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La CEDU sulla registrazione di associazioni legate a minoranze etniche
(CEDU, sez. III, sent. 24 giugno 2025, ric. n. 34724/18)

La Corte Edu si è pronunciata sul ricorso presentato da alcune cittadine greche alle quali è stata negata la possibilità di registrare un'associazione, denominata "Associazione Culturale delle Donne Turche della Prefettura di Xanthi". Le autorità greche, non tenendo in conto che cittadinanza e origine etnica sono concetti distinti, hanno infatti ritenuto che il nome dell'associazione, in particolare il riferimento alle "donne turche", avrebbe potuto ingenerare confusione, considerato che, a norma dello statuto, solo donne di cittadinanza greca potevano associarsi.
La Corte ha ravvisato nel diniego una violazione dell'art. 11 CEDU.
Atteso che la libertà di associazione trova uno dei suoi cardini nella possibilità di costituire soggetti giuridici per agire collettivamente in un ambito di interesse comune, il rifiuto da parte delle autorità di registrare un'associazione rappresenta una sicura interferenza con il diritto di cui all'art. 11 CEDU. Perché non ne derivi una violazione della CEDU, è indispensabile che una tale interferenza sia non soltanto "prevista dalla legge", ma risulti altresì "necessaria in una società democratica".
Nel caso in esame i giudici greci non hanno dimostrato in alcun modo che la presunta confusione derivante dal nome dell'associazione potesse costituire una minaccia per l'ordine pubblico. Peraltro, ha precisato la Corte, essi non avrebbero potuto addurre a giustificazione del diniego il sospetto che un'associazione così denominata avesse come scopo effettivo quello di rivendicare l'esistenza di una minoranza etnica turca in Grecia. Il fatto che le minoranze abbiano la possibilità di esprimere la propria identità costituendo associazioni, invero, non può in alcun modo considerarsi un pericolo per una società che voglia dirsi democratica.

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EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF CASE OF XXX AND OTHERS v. GREECE

(Application no. 34724/18)

JUDGMENT

STRASBOURG

24 June 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of XXX v. and Others v. Greece,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:
Peeter Roosma, *President,*
Darian Pavli,
Oddný Mjöll Arnardóttir,
Úna Ní Raifeartaigh,
Mateja Đurović,
Canòlic Mingorance Cairat, *judges,*
Vasilis Hatzopoulos, *ad hoc judge*,
and Milan Blaško, *Section Registrar,*
Having regard to:
the application (no. 34724/18) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by seven Greek nationals – who are indicated in the annex ("the applicants") – on 9 July 2018;
the decision to give notice to the Greek Government ("the Government") of the complaint concerning Article 11 of the Convention;
the withdrawal of Mr Ioannis Ktistakis, the judge elected in respect of Greece, from sitting in the case (Rule 28 of the Rules of Court) and the appointment of Mr Vasilis Hatzopoulos to sit as *ad hoc* judge (Article 26 § 4 of the Convention and Rule 29 § 1 of the Rules of Court);
the observations submitted by the respondent Government and the observations in reply submitted by the applicants;
the comments submitted by the Greek Helsinki Monitor, who were granted leave to intervene (Rule 44 § 3 (a) of the Rules of Court);
Having deliberated in private on 27 May 2025,
Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the refusal of the domestic courts to register the applicants' association – the Cultural Association of Turkish women of the Prefecture of Xanthi (*Πολιτιστικός Σύλλογος Τούρκων Γυναικών Ν. Ξάνθης*) – in the local official register of associations. The applicants lodged their complaint with the Court under Articles 9, 10 and 11 of the Convention.

THE FACTS

2. The applicants were represented by Mr A. Kara, a lawyer practising in Xanthi.
3. The Government were represented by their Agent, Ms N. Marioli, and their Agent's delegate, Ms Stavroula Trekli, Senior Advisor at the State Legal Council.

4. The facts of the case may be summarised as follows.

5. In Article 2 of the applicants' association's founding charter, the following aims of the association are listed:

a) the creation of a gathering place for women of the prefecture of Xanthi for the promotion and satisfaction of their needs in respect of culture, education, leisure and entertainment;

b) the social, moral, and spiritual elevation of association's members, and

c) the development and diffusion of their cultural folk heritage by reviving local customs, in cooperation with local institutions.

6. Under Article 3 of the association's charter, members of the association could only be adult women of Greek nationality who were residents of the Prefecture of Xanthi.

7. On 1 December 2010 the applicants lodged an application with the Xanthi Court of First Instance ("the Court of First Instance") for them to be permitted to register the association in the local register of associations.

