

Legal professionals in Greece Needs Assessment Report

April 2015

Introduction

The purpose of the present report is to assess the specific training needs of legal professionals in Greece with regard to racist crime, hate and homophobic crime. The Training Needs Assessment will serve as an input in the framework of the project *"Increasing the capacity of law enforcement authorities to tackle racist crime, hate crime and homophobic crime through experiential learning" (EXPERIENCE CRIME)* and specifically for the design and implementation of experiential capacity building training modules and training material.

This needs assessment report synthesizes information obtained through interviews with a sample of five legal professionals in Greece with distinct experience with regard to the subject matter. The report covers the needs related to existing training/education, existing gaps in knowledge, additional skills required, method and content of trainings.

1. COUNTRY

GR HU IT NL

2. TARGET GROUP

Judges/prosecutors	<input type="checkbox"/>
Police	<input type="checkbox"/>
Legal professionals	<input checked="" type="checkbox"/>



3. METHOD

The report is based on the use of questionnaires and ensuing interviews with five legal professionals in Greece representing institutions with experience related to the subject matter. The sample included a representative of the Athens Bar Association, a representative of the Hellenic League of Human Rights, a representative of NGOs/Legal Professionals offering legal services to victims of crime, a representative of the Racist Violence Recording Network, a representative of the Greek Equality Body and practicing attorneys with experience in the subject matter. The specific professionals were selected based on their experience and specialization on hate crime or discrimination cases. The interviews were held in March 2015.

4. MAIN FINDINGS

4.1. *Training Needs of Legal Professional in Greece*

4.1.1. *Level of awareness of trainings/education on the topic of hate crime*

The majority of the respondents indicated that they were not aware of any training or educational programmes concerning hate crimes. One respondent noted that the Racist Violence Victims Network and the National Commission for Human Rights have organized relevant seminars, on recognizing a hate crime, reporting methods, proposals on the creation of a specialized hate crimes enforcement force etc.

All respondents stressed the need for relevant training programmes. One of the respondents referred to the significance of organizing such trainings for the entirety of the bar associations and in multiple regions in Greece. The same respondent evoked a past example of a training on refugee rights organised in the island of Crete, the success of which was such that it resulted in the formulation of thematic lawyers' networks within the local bar association. It was proposed that the involvement of Bar Associations in the training would be a way to enhance the effectiveness and sustainability of the training.

4.1.2. *Knowledge required for legal professionals*

All respondents stressed the importance of being familiar with the legislation in force. One respondent mentioned specifically the Equality Directives (2000/43/EC, 2000/78/EC, 2002/73/EC, 2006/54/EC) and national legislation (laws N.3304/2005, N.3488/2006, N.3769/2009 or even the legislation prior to the approximation as stated in law N.1414/1984).

All respondents highlighted the significance of being familiar with international law. One respondent noted the importance of mutual understanding between professionals involved in hate crime is important and proposed that the any training would have maximum efficacy if it addressed simultaneously legal professionals, police offices and judges and prosecutors.



One respondent mentioned that the legal professionals should furthermore be educated on the lack of protection against hate crimes, on the competent judicial authorities and independent institutional bodies and ways to address them, on the organizations and bodies which are active in reporting hate crimes, and on ways to network with other relevant legal professionals. The same respondent expanded on this point to explain that the above are necessary since in Greece usually lawyers end up undertaking such cases on a pro bono basis. It is thus important, in the respondent's view, that these lawyers are supported, aware of the significance of their task and granted access to networks that can assist their communication with the victim, the judicial system and the institutional framework.

Lastly, one respondent noted the importance of gaining sociological knowledge sufficient to recognize a crime as indeed a hate crime.

4.1.3. Required additional skills

Respondents were asked to indicate the additional skills necessary for a legal professional to deal effectively with cases of hate crimes. They were given an indicative list of three broad categories, namely sensitization on bias indicators, familiarity with the case-law of the ECtHR or other courts and familiarity with national cases.

Two respondents answered that the required additional skill of legal professionals in Greece is the familiarity with the case-law of the ECtHR or other courts. Two respondents answered that all three are required, whereas one respondent noted that all three are required, however specific significance should be placed on familiarity with the case-law of the ECtHR or other courts and familiarity with national cases.

When asked which would be the most efficient way to acquire skills, the selected legal professionals were given a list that included lectures; group discussions on a specific theme; case studies; practice in groups and interaction; role playing; combination of the above. The responses we received varied greatly.

One respondent voted for all methods except lectures. Another respondent noted that the best method would be case studies in combination with studying monographs on the subject at hand. Three respondents answered that all indicated methods would be recommended. However there were differences among them in that one respondent would suggest a combination of the methods, while another excluded role playing. Another respondent proposed that each method would be more efficient in different areas and suggested: lectures to understand national and international law, group discussions to allow for the exchange of experiences on the practical implementation of the law, practice in groups to exchange true life experiences. In the view of the same respondent, role playing would fall under group discussions.

