



Border Violence Monitoring Network

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RULE 9 SUBMISSION

A.R.E. V. GREECE

APPLICATION NO. 15783/21

Border Violence Monitoring Network (BVMN)

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Submission by the Border Violence Monitoring Network (BVMN) pursuant to Rule 9.2 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments, on the implementation of *A.R.E. v. Greece (Application no. 15783/21)*¹

I. Introduction

In line with Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments, the Border Violence Monitoring Network ("BVMN") hereby presents a communication in response to the Action Plan of the Greek government in *A.R.E. v. Greece* (Application No. 15783/21).

BVMN is a network of non-governmental organisations situated along the external EU borders, whose purpose is to monitor and document human rights violations at European borders.² BVMN works to denounce pushbacks³ and guarantee safe access to asylum. Since 2017, BVMN has collected more than 1,600 testimonies of pushbacks with which it produces comprehensive reports, analysing trends in border violence.⁴ As well as coordinating participation in legal processes at national, regional and international levels, BVMN routinely files submissions to judicial and international bodies outlining rights violations during pushbacks, including legal briefings to Special Rapporteurs on the use of torture during pushbacks.⁵ BVMN has expertise in, and wishes to provide input on, international legal standards linked to the

¹ <https://hudoc.exec.coe.int/eng?i=004-68844>

² BVMN (2026) What We Stand For <https://borderviolence.eu/what-we-stand-for>

³ A/HRC/47/30: Report on means to address the human rights impact of pushbacks of migrants on land and at sea - Report of the Special Rapporteur on the human rights of migrants, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4730-report-means-address-human-rights-impact-pushbacks-migrants>

⁴ See for example: BVMN. 2021. Annual Torture Report 2020. Available at:

<https://www.borderviolence.eu/annual-torture-report-2020/>; BVMN. 2020. *Violations at the Greek Borders. Sea and Land Report (February/March 2020)*. Available at <https://www.borderviolence.eu/new-report-on-violations-at-greek-borders/>; BVMN. 2020. *Special Report: COVID-19 and Border Violence along the Balkan Route*. Available at:

<https://www.borderviolence.eu/special-report-covid-19-and-border-violence-along-the-balkan-route/>; Mobile Info Team (member of BVMN). 2019. *Illegal Pushbacks at the Border: Denying Refugees the Right to Claim Asylum*. Available at: <https://www.mobileinfoteam.org/pushbacks>.

⁵ See for example: BVMN (2020) Submission to the UN Committee on Economic, Social and Cultural Rights on Bosnia-Herzegovina, <https://www.borderviolence.eu/submission-to-cescr-on-bih/>; BVMN (2021) Submission to the UN Rapporteur on Torture Regarding Greece, <https://www.borderviolence.eu/submission-to-the-un-special-rapporteur-on-torture-regarding-greece>

prohibition of *refoulement*, the prohibition of torture, the right to life, and the right to freedom from arbitrary detention and other specific obligations in relation to people's rights at borders.

II. Executive Summary

This case concerns the applicant's pushback in May 2019 to Turkey, her country of origin, without individual assessment of the risks she faced there. The Court found that even though the applicant had expressed fears of ill-treatment if she were *refouled*, the Greek authorities had ignored her request for international protection (violation of Articles 3 and 13).

The case concerned the applicant's arbitrary detention prior to her removal in violation of Article 5 § 1, 2, 4, the Court found a violation of Article 13 of the Convention, taken in conjunction with Articles 2 and 3 of the Convention, on account of the lack of an effective remedy available under the domestic legal system to assess the applicant's allegations of risk of life and ill-treatment if sent back to Turkey, during her informal removal.

BVMN will evidence that pushbacks and other violations persist in the area of Evros. This submission will further highlight the lack of effective investigations into allegations, persistent deficiencies in disciplinary and administrative investigations, a continued lack of judicial accountability and the ineffectiveness of both the current and newly established independent monitoring mechanisms.

III. Persistence of reports of pushbacks

The Government highlights police officers' compliance with international human rights law and the training received on fundamental rights. (paras 7-8, Action Plan communicated 13.01.2026 and paras 10-12, Updated Action Plan communicated 26.06.2026). The action plans detail a range of training sessions attended by 138 officers in 2023, 93 in 2024, 13 and an unspecified number of personnel in 2025 and 43 in 2024. BVMN notes however that not all sessions concerned fundamental rights and the number of officers who attended them appears low in comparison to the estimated number of border guards nationally (4,500 according to Frontex⁶) or deployed in Evros (over 600⁷).

