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Communication

In accordance with Rule 9.2 of the Rules of the Committee of Ministers

Concerning the judgment *Safi and Others v Greece* (5418/15)

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Hellenic League for Human Rights

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The Hellenic League for Human Rights (HLHR) is the oldest human rights organisation in Greece (established originally in 1936 and re-established in 1953) and a member of the International Federation for Human Rights. Its aims include human rights advocacy, promoting public awareness and the elaboration of legal proposals. With a view to assisting the Committee of Ministers of the Council of Europe in its statutory task of supervising the implementation of *Safi and others v Greece*, the HLHR respectfully submits the following:

Brief summary of the case

The European Court of Human Rights (ECtHR) in its judgment *Safi and Others v Greece*, App No 5418/15, 7.7.2022, examined the application of 14 refugees supported by our organisation on violation of articles 2 (right to life) and 3 (prohibition of torture, inhuman and degrading treatment) of the European Convention on Human Rights. The Court held the Greek authorities responsible for the shipwreck that took place on Farmakonisi on 20 January 2014 following the involvement of a Coast Guard vessel, which led to the tragic drowning of eight children and three women, refugees from Afghanistan.

The shipwreck survivors, including relatives of victims, appealed before the ECtHR after exhausting remedies in the Greek justice system. The Piraeus Naval Court Prosecutor archived the case and closed the file of judicial investigations into Coast Guard responsibility. The Review Court Prosecutor rapidly upheld this decision. A central claim in the Piraeus Naval Court Prosecutor's decision to archive the case was that "push backs do not occur in Greece". This case had also been thoroughly debated by the Greek Parliament in a special meeting on 29 January 2014, given that evidence demonstrated that a "border control" and not a "rescue operation" had been carried out in the area of Farmakonisi on that night, leading to 11 deaths.

The Strasbourg Court found a violation of the right to life, both in its procedural limb due to the authorities' failure to responsibly and effectively investigate such a significant case, and in its substantive limb, stemming from the omission of actions that they should and could have taken to protect human lives and prevent the tragic incident. The Court also held that military personnel had inflicted degrading and inhuman treatment against shipwreck survivors that night.

General context regarding the situation at the Greek/Turkish border

The shipwreck at Farmakonisi that caused the death of 12 refugees in 2014 belongs to a long chain of events that affect the lives of people who attempt to pass irregularly from Turkey to Greece. A very high number of people risk their life not only because of the harsh conditions prevailing in the border zones, but also due to the behaviour of the Greek authorities during their apprehension or afterwards. Numerous allegations of push backs and failed rescue operations, abductions and systematic cases of inhuman treatment have been filed and processed by competent international and national actors. Hundreds of cases are reported by reliable media¹ and organisations which know the field very well, as well as academics². These cases are not isolated. Such incidents have been repeatedly observed.³ Cases of alleged

¹ "[Greece accused of 'shocking' illegal pushback against refugees at sea](#)". *the Guardian*. 26 April 2021. Retrieved 5 October 2021, Christides, Giorgos; Deeb, Bashar; Dijken, Klaas van; Epp, Alexander; Lüdke, Steffen; Popoviciu, Andrei; Šabić, Lamia; Sapoch, Jack; Simeonidis, Phevos; Vögele, Nicole (7 October 2021). "EU: Europe's Violent Shadow Army Unmasked". *Der Spiegel*, Gall, Carlotta (18 July 2021). "They Just Left Us': Greece Is Accused of Setting Migrants Adrift at Sea". *The New York Times*. Retrieved 5 October 2021

² Drakopoulou, Aikaterini; Konstantinou, Alexandros; Koros, Dimitris (2020). "Border management at the external Schengen Borders: Border controls, return operations, and obstacles to effective remedies in Greece". *Fundamental Rights Challenges in Border Controls and Expulsion of Irregular Immigrants in the European Union*. Routledge, Iliadou, Evgenia (2021). "'Violence Continuum': Border Crossings, Deaths and Time in the Island of Lesbos". *Stealing Time: Migration, Temporalities and State Violence*. Springer International Publishing. pp. 197–221, Karamanidou, Lena (2021). "Migration, Asylum Policy and Global Justice in Greece". *The EU Migration System of Governance: Justice on the Move*. Springer International Publishing. pp. 89–117, Koka, Enkelejda (June 2018). *Irregular Migration by Sea: A Critical Analysis of EU and EU Member State Extraterritorial Practice in the Light of International Law* (PhD thesis). University of Kent.