Overall, concerning the most efficient methodology, the responses indicated the following order of preference:

- a. case studies
- b. group discussions on a specific theme
- c. practice in groups and interaction



- d. lectures
- e. role playing
- f. combination of the above
- g. monographs

4.2. Sensitization through exposure

Next, the respondents were requested to indicate whether exposure to the experience of hate crimes would be recommended in sensitizing legal professionals.

Four out of five respondents answered that exposure to real hate crimes would indeed succeed in sensitizing legal professionals. When requested to recommend the best means for achieving this, mostly audiovisual methods and case studies were indicated. One respondent suggested in specific case studies, where each member of a group would be required to argue a real hate crime case utilizing legal terminology.

One respondent however answered that exposure to the experience of hate crimes is not important for legal professionals and noted that legal professionals who undertake such cases are already exposed to the experience of hate crimes and what would be more important is to emphasize and strengthen their actual legal training.

4.3. Content and format of the training

4.3.1. Practical sessions and proposals

In this field the respondents were requested to indicate which practical exercises would be useful, by including specific examples. Real case studies were indicated almost unanimously.

One respondent suggested cases that involve collateral damages, apart from the main crime, and the framework in which these could be defended. Another respondent suggested a group exercise on a specific case and its presentation in a workshop. Another respondent suggested the following order of constructing a role playing exercise:

- a. Presentation of events - recognition of crime and objective of the offender – recognition of the pertinent law.
- b. Presentation of the way in which the authorities handled the case, at police level and at judicial level – role playing of the impediments faced at each level
- c. Alternative steps that could have been taken (address national authorities/institutions)
- d. Alternative legal actions at national and international level.
- e. Practical ways to overcome impediments



4.3.2. Content of the workshops

The interviewees were asked to indicate the most useful subject matters to be discussed in a workshop on hate crimes for legal professionals. The responses included:

- the legal framework and its problems
- legal provisions that are not applied in practice and changes needed – procedural guarantees to victims
- impediments created by police questioning and the shortcomings of prosecutors and judges
- institutional reality of Hellenic society
- existing possibilities for legal aid
- cost of access to justice
- best practices
- underlying reasons for hate crimes
- indicators to recognize the problem
- means to deal with such cases
- the strategy and objective of the offender, which will lead in categorizing the offense as a penal law case and establishing motivation
- types of criminal offenses that can justify filling a complaint

One respondent indicated the subject of sensitization on the underlying racist, homophobic, discriminatory dimension in common crimes and the indirect discrimination imposed on victims, which often escapes the legal approach.

4.3.3. Trainers/ facilitators

The interviewees were asked to suggest the ideal trainer or facilitator who would ensure interaction with the participants.

The majority of responses centered on the coexistence of an academic educator and a professional with hands-on experience in the field. Additional suggestions included:

- a clinical social worker and/or psychologist to understand the consequences of dealing with such cases, both on the victims and the legal professionals.
- volunteers or members of NGOs active in protecting vulnerable groups rights
- judges and police officers who have worked on such cases
- trainers from international or regional bodies. The Council of Europe was mentioned, as well as the United Nations, particularly the Commission of the UN Convention to Combat Discrimination, which considers individual complaints.

One respondent differentiated based on the type of workshop, the structure and seating arrangements (whether all would be seated in a circle or the facilitator would be placed in front of the participants), the place, time, number and age of the participants. In their view an interactive seminar would benefit mostly by a



professional with legal knowledge but also personal experience who would possess transmissibility, vitality and a sense of humor that would cultivate a sense of equivalence in the group. For a classic workshop a legal professional was indicated who would be placed in the front, facing the participants.

4.3.4. Training material

Asked to indicate the most useful training material for such a workshop, the majority of the respondents referred to legislation, case law and relevant case reports.

Further suggestions included the use of audiovisual material, judicial decisions, articles and relevant media material, mental health clinical reports used in hate crime cases.

4.3.5. Timing and location of workshop

The interviewees were asked to indicate the ideal timeframe and location for the workshop.

The timeframe question was interpreted by the majority of respondents as a request to indicate when the workshop should take place, and as such was regarded in general as not very important. One respondent suggested to avoid the traditional season of yearly leave for lawyers and suggested that perhaps immediately after the holiday season the workshop might attract more participants. Another respondent suggested that perhaps a convenient time might be the season when courts are closed. Another suggestion was that the timing could coincide with emigration flows or with the voting for a relevant piece of legislation.

However, one of the respondent interpreted the relevant question as a request to indicate the duration of the workshop and suggested that time allowed should be sufficient but not exhaustive, indicating a 3 hour duration as optimum.

Regarding the location, the majority of the respondents indicated that any place outside the workplace of the participants would be good. One respondent indicated that it should be organized outside Athens. Another suggested the bar association. One respondent suggested however that the location is significant when related to the type of cases discussed, for instance close to the Omonia Square or at underdeveloped areas such as Agios Panteleimon or certain areas of Piraeus, which are closer to where most victims of hate crimes usually reside.