Nonetheless, reports of informal enforced returns at the Greek-Turkish land border have persisted, despite the *A.R.E. v Greece* ruling in January 2025. These reports identify a continuation of systematic pushbacks,

⁶ Frontex (2026) National Authorities, <https://www.frontex.europa.eu/our-partners/national-authorities/g>

⁷ Ministry of Citizen Protection (2025) Decision to amend the implementation of the Project "Salary of fixed-term border guards, for the control and surveillance of the external borders", of the Action "Strengthening the national capacity for the control and surveillance of the external borders by recruiting personnel, for the Services of the Regional State of Evros" <https://diavgeia.gov.gr/decision/view/9%CE%981%CE%9146%CE%9C%CE%A4%CE%9B%CE%92-%CE%937%CE%9A;e-evros.gr> (2025) 385 border guards were made permanent in Evros, <https://e-evros.gr/gr/eidhseis/3/monimopoih8hkan-385-synoriofylakes-ston-ebro/post54811>

as reported by the Greek Ombudsman⁸ and the Recording Mechanism of Informal Forced Returns,⁹ an independent mechanism established and coordinated by the Greek National Committee of Human Rights.¹⁰ European and international human rights bodies including the Council of Europe's Commissioner for Fundamental Rights,¹¹ the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),¹² the UN Committee against Torture,¹³ the UN Committee of Enforced Disappearances¹⁴ and the UN Human Rights Council¹⁵ have equally documented the ongoing practice of pushbacks in Greece.

Since 2021 there have been fourteen Frontex Serious Incident Reports [hereafter SIR(s)] detailing allegations of pushbacks at the Greek-Turkish land border.¹⁶ In three cases, violations were assessed by the Frontex FRO as fully verified¹⁷ and in another seven as credible or likely.¹⁸ The Fundamental Rights Office (FRO) of Frontex continued to raise concerns about pushbacks and ill-treatment at land as well as sea borders of Greece during 2025.¹⁹

⁸ Greek Ombudsman (2025) Annual Report | National Mechanism for the Investigation of Arbitrary Incidents 2024, <https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/annual-report-2024-or-national-mechanism-for-the-investigation-of-arbitrary-incidents>; Greek Ombudsman (2022) Special Report | National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA)

[https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-or-national-mechanism-for-the-investigation-of-arbitrary-incidents-\(emidipa\)](https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-or-national-mechanism-for-the-investigation-of-arbitrary-incidents-(emidipa))

⁹ Recording Mechanism of Informal Forced Returns (2023) Annual Report 2022, <https://nchr.gr/en/reports.html>; Recording Mechanism of Informal Forced Returns (2024) Annual Report 2023, <https://nchr.gr/en/reports.html>; Recording Mechanism of Informal Forced Returns (2025) Annual Report 2024, <https://nchr.gr/en/reports.html>

¹⁰ Greek National Committee for Human Rights (2021) National Report on the situation of human rights of migrants at the borders <https://nchr.gr/2020-02-26-05-51-20/57-prosfyges-metanastes/1245>

¹¹ Commissioner for Human Rights (2024) Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025, <https://www.coe.int/en/web/commissioner/-/greece-should-prevent-pushbacks-and-ensure-accountability-for-human-rights-violations-at-the-borders>

¹² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2019) Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, <https://www.coe.int/en/web/cpt/greece>; CPT (2020) Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, <https://www.coe.int/en/web/cpt/greece>; CPT (2024) Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, <https://www.coe.int/en/web/cpt/greece>

¹³ UN Committee against Torture (2019) Concluding observations on the seventh periodic report of Greece, <https://www.ohchr.org/en/documents/concluding-observations/catgrcco7-concluding-observations-seventh-periodic-report-greece>

¹⁴ UN Committee on Enforced Disappearances (2022) Concluding observations on the report submitted by Greece under article 29 (1) of the Convention, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2531&Lang=en

¹⁵ United Nations Human Rights Council (2022) Report of the Working Group on the Universal Periodic Review, Greece, <https://www.ohchr.org/en/hr-bodies/upr/gr-index>

¹⁶ SIR 13300/2021, <https://prd.frontex.europa.eu/document/serious-incident-report-no-13300-2021/>; SIR 11780/2021, <https://prd.frontex.europa.eu/document/serious-incident-reports-and-documents-related-to-any-incident-taking-place-in-the-evros-region-greece/>; SIR 14509/2022, SIR 15314/2022, SIR 12288/2022, SIR 15553/2022, SIR 12584/2022, SIR 13400/2022, SIR 13372/2022, SIR 13869/2023, SIR 15485/2023,

<https://prd.frontex.europa.eu/document/serious-incident-reports-regarding-greece-and-fundamental-rights-offices-reports-concerning-italy/>; SIR 13125/2023, <https://prd.frontex.europa.eu/document/serious-incident-reports-cat-1-2/>

SIR 15957/2023, SIR 14331/2024, <https://prd.frontex.europa.eu/document/frontex-reports-november-2024-january-2025>

Reports on some incidents may have not been published at the time of writing this submission.

