

Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2024

Introduction

1. The Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) carried out a visit to Greece from 3 to 7 February 2025. The visit focused on issues pertaining to migration management and border control, and on the human rights of Roma and Travellers.
2. According to his mandate, the Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (ECHR); identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.¹
3. This memorandum contains the Commissioner's key findings and recommendations, following his mission to Greece, in relation to selected migration-related human rights issues, with particular focus on accountability for human rights violations committed at maritime and land borders. Human rights issues faced by Roma in Greece will be addressed in a separate, forthcoming memorandum. These findings and recommendations are not exhaustive and should be considered in conjunction with recommendations by other Council of Europe and international human rights bodies, as well as the recommendations provided by national human rights structures.²
4. During the visit, the Commissioner discussed migration-related issues with the then Minister of Migration and Asylum, Nikolaos Panagiotopoulos; the then Minister of Maritime Affairs and Insular Policy, Christos Stylianides; the Deputy Minister of Foreign Affairs, Alexandra Papadopoulou; the Greek delegation to the Parliamentary Assembly of the Council of Europe; the General Prosecutor of the Supreme Court, Georgia Adeilini, and her Deputy; the Greek Ombudsman, Andreas Pottakis; and the National Commission for Human Rights. He also met with representatives of UNHCR, the European Commission, and Frontex, as well as with a number of experts, legal professionals, and civil society organisations. The Commissioner also met with several survivors of the Pylos shipwreck of June 2023 and victims of other human rights violations at Greek borders and listened to their testimonies.
5. On 10 February, the Commissioner also met online with the Minister of Citizen Protection, Michális Chryssohóidis. On 18 February, his team received data via email from the Commandant's Office of the Hellenic Coast Guard. On 28 February, his team met online with the Fundamental Rights Officer at the Ministry of Migration and Asylum.
6. The Commissioner is profoundly grateful to the various interlocutors with whom he met, for the information, insights and testimonies they shared. He thanks the Greek authorities in Strasbourg and in Athens for their assistance in organising this visit.
7. Section I of this memorandum outlines the situation of asylum-seeking and migrant people in Greece, paying particular attention to the issue of summary returns at land and maritime borders. Section II focuses on accountability for human rights violations at borders and highlights issues hindering it. Section III examines the specific case of the Pylos shipwreck and the need to ensure accountability for

¹ [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

² See, among others, the 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, [CPT/Inf \(2024\) 21](#), July 2024; GREVIO, [Baseline Evaluation Report on Greece](#), November 2023; Greek Ombudsman, Alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, [Interim report](#), 2021; Recording Mechanism of Informal Forced Returns, [Annual report 2023](#).

any wrongdoing that may have contributed to it. Finally, Section IV looks at the wider environment for human rights protection in Greece. Each section offers a number of relevant recommendations.

8. The Commissioner looks forward to continuing his dialogue with the Greek authorities on the issues addressed in this memorandum.

I. Protecting the human rights of asylum-seeking and migrant people at Greece's land and maritime borders

9. Due to its geographical location, Greece has been particularly affected by irregular arrivals, including for the purpose of seeking asylum. He notes that, after a sharp decline in 2020 and 2021, arrivals have been back on the rise since 2022, amounting to 62 119 in 2024.³ The Commissioner acknowledges that the law enforcement forces operating at land and maritime borders face a complex and challenging environment, where life-saving operations are frequently required.⁴
10. Nevertheless, the Commissioner is concerned about the allegations received during his visit of persisting practices of summary returns, also referred to as 'pushbacks' or 'informal forced returns', at both land and maritime borders. Despite a reported recent decrease in summary returns, especially from the Aegean islands of Lesbos and Samos, the Commissioner heard from legal professionals as well as representatives of civil society organisations, national human rights structures and international organisations that summary returns to Türkiye continue to take place. The Commissioner also met with third-country nationals who shared their experience, some of them having been summarily returned multiple times, including after having reached Greek territory. Several of them eventually succeeded in lodging an asylum request in Greece, while others could not.⁵ The Commissioner also heard allegations of unnecessary or excessive use of force and of sexual violence by members of law enforcement forces in the context of such operations.
11. The Commissioner notes recent reports on summary returns by numerous civil society organisations,⁶ as well as Greek⁷ and international⁸ media and international agencies. The Recording Mechanism of Incidents of Informal Forced Returns, established in 2021, recorded 50 incidents in 2022 and 45 in 2023.⁹ The Commissioner understands that these figures do not provide a full picture as those receiving allegations of summary returns, especially civil society organisations, do not always have the capacity and resources to document these incidents consistently and thoroughly enough to be recorded by this Mechanism. According to data shared with the Commissioner by UNHCR, the agency received information about 248 summary returns incidents which reportedly occurred in the first half of 2024 and has assessed and documented 166 of them as substantiated (38 at land borders and 128 at sea borders). These affected at least 4 229 persons, mainly originating from Afghanistan, Syria, Palestine, Türkiye, and Iraq, and including unaccompanied and separated children, single parent families, persons with medical needs, and pregnant women. The Commissioner also notes reports on the practice by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO),¹⁰ the European Committee for the Prevention of Torture and Inhuman or Degrading

³ According to [UNHCR](#) figures, 15 696 people arrived in Greece in 2020 (compared to 74 613 in 2019); 9 157 in 2021; 18 780 in 2022; 48 721 in 2023.

