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### 1. Execution of the ECHR Decisions

In the context of the broader strategy of the GNCHR for the three years of 2019-2021 for the development of a practical and substantial mechanism for measuring the impact on human rights policies (Human Rights Impact Assessment), the GNCHR took the initiative to prepare, coordinate and promote in the national legal order, a useful tool that will substantially facilitate both the Greek State and the Civil Society in a more effective monitoring of the execution of the decisions of the European Court of Human Rights (hereafter “ECHR”). This project fills a significant gap, through the concentration and systematization of the main decisions in Greece, which require supervision by the Council of Ministers. Moreover, it aims at rendering this material more easily accessible to Civil Society and, ultimately, to facilitate the Greek authorities in the more effective execution of the decisions of the ECHR in Greece.

### 1.1. Compliance

The innovation of the European Convention on Human Rights (hereafter "Convention") consists of the fact that for the first time an international convention envisaged the existence of a judicial mechanism, responsible for defending the rights provided in case of violation. By ratifying the Convention and thus making it an integral part of the internal legal order, Greece is bound by the execution of the decisions of the ECHR on disputes in which it was a party. The obligation to comply with the decisions of the Court is referred to in Article 46 of the Convention. The Article at hand refers to the final judgments of the Court following the provisions of Article 44, either those issued by the Grand Chamber of the Court or those adopted by its Sections and were made final as provided for in Article 44 par. 2 of the Convention.

The execution of the ECHR decisions is of utmost importance in the context of both the national law and the Council of Europe. The execution of the decisions of the ECHR - by taking both individual and general measures, where appropriate - implies: a) the harmonization of the Greek legal order with the requirements of the ECHR, b) the prevention of new violations of rights enshrined in the Convention and (c) the more efficient operation of the ECHR by reducing the number of appeals submitted.

### 1.2. Execution

The term "execution" is differentiated as it is a narrower, more technical meaning that refers to the substantial "res judicata" of the decisions of the ECHR. This expression is linked to an immediate and clear execution obligation, which commits the State to respect the decision and align in with the relevant findings.

The obligation to enforce the judgment of the Court under Article 46 par. 1 of the Convention is limited to the parties of the case. Consequently, neither third States nor third parties of intervention according to the meaning of Article 36 of the Convention are in principle bound by the judgment of the Court. However, it can be deduced from Article 46 par. 1 of the Convention that States must take into account the interpretation of the Convention by the ECHR, thus giving the decisions an "erga omnes" effect, due to the "interpretative judgment" arising from the work of the Court as opposed to the "res judicata" mentioned above. Although the obligation of the State is in principle enshrined in the part of the decision, in cases where structural problems arise, it is necessary to take into account the reasoning of the Court.

The obligation to execute the decisions of the ECHR arises, in addition to the explicit requirement of Article 46, from the undertaking by the State of the primary obligation of Article 1 of the Convention, which, specifically, concern the commitment to ensure the protection of all persons within its jurisdiction of the envisaged rights. Therefore, the

undertaking of this obligation by the State activates the mechanism of international responsibility.

In summary, the execution of the decisions concerns the direct consequences of a judgment of the Court (individual and general compliance measures - see below) while compliance is a broader alignment in with the Court's interpretative approaches.

### **1.3. Ways of execution**

#### **1.3.1. Individual measures**

When a breach of the provisions of the Convention is confirmed by the Court, States must lift the breach immediately under Article 46 par. 1 of the Convention (obligation to comply with judgments) in conjunction with Article 1 (general obligation to protect human rights).

Pursuant to Article 46 par. 1 of the Convention in conjunction with the rules of international liability, there is also the obligation to remedy the current situation to the previous state before the violation. This is an application at European level under public international law which obliged the States to rectify their internationally prohibited act (“restitutio in integrum”).

Where the consequences of the violation cannot be adequately eliminated, individualized measures can be taken. Such examples consist of additional positive actions or omissions depending on each case or urgent special measures more often in cases of foreign asylum seekers (such as *Hirsi Jamaa v. Italy* and *MSS v. Greece and Belgium*). Inextricably linked to the above-mentioned requirements of compliance is the obligation not to repeat the violation in the future, which is derived from both the rules on international liability and the provisions of Article 46 of the Convention.