³ Greek Ombudsman, Report on pushbacks, 2020 <file:///C:/Users/user/Downloads/060521-pushbacks-interim-report_gr.pdf>; HLHR, report to the Public Prosecutor on push backs, <<https://www.hlhr.gr/%CE%BC%CE%B7%CE%BD%CF%85%CF%84%CE%AE%CF%81%CE%B9%CE%B1-%CE%B1%CE%BD%CE%B1%CF%86%CE%BF%CF%81%CE%AC-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B9%CF%82-%CE%B5%CF%80%CE%B1%CE%BD%CE%B1%CF%80%CF%81%CE%BF%CF%89%CE%B8/>> ; Oxfam (2020). Complaint To The European Commission Concerning Infringements Of Eu Law By Greece. In Oxfam International. <<wemove-oxfam-complaint-to-ec-asylum-greece-eu.pdf> (oi-files-d8-prod.s3.eu-west-2.amazonaws.com)> ; OLAF (European Anti-Fraud Office) (2021). Final Report CASE No OC/2021/0451/A1 <https://cdn.prod.www.spiegel.de/media/00847a5e-8604-45dc-a0fe-37d920056673/Directorate_A_redacted-2.pdf> ; Open Democracy. (2019 May 18). "Hundreds of Europeans 'criminalised' for helping migrants – as far right aims to win big in European elections". <<https://www.opendemocracy.net/en/5050/hundreds-of-europeans-criminalised-for-helping-migrants-new-data-shows-as-far-right-aims-to-win-big-in-european-elections/>> Human Rights Watch. (2021). Frontex Failing to Protect People at EU Borders, <<https://www.hrw.org/news/2021/06/23/frontex-failing-protect-people-eu-borders>>, 23 June 2021; HumanRights360. (2020). During and After Crisis: Evros Border Monitoring Report (November 2019– April 2020), <<https://www.humanrights360.org/el/mesa-kai-meta-tin-krisiepopteia-sta-chersaia-synora-toy-evroy/>>; Greek Council for Refugees (GCR). (2018). *Reports and Testimonies of Systematic Pushbacks in the Evros Region*. <<https://www.gcr.gr/media/k2/attachments/ReportZ08032018.pdf>>; Commissioner for Human Rights (Council of Europe) (2021). A Distress Call for Human Rights: The Widening Gap in Migrant Protection in the Mediterranean, <<https://rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protectio/1680a1abcd#:~:text=ln%202019%2C%20according%20to%20IOM,than%20the%20whole%20of%202>

pushbacks have been systematically reported in 2021, as was the case in 2020. According to a country report (last updated on 22-05-2022) published by ECRE and AIDA⁴ regarding the data on migration flows and arrests conducted by the Hellenic Police forces for the timeframe of the years 2020-2021, the practice of illegal refoulements continued being utilised as a “front-line” tool of the country’s migration policy in order to halt the flows of refugees and to deter others from attempting to irregularly cross the borders, being characterised as a “permanent eventuality” for persons seeking to cross the borders in order to request asylum, and emphasising that since December 2021, dozens of applications had been communicated to the Greek Government by the ECtHR regarding allegations of systematic pushback practices⁵.

In 2023 the National Commission of Human Rights reported a series of push backs committed by state authorities.⁶ This information has also alarmed the UNHCR and the IOM which have received a series of allegations of push backs and deaths.⁷ The same concerns have been expressly highlighted and widely publicized by the UN Special Rapporteur on the human rights of migrants⁸, the Council of Europe Commissioner for Human Rights⁹, Amnesty International¹⁰, and a number of civil society organizations such as Refugee Support Aegean¹¹ and Aegean Boat Report¹² and the investigative journalism platforms Solomon and Forensic

