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**THE EXECUTION OF JUDGMENTS INVOLVING FREEDOM OF ASSOCIATION:
THE IMPACT ON HUMAN RIGHTS ORGANISATIONS AND DEFENDERS**

Thematic Study prepared by Carla Ferstman on behalf of the
Expert Council on NGO Law of the
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**The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.*

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I. INTRODUCTION

1. This thematic study considers the challenges associated with the execution of judgments of the European Court of Human Rights (“the Court”) involving freedom of association. While States have adopted and reported upon a variety of measures taken in the context of the execution of the Court’s judgments with a view to fully and effectively protecting freedom of association,¹ there are many cases where full execution remains pending and where the execution process is prolonged. The Expert Council on NGO Law decided to prepare this thematic study in light of the often-lengthy delays associated with the full execution of such judgments.
2. The study considers the extent to which the execution of judgments aligns with the standards related to the treatment of NGOs applicable to Council of Europe Member States, including Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe (“Recommendation CM/Rec(2007)14”), and Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe (“Recommendation CM/Rec(2018)11”).
3. In particular, it assesses the challenges associated with the execution of such judgments, considering both the adoption and implementation by Member States of specific and general measures and the approaches taken by the Committee of Ministers in its dialogue with States.
4. The judgments considered in this thematic study are judgments involving freedom of association which remain pending execution under the supervision of the Committee of Ministers. Most of the judgments considered in the study involve findings of a violation of the right to freedom of association under Article 11 of the European Convention on Human Rights (“the Convention”). In addition, several judgments are examined in which violations of Article 9 were found, in light of Article 11. The thematic study also considers several cases pertaining to human rights organisations or defenders, which, although raising issues connected to freedom of association, the European Court did not address specifically compliance with Article 11 but instead found a violation of other Articles of the Convention in conjunction with Article 18 (limitation on use of restrictions on rights). A list of all the judgments considered in this thematic study is annexed.²

II. OVERVIEW OF THE JUDGMENTS

5. The judgments finding a violation of Article 11 of the Convention recognise the importance of freedom of association for fostering democratic and pluralist societies which respect and protect human rights. In particular, the European Court has recognised that pluralism is:

“built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to

¹ Department for the Execution of Judgments of the European Court of Human Rights, Thematic Fact Sheet: Freedom Of Assembly And Association, October 2021.

² Full citations for these judgments are provided in the Annex but those for other cases referred to are given in the footnotes concerned.

associations in which they may integrate with each other and pursue common objectives collectively.”³

6. The positive obligation to secure the effective enjoyment of the right to freedom of association is particularly important for persons and groups holding unpopular views or belonging to minorities, because they are particularly vulnerable to victimisation.⁴
7. Any interference with the right to freedom of association, if it has a basis in domestic law, must pursue a legitimate aim and be necessary in a democratic society in order to be admissible. Because of the importance of freedom of association, only convincing and compelling reasons can justify restrictions to it; such restrictions should be guided by a “pressing social need”.⁵ Any such restrictions must also be proportionate to the aim. For example, the failure to register an association or the involuntary dissolution of an association are considered by the Court to be overly harsh measures with significant consequences. In such cases, the Court has held that it is incumbent on governments to consider whether less stringent measures may achieve the aims invoked.⁶
8. Several of the judgments under consideration have found violations of freedom of association that concern organisations with broad mandates concerning human rights protection, such as *Jafarov and Others v Azerbaijan*.⁷
9. A number of the judgments have found violations of freedom of association that concern organisations which focus on particular aspects of human rights protection such as environmental protection,⁸ access to housing,⁹ the administration of justice¹⁰ and media freedom,¹¹ or which concern the protection of particular groups, such as lesbian, gay, bisexual, transgender and intersex people (LGBTI) people¹² or detainees and prisoners.¹³
10. Some judgments have found violations of freedom of association interpreted in light of freedom of religion or vice-versa.¹⁴ Likewise, numerous judgments have found violations of freedom of association that concern organisations dedicated to promoting national minority rights or minority cultural or ethnic traditions.¹⁵
11. The judgments in which the Court found a violation of Article 18 of the Convention are ones involving patterns of misuse of power targeting civil society groups and human rights defenders where the defenders were persecuted not in their capacity as private individuals but because

³ *Gorzelik and Others v. Poland* [GC], Appl no. 44158/98, 17 February 2004, para. 92; *Zhdanov and Others v Russia*, para. 139.

⁴ See, e.g., *Zhdanov and Others v Russia*.

⁵ See, e.g., *Costel Popa v Romania* Appl no. 47558/10, 26 April 2016.

⁶ See, e.g., *ibid*. See also, *Adana Tayad v Turkey: Association Rhino and Others v Switzerland* Appl no.48848/07, 11 October 2011.

⁷ *Jafarov and Others v Azerbaijan*.

⁸ *Ismayilov v Azerbaijan; Tebieti Mühafize Cemiyeti and Israfilov v Azerbaijan*.

⁹ *Ramazanov and Others v Azerbaijan*.

¹⁰ *Association of Victims of Romanian Judges and Others v Romania* Appl no. 47732/06, 14 January 2014; *Aliyev and others v Azerbaijan*.

¹¹ *Nasibova v Azerbaijan*.

¹² *Zhdanov and Others v Russia*.

¹³ *Adana Tayad v Turkey*.

¹⁴ *"Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)" v "the former Yugoslav Republic of Macedonia"*; *Magyar Keresztény Mennonita Egyház and Others v. Hungary; Jehovah's Witnesses of Moscow v. Russia; Kimlya and Others v Russia; Church of Scientology Moscow v Russia; Moscow Branch of the Salvation Army v Russia*.

¹⁵ *Sidiropoulos and Others v Greece* Appl no. 26695/95, 10 July 1998; *House of Macedonian Civilisation and Others v Greece; United Macedonian Organisation Ilinden and Ors v Bulgaria; United Macedonian Organisation Ilinden and Ors v Bulgaria (No 2); United Macedonian Organisation Ilinden and Others v Bulgaria (No. 3); Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v Bulgaria; Vasilev and Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v. Bulgaria; National Turkish Union and Kungyun v Bulgaria; Islam-Ittihad Association and Others v Azerbaijan; Tourkiki Enosi Xanthis and Others v Greece; Emin and Others v Greece; Bekir-Ousta and Others v Greece*.

of their status as human rights defenders and for their engagement in the work of civil society organisations.

12. In such cases, the interference with their rights has an important negative impact on civil society space and freedom of association, and counters States':

"positive obligation to actively protect and promote a safe and enabling environment in which human rights defenders can operate safely without stigmatisation and fear of reprisals."¹⁶

13. Such persecution:

"would have affected not merely the applicant[s] alone, or human-rights defenders and NGO activists, but the very essence of democracy as a means of organising society."¹⁷

III. THE PROCESS OF EXECUTION OF JUDGMENTS

14. In accordance with Article 46 of the Convention, the High Contracting Parties have undertaken to comply with final judgments of the Court finding violations of the Convention. The High Contracting Parties must remedy the violations found. The judgments of the Court may contain directions or recommendations as to the remedies that the States concerned should take to give effect to the judgment however in the majority of cases the judgments of the Court simply determine whether there has been a violation of the Convention and in appropriate cases make an order for just satisfaction; typically the judgments do not set out the precise means to remedy the violation. Thus, the States concerned will enjoy a margin of appreciation as regards the means to be used by them to remedy the violation.
15. The means used to remedy violations must be adequate and effective; these means must put an end to the violation and remedy, as far as possible, the negative consequences for the applicant.¹⁸ This implies the payment of any sum awarded by the Court as just satisfaction or agreed between the parties in a friendly settlement as well as any other individual measures which are required to remedy the violation where mere monetary compensation cannot adequately erase the consequences of a violation. In addition to such individual measures which are directed at the violations suffered by the applicant, general measures to prevent violations similar to those found by the Court may also be required. In the case of violations of freedom of association these might entail, for example, the adoption of new legislation or regulations to simplify the process for registering associations and/or the removal of discriminatory measures that might impede certain groups from being able to exercise their right to freedom of association.
16. The execution of judgments is supervised by the Committee of Ministers of the Council of Europe, assisted by the Department for the Execution of Judgments of the Court. Once judgments and decisions become final, states must indicate to the Committee of Ministers as soon as possible the measures planned and/ or taken in an "action plan". The Committee of

¹⁶ Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe (*Adopted by the Committee of Ministers on 28 November 2018 at the 1330th meeting of the Ministers' Deputies*).

¹⁷ *Kavala v Turkey*, para. 231.

¹⁸ *Ilgar Mammadov v Azerbaijan* (Grand Chamber), Appl. no. 15172/13, 29 May 2019.