#### **1.3.2. Fair satisfaction**

When the Court has ruled on damages under Article 41 of the Convention based on a violation of the Convention, the respective State is obliged to pay an amount as “just satisfaction” to the injured parties. “Just satisfaction” as it is referred to in Article 41 is the first step in the process of the execution of the decision and it is usually the first measure ordered against the State that violated the Convention. In most cases, compensation is granted for non-pecuniary damage and pecuniary damage with the condition that there is a causal link between the breach and the damage. The obligation of just satisfaction is clear and immediate and it is audited by the Committee of Ministers of the Council of Europe (see below). However, it is to be stated that this measure is ancillary to “restitutio in integrum” and does not consist of a right of the applicant since the Court may consider that the finding of the infringement itself constitutes a just satisfaction.

### **1.3.3. Reopening: Recommendation (2000) 2**

The most effective solution in the light of the individual measures is the repetition of national court proceedings. In Recommendation (2000) 2, the Committee of Ministers encourages States to consider whether their national legal systems provide sufficient guarantees for the reconsideration of a case, especially if the respective party is still adversely affected, or if the Court finds that the national decision goes against to the Convention. This Recommendation was integrated into the Greek legislation with Law 2865/2000 paragraph 1 of Article 525 of the Code of Criminal Procedure. Also, pursuant to Article 12 of Law 3060/2002, Article 525A was added to the above-mentioned Code, while Article 23 of Law 3900/2010 added Article 105A on the Code of Administrative Courts Procedure. The establishment of an Office for dealing with cases of arbitrariness in the Ministry of Citizen Protection was provided for by Law 3938/2011 (as amended with Article 10 of Law 4249/2014).

### **1.3.4. General measures**

The obligation to execute a decision of the ECHR also includes the prevention of the commission of familiar violations. Under this obligation, the States must examine the reasons for the breach and take general measures to prevent the same phenomena in the future. These measures consist of, in particular, the amendment or repeal of the respective national provisions, the reversal of case law in the light of the findings of the Court and administrative or/and practical measures. The decision must be disseminated to all the competent authorities in an intelligible language, while its effectiveness will be increased as long as it is accompanied by an explanatory circular.

## **1.4. Execution supervision**

### **1.4.1. In the Council of Europe**

The provision of Article 46 par. 2 of the Convention explicitly designates the Committee of Ministers as the body responsible for supervising the execution of judgments of the Court. The Committee of Ministers is the political and executive body of the Council of Europe. Its mission renders it the only international execution mechanism for international tribunals.

Since the adoption of the 14th Additional Protocol in 2011, new working methods have been applied in the process of supervising the execution of Court judgments. The reforms at hand contributed to the surveillance based on the setting out of the rating priorities. Since 1.1.2011, the supervision of a decision is continuous depending on its categorization into usual or enhanced surveillance. The purpose of these new methods was to speed up the procedures and, of course, with the contribution of the other bodies of the Council of Europe such as the Secretariat of Executions. Also one of the most important amendments based on the 14th Protocol in the field of execution was the delegation given to the Committee of

Ministers to initiate infringement proceedings against a State which refuses to comply with the respective decision.

The new system is based on the idea of continuous supervision and adopts two-speed execution supervision: standard supervision and enhanced supervision. Under the new system all cases will be examined for their execution in the ordinary procedure unless based on the nature of the case, it is required to be examined under the enhanced procedure. The categories of cases that demand the enhanced procedure are: a) cases requiring urgent individual measures, b) "pilot" cases, c) cases which reveal significant structural and/or complex problems as they are reflected by the Court, and/or the Committee of Ministers and (d) cases arisen among the States. The Committee of Ministers may also decide to consider a case under the enhanced procedure at the request of the Member State or of the Secretariat.