8. On 17 February 2011 the Court of First Instance dismissed the applicants' application (judgment no. 59/2011). It found that:

"the association's charter ... does not contain all the elements that are provided ..., with the penalty of nullity, by Article 80 of the Civil Code – in particular, its name "Cultural Association of Turkish women of the Prefecture of Xanthi", which defines its identity, in conjunction with the terms of its charter, is objectively likely to create a misleading image and cause confusion regarding the identity of its members. From the above-mentioned name – which clearly refers not only to people of other nationality, language and religion, but mainly to foreign nationals, it can be concluded that the association treats its members as Turkish, and not simply as Muslims of Greek nationality. The reference to Turkish identity does not have, in the present case, the connotation of distant Turkish ancestry – an element that in any event is not a condition set out in the [association's] charter for the registration of [its] members ... In the name of the association to be registered, its members are referred to as Turkish; however, under [the association's] charter, a condition for a member's registration is [that she hold] Greek citizenship. In this way, lack of clarity and a misleading image are created in respect of the origin and the citizenship of its members. In any event, in the charter of the association to be registered – in particular, in its aims ..., [as set out] under Article 2 [of its charter] – there is no reference ... to [the fact] that its members belong to the Muslim minority of Thrace; [if the charter did contain such a reference] it could be argued that this name expressed the right to self-determination, that is to say their right to choose freely to be treated as members of a national, religious or linguistic minority ... In any event, if the association to be registered wished to indicate only the origin of its members, which would be perfectly legitimate, ..., it could do so by making its name, as well as the conditions in its charter, clearer in that regard, in order that no confusion is caused ..."

9. On 19 April 2012 the applicants appealed.

10. On 25 April 2014, the Thrace Court of Appeal dismissed the appeal (judgment no. 89/2014). It stated (repeating the assessment of the Court of First Instance) that:

"... the name of the above-mentioned association can mislead as to the identity of its members, because it creates objectively the impression that its members are either foreigners who hold Turkish nationality or persons who belong to a structured national Turkish minority within the Prefecture

of Xanthi. The applicants, however, also clearly state in their appeal that, in view of the fact that association members can only be registered Greek nationals who are residents of the Prefecture of Xanthi and who have developed a "Turkish conscience" [*Τουρκική συνείδηση*] because they are Muslims [who also] speak the Turkish language, their ancient origins can be traced back to the territory of modern-day Türkiye and are integrated into the civilisation and the culture of that State ... However, the above-mentioned special linguistic, religious, national [*εθνοτικά*] and cultural characteristics cannot confer Turkish national identity on the founding and future members of the association, which would enable them to self-identify as members of a national minority within the Prefecture of Xanthi, since the applicants do not doubt that they are otherwise fully integrated into Greek society and do not face any discriminatory treatment from the Greek State owing to the fact that they indeed belong to a different social group than that of the majority of women residing in the same Prefecture. ... The applicants cannot be characterised as "Turks" ... simply on the grounds of their ancient origin – which in the instant case is [in any case] not proven. In the light of the above-mentioned [factors], the name of the association to be registered is contrary to the law, since it does not correspond to the principle of truth [*αρχή της αληθείας*], which governs the names of all legal entities; ... therefore, its charter is not valid."

11. In reply to the applicant's arguments under Article 11 of the Convention, the Court of Appeal found that:

"In the judgment of 27 March 2008 of the European Court of Human Rights in the case of *Emin and Others v. Greece* ... it was found that Greece had violated Article 11 of the Convention because the Greek courts had considered that the aim of the association [then undergoing the process of registration] under the name "Cultural Association of Turkish Women of Rodopi Prefecture" and seated in Komotini had contravened public order ... . In the present case, however, such an issue has not been raised, and the above-mentioned judgment therefore does not bind the present court as regards the legal issue that had been decided."

