

1569th meeting, 15-16 September 2026 (DH)

H46-17 A.R.E. v. Greece (Application No. 15783/21)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1569/H46-17

Decisions

The Deputies

1. recalled that the present case concerns the informal removal in May 2019 of an asylum seeker to Türkiye without a prior assessment of the risks she faced in light of Article 3 of the Convention or, therefore, of her application for international protection ("pushback"); the lack of an effective remedy in this regard; her unlawful detention prior to removal; and the lack of an effective criminal investigations into the alleged ill-treatment and risk to life due to the "pushback";

As regards individual measures

2. invited the authorities to provide further information as to whether and how, when examining the possibility of reopening the investigation, the competent prosecutor took into account the Court's findings that the preliminary investigation conducted was manifestly inadequate and to provide information on the further possible measures to address these findings about the deficiency of the investigation, fully and in a convincing manner;

3. invited the authorities to provide information on the applicant's whereabouts, if available, and assurances that, should she present herself to the Greek authorities in the future and request international protection, her application will be treated in compliance with the requirements of the Court's judgment;

As regards general measures

4. noted with interest the authorities' continued efforts to prevent similar violations through the issuance of an operational manual and the professional training of law enforcement officers with an emphasis on human rights, and encouraged them to continue those activities;

5. considered, however, that those efforts, albeit going in the right direction, do not yet appear adequate to comprehensively address the "systematic practice of 'pushbacks'" identified by the Court, while serious concerns continue to be raised in this regard by a large number of different sources; invited therefore the authorities to take further steps towards preventing similar violations including through reiterating at an appropriate level and on a regular basis that all persons subject to border control operations must be provided with genuine and effective access to international protection procedures, in line with domestic and international law, and that any relevant violations are unacceptable and will be punished accordingly; to reinforce the implementation of procedural safeguards against *pushback*;

6. in this context, requested further information on how remedies with automatic suspensive effect are ensured in law and in practice in situations similar to those of the applicant;

7. invited also the authorities to submit information on the implementation of procedural safeguards to persons being detained in police facilities during border control operations, in line with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
8. noting with interest the training seminars conducted for judges and prosecutors on migration law and asylum case-law, and recalling that the lack of thoroughness of criminal investigations into allegations of ill-treatment constitutes a cross-cutting issue in several cases pending before the Committee, invited the authorities to take further action to ensure that allegations relating to “pushbacks” are investigated promptly, impartially, thoroughly and effectively, including through large scale trainings and awareness raising of prosecutors and judges drawing also on Council of Europe expertise;
9. invited the authorities to continue to provide information and statistics on the numbers and progress of the criminal investigations into allegations relating to “pushbacks”;
10. noting with interest the establishment of the independent border monitoring mechanism (IMM) within the National Transparency Authority, based on the EU Pact on Asylum and Migration, invited the authorities to ensure that this mechanism is effective and independent and has the necessary competencies and resources, as well as synergies and complementarity with other monitoring bodies; invited also the authorities to continue providing information on the functioning of the IMM including on its contribution to the prevention of violations similar to those found in the present case;
11. decided to resume the examination of this case at one of their Human Rights meetings in 2027.