¹⁷ SIRs 13300/2021, 14509/2022, 13125/2023

¹⁸ SIRs 11780/2021, 13400/2022, 15314/2022, 12288/2022, 15957/2023, 15485/2023, 14331/2024

¹⁹ Frontex (2026) 50th Fundamental Rights Officer Report to the Management Board, <https://prd.frontex.europa.eu/document/documents-connected-to-final-serious-incident-report-11498-2025-and-the-50th-fundamental-rights-officer-report-to-the-management-board-1-october-31-december-2025/>; Frontex (2025) 49th Fundamental Rights Officer

The Recording Mechanism of Informal Forced Returns reported 11 pushbacks through the Evros border in 2025.²⁰ Between January and December 2025, the Greek Council for Refugees requested interim measures for 100 individuals in the region of the Evros border.²¹ The Court granted interim measures in all cases. 32 of these individuals went missing and their whereabouts were unknown to the Greek government.²² The Greek Ombudsman's 2025 Annual Report detailed an increase in cases of alleged *refoulement*, shootings, ill-treatment and other violations of fundamental rights at borders as reported by the National Mechanism for the Investigation of Arbitrary Incidents.²³

Between 2025 and May 2026, civil society organisation, Alarmphone, reported several cases of suspected pushbacks at the Greek borders.²⁴ BVMN has been made aware of 3 cases of people that went missing at the Evros border between 1st January 2025 and 30 June 2026. In December 2025 Turkish citizen Taner Balat went missing from the bus station of Orestiada after being approached by two individuals carrying weapons.²⁵

Two further patterns are linked to the practice of pushbacks in the Evros region. First, the presence of non-uniformed, often masked individuals alongside police officers during apprehensions and pushbacks has been repeatedly reported.²⁶ Secondly, third country nationals have been forcibly recruited by the police to

Report to the Management Board,

<https://prd.frontex.europa.eu/document/49th-fundamental-rights-officer-report-to-the-management-board/>;

Frontex (2025) 48th Fundamental Rights Officer Report to the Management Board,

<https://prd.frontex.europa.eu/document/49th-fundamental-rights-officer-report-to-the-management-board/>

²⁰ Recording Mechanism of Informal Forced Returns (2026) Annual Report 2025,

<https://www.nchr.gr/ta-nea-mas/2313-2025-3.html>

²¹ 11.11.11, Hungarian Helsinki Committee, We Are Monitoring Association, Centre for Peace Studies, Lebanese Center for Human Rights, Sienos Grupė, I Want to Help Refugees/Gribu palīdzēt bēgļiem (Latvia) (2026) Beaten Back at Europe's Borders: 2026 Annual Report on Pushbacks,

<https://www.cms.hr/en/publikacija/beaten-back-at-europes-borders-2025-annual-report-on-pushbacks/>

²² Ibid; Greek Council for Refugees (2026) GCR's Information Note On interventions and on interim measures granted by the ECtHR in cases regarding pushbacks <https://gcr.gr/el/news/item/1984-information-note/>

²³ Greek Ombudsman (2026) Annual Report 2025,

<https://www.synigoros.gr/el/category/ethsies-ek8eseis/post/deltio-typoy-or-ethsia-ek8esh-2025>

²⁴ https://x.com/alarm_phone/status/2073745953954115755; https://x.com/alarm_phone/status/2073293156766875685;

https://x.com/alarm_phone/status/2069041971826507920; https://x.com/alarm_phone/status/2067188842503852527;

https://x.com/alarm_phone/status/2063170040317321542;

https://x.com/alarm_phone/status/2054858757385887957; https://x.com/alarm_phone/status/2042996417514385773;

https://x.com/alarm_phone/status/2041896271548452974; https://x.com/alarm_phone/status/2015808041921159233;

https://x.com/alarm_phone/status/2012199468137918769; https://x.com/alarm_phone/status/2007540972415271218;

https://x.com/alarm_phone/status/2001300967753494798; https://x.com/alarm_phone/status/1985741607979925751;

https://x.com/alarm_phone/status/1982745907876823237; https://x.com/alarm_phone/status/1916112699051643219;