⁴ The Commissioner notes that, [according to the Deputy Minister of Shipping](#), Stefanos Gikas, 6 173 lives were saved in the context of 158 Search and Rescue operations in 2024, adding to the 245.000 migrant people rescued during the period 2015-2023 in more than 1800 search and rescue operations carried out by the Hellenic Coast Guard (figures contained in the Minister of Migration and Asylum's [reply](#) to the Commissioner for Human Rights' [letter](#) of 19 July 2023).

⁵ This is the case of one of the Commissioner's interlocutors, with whom he, alongside with this person's Greek lawyer, held a meeting online.

⁶ See, e.g., Greek Council for Refugees, *At Europe's borders: between impunity and criminalisation*, March 2023; ECRE, [Greece: Ongoing Pushbacks and Tragedies – More Reports Highlight the Country's Inhumane and 'Failing' Asylum System](#), 26 January 2024.

⁷ See, e.g., ["Dark Waters of the Aegean: 1,018 illegal pushbacks carried out by the Greek state"](#), Solomon, 15.7.2022

⁸ See, e.g., ["Greece Says It Doesn't Ditch Migrants at Sea. It Was Caught in the Act."](#) New York Times, 19 May 2023; ["EU Border Scandal: Videos Show Apparent Illegal Pushback of Migrants."](#) Der Spiegel, 13 December 2019.

⁹ The Recording Mechanism of Informal Forced Returns' competencies are described in Section II, below. Its reports are available [online](#).

¹⁰ In its November 2023 [Baseline Evaluation Report on Greece](#), GREVIO stressed that, during its country visit carried out in February 2023, it received "several disturbing allegations of violent pushbacks of asylum-seeking women and girls at the Greek land and sea borders."

Treatment or Punishment (CPT),¹¹ and the Fundamental Rights Officer (FRO) of Frontex, the EU Border and Coast Guard Agency.¹² However, the Greek authorities have consistently maintained that violent summary returns from Greece to Türkiye do not occur, or that they represented isolated incidents under previous governments.

12. At the time of the Commissioner's visit to Greece, nearly 50 applications containing allegations of summary returns had been communicated to the Greek government by the ECHR.¹³ In a judgment delivered on 7 January 2025 in the case of *A.R.E. v. Greece*, the Court stated that there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of 'pushbacks' of third-country nationals by the Greek authorities, from the Evros region to Türkiye. The Court considered that the Government had not successfully refuted the evidence in question by providing a satisfactory and convincing alternative explanation.¹⁴ As regards the maritime borders, the Court also found, in a separate decision, that there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of summary returns from the Greek islands to Türkiye.¹⁵
13. During the visit, the Commissioner raised these issues with the Greek authorities, observing that returning people without carrying out an individual identification procedure prevents member states from establishing whether they may be sending people back to human rights abuses and from assessing the risk of onward refoulement. This in turn may lead to violations of Article 3 ECHR and Article 33 of the UN Refugee Convention, as well as other rules of international and EU law which are binding on Greece. The Commissioner welcomes the readiness expressed by the Greek authorities to investigate allegations of misconduct by law enforcement forces at the borders.
14. While during the visit the Commissioner did not specifically focus on the detention and reception conditions of asylum seekers and migrants, relevant information and updates were shared with him by multiple stakeholders about the situation of unaccompanied children being held for prolonged periods in de facto detention in inadequate and overcrowded facilities, particularly in Samos, and about increased numbers of people arriving in Rhodes and Crete and unable to receive dignified assistance there, due to the lack of reception facilities. While acknowledging that changing routes may create new challenges for authorities, given the need to set up reception services and structures in new locations, the Commissioner notes that such changing circumstances should not result in deprivation of liberty or the placement in conditions not in line with the Convention.

¹¹ In its report published in July 2024 ([CPT/Inf \(2024\) 21](#)), CPT stressed that "during the 2023 visit, the CPT delegation again received many consistent and credible allegations of informal, often violent, forcible removals of foreign nationals across the Evros river or at sea to Türkiye. Such removals occurred without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned ("pushbacks"). The allegations, as recently as mid-October to early November 2023, were obtained through detailed interviews with persons detained throughout Greece in various CCACs, PRDCs and other police and border guard establishments and related to alleged pushback operations that took place prior to their subsequent re-entry into Greek territory. [...] For the CPT, there is sufficient information to conclude that pushbacks to Türkiye have taken place and continue to take place, albeit on a smaller scale at present."