4.4. Dissemination – promotion of anti racist ethos

Interviewees were asked to indicate the person among their target group who could undertake a broader role in promoting anti-racism and disseminating information. The majority of responses suggested that the entirety of the legal professionals, after this training, should be in a position to undertake that role and that the actual role of

the training should be to result in networking. One respondent indicated judges, prosecutors and police officers as the ideal promoters of anti racist ethos and disseminators of information.

4.5. Willingness to be involved

This question was designed to elicit the level of interest in participating in the workshop and in possibly undertaking an active role, for instance as facilitator or speaker or presenter of a case study. While all participants indicated their interest to attend, they mostly noted that their heavy schedules or lack of specific expertise prevented them from assigning for a more active role.

One respondent mentioned that most of the cases they deal with include indirect discrimination against vulnerable groups but cannot be considered hate crimes, for instance violation of social insurance rights and labor rights of aliens, such as non-payment of unemployment benefits or pension benefits related to the nonexistence or expiry of the work permit; employment of domestic workers, work accidents of aliens that are never compensated, deteriorated labor safety conditions for people with disabilities etc.

Another respondent expanded further by indicating specific suggestion on case studies. Namely:

- Case study of assault against immigrants or refugees from Africa or Asia, discussing the right to judicial protection of the victim, which becomes particularly problematic if the victim is deprived of legal residence in Greece, devoid of economic resources, belongs to a vulnerable group; further discussing the failure of state authorities, the possible legal action that can be taken and those impediments that may ultimately render access to justice impossible
- Case study of assault against bisexual person, discussing the impediments during the filling of the case by authorities and the possible further abuse and victimization of the assaulted by the state authorities in their usual tolerance towards the offender; highlighting the best approach the defense lawyer can adopt towards their client.
- Case study of assault against persons considered homosexuals on the basis of their appearance. This could serve as basis to distinguish between homophobic crime, hate crime and bullying, which at present seem to encounter wide spread confusion in Greece.



5. RECOMMENDATIONS

This part of the report ventures to derive overall recommendations based on the answers provided through the questionnaires and during the interviews carried out. Below is a list of recommendations pertaining to the training needs assessment for legal professionals in Greece:

- limited, if any, training programmes on hate crimes have taken place
- all respondents agree that training is indispensable for legal professionals to effectively defend their clients in such cases.
- The workshop should include a session on national and international legislation, an introduction to the competent judicial authorities and independent institutional bodies and ways to address them, on the organizations and bodies which are active in reporting hate crimes, and on ways to network with other relevant legal professionals.
- The workshop should also include a session on case-law of the ECtHR and presentation of national case law.
- with regard to training methods, these included (in order of preference): case studies, group discussions on a specific theme, practice in groups and interaction, lectures, role playing, combinations of the above and monographs – relevant bibliography.
- The majority of respondents considered that exposure to real hate crimes would have a positive impact in sensitizing legal professionals, thus audiovisual material towards this direction could be also included in the workshop.
- Real life case studies should feature prominently in the workshop since the respondents were unanimous in their assessment of the usefulness of this method.
- Role playing met with diverse reactions from the respondents. However below we reproduce a suggested order for such a game:
 - i. Presentation of events - crime and objective of offender – identification of pertinent law.
 - ii. Role playing - handling of case by authorities at police level and at judicial level –impediments faced at each level
 - iii. Alternative steps that could have been taken (address national authorities/ institutions)
 - iv. Alternative legal actions at national and international level.
 - v. Practical ways to overcome impediments



- The workshop content should feature discussions on the below subject matters, as indicated by respondents:
 - the legal framework and the inadequacies thereof
 - which legal provisions are not applied in practice and what changes are due – broader subject of procedural guarantees to the victims
 - impediments created by police questioning and the shortcomings of prosecutors and judges
 - institutional reality of Hellenic society
 - existing legal aid
 - cost of access to justice
 - best practices
 - underlying reasons for hate crimes
 - indicators to recognize the problem
 - means to deal with such cases
 - the strategy and objective of the offender, which will lead in categorizing the offense as a penal law case and establishing motivation
 - types of criminal offenses that can justify filing a complaint

- Facilitators should ideally include one professor of law and one professional with hands-on experience in the field. Additionally it would be good to involve as speakers also one member of an NGO active in protecting vulnerable groups rights, a judge or police officer who have worked on such cases and a speaker from an international body, perhaps the Council of Europe or the Commission of the UN Convention to Combat Discrimination, which considers individual complaints.

- Training material should include relevant legislation, case law and relevant case reports.

- The workshop should ideally take place outside Athens, after the holiday season or when courts are closed.

- The workshop could be organized in the bar association and should optimally last no more than 3 consecutive hours

- The workshop should promote networking and result in all the members of the target groups being promoters of anti-racist ethos and disseminators of information.



"INCREASING THE CAPACITY OF LAW ENFORCEMENT AUTHORITIES TO TACKLE RACIST CRIME, HATE CRIME AND HOMOPHOBIC CRIME THROUGH EXPERIENTIAL LEARNING (EXPERIENCE CRIME)"
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Annexes

- I. List of interviewees, with dates
- II. Notes or minutes of interviews (if available)

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