

## Enabling access to legal aid and justice: How do SolidarityNow teams work to provide legal advice and assistance regardless of a person's means or status?

Every person's right to receive accurate and quality advice and protection, when s/he believes that s/he has been dealt with unlawfully, is a fundamental right of equal importance as the right to healthcare and education. Access to justice is the minimum denominator of citizens' rights' reinforcement and demonstrates the proper functioning of a democracy. SolidarityNow has integrated a legal assistance component across all its projects, with methods varying from information provision to court representation, always provided free of charge.

### Context

Accessing justice is equal to **knowing** and **affording** to use all available pathways that can guarantee protection of one's civil and social rights **within a reasonable timeframe**. Timeliness has been a critical factor in the Greek legal system with delays in the final decision of cases, taking up to 1,580 days<sup>1</sup> to be completed. This situation, in combination with recently introduced additional costs for citizens to initiate an administrative legal procedure, results in people questioning the efficiency of the protection the judicial system provides them with<sup>2</sup>, with the socially marginalized or underprivileged groups being the most affected by the gaps and the delays.

### The need for legal assistance

Ensuring access to justice can require support at many levels, starting from **the right to information, the counseling and advice** someone can receive for the issue s/he faces and going all the way to **court representation** at all instances allowed by the judiciary system. SN teams intervene to protect the rights of all people, Greeks, migrants, refugees and asylum seekers and work to ensure their actual legal protection, regardless of the nature of the case brought before the legal teams.

The increased need for legal assistance and protection in Greece today, can be noted by the number of beneficiaries that reach Solidarity Centers with a legal request as a share of the total beneficiaries of the centers. Solidarity Centers are hubs of free services for anyone seeking assistance, based on his/her needs and not on status or other criteria. **1 out of 5 people walking-in the three Solidarity Centers received legal services.**

<sup>1</sup> World Bank, Doing Business (2017) <http://www.doingbusiness.org/data/exploreeconomies/greece#enforcing-contracts>

<sup>2</sup> Only slightly more than 50% of Greeks believe that courts and judges level of independence is good or fairly good according to EU Justice Scoreboard 2017

[https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en)

Athens Solidarity Center <sup>3</sup>	(ASC)	15.27 %
Thessaloniki Solidarity Center <sup>4</sup>	(TSC)	71.27 %
Blue Refugee Center <sup>5</sup>	(BRC)	15.47 %

### Points of attention

It is worth noting that case handling or case management demand more than one appointment in order to be concluded and/or resolved. Existing data from TSC shows that while among Third country nationals, women represent 35.95% of legal assistance recipients, among Greek beneficiaries women exceed the number of men beneficiaries by 20%, a trend to be further explored.

Program	Beneficiaries During 2017	Sessions During 2017
ASC	1,526	3,245
TSC	1,268	2,392
BRC	506	837
Accommodation	501	612

However, the numbers of people receiving legal services reveal only partially the demand for legal assistance, as funding trends do not allow for the mobilization of appropriate resources in order to cover all costly interventions or reach the wider requests.

## A wide spectrum of needs

The level of complexity of the cases dealt with is captured by the ratio of those cases that demand a court representation compared to the overall number of beneficiaries of each legal service. Thus, 7.44% of ASC legal service beneficiaries' cases require court representation while the equivalent for BRC is 9.88% and for TSC 14.53%, meaning that one out of 10 among 3,300 Solidarity Centers' legal services beneficiaries in 2017 brought a case that required court representation to be resolved.

The range of issues for which people ask for a lawyer's contribution can be understood when looking at different types of cases, that result in the highest possible action (representation in court). Two examples, the one of a refugee-only Center (BRC) and one of an open-to-all center (TSC) reveal the variety of cases that Legal teams deal with. Besides what one might think, even for asylum seekers, legal issues are not focused on purely refugee law, but can touch upon civil, penal and administrative law.

Court Representation	TSC	BRC
<b>Total Representations of SN lawyers to Courts</b>	<b>182</b>	<b>50</b>
Administrative Law	16	6
Civil Law	14	14
Family Law	33	0
Immigration Law	7	0
Penal Law	81	7
Refugee Law	28	23
Other	3	0

<sup>3</sup> Funded by E@SI and Open Society Initiative for Europe (OSIFE).