¹² Over the past few years, the FRO of Frontex has documented a pattern of summary expulsions and ill-treatment of asylum-seekers and migrants at Greece's sea and land borders. The most recent available data, referring to 2023, indicate that during the year the FRO launched 55 new Serious Incident Reports (SIRs) for alleged fundamental rights violations across all the covered countries: out of those, 23 referred to Greece, which was by far the country with most SIRs registered. During the same year, the FRO closed 35 SIRs regarding alleged fundamental rights violations: 18 of them regarded Greece, and of those, 12 were closed with a conclusion that a violation had likely occurred. Frontex, [Annual Report of the Fundamental Rights Officer of Frontex: 2023](#), pp.26-27.

¹³ The cases communicated to the Greek government are available on [HUDOC](#). In addition, legal professionals and civil society organisations informed the Commissioner that more applications containing allegations of summary returns were lodged but have not been communicated yet.

¹⁴ ECtHR, [A.R.E. v. Greece](#), n° 15783/21, 7 January 2025, para. 229 (not final).

¹⁵ Although, in this case, the Court took the view that the applicant had failed to provide prima facie evidence of his presence in Greece and of his summary return to Türkiye on the dates alleged and therefore declared the application inadmissible. This conclusion does not undermine the significance of the Court's finding regarding the existence of strong indications suggesting that there had existed, at the time of the events alleged, a systematic practice of summary returns from the Greek islands to Türkiye ECtHR, [G.R.J. v. Greece](#) (*dec.*), no. 15067/21, 3 December 2024.

Recommendations:

The Commissioner recommends that the Greek authorities ensure that border control actions are carried out at all times in full compliance with obligations arising from the European Convention on Human Rights and other relevant sources of human rights law. To this end, the Greek government should:

- Adopt a zero-tolerance approach to summary returns, ill-treatment, arbitrary detention and other serious human rights violations, ensuring that such violations are immediately and effectively halted, while acknowledging their long-standing prevalence at Greece's sea and land borders and the need to provide adequate remedy to victims.
- Ensure that arguable allegations of summary returns, ill-treatment and other related abuses are promptly, impartially, thoroughly and effectively investigated, in compliance with the case-law of the European Court of Human Rights, by bodies that have a sufficient degree of independence from the authorities that are the subject of the investigation; that relevant authorities promptly proceed to the determination of all the relevant facts and to the identification and, if appropriate, punishment of all those responsible; and that victims and relatives can participate in relevant procedures and have access to adequate compensation.
- Ensure that all persons being subjected to border control operations have adequate access to individualised procedures to raise protection needs, as well as to effective remedies.
- Where suitable facilities are not available at the place of arrival, take swift action to provide for transfers to other locations where adequate facilities are in place, exercising particular urgency in the case of unaccompanied minors and other people with specific needs.

II. Issues affecting accountability for human rights violations at the borders

15. Accountability for human rights violations committed at the borders is necessary to combat impunity and prevent further violations. The Commissioner acknowledges that steps have been taken to foster accountability, including the addition of layers of scrutiny by various stakeholders. Nevertheless, the persisting practices, and the rare identification and punishment of those responsible for these violations, point to a persistent accountability gap.
16. Following the drowning of 11 migrant children and women near the Greek island of Farmakonisi in the context of an operation managed by the Hellenic Coast Guard in 2014, the European Court of Human Rights found that there had been shortcomings in the proceedings and concluded that the national authorities had not carried out a thorough and effective investigation capable of shedding light on the circumstances in which the boat had sunk.¹⁶
17. During his visit, the Commissioner raised this case with the authorities, who described it as an old and isolated incident and indicated that, in the current context, allegations of human rights violations at the borders may be subjected to different kinds of investigations:

- internal administrative investigations by the *Hellenic Police Force Internal Affairs Directorate* and the *Hellenic Coast Guard General Inspectorate* into allegations of misconduct by the members of their respective forces. In the context of internal administrative mechanisms, the authorities also underlined the role of the Fundamental Rights Officer at the Ministry of Migration and Asylum, established by Law 4960/2022 in December 2022 to examine, at a preliminary stage, complaints from foreign nationals for alleged violations of fundamental rights during access to territory and/or reception and/or asylum procedures in Greece. Moreover, the Commissioner notes that a Special Committee on Fundamental Rights Compliance appointed within the Ministry of Migration and Asylum, holds the responsibility of monitoring the procedures and implementation of national, EU

¹⁶ ECtHR, [Safi ad Others v. Greece](#), no. 5418/15, 7 July 2022. The case concerned the sinking on 20 January 2014 of a fishing boat transporting 27 foreign nationals in the Aegean Sea, off the island of Farmakonisi, resulting in the deaths of 11 people, including relatives of the applicants.

and international legislation in the areas of border protection and the granting of international protection.