²⁵ Yeler, V. and Lavelle, M. (2026) Who disappeared the Turkish Taner Balat in Evros?

https://www.efsyn.gr/ellada/koinonia/494312_poi-oi-exafanisan-ton-toyrko-taner-mpalat-ston-ebro

²⁶ Recording Mechanism of Informal Forced Returns 2026, 2025, 2024, 2023; SIRs 14509/2022, 15485/2023; SIR 11036/2025,

<https://prd.frontex.europa.eu/document/serious-incident-reports-cat-1-2/>; Alarmphone (2026) Evros: Instead of Help, Violence Arrives, 18 July, <https://alarmphone.org/en/2026/07/18/evros-instead-of-help-violence-arrives/>

https://x.com/alarm_phone/status/2067188842503852527

participate in pushbacks operations since 2020.²⁷ Clear identification of individuals engaged in border enforcement is the foundation for accountability and compliance.

IV. Continued lack of effective investigations into pushback allegations

The Ombudsman's report mentions a 53% increase in complaints in 2025 (272 cases in total), including allegations concerning pushbacks, shootings, ill-treatment, violations of personal liberty and bodily integrity.²⁸ In its Action Plan (paras. 9, 12, 16-20), the Government submits that existing oversight mechanisms, specifically disciplinary and judicial investigations, function effectively in response to such allegations (paras. 9, 12, 16-20, Action Plan communicated 26.06.2026). However, the available evidence demonstrates that accountability outcomes in cases involving allegations of pushbacks and related human rights violations remain extremely limited.

According to statistics from the Ministry of Citizen Protection, out of 713 disciplinary cases against police officers concerning allegations of excessive violence that took place between 2019 and 14 November 2025, only 308 had been adjudicated.²⁹ Of these, 287 were archived on the basis that no disciplinary liability of police officers was established, while only 21 resulted in minor disciplinary sanctions. Furthermore, 151 cases remained under investigation, 16 remained pending adjudication, and 15 remained pending before disciplinary councils.³⁰ In addition, according to information provided by the Ministry of Citizen Protection in 2026, the Internal Affairs Service of said Ministry conducted preliminary investigations into 42 cases concerning alleged pushbacks at Greece's borders between 2019 and 2025, all of which were subsequently transmitted to the competent prosecutorial authorities.³¹ Similarly, according to 2025 data provided by the Ministry of Maritime Affairs, 42 sworn administrative investigations (ΕΔΕ) concerning alleged human rights violations by officers of the Hellenic Coast Guard were conducted during the previous five years, with no findings of disciplinary offences in any of the 42 investigations.³² These figures raise serious concerns as to the practical effectiveness of existing accountability mechanisms in cases involving allegations of human rights violations at the borders.

²⁷ Recording Mechanism of Informal Forced Returns 2026, 2025, 2024, 2023; SIRs 13125/2023, 13300/2021, 13400/2022, 14509/2022, 15957/2023, 15485/2023, 14331/2024; BVMN (2020) Balkan Region Report - August 2020, <https://borderviolence.eu/reports/balkan-region-report-august-2020>; Alarmphone 2026
Malichudis, S. (2025) 100 Days: the refugees forced to push back other migrants at Europe's border, Solomon, <https://wearesolomon.com/en/mag/format/investigation/100-days-the-refugees-forced-to-push-back-other-migrants-at-europes-border/>; Parker, J. and Kallergis, K. (2026) Greek police using masked 'mercenaries' to push migrants back across border", BBC News, 14 April, <https://www.bbc.com/news/articles/c86vpq42dl0o>

²⁸ Greek Ombudsman (2026) Annual Report 2025, <https://www.synigoros.gr/el/category/ethsies-ek8eseis/post/deltio-typoy-or-ethsia-ek8esh-2025>

²⁹ Ministry of Citizen Protection (2025) Reply to the no. 1054/80 question dated 11-11-2025 https://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=53a9a14b-a142-4ddd-9247-b39300ece5b2

³⁰ Ibid

³¹ Ministry of Citizen Protection (2026) Response to the No. 212 Question and Request for Documents, https://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=aeb6436c-82e7-449e-8f1c-b3e700e5894b