<sup>4</sup> Legal services at Thessaloniki Solidarity Center were supported by UNHCR and funded by ECHO (until July 2017) and OSIFE.

<sup>5</sup> Supported by UNHCR and Unicef and funded by ECHO.

## Refugee Specific Interventions

Greece being one of the countries that received a great share of the post-2015 refugee population, the already strained judiciary and asylum system has been further burdened. Asylum seekers require legal assistance so as to ensure the access to a fair asylum procedure, that their basic human rights are respected and that they receive adequate assistance according to their vulnerabilities and profile.

Blue Refugee Center is a services' and community hub, specifically addressing the needs of asylum seekers and refugees in Thessaloniki. With the legal service scoring high among the most demanded services, 506 people have received legal information and assistance, since December 2016. During the same period, 1,090 third-country nationals accessed Thessaloniki Solidarity Center to receive legal services, while 501 more received legal support through the lawyers of the SN Accommodation project<sup>6</sup>.

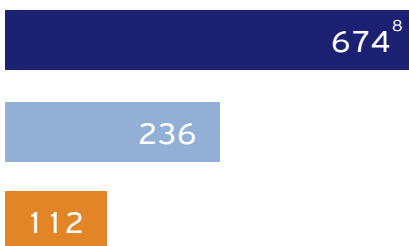
Athens Solidarity Center<sup>7</sup> legal services undertook a significant role in addressing the legal assistance needs of asylum seekers in Athens. With 1,526 beneficiaries, the Athens legal team managed in 2017 a significant caseload, marking an important success rate in securing the exercise of asylum seekers' rights:

### A story

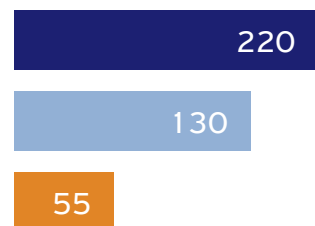
**The complexity of the issues that asylum seekers face, expand beyond refugee law and asylum processes. The case of a victim of domestic violence at a camp that was referred to Thessaloniki Solidarity Center legal team is indicative. The woman was not exposed to further risk if she continued to stay at the camp, but also should have the information on the range of options to act upon as to protect herself and the children immediately and in the future.**

After providing information on the options, the woman moved to a protected shelter and was supported by the Legal team to regulate temporary the custody of her 4 children through a private agreement. Also, the team initiated the penal procedure against her husband and represented her before the Court. Most importantly and because the asylum system links all family member's asylum claims and relocation application, TSC lawyers started the procedure before the Regional Asylum Office to separate her application from her husband's and managed to separate the application, providing the ground for a safer future for the victim and her children.

Number of cases supported



Known to date successful cases  
(number expected to increase as decisions will be announced)



<sup>6</sup> Supported by UNHCR and funded by ECHO.

<sup>7</sup> Funded by E@SI and OSIFE.

<sup>8</sup> 449 first instance, 225 second instance.

## How has SolidarityNow provided assistance so far?

1

In 2017 alone, 3,801 persons were provided with legal assistance directly by SN teams.

2

A free of charge legal Service unit/team or component is included in Solidarity Centers, since their establishment, offered or provided either directly or through partners, since 2014, serving more than 4,100 beneficiaries.

3

SN has provided 13 grants to NGOs in Greece in order to provide legal assistance to a spectrum of beneficiaries that range from people living with HIV to asylum seekers.

4

SN has facilitated the operation of 4 Asylum Offices and accommodates a branch of Asylum Service for vulnerable people at its Athens Solidarity Center premises that catered for 4,662 cases in 2017 alone.

## Our agenda for change

- Ensure that additional financial and human resources are put in service of the people to meet the increased, unmet needs of the population;
- Reinforce the right to access free legal advice to Greek citizens who lack sufficient resources, as well as to other vulnerable individuals including refugees and asylum seekers;
- Ensure that Greek citizens, refugees, and asylum seekers receive legal advice and representation in a timely and effective manner before the Greek authorities and courts;
- Promote the resolution of cases through mediation or other alternative dispute resolution mechanisms as provisioned by national legislation /in accordance with Greek national law, to avoid lengthy – and often inefficient – judicial proceedings;
- Improve individuals' access to information regarding their rights and remedies available to seek justice;
- Facilitate training to judges and other public officers in human rights and asylum law, including the ever-evolving standards and case law of the European Court of Human Rights.