- external non-judicial inquiry by the National Transparency Authority (NTA) and/or the Greek Ombudsman. In addition, a Recording Mechanism of Informal Forced Returns, established in 2021 by the Greek National Commission for Human Rights and civil society organisations, monitors, records and reports summary return incidents of third country nationals from Greece to other countries based on a standardised, transparent, and scientific recording methodology.

- and judicial investigation into the causes of the incident and those responsible, launched by the local public prosecutor of the competent jurisdiction and/or by the prosecutor of the Naval Court of Piraeus – having exclusive jurisdiction over coastguards – in case of alleged involvement of members of the Hellenic Coast Guard.

18. Regarding internal investigations, it appears that allegations of human rights violations at the maritime borders involving coastguards rarely give rise to internal investigations by the *Hellenic Coast Guard General Inspectorate*, and that when they do, investigations systematically lead to findings clearing the relevant personnel of any responsibility.¹⁷ The Commissioner notes that the Greek Ombudsman identified deficiencies in the internal administrative investigations, including “failure to examine the alleged victim and important witnesses, judgements as to the role of state authorities or the reports of foreigners infringing upon the arms’ length principle, failure to record the arrest of the victims mentioned above (often used as evidence of non-refoulement) etc.”¹⁸ The setting-up of a complaint mechanism by the FRO at the Ministry of Migration and Asylum may represent a positive step, but the Commissioner understands that the FRO is neither mandated nor equipped to conduct proper investigations,¹⁹ and that none of the 139 complaints lodged at the time of the Commissioner’s visit concerned allegations of summary returns.²⁰

19. At external non-judicial level, the Commissioner observes that, at the time of his visit, the National Transparency Authority (NTA) had published one report on allegations of summary returns from Greece, concerning a limited number of events, and that this report denied any involvement of public officials in summary return operations.²¹ The European Court of Human Rights considered, in the judgment delivered in the case of *A.R.E. v. Greece*, that the NTA’s report did not cast doubt on the credibility of reports and observations of the Greek Ombudsman and the Greek National Commission for Human Rights concluding to the existence of a systematic practice of refoulement from Greece to Türkiye.²² The Commissioner also observes that the lack of effective independence of the NTA was underlined by civil society organisations and the UN Human Rights Committee,²³ while the UN Special Rapporteur on Human Rights Defenders considered that the NTA is not “equipped to conduct independent investigations into the management of migration flows.”²⁴

¹⁷ According to the ministry of Maritime Affairs, every complaint forwarded to the Ministry, concerning allegations of violations of human rights by members of the Hellenic Coast Guard, is evaluated, and if the case so warrants, a sworn administrative investigation or an administrative enquiry is ordered immediately. However, from 2020 until the Commissioner’s visit, only 23 sworn administrative investigations and five administrative enquiries had taken place and, in all cases examined, no alleged violation had been substantiated. As regards allegations of human rights violations at the land borders involving members of the Border Police units, the minister of Citizen Protection indicated that all of these allegations are investigated by the Hellenic Police Force Internal Affairs Directorate, however precise figures regarding the number and the conclusions of the investigations conducted were not available.

¹⁸ Greek Ombudsman, [Special Report 2022](#) of the National Mechanism for the Investigation of Arbitrary Incidents, p. 32.

¹⁹ The FRO only conducts preliminary examination of the complaints, referring those declared admissible to the National Transparency Authority or to competent authorities, in accordance with the applicable legislation. Its human resources are very limited, composed of three staff members only (two of them being temporarily seconded) at the time of the Commissioner’s visit. See the only complaints mechanism webpage at <https://migration.gov.gr/en/fro-complaints-form/>

²⁰ According to information shared by the FRO with the Commissioner’s Office, most of the complaints related to reception conditions. Out of 139 complaints, only 15 had been declared admissible at the time of the Commissioner’s visit.

²¹ NTA, [Investigation report](#) no. OM 3/4, Management of immigration flows – Allegations of pushbacks in Greece. This investigation, carried out from November 2021 to March 2022, was prompted by the referral by the Minister of Migration and Asylum in response to a publication by Lighthouse Report documenting summary returns.

²² ECtHR, *A.R.E. v. Greece*, n° 15783/21, 7 January 2025, para. 228.

²³ See, among others, Greek Council for Refugees, [Country report: Greece](#), AIDA, July 2024; Human Rights Committee, [Concluding observations](#) on the third periodic report of Greece, CCPR/C/GRC/CO/3, 7 November 2024, paras 8 and 20; .