Ministers' supervision of the adoption and implementation of action plans will then follow a twin-track standard or enhanced procedure.

17. Most cases will follow the standard procedure, in which the Committee of Ministers limits its intervention to ensuring that adequate action plans or reports have been presented and verifying the adequacy of the measures announced and/or taken at the appropriate time. The standard procedure is based on the assumption that the execution process operates efficiently, and upon the principle that it is for the States Parties to the Convention to ensure the effective execution of the Court's judgments and decisions.¹⁹
18. The enhanced procedure is used for cases requiring urgent individual measures or revealing important structural problems (in particular pilot-judgments) and for inter-state cases. The supervision of these cases is given priority over the cases under the standard procedure, and the Secretariat is entrusted with a more active role in order to assist the states to adopt and implement the action plans. Only cases for enhanced supervision, or cases proposed to be transferred under enhanced procedure, can be examined on the merits in the context of the Committee of Ministers' Human Rights meetings, with or without debate, once on the order of business of a given meeting.²⁰
19. During the supervision process, applicants, NGOs and national institutions for the promotion and protection of human rights can submit communications, in writing.
20. Cases remain under supervision until the required measures have been taken. The Committee of Ministers will decide to close the examination of a case when it is convinced that all the necessary measures have been taken for the full execution of a judgment. Supervision is then closed by a final resolution.
21. In the cases reviewed for the purposes of this report:
 - 16 involve human rights or social justice non-governmental organisations;²¹
 - 11 involve religious non-governmental organisations;²² and
 - 11 involve organisations connected to minority groups.²³
22. It should be noted, however, that these statistics are approximate as of the time of release of this thematic study and should be understood as illustrative only. It should also be noted that

¹⁹ Committee of Ministers, "Supervision of the execution of the judgments and decisions of the European Court of Human Rights: implementation of the Interlaken Action Plan - Outstanding issues concerning the practical modalities of implementation of the new twin track supervision system", CM/Inf/DH(2010)45 final, 7 December 2010, para. 14.

²⁰ Committee of Ministers, "Supervision of the execution of judgments of the European Court of Human Rights: procedure and working methods for the Committee of Ministers' Human Rights meetings", 30 March 2016, GR-H(2016)2-final, Appendix III, para. 1.3.

²¹ *Jafarov and Others v Azerbaijan*; *Ramazanov and Others v Azerbaijan*; *Ismayilov v Azerbaijan*; *Aliyev and others v Azerbaijan*; *Nasibova v Azerbaijan*; *Zhdanov and Others v Russia*; *Tebieti Mühafize Cemiyeti and Israfilov v Azerbaijan*; *Adana Tayad v Turkey*; *Association of Solidarity with the Oppressed v Turkey*; *Çetinkaya v Turkey*; *Kavala v Turkey*; *Azizov and Novruzlu v Azerbaijan*; *Yunusova and Yunusov v Azerbaijan (No. 2)*; *Aliyev v Azerbaijan*; *Mammadli v Azerbaijan*; *Democracy and Human Rights Resource Centre and Mustafayev v Azerbaijan*.

²² *Moscow Branch of the Salvation Army v Russia*; *Church of Scientology of St Petersburg and Others v Russia*; *Kimlya and Others v Russia*; *Church of Scientology Moscow v Russia*; *Magyar Keresztény Mennonita Egyház and Others v Hungary*; *Bektashi Community and Others v the former Yugoslav Republic of Macedonia*; *"Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)" v "the former Yugoslav Republic of Macedonia"*; *Jehovah's Witnesses of Moscow v. Russia*; *Biblical Centre of the Chuvash Republic v Russia*; *Genov v Bulgaria*; *Metodiev and Others v Bulgaria*.

²³ *House of Macedonian Civilisation and Others v Greece*; *Emin and Others v Greece*; *Bekir-Ousta and Others v Greece*; *United Macedonian Organisation Ilinden and Ors v Bulgaria*; *United Macedonian Organisation Ilinden and Ors v Bulgaria (No. 2)*; *United Macedonian Organisation Ilinden and Others v Bulgaria (No. 3)*; *Yordan Ivanov and Others v Bulgaria*; *Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v Bulgaria*; *Islam-Ittihad Association and Others v Azerbaijan*; *Tourkiki Enosi Xanthis and Others v Greece*; *Vasilev and Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v Bulgaria*.

there can be overlap in categories (the classification of associations involved in the proceedings and/or the issues raised by the cases) and differences of views as to how judgments are best classified.

23. At the time of writing:

15 judgments had been pending execution for more than 10 years since their adoption;²⁴

5 judgments have been pending for more than five years (and less than ten years) since their adoption;²⁵ and

11 judgments have been pending for more than 2 years (and less than five years).²⁶

24. The remaining seven cases have been pending for less than two years.²⁷

IV. ISSUES ADDRESSED IN THE JUDGMENTS AND THEIR EXECUTION

25. There are four main issues canvassed in the judgments and their execution: i) the refusal to register, and significant delays to register associations; ii) the requirement to re-register associations; iii) the involuntary dissolution of associations; and iv) arbitrary detention and other breaches of the rights of human rights defenders to punish and silence them for their membership in human rights organisations. These issues are considered in turn.

IV.1 Refusal to register, and significant delays to register associations

26. Many of the judgments reviewed for the purposes of this study concern the refusal by the competent State authorities to register an association or significant delays in the registration process. The judgments where execution has proved most problematic concern issues which are politically sensitive in the States concerned (e.g., the rights and status of minority ethnic or religious groups; the rights of LGBTI people; and the ability of human rights groups to function).
27. A number of the “refusal to register” judgments concern identical or similar facts or issues, demonstrating that some States have not (adequately or at all) amended their practices in order to guarantee non-recurrence following the issuance of judgments by the Court. For instance, following the finding of a violation of freedom of association by the Court, the same or similar applicants re-attempting to register the association in line with the judgment are met again with a refusal to register on the same or similar grounds. Also, some States have violated freedom of association in a series of cases involving different applicants seeking to register diverse

²⁴ *Emin and Others v Greece*; *Bekir-Ousta and Others v Greece*; *United Macedonian Organisation Ilinden and Ors v Bulgaria*; *United Macedonian Organisation Ilinden and Ors v Bulgaria (No 2)*; *Ramazanov and Others v Azerbaijan*; *Ismayilov v Azerbaijan*; *Aliyev and others v Azerbaijan*; *Nasibova v Azerbaijan*; *Moscow Branch of the Salvation Army v Russia*; *Kimlya and Others v Russia*; *Church of Scientology Moscow v Russia*; *Jehovah's Witnesses of Moscow v Russia*; *Tebieti Mühafize Cemiyeti and Israfilov v Azerbaijan*; *Çetinkaya v Turkey*; *Tourkiki Enosi Xanthis and Others v Greece*.

²⁵ *House of Macedonian Civilisation and Others v Greece*; *Magyar Keresztény Mennonita Egyház and Others v Hungary*; *Biblical Centre of the Chuvash Republic v Russia*; *Islam-Ittihad Association and Others v Azerbaijan*; *Church of Scientology of St Petersburg and Others v. Russia*, no. 47191/06, 2 October 2014.

²⁶ *United Macedonian Organisation Ilinden and Others v Bulgaria (No. 3)*; *Yordan Ivanov and Others v Bulgaria*; *Jafarov and Others v Azerbaijan*; *Zhdanov and Others v Russia*; *Bektashi Community and Others v the former Yugoslav Republic of Macedonia*; *"Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdioese of the Peć Patriarchy)" v "the former Yugoslav Republic of Macedonia"*; *Kavala v Turkey*; *Aliyev v Azerbaijan*; *Mammadli v Azerbaijan*; *Genov v Bulgaria*; *Metodiev and Others v Bulgaria*.

²⁷ *Adana Tayad v Turkey*; *Association of Solidarity with the Oppressed v Turkey*; *Azizov and Novruzlu v Azerbaijan*; *Democracy and Human Rights Resource Centre and Mustafayev v Azerbaijan*; *Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v Bulgaria*; *Vasilev and Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v Bulgaria*; *Yunusova and Yunusov v Azerbaijan (No. 2)*.

associations, but the refusals to register follow similar patterns and are for much the same reasons, and do not take full account of the Court's rulings in earlier cases.