#### **1.4.2. In the national level**

The task of executing the decisions of the ECHR has been assigned to the Central Service of the Legal Council of the State (NLC) with Article 2 par. 2 d of the Presidential Decree no 238/2003. In cooperation with the Office of the Legal Adviser of the Ministry of Foreign Affairs, the Council at hand is responsible for providing directions to the Administration and proposing measures for the purpose of execution. In particular, it is responsible for the dissemination of decisions to the competent bodies, the translation in Greek language and its electronic posting, the drafting of action plans and proposals, the provision of directions for individual and general measures. Also, the NLC handles cases before the Court and its President is the representative of the Greek Government. The establishment of the "Special Committee for Monitoring the Decisions of the ECHR" has also been consisted of an important instrument in the context of the operation of the Greek Parliament. The entity at hand has been assigned to monitor and evaluate the compliance of the State with the decisions that concern it.

In addition, pursuant to Law 4443/2016, a collective advisory body under the name "National Mechanism for Supervision of the Implementation of ECHR Decisions" is established with the aim of supervising the implementation of decisions and the harmonization of national legislation and administrative practice with them, as well as contributing to the promotion and dissemination of the Convention and the respective case law in Public Administration, Justice and Civil Society.

### **1.5. The GNCHR and the execution monitoring**

#### **1.5.1. Use of Rule no. 9.2 of the Rules of Procedure of the Committee of Ministers**

From the first years of the GNCHR operation, it has been given particular importance to the execution of the decisions of the ECHR. In order to assist the work of the State regarding the

execution of the ECHR decisions, the GNCHR has submitted recommendations and proposals, either by focusing exclusively on the issue of the execution or by drafting reports on problems that emerge through the ECHR decisions, or by commenting on legislative proposal drafts which adopt measures affiliated with the execution of ECHR decisions.

The GNCHR placed special emphasis, through specific recommendations to the Greek State, regarding the immediate compliance of the Greek Government with the milestone decision of the ECHR, *Chowdury and others against Greece* (known as the "Manolada case") and, above all, with the State's obligations arising from the international and European commitments, concerning both the efficient reaction and the prevention of trafficking in human beings and/or forced labor.

The GNCHR focused on the emblematic character (leading case) of the ECHR decision in the "Manolada case" since it was the first time that trafficking in human beings for labor exploitation in the agricultural sector was examined. Hence, the GNCHR harked back to its previous and established - unfortunately - repeated recommendations which remain relevant due to the prevailing situation in Greece, which reveals that the facts of this case are not "isolated incidents".

In order to formulate the GNCHR's point of view, inter alia, critical elements arising from two conferences of wide participation that took place in its offices (23.11.2017 and 20.2.2018) were taken into due account. It is to be stated that this power of the GNCHR is provided for by the national legislator who recognizes it as a bridge-builder between the State and Civil Society. During these conferences, special emphasis was given on the issue of combating trafficking in human beings for the purposes of labor exploitation and forced labor, as well as the need for a specific strategic plan by the Greek State to address similar phenomena.

Also, the GNCHR invoke the Rule no. 9.2 of the Committee of Ministers, by submitting on 12.10.2018 its recommendations for the substantial compliance of the Greek State with "Chowdury and others against Greece" decision.

## **1.5.2. Monitoring of unenforced Greek cases**

### **1.5.2.1. Enforced Supervision- Enhanced Procedure (categorized)**

1. Makaratzis group (50385/99)
2. Chowdury & others (21884/15)
3. Beka-Koulocheri group (38878/03)
4. Bekir Ousta & others (35151/05)

5. House of Macedonian civilization & others (1295/10)
6. MSS group (30696/09)
7. Martzaklis and others (20378/13)
8. Nisiotis group (34704/08)
9. Sakir (48475/09)
10. Rahimi (8687/08)