12. On 22 April 2016, the applicants appealed on points of law.

13. On 21 September 2017 the Court of Cassation dismissed the appeal on points of law (judgment no. 1614/2017). It considered that the appellate court had correctly interpreted the relevant provisions of civil law. The Court of Cassation reiterated its established case-law, which held that one element that defines an association's personality is its name – just as a surname defines the identity of individuals. Therefore, the name should not be objectively likely to create a misleading image or [to cause the association to be confused] with [other associations], and nor should it contravene the law or the accepted principles of morality; otherwise, a court had the possibility to reject the application in question. The Court of Cassation also held that the appellate court in its judgment had correctly interpreted, *inter alia*, Article 11 of the Convention, given that the applicants had not been deprived of the ability to form an association provided that it had a straightforward and clear name. The issue at stake in the present case was different from the one in *Emin and Others v. Greece*, in which the Court had ruled that there had been a violation of Article 11 of the Convention, as that case had not concerned the distorted image that the proposed name of the organisation in question might create, but rather the fact that the aims of that organisation contravened the public order. The Court of Cassation upheld the findings of the Court of Appeal that the proposed name of the association was objectively capable of providing a false impression and of causing confusion

as to the identity of its members. It also rejected as "pointless" the applicants' submission that the word "Turkish" had been added for the purpose of specifying the origin or the ethnic conscience (*εθνική συνείδηση*) of its members, noting that a person's Turkish origin did not constitute a precondition for the registration of that person as a member of the association; on the contrary, Article 3 of the association's charter stated that holding Greek nationality was a precondition for the registration of members. Lastly, the Court of Cassation added that if the association's name had indicated only the origins of its members, which would have been legitimate, the name would have been clearer and not likely to create a misleading conceptual image regarding the status of its members.

14. On 11 January 2018 the judgment was finalised and was made accessible to the parties.

RELEVANT LEGAL FRAMEWORK

I. THE GREEK CONSTITUTION

15. The Greek Constitution reads as follows in its relevant parts:

Article 12

"Greeks shall have the right to form non-profit associations and unions in compliance with the law, which, however, may never subject that right to prior permission."

II. CIVIL CODE

16. The Civil Code, as worded at the material time, contained the following provisions concerning non-profit-making associations:

Article 78

Associations

"A union of persons pursuing a non-profit-related aim shall acquire legal personality as soon as it has been entered in a special public register (association) kept at the court of first instance of the place where it has its seat. At least twenty persons shall be needed to form an association."

Article 79

Application for the registration of an association

"In order to have an association registered, its founders or its board members shall lodge an application with the local court of first instance. The application shall be accompanied by the document establishing the association, a list of the names of the members of the board, and its charter dated and signed by the members."

Article 80

Charter of association

"To be valid, the charter must specify (a) the aim, name and seat of the association; (b) the conditions for the admission, withdrawal and expulsion of its members, together with their rights and obligations; (c) ..."

Article 81

Decision to register an association

"Provided that the legal conditions are met, the court of first instance shall order: 1. the publication in the press of a summary of the charter containing its essential elements, 2. the registration of the association in the register of associations. The registration [details] shall include the name and the seat of the association, the date of its charter, the members of the board, and the conditions that restrict it ..."

Article 105
Dissolution of an association
"The court of first instance shall order the dissolution of an association ... 3. if the association pursues different aims from those laid down in its charter or if its object or its functioning prove to be contrary to law, morality or public order."

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

17. The applicants complained that the refusal to register their association had constituted a breach of Articles 9, 10 and 11 of the Convention. In their observations, the applicants also cited Articles 14 and 18 of the Convention for the first time.

18. The Court finds it appropriate to examine the applicant's complaint under Article 11 of the Convention, which reads as follows:

"1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State."

A. Admissibility

19. The Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

20. The applicants argued that the national authorities – in an effort to prevent the establishment of an organisation consisting of members of Turkish background – maintained that the use of the term "Turkish" in the proposed name of their association even though membership was in fact limited to women of Greek citizenship, would cause confusion as to the identity of its members. The applicants submitted that this constituted a false premise, as notions of ethnic origin and citizenship were quite distinct from each other. They argued that ethnic origin was associated with the conscience of each respective individual (that is, it constituted a *forum internum*), and was a matter of self-identification; on the other hand, citizenship constituted the legal bond that existed between a person and a State. In addition, it was possible for an individual to acquire citizenship of a certain State even if he or she originated from a different State. The applicants submitted that it would not contravene any legal provision for the citizenship of a member of an association to differ from his or her ethnic identification. In addition, the suggestion of the domestic authorities that the association apply for registration as a "Cultural Association of Greek Women of Turkish origin of Xanthi Municipality" had constituted an interference with the applicants' right to self-identification.

