European standards. Over 90% of the participants believe that Greek justice ranks poorly compared to the European acquis.⁴² This is particularly attributed to significant delays within the judicial system, stemming from infrastructure issues, time-consuming procedures, a substantial backlog of pending cases, and also from inadequate, constant and updated specialized training for the judiciary in migration and asylum law, as well as a lack of regular psychological assessment and oversight of judges. This perception aligns with the existing reality and highlights a critical issue that the Greek state must address, as it is legally obligated to adequately support the judiciary to ensure it can uphold its independence, integrity, and impartiality.⁴³

I believe that the legal barrier is very serious, -most of them- don't even have legal representation during the hearing, so they don't know their rights nor do they understand the procedure, they come to the court like a lamb to the slaughter"

L.M., Public prosecutor

-Migrants or refugees- can find relevant directions to services if they come to the courthouse, the thing is they don't get there, because there is fear they won't find help, they hesitate to report crimes against them, or they are in fear of arrest if they lack legal documents. No, in reality they don't have equal access to justice as locals, not at all"

A. R., Judge
n the Appellate Court

42. This unfortunate reality has been reiterated once again in the latest EU Justice Scoreboard for 2024. Available at: https://commission.europa.eu/document/download/84aa3726-82d7-4401-98c1-fee04a7d2dd6_en?filename=2024%20EU%20Justice%20Scoreboard.pdf&prefLang=el

43. Sakelaropoulou, K., Pikramenos, M., Symeonidis, I., Androulakis, V., Nikolaidou, Th., Tsogkas, L. and Alikakos, P. (2019) Justice in Greece: Recommendations for a modern justice system (in Greek) Available at: https://www.dianeosis.org/wp-content/uploads/2019/02/justice_study.pdf

A WAY FORWARD:

Addressing The Problems Of Refugees' Equal Access To Justice

What do the three focus groups propose?

1. The Refugees

At the conclusion of our interviews, we posed a question to the participants regarding their suggestions, wishes, or requests aimed at fostering a sense of safety and security in their future interactions with the Greek justice system, particularly if they were to encounter a new legal issue. We sought to understand what changes or improvements would make them feel more comfortable and confident in re-engaging with the legal system should the need arise.

Responses varied widely, yet several common themes emerged across participants: There was a strong demand for equal treatment by the judiciary, with a recurring call for non-discrimination. Respondents frequently highlighted the need for free, state-funded, and efficient interpretation services accessible at all stages of legal proceedings. Additionally, there was a consensus on the need for “less delays, more efficiency” in case handling. While participants acknowledged that these inefficiencies are not unique to migrants but are widespread issues within the Greek justice system that also affect Greek citizens, they remain a significant area of concern.⁴⁴

44. Michalopoulos, S. (2023) EU Parliament mission: Rule of law in Greece faces ‘very serious threats.’ Available at: <https://www.euractiv.com/section/politics/news/eu-parliament-mission-rule-of-law-in-greece-faces-very-serious-threats/>; Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report January 2023. Available at: https://hias.org/wp-content/uploads/Greece-RoL2023_JointSubmission_CS0.pdf

“Money and connections is everything, corruption is rife”

Ahmad, Palestinian recognized refugee

“No, I feel there is corruption and a lack of real will to protect foreigners, especially poor ones, I don’t even know if I would trust the police to report a crime, I don’t think they would care”

Hussein, Iraqi recognized refugee

Moreover, a critical request emerged regarding accountability mechanisms: Participants expressed the need for available legal remedies to address arbitrary and discriminatory behaviors exhibited by the police, the judiciary, and civil servants. This request underscores the importance of fostering a stronger sense of inclusion and trust in a fair and reliable justice system for refugees.

The protection against corruption equally extends to free (state paid) court interpreters, who have reportedly solicited additional payments from refugees to fulfill their roles, or court civil servants, who reportedly connect refugees with specific private lawyers demanding exorbitant fees for representation. Many participants expressed a feeling of vulnerability regarding these practices and proposed the establishment of a disciplinary authority to address such issues, whether it be at the national or European level. While complaints like those described by the refugee interviewees can be formally addressed by both the Greek⁴⁵ and European Ombudsman,⁴⁶ the respondents appeared to be unaware of this option and instead suggested a need for a more flexible, immediate, and accessible complaint mechanism.