***1.5.2.2. Enforced Supervision - Enhanced Procedure (uncategorized)***

1. House of Macedonian Civilization and others v. Greece (1295/10) (main case)
2. SH.D. and others v. Greece (14165/16) (repeated)
3. Sarwari and others v. Greece (38089/12) (repeated)
4. H.A. and others v. Greece (19951/16) (repeated)
5. Sharifi and others v. Italy and Greece (16643/09) (main case – repeated)
6. Konstantinopoulos and others v. Greece (No. 2) (29543/15) (repeated)
7. Andersen v. Greece (42660/11) (repeated)
8. Marrougas v. Greece (44689/16) (repeated)
9. Daoukopoulos v. Greece (44711/16) (repeated)
10. Pekov and Andreeva v. Greece (36658/17) (repeated)
11. A.E.A. v. Greece (39034/12) (repeated)
12. Pilalis and others v. Greece (5574/16) (repeated)
13. Abdo and others v. Greece (22369/14) (repeated)
14. Koureas and others v. Greece (30030/15) (repeated)
15. Sidiropoulos and Papakostas v. Greece (33349/10) (repeated)
16. Georgiou and others v. Greece (6813/12) (repeated)
17. D.M. v. Greece (44559/15) (repeated)

18. Kordas v. Greece (51574/14) (repeated)
19. Kalandia v. Greece (48684/15) (repeated)
20. Igbo and othes v. Greece (60042/13) (repeated)
21. Zelilof v. Greece (17060/03) (repeated)
22. Kanellopoulos v. Greece (11325/06) (repeated)
23. Zontul v. Greece (12294/07) (repeated)
24. Nieciecki v. Greece (11677/11) (repeated)
25. Celniku v. Greece (21449/04) (repeated)
26. Bousiou v. Greece (21455/10) (repeated)
27. Karagiannopoulos v. Greece (27850/03) (repeated)
28. Galotskin v. Greece (2945/07) (repeated)
29. Stefanou v. Greece (2954/07) (repeated)
30. Valyrakis v. Greece (27939/08) (repeated)
31. Leonidis v. Greece (43326/05) (repeated)
32. Filippopoulos v. Greece (41800/13) (repeated)
33. Papakonstantinou v. Greece (50765/11) (repeated)
34. Bouros v. Greece (51653/12) (repeated)
35. Thanopoulou v. Greece (65155/09) (repeated)
36. Lutanyuk v. Greece (60362/13) (repeated)
37. Kagia v. Greece (26442/15) (repeated)
38. Zournatzidis and others v. Greece (23261/13) (repeated)
39. Cela and others v. Greece (10244/14) (repeated)
40. Singh and others v. Greece (60041/13) (repeated)
41. Alsayed Allaham v. Greece (25771/03) (repeated)
42. Petropoulou -Tsakiris v. Greece (44803/04) (repeated)



43. Alexopoulos and others v. Greece (41804/13) (repeated)
44. Bekos and Koutropoulos v. Greece (15250/02) (repeated)
45. Rompoti and Rompotis v. Greece (14263/04) (repeated)
46. Tzamalis and others v. Greece (15894/09) (repeated)
47. Emin and others v. Greece (34144/05) (repeated)
48. Taggatidis and others v. Greece (2889/09) (repeated)
49. Adiele and others v. Greece (29769/13) (repeated)
50. Papadakis and others v. Greece (34083/13) (repeated)
51. Kanakis v. Greece (n° 2) (40146/11) (repeated)
52. Tsokas and others v. Greece (41513/12) (repeated)
53. Niazai and others v. Greece (36673/13) (repeated)
54. Koutsospyros and others v. Greece (36688/13) (repeated)
55. Pechlivanidis and others v. Greece (48380/07) (repeated)
56. Partikis and others v. Greece (50622/13) (repeated)
57. Kartelis and others v. Greece (53077/13) (repeated)
58. Konstantinopoulos and others v. Greece (69781/13) (repeated)
59. Logothetis and others v. Greece (740/13) (repeated)
60. Samaras and others v. Greece (11463/09) (repeated)
61. Ventouris and Ventouri v. Greece (45290/11) (repeated)
62. Chowdury and others v. Greece (21884/15) (main case)
63. Nikolaos Athanasiou and others v. Greece (36546/10) (repeated)
64. Ali Cheema and others v. Greece (7059/14) (repeated)
65. Tourkiki Enosi Xanthis and others v. Greece (26698/05) (repeated)
66. Panagiotis Gikas and Georgios Gikas v. Greece (26914/07) (repeated)
67. Bekir- Ousta and others v. Greece (35151/05) (repeated)