²⁴ UN Special Rapporteur on Human Rights Defenders, [Statement](#) on preliminary observations and recommendations following official visit to Greece, 22 June 2022.

20. Under his special mandate of National Mechanism for the Investigation of Arbitrary Incidents in the security forces and the employees of detention facilities, the Greek Ombudsman is equipped to conduct inquiries into allegations of human rights violations at the border. The Constitution and the special mandate set out by Law no. 4443/2016 provide a legal framework allowing the Greek Ombudsman to carry out independent inquiries. As highlighted by the Court in the judgment delivered in the case of *A.R.E. v. Greece* cited above, the Ombudsman's successive reports as the National Mechanism for the Investigation of Arbitrary Incidents contain credible conclusions pointing to the existence of summary returns.²⁵ The Court also highlighted the important role played by the Recording Mechanism of Informal Forced Returns, which the Commissioner welcomes as instrumental to fostering accountability.
21. At judicial level, the Commissioner observes that prosecutors have a crucial role to play to ensure effective accountability. However, many of his interlocutors reported that the reluctance of prosecutors to conduct effective investigations is an obstacle to ensuring accountability for human rights violations at borders. Rapid dismissal of complaints, and closure of preliminary investigations without having heard victims or key witnesses nor collected crucial evidence were cited as factors hindering the establishment of facts and the fight against impunity for these human rights violations. The Commissioner discussed this issue with the General Prosecutor of the Supreme Court and her Deputy, who highlighted that prosecutors are instructed to ensure that human rights are always respected and that all allegations of human rights violations at borders are adequately investigated. While welcoming the instructions given to prosecutors, the Commissioner notes the General Prosecutor's categorical denial of systematic practices of summary returns from Greece, which contradicts the judgments of the European Court of Human Rights. The Commissioner notes that the lack of effective investigation into allegations of summary returns may lead to further applications lodged with the European Court of Human Rights.
22. The Commissioner notes that European Union (EU) institutions and agencies play a significant role in supporting migration management and border control in Greece, including through the deployment of EU funding and personnel. This enhances the responsibility of relevant EU actors to also deploy accountability mechanisms available to them, to ensure that their cooperation does not contribute directly or indirectly to human rights violations.
23. The Commissioner acknowledges that the European Commission has made significant investments in Greece over the years, that it has long attempted to persuade Greek authorities to comply with relevant standards, and that some improvements recorded over time can be attributed to such interventions. At the same time, notwithstanding the continuing prevalence of serious human rights violations in the country, no infringement proceedings on the implementation of relevant obligations at borders or in detention centres by Greek authorities have been launched,²⁶ and border management operations that appear not to fulfil the conditions set by relevant EU law have continued to be supported.²⁷ In this regard, an inquiry by the European Ombudsman, concluded in February 2025, recommended ways for the European Commission to improve the way it monitors the use of EU funds to ensure compliance with fundamental rights in the context of border control operations. These include putting in place guidelines for assessing compliance with fundamental rights, establishing transparent criteria to determine under what circumstances the European Commission will withhold or suspend EU funds for non-compliance with fundamental rights, and assessing whether that threshold has been reached in Greece, in view of credible complaints about fundamental rights violations by Greek authorities.²⁸
24. Similarly, the Commissioner notes that, although the work of Frontex resulted in Greek authorities adopting some mitigatory measures in recent years, reports of human rights violations continued and

²⁵ In the judgment delivered in the case of *A.R.E. v. Greece*, op.cit., the Court confirmed the credibility of the findings set out in the reports and observations of the Greek Ombudsman and the Greek National Commission for Human Rights pointing to a systematic practice of summary returns from Greece to Turkey at the time of the alleged events, including in the Evros region.

²⁶ It is noted, however, that in January 2023 the European Commission sent letters of formal notice to Greece, among other countries, for failing to transpose in a fully conform manner all provisions of the Directive laying down standards for the reception of applicants for international protection (Directive 2013/33/EU) and of the Directive on standards for the qualification of third-country nationals and stateless persons as beneficiaries of international protection (Directive 2011/95/EU).

²⁷ See in particular Regulation 2021/1060 of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy, Artt. 9(1) and 15 and Annex III.