Participants also emphasized the necessity for legal amendments to facilitate more flexible procedures concerning the official documentation required from an individual’s country of origin as proof for civil claims and defenses against criminal charges. Furthermore, they advocated for the simplification of legal processes and the provision of clear information about rights in formats that are easily comprehensible by refugees. One specific recommendation was to distribute pamphlets in courthouses to enhance accessibility, alongside a push for the availability of free legal aid.



Lastly, various other proposals emerged, including the ability for individuals to digitally track their cases via a court website or mobile application. There was also a call for improved restorative justice practices that offer individuals a genuine opportunity for a second chance. Collectively, these points underscore the necessity for further research in this area.

45. <https://www.synigoros.gr/en>

46. <https://www.ombudsman.europa.eu/en/our-strategy>

2. The Advocates

All of the advocates interviewed, who are well-acquainted with the complexities of migration and refugee law, were eager to share their recommendations for enhancing refugees' experiences within the Greek justice system.

Establishing specialised interpretation/translation services focused on legal terminology were identified as a key priority for improving access to justice. A proposed solution was to create a list of certified qualified translators, who would serve as permanent staff in every Court of First Instance, ensuring their proficiency in relevant languages while also upholding their responsibilities to both the state and migrants. Their role would not only be to assist the migrant and refugee population, but also support the judges and court officials in their duties.

Repeated as essential for ensuring equal and efficient access to justice for refugees is the training of police, the judiciary, and court personnel in areas of law specific to refugees, as well as in promoting awareness against all forms of prejudice and cultural stereotyping. Additionally, the presence of cultural intermediaries in major courthouses to assist judges in their roles was highlighted as a crucial component.

Another suggestion that came up more than once was the establishment of a social service unit within courthouses, one that would be manned with permanent staff, such as lawyers, psychologists and social workers and charged with assisting the refugees and/or other migrant population in matters relating to the judicial procedure, especially regarding access to the state free legal aid scheme. Relatedly, simple, effective, unhindered access to free legal aid was raised as an effective remedy. According to the respondents, every bar association should keep a list of qualified lawyers, specially trained in migration/refugee law, which would be readily appointed to refugees' cases, without delay and unnecessary formalities, ideally without even depending on the proof of legal residence of a person in Greece.

3. The Judiciary

Navigating the Greek justice system as a judge, prosecutor, or in any similar position is certainly challenging. The Greek judiciary faces a significant backlog of cases,⁴⁷ which may have influenced the representatives of the group involved in this study to propose more practical and possibly short-term solutions aimed at facilitating effective access to justice for the refugee population.

This sentiment was particularly evident in our interviews with administrative judges, who emphasized the need for the state to grant the judiciary greater competencies to more effectively manage such cases and achieve what they believe would be fairer, faster, and more informed decision-making. They suggested that the Greek state should provide them with open access to information on asylum service case files and enable them to handle procedures related to vulnerability assessments as permitted by law. Additionally, they mentioned the importance of being able to refer vulnerable cases to experts for the formation of expert medical opinions—such as in cases involving trafficking or torture—and having the capacity to consult various specialists, including doctors, psychologists, and translation services, for preliminary questions as needed.

47. European Rule of Law Mechanism: Input from GREECE 2023, Rule of Law Report. Available at: https://commission.europa.eu/system/files/2023-07/78_1_52870_input_mem_greece_en_0.pdf

On the other hand, the perspectives of criminal judges and prosecutors aligned closely with the recommendations made by the lawyers. They similarly emphasized the necessity of equipping each court with specialized staff, including interpretation and translation services throughout all stages of the process, as well as maintaining a list of qualified lawyers with expertise in this particular area of law in every bar association. Additionally, they highlighted the importance of ongoing, updated training for the judiciary in migration and refugee law. They also called for the simplification of judicial procedures, ensuring that refugees are informed of their legal rights before their court appearances, and proposed the establishment of an official state body responsible for providing legal support, representation, and information about the rights of refugees.