28. This "repeat" refusal to register is particular evident in cases involving associations seeking to promote minority ethnic or religious rights.
29. In *Sidiropoulos and Others v Greece* (1998), the request to register the non-profit association "House of Macedonian Civilisation", which claimed to be "ethnically Macedonian" was rejected, resulting in the finding of a violation of Article 11 of the Convention. The Court considered that the refusal to register the association amounted to an interference by the authorities with the applicants' exercise of their right to freedom of association. The refusal deprived the applicants of any possibility of jointly or individually pursuing the aims they had laid down in the association's memorandum of association and of thus exercising the right in question.²⁸
30. While the interference was "prescribed by law", and it was accepted that the interference was intended to pursue the legitimate aim of protecting national security and preventing disorder, the Court determined that it was disproportionate to the objectives pursued. As the Court had indicated that the judgment constituted in itself sufficient just satisfaction for the non-pecuniary damages, and costs and expenses had been paid by the State concerned, the Committee of Ministers determined that the judgment had been executed.²⁹
31. However, a later attempt to register the same association in Greece to promote "ethnically Macedonian" affairs, also resulted in a refusal to register, for largely the same reasons as those at issue in *Sidiropoulos and Others v Greece* – see *House of Macedonian Civilisation and Others v Greece*,³⁰ and execution remains pending in that case, because of the lack of progress in adapting the case law of Greek courts to the requirements of the Convention, among other reasons.³¹
32. Likewise, other judgments by the European Court concerning the failure by the Greek authorities to register associations purporting to promote the interests of minority groups and decided on a similar basis to *Sidiropoulos and Others v Greece* remain pending. This is the case with *Emin and Others v Greece*,³² which concerned the refusal to register the "Cultural Association of Turkish Women of the Region of Rodopi", and *Bekir-Ousta and Others v Greece*,³³ which involved the refusal to register the "Evros Prefecture Minority Youth Association", an association set up by the Muslim minority in Western Thrace. The failure of the Greek courts to register these two associations was motivated by concerns about the suspected intentions of the associations to spread the idea that there were ethnic minorities living in Greece whose rights were not being protected.
33. In both cases, the Court held that the aims of these associations did not constitute a threat to democratic society and that there was nothing in their statutes to indicate that its members advocated the use of violence or of undemocratic or unconstitutional means. The Court determined that the refusal to register the associations did not satisfy a pressing social need and therefore had been disproportionate to the aims pursued. While in December 2017, the Committee of Ministers "welcomed the adoption of the law allowing the reopening of the

²⁸ *Sidiropoulos and Others v Greece* Appl no. 26695/95, 10 July 1998, para. 31.

²⁹ CoM, *Sidiropoulos and Others v Greece*, Appl no. 26695/95, Res-54, 24 July 2000.

³⁰ *House of Macedonian Civilisation and Others v Greece*.

³¹ *Ibid.*

³² *Emin and Others v Greece*.

³³ *Bekir-Ousta and Others v Greece*.

proceedings in the applicants' cases",³⁴ execution of both cases remains pending because the re-opening of the proceedings initiated by the applicants before domestic courts is still pending.³⁵

34. The Court has made similar findings in respect of Bulgaria, where the competent authorities have routinely refused to register associations promoting minority rights in the country based on considerations of national security, protection of public order and the rights of others (alleged separatist ideas) and on the constitutional prohibition on associations pursuing political goals, as well as failure to meet formal legal requirements.
35. Thus, in a series of cases,³⁶ the Court has found that the refusal to register Ilinden, an association devoted to the promotion of Macedonian heritage, a refusal repeated in successive requests by the applicant association, breached Article 11 because the interference with freedom of association was not "necessary in a democratic society". Bulgarian authorities have refused to register the Macedonian Club for Ethnic Tolerance in Bulgaria³⁷ and the Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror,³⁸ on similar grounds, with the Court finding in both cases that the interferences with freedom of association were not necessary in a democratic society. The possibility for the associations to re-apply for registration – while capable of being taken into account in assessing the proportionality of the interference – did not alter that conclusion.³⁹
36. This group of cases remains pending before the Committee of Ministers, having regard to the Committee's finding that the most recent registration requests initiated by the applicant associations continue to reveal problems related to an apparently inconsistent application of formal legal requirements or reliance on grounds related to the applicant associations' goals.⁴⁰
37. The refusal of the Bulgarian authorities to register certain religious associations has also resulted in judgments finding violations of Articles 9 and 11.
38. Thus, in *Genov v Bulgaria*,⁴¹ the Bulgarian authorities refused to register the applicant's new religious association - the International Society for Krishna Consciousness (ISKCON) – Sofia, Nadezhda, on the basis that the association could not be distinguished from another one already registered. In finding a violation of Articles 9 and 11 of the European Convention, the European Court determined that the refusal was not necessary in a democratic society.
39. Similarly, in *Metodiev v Bulgaria*,⁴² the Bulgarian authorities refused to register as a religious association the Ahmadiyya Muslim Community, because of an imprecise description of its beliefs and rites in its statute. This prevented the association from acquiring legal personality and exercising the rights associated with that status which were essential for the manifesting of its religion. Furthermore, the requirement to demonstrate how the beliefs of the association were different from other denominations already registered could result in only one religious

³⁴ CoM, 1302nd meeting (5-7 December 2017).

³⁵ CoM, *Case of Bekir-Ousta and Others against Greece and 2 Other Cases*, Appl nos. 35151/05, 34144/05, 26698/05, Res-54, 9 June 2021.

³⁶ *United Macedonian Organisation Ilinden and Ors v Bulgaria*; *United Macedonian Organisation Ilinden and Ors v Bulgaria* (No. 2); *United Macedonian Organisation Ilinden and Others v Bulgaria* (No. 3); *Yordan Ivanov and Others v Bulgaria*.

³⁷ *Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v Bulgaria*.

³⁸ *Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v. Bulgaria*.

³⁹ *United Macedonian Organisation Ilinden and Ors v Bulgaria* (No 2); *Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v Bulgaria*.

⁴⁰ CoM, *Umo Ilinden and Others v Bulgaria*, Supervision of the execution of the European Court's judgments, CM/Del/Dec(2022)1428/H46-7, 9 March 2022.

⁴¹ *Genov v Bulgaria*.

⁴² *Metodiev and Others v Bulgaria*.

association for each religious movement. The Court determined that this violated Article 9 in light of Article 11.

40. Both the *Genov* and *Metodiev* cases remain pending before the Committee of Ministers.
41. In a series of cases concerning registration of non-governmental organisations (“NGOs”) in Azerbaijan, the Court has found that the law on state registration and the manner in which it was being applied which resulted in repeated refusals to register associations on technical grounds,⁴³ and significant delays to register associations,⁴⁴ constituted unjustifiable interferences with the applicants’ right to freedom of association. The Court considered that the legislation did not meet the “quality of law” requirement under the Convention, opening up the possibility for arbitrary or abusive application. It also determined that the repeated failure of the Ministry of Justice to take a definitive decision, or to respond within the statutory time-limits to requests for state registration, amounted to *de facto* refusals to register the associations.⁴⁵ Without State registration, associations could not obtain the status of a legal entity and associated rights such as obtaining funding, opening a bank account or hiring employees, meaning it could not function properly.
42. Following the issuance of the judgments, the respective associations were all subsequently registered, except for the Azerbaijani Lawyers’ Forum.⁴⁶ The law on “state registration and the state register of legal entities” was modified in December 2003, entering into force in January 2004. The amendments provide that if within a given period (in principle within 40 days), a reply rejecting state registration is not given, the organisation is deemed to be registered by the state. In such cases, the relevant executive body of the Republic of Azerbaijan shall issue to the applicant a certificate of state registration no later than within 10 days.
43. The Committee of Ministers is awaiting further information on the implementation of these (almost 20 year old) legislative amendments, as part of its consideration as to whether the respective judgments may be considered to have been fully executed.⁴⁷ It should be noted, however, that the *Jafarov and Others* case concerned a refusal to register which took place after the said reforms came into effect, and which the Court determined was violative of Article 11 of the Convention. Civil society groups’ submissions to the Committee of Ministers have encouraged it to consider the broad picture related to the impact of the entirety of the legislative framework on freedom of association violations in Azerbaijan when assessing whether the respective cases should be considered executed.⁴⁸
44. In *Zhdanov v Russia*, the Court found that the refusal to register associations set up to promote the rights of LGBT people in Russia amounted to an interference with the right to freedom of association which, even though it may have had a basis in domestic law did not pursue a legitimate aim and was not necessary in a democratic society.
45. The positive obligation to secure the effective enjoyment of the right to freedom of association and assembly was understood to be of particular importance for persons holding unpopular

⁴³ *Jafarov and Others v Azerbaijan*.

⁴⁴ *Ramazanova and Others v Azerbaijan*; *Ismayilov v Azerbaijan*; *Aliyev and others v Azerbaijan*; *Nasibova v Azerbaijan*.