²⁸ European Ombudsman, Decision on how the European Commission monitors EU funds granted to Greece in the context of border management operations (1418/2023/VS), 21 February 2025.

have not yet led to more forceful responses by Frontex. Indeed, in July 2023 the Fundamental Rights Officer of Frontex concluded that collective expulsions at Greek sea and land borders, accompanied by additional associated human rights violations, were being carried out systematically, rather than constituting isolated incidents, and on this basis advised the Executive Director of Frontex to suspend or terminate Frontex activities in Greece, in line with applicable legislation.²⁹ In December 2023, the European Parliament issued a resolution expressing severe concern regarding the serious and persistent allegations made against Greek authorities in relation to summary returns and violence against migrants, and regretting that Frontex had not scaled down or repurposed its operations in Greece in reaction to those continuing allegations.³⁰ Moreover, in February 2024, the European Ombudsman, noting growing concerns about persistent human rights violations during border control operations in Greece, urged Frontex to consider whether the threshold had been reached to allow it to terminate, withdraw or suspend its activities in the country, and to publicly clarify its reasons for concluding one way or the other.³¹ The Commissioner notes that Frontex continued operations and in November 2024 it launched a new operational command structure in Alexandroupoli, Greece.³²

Recommendations:

The Commissioner recommends that the Greek authorities:

- Undertake a thorough review of existing accountability mechanisms competent for investigating and responding to human rights violations against refugees and migrants and take resolute action to address the systemic shortcomings affecting their effectiveness and independence.
- Ensure that national human rights bodies have the capacity to monitor and report on the situation of asylum seekers and migrants at borders and that their recommendations are promptly implemented.
- Ensure that new mechanisms set up under the EU Pact on Asylum and Migration are effective, and in particular that their independence and scope of action are in line with guidance issued by the Council of Europe Committee for the Prevention of Torture and the Fundamental Rights Agency of the European Union.

III. Accountability for the Pylos shipwreck

25. The shipwreck of an overcrowded fishing boat that was carrying an estimated 750 people in international waters off the coastal Greek town of Pylos on 14 June 2023 represented one of the deadliest boat disasters in the Mediterranean Sea to date. The exact death toll of this disaster remains unknown, as many of the victims' bodies are believed to have sunk with the boat, but it is estimated at around 560. Only 104 people survived and just 82 bodies were recovered. The Commissioner considers that conducting investigations capable of shedding light on the circumstances of the event and leading to the establishment of the facts and, where appropriate, the punishment of those responsible is indispensable to serve justice to the survivors, those who perished and their relatives. The Commissioner acknowledges that several steps have been made in this direction, while observing that many of the shortcomings identified in Section II also come into play in this case.
26. During his visit, the Commissioner had the opportunity to meet with a wide range of interlocutors to discuss the shipwreck and the subsequent actions taken to ensure accountability for the human rights violations resulting from this event.³³
27. The Commissioner notes that the Hellenic Coast Guard General Inspectorate did not conduct any investigation into possible wrongdoings by members of the coast guard in spite of the survivors' allegations that an attempt to tow the boat by the coast guard – which had monitored the ship for several

²⁹ Regulation (EU) 2019/1896, Article 46. See Frontex, [Fundamental Rights Officer Annual Report 2023](#), pp.12-13.

³⁰ European Parliament (2023), [Resolution](#) on Frontex building on the fact-finding investigation of the LIBE Working Group for Frontex Scrutiny, 2023/2729(RSP), 14 December 2023.

³¹ European Ombudsman, Decision on how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations with regard to search and rescue in the context of its maritime surveillance activities, in particular the Adriana shipwreck (OI/3/2023/MHZ), 26 February 2024.

³² Frontex launch of new operational command structure in Greece and Cyprus, [News Release](#), 9 December 2024.

³³ See the list of interlocutors contained in the introduction, above.

hours before and during the sinking – caused the boat to sink, and notwithstanding investigative media reports supporting and substantiating these allegations.³⁴

