

1545th meeting, 2-4 December 2025 (DH)

H46-18 Bekir-Ousta and Others group v. Greece (Application No. 35151/05)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1545/H46-18

Decisions

The Deputies

- recalled that these cases concern violations of the right to freedom of association due to the domestic courts' rulings not to register associations and a decision leading to the dissolution of an association on grounds criticised by the European Court as non-Convention-compliant;
- reiterated once again the fundamental importance of freedom of association in a democratic state;
- reiterated further their deep concern that nearly 18 years since the leading judgment in this group and despite the legislative amendment adopted by Greece in 2017, which allowed the reopening of the impugned proceedings, the applicants in cases *Bekir-Ousta and Others*, *Emin and Others* and *Tourkiki Enosi Xanthis and Others* have still not been provided with *restitutio in integrum*, despite having exhausted the possibilities available to them within the domestic legal system, so that progress with regard to the individual measures in these cases is therefore now dependent on the taking by the Greek authorities of effective general measures;
- recalled that in the *Sagir and Others* judgment, final on 25 September 2025, the Court found that the refusal to register the association, based on the domestic courts' conclusions that its proposed name did not comply with the "principle of truth" and was misleading, had not been justified; noting further that the Court considered that the reopening of the impugned proceedings – if requested – would be the most appropriate way of putting an end to the violation found and of affording redress to the applicants, invited the authorities to provide information in this respect, expressing hope that any such request for reopening would be assessed by the domestic courts with full regard to the Court's findings;
- recalling that the Greek authorities established a Committee of Experts to study the matter and advise them on the next steps to take with a view to providing the applicants with the possibility of obtaining *restitutio in integrum* and with a view to effectively preventing similar violationsand that the Committee of Experts finalised its report at the end of May 2025 and outlined in detail a number of solutions which appear capable of leading to full execution of these judgments;
- welcomed the authorities' decision, following their analysis of all the solutions outlined in the above report, to amend the Civil Code to introduce a general clause explicitly requiring that the grounds for the registration and dissolution of associations be interpreted in accordance with international human rights standards, including the Court's case-law; noted also with interest that the legislative process has already commenced and that the authorities expect the proposed amendment to be swiftly submitted to Parliament for adoption, once the drafting is completed;
- given the long-standing nature of these judgments, strongly encouraged the authorities to sustain their efforts and proceed without delay with the drafting and adoption of the amendments to the Civil Code, and to consider ensuring that the explanatory memorandum accompanying the draft legislation clearly sets out the background and the intended purpose of the proposed amendments, thereby assisting domestic courts in interpreting the amended provisions in line with the Court's case-law to provide *restitutio in integrum* for the applicant associations and prevent similar violations in the future;
- welcomed also the authorities' intention to pursue training and awareness-raising activities for judges dealing with the proceedings related to the registration and dissolution of associations, focusing on the European Court's case-law in this area; noting with interest their willingness to co-operate with the Council of Europe in this process, strongly encouraged the authorities to maintain their dialogue with the Secretariat in order to advance the organisation of the relevant activities;
- decided to resume examination of this group of cases at their 1563rd meeting (June 2026) (DH) to review the progress achieved.