Many interviewees from this group emphasized the urgent need for specialized training for advocates in immigration and asylum law, both to better support refugees and to improve the overall process. They noted a deficiency in effective defense strategies and a limited understanding of migration issues, especially regarding free legal aid. They suggested that each local bar association should create dedicated lists of expert lawyers to fill this gap.

Additionally, it is important to note that criminal judges repeatedly indicated concerns about the inadequate procedures followed by the police during preliminary criminal investigations, which often result in incomplete case files presented to them. They believe these processes require reform. Furthermore, the judges highlighted the need to improve interpretation services at this initial stage and advocated for training for police officers and prison staff on human rights issues and the handling of vulnerable cases, particularly those commonly encountered within the refugee population.

RECOMMENDATIONS

Drawing on the above, we argue that access to justice for refugees in Greece is not as effective as it should be and does not comply with fundamental rights under international, EU or Greek law. We recommend that Greece acts promptly to respect its international and European commitments by:

Implementing Comprehensive and Mandatory Training Programs:

Establish a systematic framework for mandatory periodic trainings of police officers, judges, court staff, and correctional personnel, focused on critical topics such as anti-bias, non-discrimination, and anti-racist behavior. By equipping personnel with the knowledge and understanding of these issues, the goal is to foster a more equitable and just environment for all individuals, particularly marginalized populations like refugees.

Providing Ongoing Education on Refugee and Migration Law:

Ensure continuous training for the judiciary and the legal professionals through their respective collective organisations (i.e. association of judges and prosecutors and bar associations) that encompasses both the legal and practical aspects of refugee and migration law. This ongoing education will help judges and legal professionals stay updated on relevant laws, policies, and best practices.

Guaranteeing Access to Quality Interpretation Services:

Ensure that free, reliable interpretation services are available at all stages of the judicial process. These services should involve qualified and well-compensated translators/interpreters who are part of a designated list managed by each local bar association. This will enhance communication and understanding for refugee and migrant individuals engaging with the justice system, ultimately promoting fairer outcomes.

Establishing Independent Accountability Mechanisms:

Create independent and easily accessible mechanisms for investigating complaints against biased behavior exhibited by police officers, judges, prison staff and any other public official. Except the Greek Ombudsman, mentioned above, the 'Greek Justice Watch' has been established as a new oversight mechanism, which "operates outside any form of political influence, -and it aims to- the observation, analysis and recording, in an objective and transparent manner, of the administration of justice (Civil, Criminal and Administrative)", but is, as yet, inactive⁴⁸.

Streamlining access to free legal aid:

Simplify the procedures for obtaining free legal aid, specifically reducing the documentation requirements for immigrants and refugees when seeking to assert their legal rights. This will lower barriers to access and ensure that vulnerable individuals can secure the assistance they need without unnecessary hurdles.

Informing refugees of their legal rights:

Provide clear and accessible information about legal rights, including details about free legal aid options, through asylum services and information points established in refugee camps and other official accommodation facilities. This proactive approach will empower refugees with the knowledge required to navigate the legal system effectively.

Creating engaged social service networks:

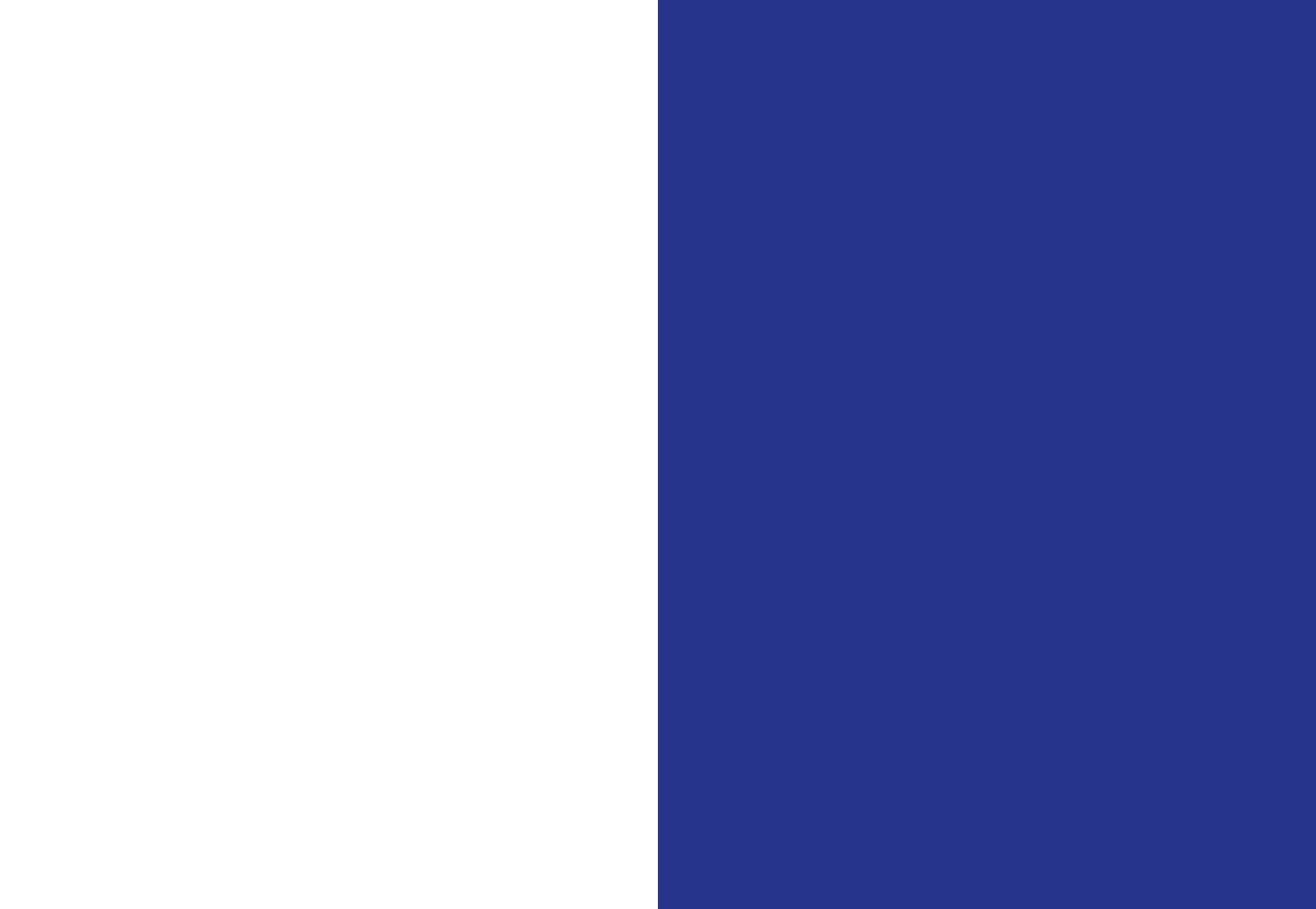
Establish actively involved social services equipped with social workers, interpreters, and lawyers at central, easily accessible locations. These professionals will offer guidance and support to refugees in navigating the complexities of the Greek legal system and public services, ensuring they receive the necessary assistance to address their needs.

Compiling specialized lawyer lists:

Develop and maintain comprehensive lists of qualified lawyers specializing in refugee and migration law within each local bar association. These lists should be made accessible to all interested parties, including refugees seeking assistance and judges needing expert advice on asylum-specific cases. This initiative will facilitate better legal representation and support for refugees and asylum seekers.

The above list could easily transform into an unending wish list. However, the aim of this study is not to compile an aspirational essay. Instead, it focuses on identifying realistic and achievable goals that promote the social integration of the refugee population in Greece. This integration should occur within a democratic and inclusive society that values diversity and supports individuals' personal growth and expression, in accordance with the principles of a fair legal system.

48. "Justice Watch" is a reality: Justice Watch officially established – ALL NAMES of its members. Available at: <https://www.dikastiko.gr/proto-thema/to-justice-watch-einai-pragmatikotita-idrythike-episimos-to-paratiritirio-dikaioynis-ola-ta-onomata-ton-melon-toy/>.





**GREEK
COUNCIL
FOR REFUGEES**

25, Solomou Street, Athens, 10682

T: +30 210 3800990

E-mail: gcr1@gcr.gr

Website: www.gcr.gr

Facebook: [/gcr.gr](https://www.facebook.com/gcr.gr)

Twitter: [@Refugees](https://twitter.com/Refugees)