³² Ministry of Maritime Policy and Insular Affairs (2025) Response to the no. prot. 1054/80/11-11-2025 Question and Request for Documents of Members of the Parliamentary Group of SYRIZA https://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=53a9a14b-a142-4ddd-9247-b39300ece5b2

V. Deficiencies in disciplinary and administrative investigations

The culture of impunity demonstrates deficiencies in disciplinary and administrative investigations, including failure to investigate ex officio, refusal to investigate in the absence of formal complaints by the victim, repeated findings of “lack of evidence”, failures to secure relevant evidence, lack of adequate reasoning, and delayed or absent disciplinary consequences. Data provided by the Ministry of Citizen Protection regarding 39 disciplinary cases concerning allegations of pushbacks between 2019 and 2025 indicate that while 8 cases were archived on the grounds that no disciplinary liability had been established, in 4 of those cases no administrative investigation had been ordered at all.³³ In its report of 3 February 2025, the Ombudsman concluded that there were clear indications of responsibility of higher officials of the Coast Guard, deadly exposure and exposure to risk for life and health to the passengers on Adriana boat, with reservations for the acts of causing a shipwreck, because of the significant gaps to the evidentiary material that was handed to the Ombudsman. Nine months after the report, the Ombudsman realised that, despite felony charges being pressed, the respective Ministry continued to not exercise the foreseen disciplinary actions.

The Updated Action Plan refers to the provision of clarifications by the Hellenic Authorities in response to SIRs communicated by Frontex. While SIRs on incidents of forced expulsions in Evros suggest a level of cooperation between Frontex and the Hellenic authorities, they also evidence various shortcomings such as denials of incidents, failures to provide detailed information in response to Frontex requests, failures to effectively investigate allegations and hold accountable and sanction officers for wrongdoing.³⁴ A significant issue affecting investigations is the lack of ‘internal records’ and ‘credible reporting’ concerning incidents of detection linked to alleged pushbacks.³⁵ In some SIRs, the Frontex FRO regrets ‘the Greek authorities’ general reluctance to follow up on such allegations with thorough and independent investigations³⁶ or comments that ‘the blanket dismissal of all allegations [...] remains an important obstacle to a meaningful follow up in the form of effective investigations’.³⁷ SIRs on pushbacks and other incidents in the Aegean as well as other documents further confirm this pattern.³⁸ We note that several SIRs that raise concerns about the cooperation of the Greek police with the Frontex FRO concern investigations that concluded in 2025 and 2026.³⁹ Further, while para 14(i) of the Updated Action Plan states that the ‘Frontex-Greece Action Plan for the Protection of Fundamental Rights at the Borders’ was successfully completed, documents by Frontex suggest that four recommendations out of nine made to the Greek

³³ Ministry of Citizen Protection 2025, Reply to the no. 1054/80 question

³⁴ See SIRs 13300/2021, 11780/2021, 12288/2022, 15314/2022, 14509/2022, 13400/2022, 15553/2022, 13372/2022, 13125/2023, 15485/2023, 13869/2023, 15957/2023, 14331/2024

³⁵ SIRs 15957/2023, 15485/2023, 15314/2022, 14509/2022, 14331/2024, 13400/2022, 13372/2022

³⁶ SIRs 15957/2023, 15553/2022, 15485/2023, 14331/2024, 13869/2023

³⁷ SIRs 13400/2022, 15314/2022, 12288/2022

³⁸ SIR 10560/2025, <https://prd.frontex.europa.eu/document/final-serious-incident-report-10560-2025/>; SIR 10180/2025, <https://prd.frontex.europa.eu/document/serious-incident-reports-cat-1-2/>; SIR 10725/2025,

<https://prd.frontex.europa.eu/document/documents-connected-to-final-serious-incident-report-11498-2025-and-the-50th-fundamental-rights-officer-report-to-the-management-board-1-october-31-december-2025/>; Fundamental Rights Office (2026) FRO_Video footage from Greece_redacted1,

<https://prd.frontex.europa.eu/document/documents-connected-to-final-serious-incident-report-11498-2025-and-the-50th-fundamental-rights-officer-report-to-the-management-board-1-october-31-december-2025>

³⁹ SIRs 13125/2025, 10725/2025, 10180/2025

authorities were partially implemented⁴⁰ and that the Agency has continued to monitor the Greek authorities' compliance with fundamental rights through the newly established Fundamental Rights Compliance Panel.⁴¹