[019>](https://www.efimerida.gr/2022/05/22/dead-refugees-in-shipwreck-perhaps-after-pushback/); Pagoudis, G. (2022). Dead refugees in shipwreck, perhaps after pushback. *Efimerida Ton Syntakton*, <https://www.efsyn.gr/ellada/koinonia/359242_nekroi-prosfyges-se-navagio-isos-katopin-epanaproothisis>; <<https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsionsq>>; <<https://www.theguardian.com/global-development/2022/sep/01/speak-out-against-pushbacks-youre-an-enemy-of-greece-says-refugee-hero>>

⁴ <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

⁵ *ibid.*

⁶ NCHR, 2023, Interim report on push backs, <https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_echanism_en.pdf>

⁷ Among others: UNHCR, 2021, <<https://www.unhcr.org/gr/18335-unhcr-warns-asylum-under-attack-europes-borders-urges-end-pushbacks-violence.html>> and IOM, 2021 <<https://www.iom.int/news/iom-concerned-about-increasing-deaths-greece-turkey-border>>

⁸ Special Rapporteur on the human rights of migrants, *Report on means to address the human rights impact of pushbacks of migrants on land and sea*, 12 May 2021, available at: <https://bit.ly/3tWayFO>, para. 55.

⁹ Letter from Council of Europe Commissioner dated 3 May 2021, available at: <https://bit.ly/3DtthsQ>.

¹⁰ Amnesty International, *Greece: Violence, Lies, and Pushbacks*, June 2021, available at: <https://bit.ly/3K8xtD6>

¹¹ Refugee Support Aegean, *The timeline of a pushback of a Syrian refugee in Evros, as documented by RSA*, 19 October 2021, available at: <https://bit.ly/36Wui2R>.

¹² Aegean Boat Report, *Blog Posts*, available at: <https://bit.ly/3LoT76k>, see also Aegean Boat Report, *Groundbreaking decision in our first pushback case before the European Court of Human Rights*, available at: <https://bit.ly/3FoQxeM>.

Architecture, the latter providing concrete audiovisual evidence corroborating the allegations of systematic pushback practices¹³.

At the same time, in addition to the pending applications communicated to the Greek Government¹⁴, the ECtHR itself has granted interim measures according to Rule 39 of the Rules of Court in cases regarding unlawful detention, ill treatment and attempts at refoulement both on land and sea¹⁵. Lastly, the CPT in its 2018 report found that it "*received several consistent and credible allegations of informal forcible removals (push-backs) of foreign nationals by boat from Greece to Turkey at the Evros River border by masked Greek police and border guards or (para-)military commandos. In a number of these cases, the persons concerned alleged that they had been ill-treated and, in particular, subjected to baton blows after they had been made to kneel face-down on the boat during the push-back operations*"¹⁶. Its findings persisted in its report of 2020¹⁷, stating that "*In the course of the 2020 visit, the CPT's delegation again received consistent and credible allegations obtained through individual interviews in different places of detention of foreign nationals being detained, having their belongings confiscated and subsequently being pushed back across the Evros River border to Turkey [...] **The evidence supporting the case that migrants are pushed back across the Evros River to Turkey after having been detained for a number of hours, without benefiting from any of the fundamental guarantees, by Greek officers operating in an official capacity is credible***"¹⁸. The onus is now upon the Greek authorities to ensure that this practice ends once

¹³ 'Dark Waters of the Aegean: 1,018 illegal pushbacks', We Are Solomon. Accessed at: [https://wearesolomon.com/mag/on-the-move/dark-waters-of-the-aegean-1018-illegal-pushbacks-carried-out-by-the-greek-state/#:~:text=Our%20News-.Dark%20Waters%20of%20the%20Aegean%3A%201%2C018%20illegal%20pushbacks%20carried%20out,resulted%20in%20injuries%20and%20drownings.](https://wearesolomon.com/mag/on-the-move/dark-waters-of-the-aegean-1018-illegal-pushbacks-carried-out-by-the-greek-state/#:~:text=Our%20News-.Dark%20Waters%20of%20the%20Aegean%3A%201%2C018%20illegal%20pushbacks%20carried%20out,resulted%20in%20injuries%20and%20drownings.;); 'Drift-backs in the Aegean Sea', Forensic Architecture. Accessed at: <https://forensic-architecture.org/investigation/drift-backs-in-the-aegean-sea#:~:text=Mapping%20drift%20backs&text=Sixteen%20deep%20drift%20backs',off%20the%20island%20of%20Samothraki.>