68. Nisiotis v. Greece (34704/08) (main case)
69. Makaratzis v. Greece (50385/99) (main case)
70. Rahimiv. Greece (8687/08) (main case - repeated)
71. M.S.S. v. Greece (30696/09) (main case)
72. Beka- Koulocheri v. Greece (38878/03) (main case)

### *1.5.2.3. Simple Supervision - Ordinary Procedure*

1. Bakor v. Greece (37807/17) (friendly settlement)
2. Dinoudis and others v. Greece (8166/17) (friendly settlement)
3. Arabatzis and others v. Greece (57499/17) (friendly settlement)
4. Mecjia and others v. Greece (80083/17) (friendly settlement)
5. Koutsokostas v. Greece (64732/12) (main case)
6. Ioakim and others v. Greece (9775/15) (friendly settlement)
7. Stergiakas and others v. Greece (42316/16) (friendly settlement)
8. Arif and others v. Greece (41163/17) (friendly settlement)
9. Dimitras and Greek Helsinki Monitor v. Greece (62643/12) (repeated)
10. M.G. v. Greece (37062/14) (friendly settlement)
11. Diamantopoulos v. Greece (33441/18) (friendly settlement)
12. O.S.A. and others v. Greece (39065/16) (repeated)
13. Kapniki Michailidis SA v. Greece (60936/12) (friendly settlement)
14. Patsaki and others v. Greece (20444/14) (repeated)
15. Giannousis N.T. & Kliafas Brothers S.A. v. Greece (60338/15) (repeated)
16. Kallipolitou v. Greece (49031/12) (friendly settlement)
17. Georgiou v. Greece (1406/13) (repeated)
18. Alexellis v. Greece (84036/17) (friendly settlement)

19. Kaltakis and Kaltaki v. Greece (45219/15) (repeated)
20. Leotsakos v. Greece (30958/13) (repeated)
21. Malliakou and others v. Greece (78005/11) (repeated)
22. Vasiliou v. Greece (49253/11) (repeated)
23. Paraskevopoulos v. Greece (64184/11) (repeated)
24. S.Z. v. Greece (66702/13) (repeated)
25. Mladenov and Anagnostopoulos v. Greece (73888/16) (friendly settlement)
26. Tufail Bhatti v. Greece (22358/14) (friendly settlement)
27. Pouliou v. Greece (39726/10) (repeated)
28. Jankov Iliev and others v. Greece (47724/14) (friendly settlement)
29. J.R. and others v. Greece (22696/16) (repeated)
30. Stergiopoulos v. Greece (29049/12) (repeated)
31. Firat v. Greece (46005/11) (repeated)
32. Psomadellis and others v. Greece (35136/17) (friendly settlement)
33. Alpha Doryforiki Tileorasi Anonimi Etairia v. Greece (72562/10) (repeated)
34. Shuli v. Greece (71891/10) (repeated)
35. Kosmas and others v. Greece (20086/13) (repeated)
36. Louli-Georgopoulou v. Greece (22756/09) (repeated)
37. Athanasios Makris v. Greece (55135/10) (repeated)
38. Kapsis and Danikas v. Greece (52137/12) (repeated)
39. A.A. v. Greece (12186/08) (repeated)
40. Mika v. Greece (10347/10) (repeated)
41. Liartis v. Greece (16906/10) (repeated)
42. Mekras v. Greece (12863/14) (repeated)
43. Kydonis v. Greece (24444/07) (repeated)

44. Syngelidis v. Greece (24895/07) (repeated)
45. R.U. v. Greece (2237/08) (repeated)
46. Herman v. Greece (26418/11) (repeated)
47. Koutalidis v. Greece (26418/11) (repeated)
48. Kanellopoulou v. Greece (28504/05) (repeated)
49. Efraimidi v. Greece (33225/08) (repeated)
50. SIK v. Greece (28157/09) (repeated)
51. F.E. v. Greece (31614/11) (repeated)
52. Lavrentiadis v. Greece (29896/13) (repeated)
53. Kotsaftis v. Greece (39780/06) (repeated)
54. Louli v. Greece (43374/06) (repeated)
55. Kallergis v. Greece (37349/07) (repeated)
56. Bala v. Greece (40876/07) (repeated)
57. Evaggellou v. Greece (44078/07) (repeated)
58. Zafranas v. Greece (4056/08) (repeated)
59. Varfis v. Greece (40409/08) (repeated)
60. Bubulimma v. Greece (41533/08) (repeated)
61. Amadou v. Greece (37991/11) (repeated)
62. Georgakis v. Greece (40279/14) (repeated)
63. Alfantakis v. Greece (49330/07) (repeated)
64. Karamanof v. Greece (46372/09) (repeated)
65. Ahmade v. Greece (50520/09) (repeated)
66. Koutsoliontos v. Greece (54608/09) (repeated)
67. A.E. v. Greece (46673/10) (repeated)
68. R.T. v. Greece (5124/11) (repeated)