Further, the Greek Government and the European Commission have claimed that a further mechanism not mentioned in either Action Plan, the Fundamental Rights Protection Officer of the Ministry of Migration and Asylum, is tasked with investigating allegations of pushbacks.⁴² The independence of this mechanism has been questioned as the Ministry of Migration and Asylum FRO is appointed by a committee composed in its majority by government officials.⁴³ Nearly 90% of complaints submitted to the FRO have been transmitted to internal departments of the Ministry of Migration and Asylum rather than the National Transparency Authority (see section IV).⁴⁴ On 29 January 2026, the Greek Council for Refugees, based on Frontex Serious Incident Reports (SIRs), formally requested an investigation into alleged human rights violations at the borders by Coast Guard vessels. However, on 13 March 2026, the Fundamental Rights Officer of the Ministry of Migration and Asylum reportedly rejected the request, citing limited competence and the absence of complaints submitted directly by the affected persons themselves.⁴⁵

VI. The new independent monitoring mechanism

In its Action Plan, the Government relies on the future implementation of the Pact on Migration and Asylum, and in particular the Independent Monitoring Mechanism foreseen under Article 10 of Regulation (EU) 2024/1356, as an important measure to address these shortcomings. While not directly included in the draft implementation bill transposing the Pact on Migration into Greek law, but in the unrelated Law 5303/2026, Greece has designated the National Transparency Authority (NTA) as the body responsible for carrying out this function.⁴⁶ As set out below, BVMN is concerned that the NTA, as currently designed and operating, will not be capable of effectively addressing the shortcomings identified in the judgment, including the lack of effective investigations, accountability and remedies in cases involving allegations of pushbacks and related human rights violations.

⁴⁰ Frontex (2025) Speaking Points to DED-RO for Agenda point 9.2 Greek Implementation Plan, <https://prd.frontex.europa.eu/document/documents-regarding-to-the-implementation-plan-for-maintaining-frontex-operational-presence-in-greece/>;

⁴¹ Frontex (2025) Minutes of the 103rd Management Board Meeting, <https://prd.frontex.europa.eu/document/minutes-of-the-103rd-management-board-meeting-of-22-23-january-2025/>; Frontex 2025 Speaking notes; Frontex (2025) Meeting Agenda 4th Meeting of the Fundamental Rights Compliance Panel, <https://prd.frontex.europa.eu/document/documents-connected-to-the-fundamental-rights-compliance-panel/>

⁴² Ministry of Citizen Protection (2026) Reply to the no. 5459 question dated 21-05-2026, https://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=b161fe12-bda1-4cc7-8989-b45100f2541d; Vouliwatch et al (2023) Rule of Law Backsliding Continues in Greece Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, <https://rsaegian.org/en/rule-of-law-greece-report/>

⁴³ Vouliwatch et al 2023

⁴⁴ HIAS Greece et al (2026) Now is the time to talk about legality” The state of the Rule of Law in Greece today <https://rsaegian.org/el/i-katastasi-tou-kratous-dikaiou-stin-ellada-simera-2026/>

⁴⁵ Greek Council for Refugees (GCR) (2026) Press release: News from the field, <https://gcr.gr/el/news/press-releases/item/nea-apo-to-pedio-martios-2026/>

⁴⁶ Law 5303/2026, Reform of inheritance law and other provisions <https://www.e-nomothesia.gr/kat-kodikis-nomothesias/nomos-5303-2026.html>

In October 2021, the Ministry of Migration and Asylum designated the National Transparency Authority as an independent mechanism to investigate reports of pushbacks.⁴⁷ In 2022 it was designated as the competent authority to receive complaints of fundamental rights violations in reception of third-country nationals and asylum procedures by the Fundamental Rights Officer of the Ministry of Migration and Asylum.⁴⁸ The appropriateness of NTA as such a mechanism has been questioned due to its lack of independence,⁴⁹ the lack of transparency of its activities, and the lack of effectiveness of its investigations.⁵⁰ The Agency receives its funding directly from the government in the budget, which is assessed and modified each year.⁵¹ The information communicated in the Updated Action Plan of 25.06.2026 para. 21 - that the NTA is registered under a separate entity in the budget of the Ministry of Interior - does not suggest a departure from this arrangement. Additionally, both the board of directors and the executive director of the National Transparency Agency are proposed by the Council of Ministers and approved by the Institutions and Transparency Committee of the Parliament by simple majority vote.⁵²