⁴⁵ E.g., *Nasibova v Azerbaijan*; *Ramazanova*, *Ismayilov*, *Aliyev and Others*.

⁴⁶ This was at issue in the *Aliyev and Others* judgment; the applicants in that case did not make a subsequent request for registration.

⁴⁷ *Ramazanova and Others v Azerbaijan*, Standard Procedure, <https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22004-1607%22%5D%7D>.

⁴⁸ Communication from NGOs (Human Rights House Foundation, Election Monitoring and Democracy Studies Center, Legal Education Society, Women’s Association for Rational Development) (03/05/2021) in the case of *Ramazanova and Others v Azerbaijan*, DH-DD(2021)507, 18 May 2021; Communication from an NGO (International Partnership for Human Rights) (23/04/2021) in the case of *Ramazanova and Others v Azerbaijan*, 1406th meeting, June 2021.

views or belonging to minorities, because they are more vulnerable to victimisation. The Court determined that the interference also amounted to discrimination on grounds of sexual orientation.⁴⁹

46. At the time of writing, more than two years after the issuance of the judgment and after it became final, no action plan on execution had been received, though the Committee of Ministers had placed the case in its enhanced procedure for execution.⁵⁰
47. The case of *Alekseyev v Russia*,⁵¹ which raises issues concerning the right to freedom of peaceful assembly (marches aimed at drawing attention to the discrimination against the LGBTI community in Russia) as opposed to freedom of association, remains pending under the enhanced procedure before the Committee of Ministers, more than ten years after the judgment was issued. Furthermore, *Bayev and Others v Russia*,⁵² which raises similar issues, remains pending since 2017.

IV.2 Requirements to re-register associations

48. Several cases concerning the requirement that associations re-register to comply with new legislation, and subsequent difficulties associations have experienced related to re-registration processes, have resulted in findings of violations of the Convention. These cases relate predominantly to religious associations and have resulted in violations of Article 11 often in conjunction with or in light of Article 9 (freedom of religion).
49. For example, in 2012 Hungary put in place a two-tier system of church recognition whereby a number of churches were by virtue of the law considered to be registered and thus entitled to continue enjoying certain advantages from the State for the performance of faith-related activities whereas others had to apply to Parliament to be registered as incorporated churches. Accordingly, the Magyar Keresztény Mennonita Egyház and many other religious communities in Hungary lost their status as registered churches following the entry into force in 2012 of the new Hungarian Church Act.
50. The Court found that:

“in removing the applicants’ church status altogether rather than applying less stringent measures, in establishing a politically tainted re-registration procedure whose justification as such is open to doubt, and finally, in treating the applicants differently from the incorporated churches not only with regard to the possibilities for cooperation but also with regard to entitlement to benefits for the purposes of faith-related activities, the authorities disregarded their duty of neutrality vis-à-vis the applicant communities.”⁵³
51. In 2015, Hungary concluded agreements with several of the applicants as regards their claims for just satisfaction and the applicants in question waived any further claims against Hungary in respect of the facts giving rise to their applications. However, according to several of the

⁴⁹ *Zhdanov and Others v Russia*.

⁵⁰ CoM, *Zhdanov and Others v Russia*, <https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%22Zhdanov%22%2C%22EXEIdentifier%22:%5B%22004-54147%22%2C%22EXECDocumentTypeCollection%22:%5B%22CEC%22%5D%7D>.

⁵¹ *Alekseyev v Russia*, Appl nos. 4916/07, 25924/08, 14599/09, 21 October 2010.

⁵² *Bayev and Others v Russia*, Appl no. 67667/09, 20 June 2017.

⁵³ *Magyar Keresztény Mennonita Egyház and Others v Hungary*, para. 115.

applicants, the legal impediments which gave rise to the violations remain.⁵⁴ The case remains pending before the Committee of Ministers.

52. In Russia, the Religions Act (1997) required religious associations to re-register, failing which they would cease to be recognised as a legal entity.
53. In *Moscow Branch of the Salvation Army v Russia*, the applicant was denied re-registration on a range of formal and other grounds linked to the alleged foreign origins of the religious association and was eventually struck off the register. The Court held that in denying the applicant's re-registration the authorities had not acted in good faith and had neglected their duty of neutrality and impartiality vis-à-vis the applicant's religious community. Accordingly, there had been an unjustified interference with its right to freedom of religion and association.⁵⁵
54. Similarly, in *Church of Scientology Moscow v Russia*, following the entry into force of the 1997 Religions Act, the applicant applied to re-register 11 times and the Justice Department persistently refused to re-register the association. Ultimately, the courts found that the refusal to examine the applicant's amended charter had had no lawful basis and the Justice Department was ordered to re-examine the application for re-registration. The Justice Department refused the applicant's last application on a new ground, notably the failure to produce a document proving the applicant's presence in Moscow for at least fifteen years.⁵⁶ The Court held that there had been interference with the applicant's rights to freedom of association in that it had not been re-registered and was restricted in exercising the full range of its religious activities. It also determined that the Justice Department had acted in an arbitrary manner and the refusals had not been "in accordance with the law". The authorities had not acted in good faith and had neglected their duty to be neutral and impartial vis-à-vis the applicant's religious community.⁵⁷
55. The Court took a similar approach in *Kimlya and Others v Russia*, which concerned the panoply of challenges faced by church of scientology branches. One applicant could not obtain registration as a non-religious legal entity because it was considered to be a religious community, whereas the various applications for registration as a religious organisation were denied as the applicants had failed to provide evidence confirming at least fifteen years' existence in the region. The restricted status of a religious group (as opposed to a religious organisation) for which they qualified conveyed no practical benefit to them as a group as it deprived them of legal personality and the effective enjoyment of their rights to freedom of religion and association in any organisational form. This constituted an interference with the rights to freedom of religion and association which the European Court determined was not "necessary in a democratic society".⁵⁸
56. The association in the *Moscow Branch of the Salvation Army* case was, following the European Court's judgment, able to be registered (it was registered under the name of the Local Religious Organisation of Evangelic Christians "Salvation Army" in Moscow), whereas in *Church of Scientology Moscow*⁵⁹, further attempts to re-register failed (in *Kimlya* the associations did not proceed with the re-registrations).

⁵⁴ CoM, Communication from the applicant (12/02/2019) in the case of *Magyar Keresztény Mennonita Egyház and Others v Hungary*, 1348th meeting (June 2019) (DH) - Rule 9.1, 2 April 2019. See also, CoM, Communication from a NGO (Hungarian Civil Liberties Union) (08/10/2019) in the case of *Magyar Keresztény Mennonita Egyház and Others v Hungary*, 1362nd meeting (December 2019) (DH) - Rule 9.2.

⁵⁵ *Moscow Branch of the Salvation Army v Russia*.

⁵⁶ See the similar ruling in *Kimlya and Others v. Russia*. See also, *Church of Scientology of St Petersburg and Others v Russia*.

⁵⁷ *Church of Scientology Moscow v Russia*.

⁵⁸ *Kimlya and Others v. Russia*.

⁵⁹ CoM, Communication from the applicants' representative (02/12/2013) in *Church of Scientology Moscow against Russian Federation* (Application No. 18147/02) - Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of

57. In what was then known as the former Yugoslav Republic of Macedonia,⁶⁰ new legislation entered into force in 2007 which required certain churches, religious communities and related groups to re-register to retain their status as religious organisation. Several requests of the Bektashi community to re-register were denied on formal grounds, as was the request by the "*Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdioese of the Peć Patriarchy)*".
58. The Court considered that the reasons provided by the national courts taken as a whole, were not "relevant and sufficient" to justify the interferences with the applicants' freedom of association.⁶¹ Following the issuance of the judgments, both applicants requested that the registration proceedings be reopened, though to date, for a variety of reasons linked to the requirements for re-registration including the requirement that the associations change their names, the applicant associations have not been re-registered. The cases remain pending before the Committee of Ministers.⁶²

IV.3 The involuntary dissolution of associations

59. A refusal to register or re-register an association can result in the involuntary dissolution of the association. Dissolution may be the consequence of overly onerous registration processes. It can also occur for other reasons and may constitute a separate violation of the right to freedom of association.
60. In *Jehovah's Witnesses of Moscow v. Russia*⁶³ the association was ordered to be dissolved following five unsuccessful attempts to re-register it following the coming into force of the Religions Act (1997).
61. The Court held that the dissolution order and blanket ban of their activities was an interference with the applicants' rights that was disproportionate to the legitimate aim pursued and was not necessary in a democratic society. Following the issuance of the judgment, the Jehovah's Witnesses of Moscow was registered in 2015. However, on 20 April 2017, under anti-extremism legislation, the Supreme Court dissolved the central body and regional branches of the "Jehovah's Witnesses Administrative Centre in Russia" and all its constituent local branches, including the applicant Moscow branch, banned their activities and confiscated their property.⁶⁴
62. The Committee of Ministers has commented that the new ban

"has effectively nullified the progress noted earlier by the Committee and, while it remains in place, makes the adoption of any further measures, either individual or general, practically impossible... [and] has created a legal ground for the repetition of similar violations, concerning not only the applicants, but all other individuals and communities in their situation."⁶⁵

the execution of judgments and of the terms of friendly settlements, 1193 meeting (4-6 March 2014) (DH), DH-DD(2014)45, 10 January 2014.