21. In the applicants' view, the existence of people of Turkish descent on Greek territory constituted an endless taboo for the national political and legal authorities. The national authorities' reasons for refusing to register the association, namely, the need for precision in its title, had constituted a disguised effort to block the formal establishment of a legal entity identifying itself as Turkish. The same reasons had been given by the national courts for the non-registration of another association, the Rhodope Prefecture Turkish Women Cultural Association, in the case of *Emin and Others v. Greece*, (no. 34144/05, 27 March 2008), in which the Court had concluded that there had been a violation of Article 11 of the Convention. There had additionally been several other similar judgments delivered by the Court against Greece in which a violation of Article 11 of the Convention had been found. It was therefore obvious that the domestic proceedings had ended in the association being subject to illegal scrutiny – rather than a simple examination of whether it met the conditions set out in law. The applicants maintained that, by contrast, the prevailing practice for other countries has been different: for example, Albania, where a Greek minority resides, hosts a number of associations whose titles contain the word "Greek" or "Hellenic", without making any distinction (in the respective names of those associations) between citizenship and origin.

22. The applicants argued that the interference in question had not been prescribed by law. In particular, the clarity and precision of the name of an association – attributes that had been cited by the Government as essential-were not specified as prerequisites in the relevant Civil Code provisions. Moreover, the interference in the present case had not pursued a legitimate aim; the Government's arguments to the contrary were based on the Court's decision in the case of *APEH Üldözötteinek Szövetsége and Others v. Hungary* (no. 32367/96, 31 August 1999) – a case that was not relevant to the facts of the instant case.

23. Lastly, concerning the necessity of the interference, the applicants argued that a refusal to register an association constituted a radical measure, given that such a refusal meant that the association in question would not even be allowed to commence its activities. The refusal to allow the word "Turkish" to be included in the proposed name of the association, which had been clear and unambiguous, was against the principles of pluralism and self-determination; moreover, the actual purpose of that restriction was to avoid the recognition of the Turkish identity in Thrace. According to the applicants, in refusing to register the association the national authorities had acted in bad faith. This was particularly important, given the pending execution of the judgments of the Court in the cases of *Tourkiki Enosi Xanthis and Others v. Greece* (no. 26698/05, 27 March 2008), *Emin and Others* (cited above), and *Bekir-Ousta and Others v. Greece* (no. 35151/05, 11 October 2007). Those judgments noted the importance of associations whose aims included the protection of cultural heritage, the advocation of ethnic identity or "asserting a minority conscience".

(b) The Government

24. The Government submitted that, by law (i) an association's charter had to set out its official name, and (ii) an association's name constituted a distinctive feature by which it identified itself. An association's name revealed its own identity and that of its members; it was therefore very important that its name be clear and not expressed in terms that were likely to cause any kind of confusion or to mislead as regards the true identity of its members.

25. The application lodged by the applicants for the registration of the association had been rejected by the national courts because its name, in conjunction with terms used in the wording of its charter,

was objectively capable of prompting a misleading image and of causing confusion regarding its members' identity. In particular, even though the proposed name of the association referred to an association of "Turkish Women", only women of Greek nationality under the terms of its charter could in fact be members of the association. The arguments advanced by the applicants before the domestic courts and the Court to the effect that members of the association could only be women of Greek citizenship who were of Turkish origin and were integrated into the civilization and culture of the Turkish State did not follow from any Article of the association's charter. If the applicants by the use of the term "Turkish" had wished to indicate origin and not nationality, they should have done so in a clear manner. It was thus clear that the name chosen by the applicants for their association was misleading and did not correspond to the truth.

26. Referring to the Court's case-law, the Government further submitted that the refusal to register the association had not constituted a particularly severe interference. In any event, that interference had been prescribed by law, namely, Articles 79-81 of the Civil Code, and had pursued a legitimate aim, that is to say the protection of order, legal certainty and stability in respect of legal matter. In this connection, the Government argued that the Court had already ruled in the case of *APEH Üldözötteinek Szövetsége and Others* ((dec.), cited above) that an association's name should not give rise to false impressions and not cause confusion.

27. The Government argued that the alleged interference had been necessary and proportionate to the aim pursued. The proposed name of the association was misleading and contradicted the terms of its own charter. Avoidance of confusion was an essential element of a State that was governed by the principles of legal certainty and stability in respect of legal matters. It could not be regarded as absurd or excessive to request a group of persons wishing to acquire a legal personality to act in a clear and comprehensive manner. That requirement had been respected by other associations whose names suggested that their members had roots in a foreign State, and which had been registered without any impediment in Greece, as their names and/or their charters had been sufficiently clear.

28. As regards the Court judgments cited by the applicants, the Government submitted that they were not similar to the present case. In the cited cases, a violation had been found owing to the suspected intentions of the founders of the associations in question and the activities in which they would be engaged once those associations began to function. In the present case the domestic courts had rejected the application for registration, following a validity check conducted pursuant to Article 80 of the Civil Code, owing to its non-compliance with the legal conditions and to the risk of confusion that the name presented.

