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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1514th meeting (December 2024) (DH)

Communication from an IGO (Expert Council on NGO Law of the Conference of INGO's of the Council of Europe) (12/11/2024) concerning the Bekir-Ousta and Others group of cases v. Greece (Application No. 35151/05).

Information made available under Rule 9.3 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'une OGI (Expert Council on NGO Law of the Conference of INGO's of the Council of Europe) (12/11/2024) relative au groupe d'affaires Bekir-Ousta et autres c. Grèce (requête n° 35151/05)
[anglais uniquement]

Informations mises à disposition en vertu de la Règle 9.3 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI Directorate General of Human Rights and Rule of Law

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12 November 2024



COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by

The Expert Council on NGO Law of the Conference of INGOs of the Council of Europe

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

1. Regrettably, it is now more than seventeen and sixteen years respectively since the European Court of Human Rights found that the refusal to Evros Prefecture Minority Youth Association and the Cultural Association of Turkish Women of the Region of Rodopi violated Article 11 of the European Convention on Human Rights, as well as sixteen years since it found a similar violation in respect of the court-ordered dissolution of the association Tourkiki Enosi Xanthis.
2. The prolonged failure to register the first two associations and to restore the registration of the third one has prevented both their members from enjoying the right guaranteed in Article 11 of the European Convention on Human Rights and the three associations from playing their part in the important contribution that the Committee of Ministers has recognised NGOs make to the cultural life and social well-being of democratic societies.
3. The rulings of the European Court of Human Rights in all three cases were clear that:
 - (a) even assuming that the true aim of the associations had been to promote the idea that an ethnic minority existed in Greece, that did not amount to a threat to a democratic society; and
 - (b) there was nothing in the associations' articles of association to suggest that its members advocated the use of violence or anti-democratic methods or that, in the case of the third one, they had ever called for the use of violence, an uprising or any other form of rejection of democratic principles.

4. Despite this clarity, the courts in Greece have repeatedly disregarded these findings and invoked the promotion of the idea of a Turkish ethnic minority existing in Greece as a threat to a democratic society in order to refuse the registration of the first two associations.
5. In so doing, the rulings of the Greek courts have misrepresented the notion of a Turkish ethnic minority as inconsistent with the provisions of the Treaty of Lausanne of 1923, whereby the existence of a Muslim minority was recognised and claims and aspirations for territorial claims were finalised.
6. However, the obligation to recognise a Muslim minority has no bearing on the issue of whether individuals – whether or not they also belong to that minority – also identify with each other on the basis of shared attributes, such as ancestry, culture, language and traditions, that distinguish them from others in a particular State and thus establishes their ethnic identity.
7. Having a particular ethnic identity has, therefore, nothing to do with the assertion of a territorial claim on behalf of another State and, as the rulings of the European Court of Human Rights have underlined, there is nothing in the articles of the two associations that could lead to a contrary conclusion.
8. The constant repetition of discredited arguments to refuse the registration of the first two associations should already have led to the Committee of Ministers to conclude that there has not been sufficient good faith efforts to execute the judgments of the European Court of Human Rights relating to these two associations.
9. Moreover, the excessively prolonged delay in the execution of the relevant judgments is one of the most egregious failures to execute judgments relating to freedom of association, which – as the Expert Council's study, [The Execution of Judgments involving Freedom of Association: the Impact on Human Rights Organisations and Defenders](#) underlines – amounts to a disregard for the essential contribution made by civil society in all their diversity to the cultural life and social well-being of democratic societies, and undermines the adherence to principles of democratic pluralism.
10. Nonetheless, despite the patience shown by the Committee of Ministers to the Greek authorities with regard to the execution of the judgments of the European Court of Human Rights in this group of cases, the response of those authorities has been to continue to prevaricate.
11. This is evident in the latest submission of the Greek authorities on 22 October 2024 concerning the work of the Committee of Experts which is supposed to deal with the issues relating to the execution of the judgments of the two cases.
12. Thus, after considerable delay in even constituting the Committee, the Greek authorities have now only indicated that it has agreed to meet and exchange views

with the applicants “in due time” and that the Committee intends “to complete its works and deliver its proposal until June 2025”.

13. Even if such a proposal were to be forthcoming in June 2025, it cannot reasonably be expected, in view of past prevarications, that any concrete step to execute the judgments could be expected to be taken in the remaining months of that year.
14. This will, of course, mean that more than eighteen years will have elapsed since the European Court of Human Rights adopted its judgments in the first of the cases in the group and that seventeen years will have elapsed since its judgments in the other two cases.
15. It is clear that the most natural means of executing the judgments in the three cases would be to register the first two associations and to restore the registration of the third one so that their members can have effective enjoyment of their right to freedom of association under Article 11 of the European Convention on Human Rights.
16. It is difficult, therefore, to see why the Committee of Experts requires so long for its reflections and why the Greek authorities need to await its proposal.
17. In the circumstances, it is submitted that continued patience with the Greek authorities is no longer warranted,

18. The Expert Council thus calls upon the Committee of Ministers to:

- Call upon Greece to end the present impasse in the *Bekir-Ousta*, *Emin and Tourkiki Enosi Xanthi* cases by registering the associations concerned within three months at the latest and, to make a reference to the European Court of Human Rights under Article 46(4) of the European Convention on Human Rights in the event of this not occurring;
- Undertake to provide Greece with all necessary assistance for the training of judges on the application of the case law of the European Court of Human Rights in respect of Article 11 of the European Convention on Human Rights; and
- Maintain the *Bekir-Ousta* group on the agenda of every upcoming CM DH meeting, in order to apply continuous and effective scrutiny of their implementation.