⁶⁰ The Republic of North Macedonia, as of 12 February 2019.

⁶¹ *Bektashi Community and Others v the former Yugoslav Republic of Macedonia; "Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdioese of the Peć Patriarchy)" v "the former Yugoslav Republic of Macedonia"*.

⁶² CoM, Ministers' Deputies, 1340th meeting, 12-14 March 2019 (DH) H46-22 "*Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)*" v. "*the former Yugoslav Republic of Macedonia*" (Application No. 3532/07).

⁶³ *Jehovah's Witnesses of Moscow v. Russia*.

⁶⁴ The impact of the Supreme Court ruling on freedom of association and freedom of religion is subject to a separate complaint before the Court [Administrative Centre of Jehovah's Witnesses in Russia and Kalin v. Russia (no. 10188/17) – Communicated 1 December 2017].

⁶⁵ CoM, Ministers' Deputies, H46-17 *Jehovah's Witnesses of Moscow and Others (Application No. 302/02) and Krupko and Others (Application No. 26587/07) v. Russian Federation*, Notes on the Agenda, CM/Notes/1383/H46-17, 1 October 2020.

The matter remains pending in the enhanced procedure before the Committee of Ministers.

63. In *Biblical Centre of the Chuvash Republic v Russia*, a Pentecostal mission that had been registered since 1991 was dissolved with immediate effect in October 2007 by order of the Supreme Court on the grounds that it had conducted educational activities without authorisation and in breach of sanitary and hygiene rules. The Court held that this violated Article 9 interpreted in light of Article 11 given that there would have been other, less intrusive, means of achieving the declared aim and therefore dissolution had not been necessary in a democratic society. Execution remains pending before the Committee of Ministers.⁶⁶
64. In several cases involving Azerbaijan, the Court has held that the dissolution of associations violated the applicants' rights and was not justifiable or necessary in the circumstances.
65. Thus, in *Islam-Ittihad Association and Others v Azerbaijan*, the authorities dissolved the association on the basis that it was unlawfully engaging in religious activities. The Court determined that the lack of any definition of the term "religious activity" made it impossible for the applicants to foresee what constituted "religious activity" in order to carry out their activities in line with domestic law, thus the interference was not prescribed by law.⁶⁷
66. In *Tebieti Mühafize Cemiyeti and Israfilov v Azerbaijan*, an environmental association was ordered dissolved on the basis that it was carrying out activities outside its charter and prohibited by law. In finding a violation, the Court considered that immediate dissolution was a drastic measure disproportionate to the legitimate aim pursued.⁶⁸ Following its judgment, the associations were registered though wider challenges remain and the cases remain pending before the Committee of Ministers.
67. In *Adana Tayad v Turkey*, the Court held that Turkey violated Article 11 of the European Convention when the District Court ordered the dissolution of the association "Association for Mutual Aid and Solidarity with the Families of Prisoners and Convicts in Adana" (Adana Tayad) on the grounds of the purported illegal activities of certain members of the association's board of directors, while the judgments handed down in the proceedings relating to those offences were not yet final.
68. The Court considered that the outright dissolution of an association was a very harsh measure entailing significant consequences for its members, and could be taken only in the most serious cases. Under Article 11, High Contracting Parties have a heightened duty to provide reasons justifying such a measure. While the interference had been "prescribed by law", namely by Article 89 of the Civil Code, and had been aimed at the prevention of disorder, the interference had not been shown to be "necessary in a democratic society". The domestic courts had not considered less stringent measures, and the Government had not provided sufficient evidence that the dissolution of the association had been the only option capable of achieving the authorities' aims.⁶⁹
69. In a similar case, *Association of Solidarity with the Oppressed v Turkey*,⁷⁰ the Court held that the dissolution of the applicant association on the grounds that certain members of the association were guilty of illegal activities and had links to an illegal organisation, while the proceedings

⁶⁶ *Biblical Centre of the Chuvash Republic v Russia*.

⁶⁷ *Islam-Ittihad Association and Others v Azerbaijan*.

⁶⁸ *Tebieti Mühafize Cemiyeti and Israfilov v Azerbaijan*.

⁶⁹ *Adana Tayad v Turkey*.

⁷⁰ *Association of Solidarity with the Oppressed v Turkey*.

relating to these offenses were not yet final, violated their rights. Further, Article 11 imposes on the State a high burden of justifying the dissolution of an association which was not met in this case.

70. The Court noted that it:

“does not perceive any convincing element capable of justifying the dissolution of the association insofar as the court in no way verified whether the facts alleged against the interested parties were established or whether the conditions required by law for dissolution were met”

and

“also did not consider whether and to what extent acts allegedly committed by members of the association or by its leaders could engage the responsibility of the association itself. It must therefore be noted that the scope of the control he carried out was very limited.”⁷¹

71. These cases are pending execution before the Committee of Ministers, together with the case of *Çetinkaya v Turkey*, in which the Court found a violation of the right to freedom of association of the director of a human rights association on account of his conviction for participating in an unlawful demonstration and thus acting in breach of the aims specified in the statute of the association.⁷²

72. In *Tourkiki Enosi Xanthis and Others v Greece*, an association founded by persons belonging to the Muslim minority of Western Thrace (Greece) with a mandate to preserve and promote the culture of the “Turks of Western Thrace” and which had pursued its activities unhindered for nearly half a century, was ordered to be dissolved because its mandate went counter to public policy.⁷³ The Court held that the intention of publicly debating the fate and identity of part of the population of a State, is not enough to impose such a drastic limitation on an association, as its dissolution. The right to express one's views through freedom of association and the notion of personal autonomy imply the right of everyone to express, within the framework of legality, one's beliefs about one's ethnic identity. The essence of democracy lies in its ability to solve problems through open debate.⁷⁴

73. Consequently, the decision contravened Article 11. The case is pending execution with the Committee of Ministers.

IV.4 Arbitrary detention and other breaches of the rights of human rights defenders to punish and silence them for their membership in human rights organisations

74. In a number of Member States, human rights defenders have been detained and their actions criminalised with the intent of silencing not only them, but also the associations for which they work. This negatively impacts the right to freedom of association among other rights.

75. For example, in *Kavala v Turkey*,⁷⁵ which concerned the arrest in October 2017 of the applicant in relation to allegations of attempting to overthrow the government, the Court held that in the

⁷¹ *Ibid*, para 25.

⁷² *Çetinkaya v Turkey*.

⁷³ *Tourkiki Enosi Xanthis and Others v Greece*.

⁷⁴ *Ibid*, para 56.

⁷⁵ *Kavala v Turkey*.

absence of evidence to support a reasonable suspicion he had committed an offence, the applicant's arrest and lengthy detention served the ulterior purpose of silencing him and creating a chilling effect on civil society, and were "likely to have a dissuasive effect on the work of human-rights defenders" (para 232), violating Article 18 of the Convention in conjunction with Article 5. In its judgment, the Court took the rare decision to order pursuant to Article 46 of the Convention, that the applicant be released immediately from detention.

76. The Court has made similar Article 18 findings in a number of judgments involving Azerbaijan, holding that the freezing of bank accounts and the imposition of travel bans,⁷⁶ and the arbitrary prosecution of human rights defenders constituted an abuse of the law and had an ulterior motive of silencing them for their activities.
77. Thus, in *Aliyev v Azerbaijan*,⁷⁷ which concerned the detention and related abuses perpetrated against the applicant, a lawyer who represents applicants before the Convention institutions, the Court considered that the authorities' actions were driven by improper reasons and the actual purpose of the impugned measures was to silence and to punish the applicant for his activities in the area of human rights as well as to prevent him from continuing those activities.
78. As in its ruling in the *Kavala* case, the Court decided, pursuant to Article 46, to indicate individual and general measures to be taken by Azerbaijan. It held that:

"the necessary general measures ... must focus, as a matter of priority, on the protection of critics of the government, civil society activists and human-rights defenders against arbitrary arrest and detention. The measures to be taken must ensure the eradication of retaliatory prosecutions and misuse of criminal law against this group of individuals and the non-repetition of similar practices in the future."⁷⁸

Furthermore, the Court held that individual measures:

"must be determined in the light of the terms of the Court's judgment and, in particular, with due regard to its conclusions in respect of the retaliatory nature of the measures taken against the applicant with a view to punishing him for his activities in the area of human rights as well as to prevent him from continuing his work as a human-rights defender."⁷⁹

79. In *Azizov and Novruzlu v Azerbaijan*,⁸⁰ in almost identical circumstances to the facts in *Rashad Hasanov and others v Azerbaijan*⁸¹ (which concerned the same applicant organisation), the Court, in finding that there had been a violation of Article 18 of the Convention taken in conjunction with Article 5(3), held that there was an ulterior purpose in the applicants' pre-trial detention for their involvement in demonstrations; namely, the detention was aiming at punishing and silencing members of the civic movement NIDA, a non-governmental organisation established by a group of young people to seek liberty, justice, truth and change in Azerbaijan, and aimed at paralysing the activities of that organisation. Further, it determined

⁷⁶ *Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan*.