28. At external non-judicial level, the Commissioner observes that the case has not been referred to the National Transparency Authority. However, following the explicit refusal of the Hellenic Coast Guard to conduct an internal disciplinary inquiry, which the Greek Ombudsman had requested since June 2023, the Ombudsman decided in November 2023 to launch his own investigation, under the special competence of the National Mechanism for the Investigation of Arbitrary Incidents. The Commissioner welcomes the initiative taken by this independent authority and the recent completion of the inquiry report, which was shared with the government and relevant judicial authorities. While authorities did not make the report public, a press release issued by the Ombudsman on 3 February 2025 indicates that “the report finds that the actions and omissions of the implicated officers during the handling of the incident on 13 and 14 June 2023 constitute the offences of deadly exposure to danger, as well as exposure to endangering the life, health and physical integrity of those on board the Adriana fishing vessel, punishable under article 306 of the Criminal Code.”³⁵ The Commissioner is concerned by these findings, as well as by the fact that some relevant evidence was not disclosed to the Ombudsman, despite repeated requests. Such lack of cooperation generates undue obstacles to the Ombudsman’s inquiry. The reported reaction to the Ombudsman’s inquiry report by the Ministry of Shipping and Insular Policy is unfortunate.³⁶ The Commissioner notes that the Ombudsman’s report has been submitted to the Minister of Shipping and Insular Policy for the exercise of disciplinary jurisdiction, as well as to the competent Prosecution Authority of the Piraeus Maritime Court, for its consideration of the relevant criminal offences identified.
29. At judicial level, two parallel investigations were initiated on the Pylos shipwreck. A first investigation, launched by the Public Prosecutor of Kalamata shortly after the disaster, led to nine Egyptian survivors being charged with smuggling, illegal entry, membership of a criminal organisation and causing the shipwreck. These charges were eventually dropped by the Public Prosecutor and the Criminal Court of Kalamata in May 2024, with those accused being cleared of any wrongdoing.
30. The Commissioner was informed that another judicial investigation was conducted by the Deputy Prosecutor of the Naval Court of Piraeus, who decided to close its preliminary phase in December 2024. The lawyers and organisations representing and supporting the victims of the shipwreck shared their concerns with the Commissioner about this decision, as they consider that no thorough investigation into the responsibilities of the competent search and rescue bodies and the leadership of the Hellenic Coast Guard has been conducted. They stressed in particular that “the competent Public Prosecutor’s Office did not summon for written explanations those legally responsible for the failures and omissions of the Search & Rescue Operation, namely, the competent bodies of the National Search and Rescue Coordination Centre, the Operations Centre and their hierarchical superiors, i.e. the leadership of the Coast Guard.”³⁷ The Commissioner notes that the Adriana was monitored by authorities for 13 hours before sinking without receiving adequate assistance in spite of various sources of information, including air footage and messages sent by passengers, documenting the distress situation of the ship and its overcrowding.³⁸ He understands that the Deputy Prosecutor of the Naval Court of Piraeus decided to open a ‘supplementary preliminary investigation,’³⁹ in the context of which the respective roles and responsibilities of all those involved may be further explored.
31. Finally, in consideration of Frontex’s participation in the maritime operation concerning the Adriana shipwreck, from July 2023 to February 2024 the European Ombudsman carried out an own-initiative inquiry – in parallel with and complementary to the investigation by the Greek Ombudsman – to examine the actions of Frontex and the Agency’s wider response to maritime emergencies. The inquiry was concluded with the adoption of a number of suggestions for improvement in relation to actions by

³⁴ See e.g. “[Greek shipwreck: hi-tech investigation suggests coastguard responsible for sinking](#),” The Guardian, 10 July 2023;

³⁵ Greek Ombudsman, The Ombudsman’s Report on the Pylos Shipwreck, [press release](#) of 3 February 2025.

³⁶ Ministry of Maritime Affairs and Insular Policy, [statement](#) regarding the Press Release of the Greek Ombudsman, of 4 February 2025.

³⁷ “Closure of the preliminary investigation by the prosecution of the Piraeus Maritime Court on the Pylos shipwreck,” [joint statement](#) of 23 December 2024.

³⁸ “[Everyone Knew the Migrant Ship Was Doomed. No One Helped](#),” New York Times, 1 July 2023.

³⁹ “Developments in the Pylos shipwreck case: Granting of refugee status to survivors and supplementary criminal investigation,” joint NGO [statement](#) of 24 February 2025.

Frontex in the context of maritime emergencies. While actions by Greek authorities did not fall within the remit of this inquiry, the European Ombudsman noted the lack of timely and proactive cooperation and communication with Frontex by national authorities, and highlighted that Frontex's continued cooperation with Greece in search and rescue may have serious reputational implications in view of evidence that national authorities were responsible for serious or systematic failures to comply with their search and rescue and related human rights obligations in the context of joint operations.⁴⁰

32. Without prejudice to the outcome of the ongoing investigations, the Commissioner underlines that State parties to the European Convention on Human Rights have a duty, under Article 2, to secure the right to life, which includes the obligation to carry out an effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries, has died, or has disappeared in violent or suspicious circumstances, irrespective of whether those allegedly responsible are state agents or private persons or are unknown. The European Court of Human Rights concluded in its judgment delivered on 7 July 2022 in the case of *Safi and others v. Greece* that this procedural obligation is applicable to search and rescue operations and shall be assessed on the basis of several parameters, including the adequacy of the investigative measures, the promptness of the investigation, the involvement of the victims' relatives and the independence of the investigation.