29. The Government accordingly concluded that – taking into consideration the margin of appreciation that the Contracting States enjoyed in respect of imposing restrictions on freedom of association – the refusal to register the applicants' cultural group as an association had not constituted a violation of their right which was protected under Article 11 of the Convention.

2. The third-party intervener

30. The intervener presented the Court's case-law in respect of Article 11 of the Convention. It cited *Sidiropoulos and Others v. Greece* (10 July 1998, §§ 40-41 and 43-45, *Reports of Judgments and Decisions* 1998-IV); *Tourkiki Enosi Xanthis and Others* (cited above, §§ 50-53); *House of Macedonian Civilisation v. Greece* (no. 1295/10, §§ 37-42, 9 July 2015); *Bekir-Ousta and Others* (cited above, §§ 42-44); and *Emin and Others* (cited above, §§ 28-30). It added that the Court had stated in those

judgments that advocating on behalf of national minorities in Greece did not amount to harbouring separatist intentions. As the Court had stated in several similar cases against Bulgaria, even the advocacy of separatist intentions without advocating the use of violence or of undemocratic or unconstitutional means, was compatible with the Convention (see, for example, *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, § 97, 2 October 2001).

31. In the above-cited cases of *Sidiropoulos and Others*, *Bekir-Ousta and Others*, and *Emin and Others*, the Court had acknowledged that the minority associations in question were *de facto* or *de jure* promoting the idea that there existed in Greece a Macedonian minority and a Turkish minority, whose rights were not respected. However, given the fact that those arguments were not accompanied by the advocacy of violence or other undemocratic or unconstitutional means, their aims were perfectly clear and legitimate. Moreover, in *House of Macedonian Civilization* (cited above), the Court had for the first time referred to the alleged possible confusion that could arise as to the identity of the association in question – that is, the same argument as that put forward by the Greek courts in the present case. The intervener added that, in the above-mentioned judgments, the Court had further held that the refusal to register the associations had also been in violation of Article 12 of the Constitution, which did not allow a "preventive review" to be carried out before the registration of an association.

32. The intervener asked the Court to take into consideration the fact that – despite the Court's five above-mentioned judgments – none of the associations in question had been able to register (or re-register) themselves and that that situation had led to a series of decisions and resolutions being issued by the Committee of Ministers. It drew the Court's attention to Interim Resolution CM/ResDH(2021)105 (which had been issued in respect of the case of *Bekir Ousta and Others*), in which the Committee of Ministers, after being informed of the refusal to register the association that is the subject matter of the present case, had expressed its deep concern that the domestic courts' rejection of the association's application for registration had been contrary to the principles set out in the Court's judgments in the cases that are currently pending before it (that is, before the Committee of Ministers). They invited the Court to apply Article 46 of the Convention in respect of any new such cases and to indicate to the Greek State that any applicant association should be promptly registered (or re-registered).

3. The Court's assessment

(a) General principles

33. The ability to establish a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of freedom of association, without which that right would be deprived of any meaning (see *Gorzelik and Others v. Poland* [GC], no. 44158/98, § 88, ECHR 2004-I, and *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, nos. 70945/11 and 8 others, § 78, ECHR 2014 (extracts)). A refusal by the authorities to register an applicant's association amounts to an interference by the authorities with the exercise of that applicant's right to freedom of association (see *Sidiropoulos and Others*, cited above, § 31, and *Metodiev and Others v. Bulgaria*, no. 58088/08, § 34, 15 June 2017).

34. The Court recognises that freedom of association is particularly important for persons belonging to minorities, including national and ethnic minorities, and that, as laid down in the preamble to the Council of Europe Framework Convention for the Protection of National Minorities, "a pluralist and

genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity". Indeed, forming an association in order to express and promote its identity may be instrumental in helping a minority to preserve and uphold its rights (see *Gorzelik and Others*, cited above, § 93).

35. The existence of minorities and different cultures in a country is a historical fact that a democratic society must tolerate, or even protect and support, in accordance with the principles of international law (see *Eğitim ve Bilim Emekçileri Sendikası v. Türkiye*, no. 20641/05, § 59, ECHR 2012 (extracts)).