¹⁴ *Alkhatib v. Greece* (app. no. 3566/16), *Almukhlas v. Greece* (app. no. 22776/18), *A.E. v. Greece* (app. no. 15783/21), *Muhammad v. Greece* (app. no. 34331/22), *S.S. v. Greece* (app. no. 30221/21), *S.A.A. a. o. v. Greece* (app. no. 22146/21), *F.M. a.o. v. Greece* (app. no. 17622/21), *K.K. v. Greece* and 17 other applications app. no. 1712/21 and 17 others, see communication at

<https://hudoc.echr.coe.int/eng#%7B%22fulltext%22%3A%5B%221712%2F21%22%5D%2C%22itemid%22%3A%5B%22001-214583%22%5D%7D> } , *G.R.J. v. Greece* (app. no. 15067/21), *A.A.J. and H.J. v. Greece* (app. no. 24982/21)

¹⁵ *ibid.*, see also Press release of the Greek Council for Refugees available at: <https://bit.ly/3MSDeGb>.

¹⁶ Preliminary observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which visited Greece from 10 to 19 April 2018

¹⁷ CPT/Inf (2020) 35, <https://rm.coe.int/1680a06a86>

¹⁸ The CPT's delegation received a credible and consistent allegation from an unaccompanied minor that some four months previously he had been picked up by the police in Kavala and after spending one night in a police

and for all, and that any officers (police or military) operating outside of official command structures are held to account and sanctioned accordingly [...] 59. The CPT's delegation also received a number of consistent and credible allegations concerning acts by the Greek Coast Guard to prevent boats carrying migrants from reaching any Greek island. Moreover, since the delegation's visit, credible allegations have emerged of migrants having reached the island of Samos from Turkey by boat before being re-embarked on a dinghy by Greek officers and towed by a Greek Coast Guard vessel back to Turkish waters, where they were allegedly left adrift overnight until recovered by the Turkish Coast Guard on the afternoon of the following day¹⁹.

The rules creating a state obligation to protect human life are bent as a result of the “necessity to deter” the irregular trespassing of the Greek borders, on land or at sea. Greek and international law is applied in a flexible way depending on the circumstances of each incident: deterrence prevails even when this entails maximum risk for human life. The illegal acts of deterrence against refugees and migrants who attempt to enter the Greek territory enhance impunity, abort accountability and finally undermine the foundations of the Rule of Law. It has been amply demonstrated by the numerous sources cited and data presented that the violations found by the Court and the specificities presented in the case *Safi a.o. v. Greece* not only are not an isolated incident, attributable to circumstantial factors, but rather they were only one manifestation of a widespread, systemic issue which has reached critical proportions, the persistence of which is rooted in structural causes, involving both the judicial and executive branches of power as well as police forces, the coast guard forces and even the military. The implications of this systemic malfunction and its humanitarian impact threatens the balance and credibility of European values and the fundamentals of the rule of law. Therefore, a novel approach is called for.

The HLHR, referring to the analysis here above, respectfully proposes the following:

station closer to the Turkish border was driven in army trucks to the Evros River where persons in military fatigues transported him and many other persons across the river in a wooden boat with a motor. The boat transported around 15-20 persons during each crossing. The army personnel wore balaclavas. His claims were similar to those detailed in certain media. See, for example, an article of 21 May 2020 entitled Migrants accuse Greece of forced deportations.

¹⁹ See, for example, Samos And The Anatomy Of A Maritime Push-Back of 20 May 2020

As regards the classification of the case

Safi and others v Greece should be subject to enhanced supervision by the Committee of Ministers, as it provides it with a unique opportunity to engage in dialogue with the Greek authorities over a novel burning issue, the human rights situation on the Greek/Turkish border.

As regards the reopening of the investigation by the Greek competent authorities

According to Article 43 para 6 of the Code of Penal Procedure, the public prosecutor has the obligation to reopen a case that has been shelved whenever new evidence appears. Despite the fact that the judgment *Safi and Others v Greece* has been published, and therefore constitutes new evidence, to our knowledge the prosecutor attached to the naval court-martial has not taken any action to reopen the case and conduct the appropriate investigation that is needed.