Indicatively of the suitability and efficacy of the Agency to act as an independent monitoring mechanism, its only published investigation on pushbacks in 2022 found no evidence to support such allegations, and its reliability was widely challenged, including in the A.R.E. judgement.⁵³ At the same time testimonies recorded by BVMN, as well as the findings of other organisations suggested the opposite.⁵⁴ No further investigations into allegations of pushbacks have been published, and the methodologies used by NTA for the investigations of incidents remain unknown.⁵⁵ The 2024 annual report on its activities refers to two 'systemic audits' on pushbacks⁵⁶ while data obtained through Freedom of Information requests to the European Commission demonstrate that the majority of investigations on pushbacks were closed with no wrongdoing found.⁵⁷

⁴⁷ Ekathimerini. October 2021. The Transparency Authority may probe pushback claims. Available at: <https://tinyurl.com/2p96tkfw>; Greek Refugee council (2022) National Transparency Authority should publish the full investigation regarding pushbacks in accordance with the principle of transparency, <https://gcr.gr/el/news/item/1940-na-dimosiefthei-i-erevna-tis-ethnikis-arxis-diafaneias-gia-tis-epanaprothiseis-se-symmorfosi-me-tin-arxi-tis-diafaneias/>

⁴⁸ Law 4960/2022 Article 49, <https://www.e-nomothesia.gr/kat-allodapoi/nomos-4960-2022-phek-145a-22-7-2022.html>

⁴⁹ Commissioner for Human Rights 2024; Vouliwatch et al (2024) Greece in Institutional Decline: Greece in Institutional Decline: Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report, <https://rsagean.org/en/rule-of-law-2024-report-greece/>; UN Special Rapporteur on Human Rights Defenders, Statement on preliminary observations and recommendations following official visit to Greece, 22 June 2022, <https://www.srdefenders.org/statement-on-preliminary-observations-and-recommendations-following-official-visit-to-greece/> &ust=1781378520000000&usg=AOvVaw1Tu1DpSxpjDeLyDmwyfq-U&hl=en

⁵⁰ HIAS Greece et al 2026

⁵¹ Law 4622/2019, Law 4622/2019: Executive State: organization, operation and transparency of the Government, government bodies and central public administration, <https://www.e-nomothesia.gr/kubernese/nomos-4622-2019-phek-133a-7-8-2019.html>, Article 92.

⁵² Law 4622/2019 Article 88; Vouliwatch et al 2023

⁵³ National Transparency Authority (2022) Completion of an investigation on the management of migration flows on Greek territory and the provisions of a publication on informal forced returns (pushbacks), <https://aead.gr/press/press-releases/oloklirwsh-ereunas-ws-pros-th-diaxirisi-twn-metanasteutikwn-rown-stin-elliniki-epikratia-kai-ta-dialamvanomena-se-dimosieuma-peri-atipwn-anagastikwn-epistrofwn-epanaprowthisewn>; Vouliwatch et al 2023

⁵⁴ BVMN (2022) Black Book of Pushbacks, <https://borderviolence.eu/publications/black-book-of-pushbacks-2022>

⁵⁵ HIAS Greece et al 2026

⁵⁶ National Transparency Authority (2025) Annual Report 2024, <https://aead.gr/en/publications-en/reports-en/annual-report-nta-2024>

⁵⁷ HIAS et al 2026

As an example of its investigative record,, the NTA found no wrongdoing in the case of the pushback of the Frontex cultural mediator who was pushed back from Greece to Turkey through the Evros border in September 2021, citing ‘relevant regulations, orders, and instructions concerning the prevention of foreign nationals entering Greek territory without the required legal procedures.’.⁵⁸ However, the incident concerned the pushback of a third country national already lawfully in Greek territory. In contrast, the Frontex FRO concluded that the cultural mediator was the victim of a forcible expulsion to Turkey, arbitrary arrest and detention, ill-treatment and illegal seizure of belongings.⁵⁹ The Greek Ombudsman recommended to the Hellenic Police further disciplinary action with regards to acts and omissions of officers involved in the incident.⁶⁰ The judicial investigation on this case was ongoing as of November 2025.⁶¹

VII. Continued lack of effective judicial accountability

As regards judicial accountability, in para. 12 of the Action Plan the Government refers to judicial independence, compliance of the judicial authorities with international law and effective investigation of complaints of returns from Greek territory in an independent and effective manner. However, available evidence indicates that judicial responses to allegations of pushbacks and related abuses remain ineffective in practice.