⁷⁷ *Aliyev v Azerbaijan*.

⁷⁸ *Ibid*, para. 226.

⁷⁹ *Ibid*, para. 227.

⁸⁰ *Azizov and Novruzlu v Azerbaijan*.

⁸¹ *Rashad Hasanov and others v Azerbaijan*, nos. 48653/13, 52464/13, 65597/13 and 70019/13, 7 June 2018.

that the ulterior purpose was the predominant purpose of the restriction of the applicants' right to liberty.

80. Similarly, in *Yunusova and Yunusov v Azerbaijan (no. 2)*,⁸² the Court determined that there had been a violation of Article 18 of the Convention in conjunction with Article 5, on account that the authorities' actions in relation to the applicants - the director and the researcher and head of department of the "Institute for Peace and Democracy" were driven by improper reasons and the actual purpose of the impugned measures (including the detention of the applicants) was to silence and to punish them for their NGO activities in Azerbaijan.⁸³
81. In *Mammadli v Azerbaijan*, the applicant, the chairman of the Election Monitoring and Democracy Studies Centre, a non-governmental organisation specialised in monitoring of elections was arbitrarily arrested, the actual purpose being to silence and punish him for his activities in the area of electoral monitoring, which was held by the Court to contravene Article 18 in conjunction with Article 5.⁸⁴

V. ASPECTS OF EXECUTION

V.1 Individual measures

82. Individual measures should put the applicants, to the extent possible, in the position in which they would have been had the requirements of the European Convention not been disregarded. In exercising their choice of individual measures, the State party must bear in mind their primary aim of achieving *restitutio in integrum*.⁸⁵
83. The Court has only rarely indicated specific individual measures in its judgments in accordance with Article 46 of the Convention and even more rarely in freedom of association cases, even when the cases revealed similar facts or issues canvassed in prior cases related to the States concerned.
84. However, the Court has indicated individual measures in some of the Article 18 cases considered in this thematic study, namely in the *Kavala* case, where the Court indicated under Article 46 that the nature of the violation left no real choice as to the measures required to remedy it, and held that the government was to take every measure to put an end to the applicant's detention and to secure his immediate release. Similarly, but less precisely, in *Aliyev v Azerbaijan* (also involving a violation of Article 18 in conjunction with Article 5), the Court noted that individual measures:

"must be determined in the light of the terms of the Court's judgment and, in particular, with due regard to its conclusions in respect of the retaliatory nature of the measures taken against the applicant with a view to punishing him for his activities in the area of human rights as well as to prevent him from continuing his work as a human-rights defender."⁸⁶

⁸² *Yunusova and Yunusov v Azerbaijan (No. 2)*.

⁸³ See also, *Rashad Hasanov and others v Azerbaijan*; *Mammadli v Azerbaijan*; *Rasul Jafarov v Azerbaijan*.

⁸⁴ *Mammadli v Azerbaijan*.

⁸⁵ *Ilgar Mammadov v Azerbaijan* (Grand Chamber), Appl no. 15172/13, 29 May 2019, para. 150.

⁸⁶ *Aliyev v Azerbaijan*, para. 227.

85. In its dialogue with Member States, the Committee of Ministers has regularly indicated the types of individual measures that they may take to rectify violations of the right to freedom of association. What will be considered as adequate and appropriate individual measures will depend not only on the nature of the violation but on the particular circumstances of the case.
86. Thus, with respect to the refusal to register cases, cases involving significant delays in registration, and the involuntary dissolution of associations, the Committee of Ministers has called on the Member States concerned to ensure that outstanding appeals are decided promptly and in full and effective compliance of Article 11 of the Convention and the Court's case law;⁸⁷ it has also called on the States to reopen registration proceedings, and to enable applicants to submit new registration requests should they so wish.⁸⁸
87. The Committee of Ministers has determined that a subsequent decision by the competent registration authority to register the applicants (following the issuance of the Court's judgment) may constitute appropriate individual measures in an involuntary dissolution case.⁸⁹ Similarly, it has determined that the ability of applicants to subsequently establish an association with similar aims to what was specified in their Constitution constituted an appropriate individual measure in a "refusal to register" case.⁹⁰
88. In the *Mammadli* group of cases (revealing "a troubling pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law"), the Committee of Ministers has recalled that
- "restitutio in integrum* in this group of cases requires the quashing of the applicants' convictions, their erasure from their criminal records and the elimination of all other consequences of the criminal charges brought against them, including by fully restoring their civil and political rights."⁹¹
89. On 19 November 2021, the Plenum of the Azerbaijan Supreme Court reportedly examined a number of cases that are pending execution before the Committee of Ministers, including the cases of *Rashad Hasanov* and *Uzeyir Mammadli*; it quashed the applicants' convictions, discontinued criminal proceedings against them and awarded them compensation for non-pecuniary damage sustained as a result of unlawful arrest and imprisonment.⁹² In December 2021 the Ministers' Deputies determined that as a result of the Supreme Court decision, no further individual measures were required with respect to the applicants Rashad Hasanov, Uzeyir Mammadli and several others. It was decided to close the execution of the *Rashad Hasanov case*,⁹³ but the remaining cases remain open.⁹⁴

⁸⁷ CoM, Case of Bekir-Ousta and Others against Greece and 2 Other Cases, Res-54, 9 June 2021.

⁸⁸ CoM, 1377 meeting (DH) June 2020 - H46-23 "Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)" v. North Macedonia, CM/Del/Dec(2020)1377/H46-23, 4 June 2020.

⁸⁹ CoM, Resolution CM/ResDH(2017)293, Execution of the judgment of the European Court of Human Rights, *Association of Citizens "Radko" and Paunkovski against "the former Yugoslav Republic of Macedonia"*, (Adopted by the Committee of Ministers on 21 September 2017 at the 1294th meeting of the Ministers' Deputies). See also, CoM, Resolution CM/ResDH(2018)161, Execution of the judgment of the European Court of Human Rights, *IPSD and Others against Turkey*, (Adopted by the Committee of Ministers on 10 April 2018 at the 1313th meeting of the Ministers' Deputies).

⁹⁰ CoM, Execution of the judgment of the European Court of Human Rights, *Özbek and others against Turkey* (Adopted by the Committee of Ministers on 3 December 2020 at the 1390th meeting of the Ministers' Deputies).

⁹¹ CoM, Case of *Mammadli against Azerbaijan and 5 Other Cases*, Res-54, 11 March 2021.

⁹² See news statement: <https://www.coe.int/en/web/execution/-/azerbaijan-execution-of-echr-judgments>.

⁹³ Resolution CM/ResDH(2021)426, Execution of the judgment of the European Court of Human Rights, *Rashad Hasanov and Others against Azerbaijan (Mammadli group)* (Adopted by the Committee of Ministers on 2 December 2021 at the 1419th meeting of the Ministers' Deputies).

⁹⁴ 1419th meeting (DH), 30 November- 2 December 2021 - H46-4, *Mammadli group v. Azerbaijan* (Application No. 47145/14), M/Del/Dec(2021)1419/H46-4.