69. LIN v. Greece (58158/10) (repeated)
70. Khuroshvili v. Greece (58165/10) (repeated)
71. H.A. v. Greece (58424/11) (repeated)
72. MD v. Greece (60622/11) (repeated)
73. Lica v. Greece (74279/10) (repeated)
74. E.A. v. Greece (74308/10) (repeated)
75. Mohamad v. Greece (70586/11) (repeated)
76. Tabesh v. Greece (8256/07) (repeated)
77. Shyti v. Greece (65911/09) (repeated)
78. Fallak v. Greece (62504/14) (repeated)
79. Vathakos v. Greece (20235/11) (main case)
80. H.A.A. v. Greece (58387/11) (repeated)
81. Mahmudi and others v. Greece (14902/10) (repeated)
82. Titsiriggos v. Greece (no. 2) (18230/09) (repeated)
83. Giosakis v. Greece (n° 2) (36205/06) (repeated)
84. C.D. and others v. Greece (33441/10) (repeated)
85. Mahammad and others v. Greece (48352/12) (repeated)
86. Christodoulou and others v. Greece (80452/12) (repeated)
87. Tsarpelas v. Greece (74884/13) (repeated)
88. Paratheristikos Oikodomikos Synetairismos Stegaseos Ypallilon Trapezis tis Ellados v. Greece (2998/08) (repeated)
89. I Avgi Publishing and Press Agency S.A. & Karis v. Greece (15909/06) (repeated)
90. S.D. v. Greece (53541/07) (main case- repeated)
91. Koltsidas and others v. Greece (41784/11) (main case - repeated)
92. Dastamani and others v. Greece (36420/10) (main case - repeated)

93. Modestou v. Greece (51693/13) (main case)
94. Dimitriou and others v. Greece (32398/11) (main case - repeated)
95. Krassas v. Greece (45957/11) (main case - repeated)
96. Tsalikidis and others v. Greece (73974/14) (main case)
97. B.A.C. v. Greece (11981/15) (main case)
98. Frezadou v. Greece (2683/12) (main case)
99. Sakir v. Greece (48475/09) (main case)
100. L.E. v. Greece (71545/12) (main case)
101. Venios v. Greece (33055/08) (main case)
102. Fourkiotis v. Greece (74758/11) (main case)
103. Molla Sali v. Greece (20452/14) (main case)
104. Paraponiaris v. Greece (42132/06) (main case)
105. Serifis v. Greece (27695/03) (main case - repeated)
106. Katrami v. Greece (19331/05) (main case - repeated)
107. Vasilakis v. Greece (25145/05) (main case - repeated)
108. Tsalkitzis v. Greece (11801/04) (main case)
109. Pialopoulos and others v. Greece (no. 2) (40758/09) (main case)
110. Peca v. Greece (n° 2) (33067/08) (main case)
111. Zazanis and others v. Greece (68138/01) (main case)
112. Vontas and others v. Greece (43588/06) (main case)
113. Xiros v. Greece (1033/07) (repeated)
114. Anastasakis v. Greece (41959/08) (main case)
115. Vamvakas v. Greece (36970/06) (main case - repeated)
116. Giosakis v. Greece (n° 1) (42778/05) (main case)
117. Kapetanios and others v. Greece (3453/12) (main case)

118. Satka and others v. Greece (55828/00) (main case - repeated)
119. Vamvakas v. Greece (n° 2) (2870/11) (main case)