36. Any interference with the right to freedom of association must pursue at least one of the legitimate aims set out in paragraph 2 of Article 11: national security or public safety, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others. Exceptions to freedom of association must be narrowly interpreted, such that their enumeration is strictly exhaustive and their definition is necessarily restrictive (see Sidiropoulos and Others, cited above, § 38). Any interference must correspond to a "pressing social need"; thus, the notion "necessary" does not have the flexibility of such expressions as "useful" or "desirable" (see *Gorzelik and Others*, cited above, § 95, and *Magyar Keresztény Mennonita Egyház and Others*, cited above, § 79).

37. When the Court carries out its scrutiny, its task is not to substitute its own view for that of the relevant national authorities but rather to review under Article 11 the decisions they delivered in the exercise of their discretion. This does not mean that it has to confine itself to ascertaining whether the respondent State exercised its discretion reasonably, carefully and in good faith; it must look at the interference in the light of the case as a whole and determine whether it was "proportionate to the legitimate aim pursued" and whether the reasons adduced by the national authorities to justify it are "relevant and sufficient". In so doing, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in Article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts (see *Gorzelik and Others*, cited above, § 96, with further references).

38. While States are entitled to require organisations seeking official registration to comply with reasonable legal formalities, that is always subject to the condition of proportionality (see *The United Macedonian Organisation Ilinden and Others v. Bulgaria (no. 2)*, no. 34960/04, § 40, 18 October 2011).

39. States have a right to satisfy themselves that an association's aim and activities are in conformity with the rules laid down in legislation, but they must do so in a manner compatible with their obligations under the Convention and subject to review by the Convention institutions (see *Sidiropoulos and Others*, cited above, § 40, and *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, § 59, ECHR 2006-XI). In certain cases, the States' margin of appreciation may include a right to interfere – subject to the condition of proportionality – with freedom of association in the event of non-compliance by an association with reasonable legal formalities applying to its establishment, functioning or internal organisational structure (see *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, no. 37083/03, § 72, ECHR 2009).

(b) Application of the above-noted principles in the present case

40. It is not disputed between the parties that the refusal to register the applicants' association constituted an interference with their right to freedom of association within the meaning of Article

11 § 1 of the Convention. The Court will accordingly examine whether the interference was provided for by law, pursued a legitimate aim and was necessary in a democratic society.

(i) Whether the interference was prescribed by law

41. The Court notes that the domestic courts dismissed the applicants' application for registration on the basis of Articles 79 to 81 of the Civil Code, which allow domestic courts to reject an application for registration when they find that the validity of the association's charter is questionable (see *Bekir-Ousta and Others*, cited above, § 40). Given those circumstances, and noting that it is primarily for the national courts to interpret and apply domestic law, the Court is satisfied that the interferences in question were "prescribed by law" (see *The United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria (no. 2)*, nos. 41561/07 and 20972/08, § 81, 18 October 2011).

(ii) Whether the interference pursued a legitimate aim

42. Turning to the aim pursued, the Court notes that the Government argued that preventing confusion as regards the true identity of the members of an association was in the interests of protecting order, legal certainty and stability in respect of legal matters. These interests fall under Article 11 of the Convention, which allows for restrictions to the freedom of association in the interests of "the prevention of disorder" and "the protection of the rights and freedoms of others" (compare *APEH Üldözötteinek Szövetsége and Others* (*dec.*), cited above). The Court accordingly accepts that the interference in question pursued a legitimate aim under Article 11 § 2 of the Convention.

(iii) Whether the restriction was necessary in a democratic society

43. Turning to the examination of the necessity in a democratic society of the interference in question, the Court will first determine whether there could be said to have been, at the relevant time, a "pressing social need" to take the impugned measure – namely the refusal to register the association under the requested title – in order to achieve the legitimate aims pursued.

44. In this regard, it observes that the domestic courts reasoned that the proposed name of the association seeking registration could cause confusion for third parties. In particular, the Court of Cassation concluded that the proposed name of the association was objectively capable of giving a false impression and creating confusion regarding the identity of its members.

45. The Court notes, firstly, that this condition of clarity does not exist as such in domestic law. Under Article 81 of the Civil Code, an association is registered if the relevant legal conditions are met. Article 80 of the same Code provides that the association's charter must specify, *inter alia*, its object, name and seat, as well as the conditions for admitting members (see paragraph 16 above). Moreover, under the Constitution, the right of citizens to form non-profit associations may never be subject to prior authorisation.

46. In this respect, the Court takes note of the fact that in the event that third parties wished to be informed clearly of the nature of the association's members, they could easily refer to the association's charter – which, in its Article 3, describes the conditions for membership in an unequivocal manner. Under the above-mentioned Article, the association may admit as members adult women of Greek citizenship who reside in the Prefecture of Xanthi (see paragraph 6 above).