V.2 General measures

90. General measures should prevent similar violations occurring. Member States are obligated to solve the problems underlying violations found.⁹⁵ The measures to execute the judgment taken by the respondent State must be compatible with the conclusions and spirit of the Court's judgment.⁹⁶
91. As with individual measures, the Court has only rarely indicated the general measures that a Member State should take to implement a finding of a violation, even more rarely in freedom of association cases.
92. However, in *Aliyev v Azerbaijan*, the Court held that:
- “the necessary general measures ... must focus, as a matter of priority, on the protection of critics of the government, civil society activists and human-rights defenders against arbitrary arrest and detention. The measures to be taken must ensure the eradication of retaliatory prosecutions and misuse of criminal law against this group of individuals and the non-repetition of similar practices in the future.”⁹⁷
93. In contrast, the Committee of Ministers has regularly engaged with States on the general measures that they must take to implement the Court's judgments.
94. For example, the Committee of Ministers has determined that the adoption of a new registration mechanism for associations and of awareness-raising measures to avoid unjustified refusals to register associations, motivated by the political tenor of their aims were sufficient general measures for a state to take in response to a finding of a violation of the right to freedom of association stemming from a refusal to register an association on political grounds.⁹⁸ Similarly, the Committee of Ministers determined that legislative reforms that restricted the opportunities to refuse to register applicant associations and reduced the margin of discretion of the authorities to decide whether a particular association could be registered, and related administrative changes as well as new caselaw applying the Court's reasoning to other applications for registration were appropriate general measures.⁹⁹ In a case involving the unjustified dissolution of an applicant association, the Committee of Ministers determined that a combination of legislative changes to the registration process (and demonstrating a track-record of successful registrations following those legislative changes), training and awareness raising measures as well as publication and dissemination of the Court's judgment were adequate general measures for the state to take in light of the violation.¹⁰⁰ Likewise, the

⁹⁵ Recommendation Rec(2004)6 of the Committee of Ministers to member states on the improvement of domestic remedies (adopted by the Committee of Ministers on 12 May 2004, at its 114th Session).

⁹⁶ *Ilgar Mammadov v Azerbaijan* (Grand Chamber), Appl no. 15172/13, 29 May 2019, para. 186.

⁹⁷ *Aliyev v Azerbaijan*, para. 226.

⁹⁸ CoM, Resolution CM/ResDH(2017)360, Execution of the judgment of the European Court of Human Rights, *Zhechev against Bulgaria*, (Adopted by the Committee of Ministers on 25 October 2017 at the 1298th meeting of the Ministers' Deputies).

⁹⁹ CoM, Execution of the judgment of the European Court of Human Rights, *Koretskyy and Others against Ukraine* (Adopted by the Committee of Ministers on 25 October 2017 at the 1298th meeting of the Ministers' Deputies).

¹⁰⁰ CoM, Resolution CM/ResDH(2017)293, Execution of the judgment of the European Court of Human Rights, *Association of Citizens "Radko" and Paunkovski against "the former Yugoslav Republic of Macedonia"*, (Adopted by the Committee of Ministers on 21 September 2017 at the 1294th meeting of the Ministers' Deputies).

Committee of Ministers determined that a change in the law to require courts to grant time to applicants to align their associations' Constitutions with the law (successfully implemented as evidenced by domestic caselaw) was an appropriate general measure in response to a "refusal to register" case in which the applicants were not provided the opportunity to rectify deficiencies observed in the application process.¹⁰¹

95. The Committee of Ministers has called on States to undertake the reform of legislation and to re-establish applicants' rights. In its dialogue on the execution of the cases of *Jehovah's Witnesses of Moscow and Others* and *Krupko and Others*, it:

"called on the authorities to enter into a genuine dialogue with the Committee and to urgently take all necessary measures to re-establish the right of Jehovah's Witnesses to freedom of religion, such as by reversing the 2017 ban, re-examining the related criminal cases and reviewing the current anti-extremism legislation."¹⁰²

96. In the *United Macedonian Organisation Ilinden and Others* group against Bulgaria (involving repeat failures to register the organisation Ilinden and others), the Committee of Ministers exhorted the Bulgarian authorities to:

"ensure that any new registration request of "UMO Ilinden" or associations similar to "UMO Ilinden" is examined in full compliance with Article 11 of the Convention, as regards formal legal requirements that must be applied in a proportionate, foreseeable and consistent manner, with clear instructions to applicants if needed, and also as regards the assessment of the lawfulness of the association's goals and the means for pursuing them."

97. Further, the Committee urged, *inter alia*, the authorities:

"to adopt legislative or other appropriate measures to ensure broader and more effective obligation for the Registration Agency to give instructions to associations to rectify registration files, whenever this is objectively possible, so as to reconcile the Agency's practice of strict application of formal requirements with the effective exercise of the right to freedom of association."

It also invited the authorities to:

"finalise their work on supplementing the guidelines for the registration officers to cover the issues examined in this group of cases, as well as the preparation of user-friendly instructions for associations and to ensure that the Registration Agency identifies exhaustively the defects of a registration file, as required under domestic law, to allow the associations to submit rapidly a registration file which meets all legal requirements."¹⁰³

¹⁰¹ CoM, Execution of the judgment of the European Court of Human Rights, *Özbek and others against Turkey* (Adopted by the Committee of Ministers on 3 December 2020 at the 1390th meeting of the Ministers' Deputies).

¹⁰² CoM, 1383rd meeting, 29 September – 1 October 2020 (DH), H46-17 *Jehovah's Witnesses of Moscow and Others and Krupko and Others*, CM/Del/Dec(2020)1383/H46-17, 1 October 2020.

¹⁰³ CoM, Interim Resolution CM/ResDH(2020)197, Execution of the judgments of the European Court of Human Rights, *United Macedonian Organisation Ilinden and Others group against Bulgaria* (Adopted by the Committee of Ministers on 1 October 2020 at the 1383rd meeting of the Ministers' Deputies).

98. Despite the Bulgarian Government's continued failure to execute the *Ilinden* group of cases, and that "almost 16 years after the first final judgment in this group, associations aiming to 'achieve the recognition of the Macedonian minority' continue to be routinely refused registration and that this seems at present mainly due to a wider problem of disapproval of their goals", the Committee of Ministers in its latest review of the cases in March 2022, requested the State to provide further information by 30 September 2022 and decided to resume the examination of this group of cases in December 2022.¹⁰⁴
99. Given the nature of Article 18 cases, the Committee of Ministers has in that context made much broader, far-reaching, recommendations. For instance, in the *Mammadli* group of cases, the Committee of Ministers strongly reiterated:
- "its call for targeted and effective steps to be taken to address the root causes of these violations, in particular the misuse of the criminal law and retaliatory prosecutions, which could include the implementation of the relevant recommendations of the Group of States against Corruption to strengthen the independence of the judiciary and the prosecutor's office."¹⁰⁵
100. In the *Kavala* and *Mergen* group of cases, it:
- "reiterated their call upon the Turkish authorities to take legislative and other measures to ensure the full independence and impartiality of the Turkish judiciary, including from the executive branch, taking inspiration from the Council of Europe standards, in particular as regards the structural independence of the Council of Judges and Prosecutors."¹⁰⁶

V.3 Assessment: Execution, Obstruction, and Responses to Obstruction

101. In addition to the general delays with the execution of many of the cases considered by the Expert Council on NGO Law in this thematic study (more than 40% of the cases analysed have been pending before the Committee of Ministers for more than ten years), a number of challenges with the execution process can be observed, as follows:
- a. In order to remove cases from the purview of the Committee of Ministers, in a small number of cases, some Member States have implemented individual measures by, for example, paying any ordered non-pecuniary damages and costs and expenses, and enabling associations to be registered or to apply for re-registration. However, more often, Member States have refrained from implementing general measures to address structural issues and guarantee non-recurrence. In those cases where individual (as opposed to general) measures have been implemented, the Committee of Ministers has been more likely to place the matter in its regular (as opposed to enhanced) procedure, even if there are numerous repeat or similar cases, making it less likely that the implementation of extant general measures receives due attention.
 - b. In accordance with the procedures of the Committee of Ministers, States are obligated to present an action plan on the individual and general measures they will take to execute a judgment, within six months from the judgment becoming final. Often, States have failed to

¹⁰⁴ CoM, *Umo Ilinden and Others v Bulgaria*, Supervision of the execution of the European Court's judgments, CM/Del/Dec(2022)1428/H46-7, 9 March 2022.

¹⁰⁵ CoM, Case of *Mammadli against Azerbaijan and 5 Other Cases*, Res-54, 11 March 2021.

¹⁰⁶ CoM, 1411th meeting (DH), 14-16 September 2021 - H46-37, *Kavala and Mergen and Others group v. Turkey*, CM/Del/Dec(2021)1411/H46-37, 16 September 2021.

submit action plans within the set timeframe, and there appears to be very limited action taken by the Committee of Ministers in such circumstances to elicit same. Taking into account the already lengthy timeframe for cases to result in final judgment before the Court, the waiting period for the Committee of Ministers to begin full engagement with States constitutes a further impediment to the realisation of rights under the Convention.