Recommendations:

The Commissioner recommends that Greek authorities:

- Ensure that any responsibilities for any act or omission that may have contributed to the Pylos shipwreck are established, in line with the standards set out in the *Safi* judgement, through prompt, independent, impartial, thorough and effective investigations and prosecutions, conducted with the adequate participation of victims and relatives, and able to lead to the identification and, if appropriate, punishment of those responsible, at all levels.
- Refrain from using a rhetoric undermining the office of the Ombudsman.
- Follow up promptly and adequately to the report of the Greek Ombudsman on the Pylos shipwreck, including through the adoption of appropriate disciplinary measures in relation to those found responsible for wrongdoing, at all levels.
- Conduct a thorough review of plans of operation and arrangements currently in place for responding to maritime emergencies, in view of the need to promptly identify situations of distress and adequately coordinate search and rescue operations. This entails, *inter alia*, immediately dispatching suitable search and rescue units to provide assistance to people in distress at sea – regardless of nationality or status or the circumstances in which they are found – and instructing on-scene units to take all appropriate measures to ensure the safety of the persons concerned and to avoid taking any action that might aggravate their situation or increase the chances of injury or loss of life.

IV. An enabling environment for human rights protection

33. While being primarily the obligation of the State, the protection of human rights also relies heavily on the work of non-state actors, civil society organisations, human rights defenders, and international bodies like UNHCR. Fostering the development of an enabling environment for the protection of human rights therefore implies creating the conditions so that these actors can safely perform their tasks. The Commissioner observes, however, that in Greece these actors operate in a challenging environment. Many of his non-state interlocutors described a worrying combination of cumbersome administrative procedures,⁴¹ judicial charges pressed against human rights defenders and civil society organisations'

⁴⁰ European Ombudsman, Decision on how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations with regard to search and rescue in the context of its maritime surveillance activities, in particular the Adriana shipwreck ([OI/3/2023/MHZ](#)), 26 February 2024.

⁴¹ The Commissioner notes that the introduction of cumbersome registration procedures for NGOs led, for example, to a drastic decrease in those operating in the Aegean islands and prevented many of those previously carrying out search and rescue operations from taking to the sea. The NGO Registry triggered international criticism, including from the Commissioner's predecessor, the [UN Human Rights Committee](#), which expressed concern "about the stringent registration and financial requirements imposed on civil society organizations, in particular those working in the areas of migration, asylum and social integration," the UN Special Procedures and the [Expert Council](#) on NGO Law.

staff members and volunteers, negative rhetoric connoting NGOs as criminal organisations, and declining coverage of human rights issues by the main Greek media.⁴²

34. The Commissioner discussed the issue of criminalisation of migrants and alleged judicial harassment of human rights defenders with the authorities, who expressed concern about the alleged proximity of certain civil society actors with smuggling networks. The Commissioner recognises that the crimes committed by criminal networks making profit out of the suffering of other humans should be countered with the full force of the law. However, he stresses that asylum seekers and migrants and human rights defenders assisting them should not be confused with smugglers. As he stressed at the 2nd International Conference on Migrant Smuggling, the prosecution of humanitarian actors and human rights defenders raises issues of how smuggling is defined. The prosecution of people, including migrant and asylum-seeking people, who had not committed a crime has been enabled by loose definitions of smuggling, that do not include as elements of the crime such matters as financial or other material gain, which are a central feature of the definition of smuggling provided by the Palermo Protocol.⁴³
35. In March 2023, the UN Special Rapporteur on human rights defenders, following her visit to Greece in June 2022, concluded that “[h]uman rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them to a shocking degree”.⁴⁴ The targeting of journalists covering refugee and migration issues in Greece was indeed brought to the Commissioner’s attention by media professionals who highlighted that several of them had been receiving insults, smears and harassment on social media because of their reports, including on summary returns.

Recommendations:

The Commissioner recommends that Greek authorities:

- Acknowledge the role and work of civil society and media and support human rights defenders protecting the rights of asylum seekers and migrants, including by creating an enabling environment where journalists, activists and other members of civil society can carry out their work free and unhindered.
- Ensure that civil society organisations, and particularly those with first-hand knowledge of the situation of asylum seekers and migrants and related human rights concerns, are adequately involved in relevant monitoring and accountability processes.
- End any form of criminalisation or repression of human rights defenders assisting asylum seekers and migrants, refrain from inflammatory or stigmatising rhetoric about their role, and publicly communicate that challenging government policies, including through advocacy, public campaigning and litigation, represents an entirely legitimate activity in a democratic society.
- End any form of criminalisation of asylum seekers and migrants, including by adopting a definition of smuggling compliant with the Palermo Protocol.
- Ensure the effective protection of media freedom, prevent misuse of judicial proceedings to intimidate or silence media professionals, and engage in open dialogue with media in full respect of their independence.

⁴² For further details, see the [Joint NGO letter](#) to the European Commission on the rule of law in Greece, 6 February 2023, and the Joint NGO report entitled [Struggle for accountability, the state of the rule of law in Greece](#), 4 February 2025.

⁴³ Commissioner for Human Rights, [Speech](#) held at the 2nd International Conference on Migrant Smuggling, 10 September 2024.

⁴⁴ UN HRC, Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor – Visit to Greece ([A/HRC/52/29/Add.1](#)), 2 March 2023.