47. The Court further does not lose sight of the fact that there have been several cases against Greece in which it has found a violation of Article 11 of the Convention on account of a refusal to register an association or on account of the dissolution of an association. In particular, in the above-cited

cases of *Bekir-Ousta and Others* and *Emin and Others*, the domestic courts refused to register two associations on the grounds that their respective names caused confusion, because they gave the impression that they represented an ethnic minority – as opposed to the religious minority recognised by the 1923 Treaty of Lausanne. The domestic courts had found that such an impression was contrary either to the domestic legal order or to public order, given that the Treaty only recognised a religious minority – not an ethnic minority. In its judgments in these cases, the Court noted that the contested failure to register the two above-mentioned associations had been based solely on suspicions as to the true intentions of the founders of the respective associations; it had not been possible to verify those suspicions, since the associations had not been registered. Even supposing that the two above-mentioned associations had been trying to promote the idea that there was an ethnic minority, this could not be seen as constituting a threat to a democratic society. Furthermore, the Court added that Greek legislation did not establish a preventive control system in respect of the establishment of non-profit associations. In the case of *Tourkiki Enosi Xanthis and Others* (cited above), the domestic courts had ordered the dissolution of the applicant association in question on the grounds that the aims set out in that association's charter and the activities carried out by that association did not comply with maintenance of public order, as the association considered its members to be Turks and not "Muslims with Greek citizenship". The Court concluded that there had been a violation of Article 11 of the Convention. It emphasised the radical nature of the measure (namely, the dissolution of the association), and noted in particular that, prior to its dissolution, the association had carried on its activities for about half a century without hindrance and without any indication that its members had ever employed violence or rejected democratic principles.

48. The Court notes that in the present case, the domestic courts found that the proposed title of the applicants' association did not comply with the "principle of truth" and was misleading; however, those courts did not base their conclusions on the argument that the name at issue could threaten public order (contrast the above-cited cases of *Emin and Others*, § 10, and *Tourkiki Enosi Xanthis and Others*, cited above, § 16) or the internal legal order (contrast *Bekir-Ousta and Others*, cited above, § 14). Nevertheless, irrespective of whether the reason cited concerned only the risk of confusion as in the present case, or the protection of public or the legal order, the reasoning of the domestic courts still revolved around the need to distinguish between a Muslim minority, which is recognised by the 1923 Treaty of Lausanne, and a Turkish minority, the existence of which was not acknowledged by the courts (see the domestic courts' reasoning in paragraphs 8, 10 and 13 above; also compare the domestic courts' reasoning in the above-cited cases of *Emin and Others v. Greece*, § 10; *Tourkiki Enosi Xanthis and Others*, §§ 15-16; and *Bekir-Ousta and Others*, §§ 14 and 16).

49. In this regard, the Court reiterates that it has found in respect of circumstances similar to those of the present case that, even supposing that the true purpose of the association was to promote the idea that there was an ethnic minority in Greece, that alone could not be regarded as constituting a threat to a democratic society (see *Emin and Others*, § 30; *Tourkiki Enosi Xanthis and Others*, § 53; and *Bekir-Ousta and Others*, § 44, all cited above). It has further ruled that the notion of a "democratic society" is devoid of any meaning if there is no pluralism, tolerance or open-mindedness. In particular, pluralism is built on, for example, the genuine recognition of, and respect for, diversity and the dynamics of traditions and of ethnic and cultural identities. The harmonious interaction of

persons and groups with varied identities is essential for achieving social cohesion (see the above-cited cases of *Ouranio Toxo and Others v. Greece*, no. 74989/01, § 35, ECHR 2005-X (extracts), and *Gorzelik and Others*, § 92). The Court notes that, under Article 2 of the association's charter, these were precisely the goals that the applicants' association was aiming to achieve. In particular, the aim of the "development and diffusion of ... folk cultural heritage by reviving local customs in cooperation with local institutions" is clearly listed.

50. The Court also reiterates that the right to free self-identification is not a right that is specific to the Framework Convention for the Protection of National Minorities; rather, it is the "cornerstone" of international law governing the protection of minorities in general (see *Molla Sali v. Greece* [GC], no. 20452/14, § 157, 19 December 2018).