It is not appropriate at the present stage to speculate about the outcome of such an investigation, all the more so since state liability under the ECHR is not to be confused with individual criminal responsibility under national law. However, it is clear that the acts and omissions amounting to a breach of Articles 2 and 3 of the ECHR in *Safi* could give rise to the latter. And the judgment leaves open the possibility that such criminal responsibility might be imputed not only to members of the coast guard but also to members of the air force (belated rescue) and the land forces (events on Farmakonisi itself). The HLHR wishes to recall, in this connection, that Greek law provides that members of the air force and the land forces are subject to the jurisdiction of specialised courts-martial, other than the naval court-martial. Should indications of such criminal responsibility arise, it will not be enough to reopen the case that has been shelved by the prosecutor attached to the naval court-martial. Separate proceedings will have to be instituted.

As regards the substantive violation of Article 2

Recommendations 1 and 2 draw on paragraph 155 of the judgment, which stresses the lack of “*éléments suffisants permettant d’établir certains des faits en cause au-delà de tout doute raisonnable*” and the ECtHR’s inability to “*se prononcer sur plusieurs détails spécifiques de*

l'opération ... ni sur le fait de savoir si les requérants ont fait l'objet d'une tentative de refoulement vers les côtes turques.”

1. The adequacy of the sea-rescue procedures should be reviewed and there should be significant improvement in the training in their implementation. The training in question should include high-risk-situation management, the application of humanitarian values in this context and intercultural skills.
2. All coast guard boats should be fitted with appropriate technological equipment – including cameras and electronic logs – to record the details of each patrol. These should be data-protection compliant and the information thereby gathered should be retained as long as required for the purposes of eventual investigations.

As regards the procedural violation of Article 2

3. A proper system should be created for the provision of interpretation services to those involved in criminal proceedings – as of the stage of the preliminary inquiry (προκαταρκτική εξέταση).²⁰
4. The prosecutors attached to the naval courts-martial (and eventually the judges sitting on them) should draw the benefit of training in the procedural requirements of the ECHR.
5. The procedural protection of victims of crime should be enhanced during the early stages of the proceedings when the criminal action has not been brought yet. In particular, they should have the right to obtain access to information in the exclusive possession of the authorities that would serve to make a case for bringing a criminal action in respect of a breach of Articles 2 and 3 ECHR.

The following recommendations (6-9) draw again on paragraph 155 of the judgment (see above).

The HLHR wishes to recall that, according to the ECtHR's case law, criminal proceedings are the only appropriate response to incidents like the one in *Safi*. However, issues of jurisdiction often arise when various authorities are involved, as in the present case: the coast guard and

²⁰ Article 6(3)(c) ECHR requires this for accused persons.

the air force but also, in so far as it can be gathered from the judgment, the land forces in the substantive violation of Article 3. Moreover, not every aspect of an incident will give rise to criminal liability. Some may be addressed by way of disciplinary proceedings. In general, conducting a non-criminal inquiry to obtain a clear idea as to the circumstances of the incident is often a more expedient way of proceeding. Such inquiries are usually within the responsibility of low-threshold complaints-mechanisms, which apply more flexible working methods than those of a criminal inquiry - whilst respecting, of course, human rights.

This is the logic behind the existence of police complaints authorities (<https://rm.coe.int/opinion-of-the-commissioner-for-human-rights-thomas-hammarberg-concern/16806daa54>). The same logic may be transposed in the field of border control, border surveillance²¹ and returns procedures.²²

The HLHR submits that a dedicated complaints authority with specific expertise in human-rights protection during border control/surveillance and returns operations will stand a better chance of establishing the truth, overcoming the problems identified in *Safi*, para 155. This is especially true if the authority in question is also given a monitoring function, being able to act *proprio motu*. As a matter of fact, the idea of an “independent border-monitoring mechanism (IBMM)” has recently been promoted by various human-rights actors (FRA, UNHCR, OHCHR- Regional Office for Europe and ENNHRI) and the EC.²³ The HLHR wishes to stress that the IBMM is not meant to act as a substitute to the criminal-law process but as a complement to it.