In its 2025 report, the European Union Agency for Fundamental Rights (FRA) identified continuing deficiencies in the investigation of allegations of ill-treatment and other serious rights violations at borders, noting in particular that most cases continue to be closed at the pre-trial stage.⁶² With regard to Greece specifically, FRA identified that 68 criminal investigations between 2020 and 2024 had been launched, concerning allegations including ill-treatment, physical injury, torture, rape, theft, homicide and illegal use of firearms at borders. None of those investigations resulted in convictions.⁶³

The latter concern is confirmed by the Government’s own submissions in the Action Plan. In para. 12 and the accompanying footnote of the 13/01/2026 Action Plan, the Government states that nine complaints concerning alleged irregular removals were filed before prosecutorial authorities during 2024-2025. However, the information provided indicates that several of those cases were transferred between prosecutorial authorities, remained pending at the preliminary investigation stage, or were shelved due to “unknown perpetrators”, or insufficient indications of wrongdoing.⁶⁴ Furthermore, according to information provided by the Ministry of Justice in 2026, between 2019 and 2025 a surprisingly low number of criminal prosecutions were initiated against state officials in relation to alleged pushbacks, namely: none in 2019, two in 2020, five in 2021, two in 2022, none in 2023, two in 2024 and one in 2025. These figures stand in stark contrast to the extensive documentation of alleged pushbacks involving state officials by BVMN and numerous other national and international organisations as described in previous sections of this

⁵⁸ ARES (2025) 11516527 - 22/12/2025 Summary of the Closed and Ongoing Investigations by NTA in Relation to Alleged Push-backs, obtained by FOIA and shared by third party

⁵⁹ SIR 13300/2021

⁶⁰ *ibid*

⁶¹ Legal Aid Working Group CEAS Sub-Working Group (2025) Meeting Minutes, 17 November. Document shared by a third party.]

⁶² Fundamental Rights Agency (2025) Investigating alleged ill-treatment at the European Unions' external borders – 2025 update, <https://fra.europa.eu/en/publication/2025/investigating-alleged-ill-treatment-borders-update>

⁶³ *Ibid*

⁶⁴ See also HIAS et al 2026, paragraph 54

submission, raising further concerns regarding the effectiveness of criminal investigations and judicial accountability in such cases.⁶⁵ According to a joint report by civil society organisations, by early 2026 no criminal cases concerning pushbacks had progressed beyond the preliminary examination stage.⁶⁶ Notably, the Government does not provide information about any convictions or any completed proceedings resulting in accountability for the alleged violations. Rather than demonstrating the effectiveness of judicial investigations, the Government's own data illustrates the continuing absence of meaningful judicial outcomes in cases concerning allegations of pushbacks and related abuses.

VIII. Recommendations

1. BVMN recommends that the Committee of Ministers invite the Greek Government to **provide updated statistical information on all pending criminal investigations** concerning allegations of pushbacks and related human rights violations, including information on cases that remain pending and those that have been archived or dismissed at the preliminary investigation stage.
2. BVMN recommends that the Committee of Ministers invite the Greek Government to **provide disaggregated statistical data on recent criminal convictions** concerning ill-treatment and other human rights violations committed by law enforcement authorities at the borders, including allegations of pushbacks, as well as information on the penalties imposed in such cases.
3. BVMN proposes that the Committee of Ministers invite the Greek Government to **provide disaggregated statistical data on internal disciplinary proceedings** concerning allegations of pushbacks and related human rights violations, including information on the measures taken, sanctions imposed, cases archived, and the reasons for closing investigations without further disciplinary action.
3. BVMN recommends that the Committee of Ministers encourage the **involvement of independent national human rights institutions, including the Greek Ombudsman and the Greek National Commission for Human Rights, as well as relevant civil society organisations and international bodies**, in the operation and oversight of the Independent Monitoring Mechanism.
4. BVMN urges that for the effectiveness of the independent border monitoring mechanism, **frameworks should be put in place to hold the State and its institutions accountable for abiding by the agreed mechanism**, while ensuring transparency and access to justice. The Independent Monitoring Mechanism should be equipped with adequate guarantees of independence, transparency and effectiveness, including the power to initiate investigations ex officio, access relevant documentation, and conduct inspections in border areas and other relevant sites.
5. BVMN recommends that the Greek Government provides **information on measures to address the shortcomings identified by the Frontex FRO in relation to SIR investigations**.
6. BVMN recommends that the Greek Government **investigate the use of coercive recruitment of third country nationals in pushbacks at its borders** in order to eliminate their instrumentalization and exploitation.

⁶⁵ Ministry of Justice (2026) Response to the No. 212/03-02-2026 Question and Request for Documents

⁶⁶ *ibid*