51. The Court lastly notes that it has not been asserted or demonstrated by the domestic authorities that the proposed name of the applicants' association – or the wording of any provision in its charter – could constitute a threat to public order. The reasons advanced by the domestic courts and the Government for the refusal to register the association concerned the need to avoid the creation of a misleading image, and the protection of order, legal certainty and stability in respect of legal matters. In the absence of any firm evidence to demonstrate that in choosing to call itself "Cultural Association of Turkish Women of the Prefecture of Xanthi", the applicants' association opted for a policy that represented a real threat to public order or to democratic society, the Court considers that the association's name cannot, by itself, justify the non-registration of the association (see also *Association of People of Silesian Nationality (in liquidation) v. Poland*, no. 26821/17, § 54, 14 March 2024 with further references).

52. In view of the foregoing, the Court considers that the reasons relied on by the authorities for not registering the applicants' association were not relevant and sufficient. Accordingly, it has not been demonstrated that the restrictions that were applied in the present case, namely the non-registration of the applicants' association, pursued a "pressing social need".

53. There has accordingly been a violation of Article 11 of the Convention.

II. APPLICATION OF ARTICLES 41 AND 46 OF THE CONVENTION

54. Article 41 of the Convention provides:

"If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

55. The relevant parts of Article 46 of the Convention provide:

"1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

..."

A. Article 41 of the Convention

1. Damage

56. Each applicant claimed 3,000 euros (EUR) in respect of non-pecuniary damage.

57. The Government contended that the EUR 3,000 claimed by each applicant was excessive, and that it had not been justified by any reference to specific consequences of a violation of Article 11

proved to have been suffered by the applicants. They further submitted that a finding of a breach of the Convention would constitute sufficient just satisfaction.

58. The Court awards to each of the applicants EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

2. Costs and expenses

59. The applicants also claimed EUR 4,677.80 for the costs and expenses incurred before the domestic courts and before the Court.

60. The Government contended that the amount was excessive and unjustified.

61. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above-noted criteria, the Court considers it reasonable to award the sum of EUR 4,677.80, plus any tax that may be chargeable to the applicants jointly, for the proceedings before the national courts and the Court.

B. Article 46 of the Convention

62. The Court reiterates its case-law to the effect that a judgment in which it finds a breach imposes on the respondent State a legal obligation to put an end to that breach and to make reparation for the consequences thereof in such a way as to restore as far as possible the situation that existed before the breach. The Court's judgments are, however, essentially declaratory in nature. Accordingly, the Contracting States that are parties to a case are in principle free to choose, subject to supervision by the Committee of Ministers, the means whereby they will comply with a judgment in which the Court has found a breach – including any general and/or, if appropriate, individual measures to be adopted within their domestic legal order – provided that the execution is carried out in good faith and in a manner compatible with the "conclusions and spirit" of the judgment (see *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, § 404, 26 September 2023, and the case-law cited therein).

63. That being said, under certain special circumstances the Court has found it useful to indicate to a respondent State the type of measures that might be taken to put an end to the situation – often a systemic one – that has given rise to the finding of a violation. Even in such cases, however, it is the Committee of Ministers that has exclusive competence to evaluate the implementation of such measures under Article 46 § 2 of the Convention (ibid., § 405, and the case-law cited therein).

64. The Court notes that it has found in the present case a violation of Article 11 of the Convention on the grounds that the domestic authorities refused to register the applicants' association. The violation resulted notably from the domestic courts' interpretation of Articles 78-81 of the Civil Code. The Court further observes that there have been several similar cases against Greece in which the Court concluded that there had been a violation of Article 11 of the Convention, the examination of which is still pending before the Committee of Ministers (see Decision CM/Del/Dec(2024)1514/H46-17 taken at the 1514th meeting of the Committee of Ministers on 3-5 December 2024).

65. In principle, it is not the Court's task to prescribe exactly how a State should put an end to a breach of the Convention and make reparation for the consequences of such a breach. However, in the light of the principles set out above – and without prejudice to any general measures that may be required for the prevention of or for the affording of redress in respect of other similar violations,

the reopening of the proceedings – if requested – would be the most appropriate way of putting an end to the violation found in the present case and of affording redress to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 11 of the Convention;
3. *Holds*

(a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
(i) EUR 3,000 (three thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to each of the applicants;
(ii) EUR 4,677.80 (four thousand six hundred and seventy-seven euros and eighty cents), plus any tax that may be chargeable to the applicants, in respect of costs and expenses, jointly;
(b) that from the expiry of the above-mentioned three months until settlement, simple interest shall be payable on the above-stated amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points.
Done in English, and notified in writing on 24 June 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško Registrar
Peeter Roosma President