The need for comprehensive non-criminal inquiries into human-rights issues arising during border control/surveillance and returns has recently been accepted in Greece (see following paragraphs on the mechanisms of the Ministry of Migration and Asylum and the National

²¹ This is a broader concept than border control; border surveillance does not necessarily happen on or near the border.

²² CEPS, *Complaints Mechanisms in Border Management and Expulsion Operations in Europe: Effective Remedies for Victims of Human Rights Violations?*, Brussels, 2018.

²³ UNHCR, ENNHRI, ‘Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece’, at <https://europe.ohchr.org/Documents/Publications/INMM.pdf>; Office of High Commissioner of Human Rights regional office for Europe, ‘Note on the Joint Consultation on Independent National Monitoring Mechanisms proposed in the EU Pact on Migration and Asylum’, 23 February 2021, at <https://europe.ohchr.org/Documents/Publications/Final%20Note%20of%20the%20Joint%20OHCHR%20and%20UNHCR%20Consultation.pdf>; and FRA, ‘Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders’, 14 October 2022, at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-monitor-fundamental-rights-eu-external-borders_en.pdf.

Transparency Authority). However, there are serious questions about the independence and expertise/working methods (and ultimately the impartiality) of the authorities that have been assigned responsibility for monitoring compliance with human rights in this field.

The mechanisms established by Law no. 4960/2022 are internal to the Ministry of Migration and Asylum, as stressed also in our press release of 9 September 2022²⁴. The Greek Ombudsman also reacted against the mechanism established by the Ministry of Migration and Asylum²⁵. The majority of the commission's members are civil servants, one of whom is designated by statute as its chairperson. Moreover, its working methods and even its competence are not defined in the Act of Parliament setting it up. They will be defined by ministerial decree. As a result, the mechanism is not independent *de jure*.

Moreover, the National Transparency Authority cannot exercise effectively, in the field of migration, the statutory authority it has, because it lacks expertise, appropriate working methods and ultimately impartiality.

The HLHR respectfully submits that the role in question (complaints/monitoring function in the area of border control/surveillance and returns) should be assigned to an independent public authority (as provided for by the Constitution) that has a recognised expertise in the field and enjoys the strongest guarantees of independence.

As regards the substantive violation of Article 3

6. The procedures concerning the treatment of rescued persons should be reviewed and training should be given in this respect to all state actors involved.
7. Special provision should be made there in respect of rescued persons with particular vulnerabilities.
8. Those involved in rescue operations and their aftermath should carry openly their identification numbers or names.

The HLHR wishes to make clear that the recommendations made above in respect of the procedural aspect of Article 2 are also relevant for Article 3 violations.

²⁴ <https://www.hlhr.gr/%cf%83%cf%85%ce%bd%ce%ae%ce%b3%ce%bf%cf%81%ce%bf%cf%82-%cf%84%ce%bf%cf%85-%cf%80%ce%bf%ce%bb%ce%af%cf%84%ce%b7-pushbacks/>

²⁵ <https://www.synigoros.gr/el/category/default/post/epifyla3eis-toy-synhgoroy-toy-polith-gia-th-symmetoxh-toy-se-epitropes-toy-ypoyrgeioy-metanasteyshs-kai-asyloy>

Additional general recommendations

Finally, the HLHR respectfully makes an additional proposal with a view to strengthening the general capacity of the domestic state apparatus to respond to human-rights violations of the kind that gave rise to the *Safi* litigation.

9. The above independent complaints/monitoring authority should collect, in close cooperation with civil society, data on human rights violations during border control/surveillance and returns operations and should publish it regularly.

To conclude, the HLHR believes that the present submission as well as those that may be brought forth by other interested parties and relevant stakeholders includes a wide-ranging array of suggestions that can map out a course of action for the CM and the Greek Government in their concerted efforts to ensure implementation of the ECtHR's judgement and prevent further similar violations of the Convention. This aim can be further enhanced by incorporating the analysis of civil society entities with considerable field experience, which take into account the practical realities and the delicate situation of asylum seekers at the border and their first-hand exposure to the various shortcomings in domestic practice that can and should be improved.