- c. There are several instances in which States have not only refrained from executing judgments involving freedom of association, but have additionally, in “refusal to register” cases, repeated the refusals on same or similar grounds when applicants have sought to register or re-apply to register their associations following a judgment from the Court finding a violation, or, as was the case with *Jehovah’s Witnesses of Moscow v Russia*, introduced fresh impediments to registration through new legislation, in which the Committee of Ministers has recognised that the blanket ban introduced by Russia:

“has effectively nullified the progress noted earlier by the Committee and, while it remains in place, makes the adoption of any further measures, either individual or general, practically impossible”¹⁰⁷.

Whilst the Committee of Ministers has seen fit, in most such instances, to place within, or transfer such cases to, its “enhanced procedure”, there does not appear to be a clear or uniform strategy of escalation, using the entirety of means at the Committee’s disposal, to address States’ failure to execute decisions involving freedom of association. Whereas the Committee has seen fit to resort to, or to warn of the possibility of, infringement proceedings in certain cases involving arbitrary detention involving Article 18,¹⁰⁸ it has not seen fit to do similarly in cases involving the refusal to register or the involuntary dissolution of associations.

- d. Furthermore, the Committee of Ministers has helpfully set out in its dialogue with Turkey on the *Kavala* case, its position on same facts already reviewed by the Court decision and the circumstances in which new facts may constitute a continuation of the violations found already by the Court.¹⁰⁹ This followed on from Turkey’s argument that the applicant’s detention for the offences examined by the Court has ended and that he is currently in pre-trial detention in respect of another (new) charge, namely “political or military espionage.” The Committee of Ministers’ reasoning applies equally to “refusal to register” cases in which Member States repeat the refusals on same or similar grounds when applicants have sought to register or re-apply to register their associations following a positive judgment from the Court or, introduce fresh impediments to registration through new legislation.

VI. Conclusions

- 102. This study reveals significant challenges with the execution of judgments of the Court involving freedom of association.
- 103. In many of the cases canvassed, the execution of judgments has been ineffectual, with some States having failed to adopt adequate or effective individual measures that put an end to the

¹⁰⁷ CoM, Ministers’ Deputies, H46-17 *Jehovah’s Witnesses of Moscow and Others* (Application No. 302/02) and *Krupko and Others* (Application No. 26587/07) v. Russian Federation, Notes on the Agenda, CM/Notes/1383/H46-17, 1 October 2020.

¹⁰⁸ Interim Resolution CM/ResDH(2022)21, Execution of the judgment of the European Court of Human Rights *Kavala against Turkey* (Adopted by the Committee of Ministers on 2 February 2022 at the 1423rd meeting of the Ministers’ Deputies).

¹⁰⁹ CoM, 1411th meeting (DH), 14-16 September 2021 - H46-37 *Kavala* (Application No. 28749/18) and *Mergen and Others group* (Application No. 44062/09) v. Turkey [CM/Del/Dec(2021)1411/H46-37].

violation and to redress, as far as possible, its effects. These failings invariably persist, even after the passage of significant time since the adoption of the judgments.

104. Likewise, some states have failed to adopt, where appropriate, the general measures needed to put an end to similar violations or prevent them.¹¹⁰ There are numerous repetitive cases involving violations of freedom of association, with applicants experiencing same or similar violations after the issuance of the judgment finding a violation, and with the same or similar violations being experienced by new, different applicants. This is despite the repeated engagements of the Committee of Ministers.
105. The failure to execute, and the delayed execution of, judgments of the Court involving freedom of association constitute a continuation and exacerbation of the violations of freedom of association that applicants have already experienced and contravene the standards related to the treatment of NGOs applicable to Council of Europe Member States, including Recommendation CM/Rec(2007)14 and Recommendation CM/Rec(2018)11. The failed and delayed execution of such judgments shows 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.

VII. Recommendations

106. The Expert Council on NGO Law recommends as follows:

VII.1 The European Court of Human Rights

107. The European Court should be encouraged to entertain where appropriate, Article 18 claims concerning the bad faith denial of the right to freedom of association, for instance in cases involving the repetitive refusals to register associations seeking to promote minority rights and blocking certain religious groups from the possibility of existing under domestic law.
108. While the European Court's judgments are essentially declaratory in nature, given the particular challenges with execution in cases involving freedom of association, the Court should consider in appropriate cases to indicate in its judgments the nature of individual and general measures that may be appropriate in accordance with Article 46 of the Convention.

VII.2 Council of Europe Member States

109. Upon receipt of a final judgment finding a violation related to freedom of association, Member States should engage expeditiously with the Department for the Execution of Judgments and prepare at the earliest opportunity and in advance of the one-year deadline, an action report detailing the individual and general measures already taken and those planned.
110. As individual measures, Member States should ensure, *inter alia*, that applicants whose rights have been recognised by the European Court as having been violated by virtue of having been denied the possibility to register their associations, where registration has been significantly delayed or where the organisations have been involuntarily dissolved, are afforded an expedited route to registration. Erecting new barriers to registration that frustrate applicants'

¹¹⁰ Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights (Adopted by the Committee of Ministers on 6 February 2008 at the 1017th meeting of the Ministers' Deputies).

efforts to register their associations would contravene the conclusions and spirit of such judgments.

111. Equally, where the European Court has held that Member States have arbitrarily detained or persecuted individuals in any other way as a result of their connection to associations with a view to stifling civil society space, the primary obligation is to cease the conduct considered unlawful in its judgment. Erecting new barriers to maintain or restore the unlawful conduct would contravene the conclusions and spirit of such judgments.
112. With respect to general measures, Member States must take adequate and effective steps to guarantee non-recurrence. In addition to conducting their own assessments as to the most appropriate methods to guarantee non-recurrence, States should engage with national human rights institutions, civil society and other subject-matter specialists to ensure that all barriers and impediments are known and capable of being fully addressed. General measures must reflect the prevailing circumstances and may include as appropriate, *inter alia*, legislative measures to change where necessary the procedure for registration of associations which reflect fully the findings of the ECtHR, regulatory measures as well as awareness-raising to ensure standards are known and fully applied by decision-makers.

VII.3 Committee of Ministers

113. In the light of the continued non-implementation of many judgments of the European Court concerning freedom of association, supervision of the execution of these judgments should be prioritised, so that the important work of NGOs is not impeded. The Committee of Ministers has previously agreed to pay “special attention (...) to the execution of judgments of the European Court of Human Rights concerning human rights defenders and the enabling environment for human rights work, which have yet to be implemented”.¹¹¹
114. Judgments in which the Court has found a violation of article 18, even if not in conjunction with article 10, require by their nature a special attention from the Committee of Ministers under its enhanced supervision procedure. Furthermore, there will be additional categories of cases which require consideration under the Committee of Ministers’ enhanced supervision procedure, including, *inter alia*, repetitive cases, cases involving structural violations as well as any cases which remain unexecuted fully for more than five years from the issuance of the final judgment.
115. A clear strategy of escalation is needed, using the entirety of means at the Committee of Ministers’ disposal, to address States’ failure to execute decisions involving freedom of association. This should include warning of the possibility of, and resorting to, infringement proceedings in appropriate cases involving the failure to address violations identified by the European Court linked to the refusal to register or the involuntary dissolution of associations.
116. The Committee of Ministers is encouraged to increase exchanges and consultations with civil society on the execution of judgments that impact them, in particular on judgments involving freedom of association, freedom of expression and freedom of assembly.

¹¹¹ Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe (*Adopted by the Committee of Ministers on 28 November 2018 at the 1330th meeting of the Ministers’ Deputies*) Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe (*Adopted by the Committee of Ministers on 28 November 2018 at the 1330th meeting of the Ministers’ Deputies*) Para. IV (c).

VII.4 The Secretary General

117. As encouraged by the Brussels Declaration, the Secretary General should “continue, on a case-by-case basis, to use his/her authority in order to facilitate the execution of judgments raising complex and/or sensitive issues at the national level, including through the exercise of the powers entrusted to him/her under Article 52 of the Convention”.¹¹²

VII.5 The Council of Europe Local Offices

118. The Council of Europe Local Offices should play an active role to promote key judgments of the European Court concerning freedom of association, use their websites to disseminate and promote key judgments of the Court and decisions of the Committee of Ministers on their execution, preferably translated into the local language/s, and contribute to their public discussion.¹¹³ This would contribute to the implementation of Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, which includes “ensuring that Council of Europe local offices promote civil society’s, NHRIs’ and human rights defenders’ work and give visibility to key judgments of the European Court of Human Rights, recommendations of the Commissioner for Human Rights, the Venice Commission, and Parliamentary Assembly resolutions concerning the safe and enabling environment for human rights defenders.”

VII.6 The Parliamentary Assembly

119. The Parliamentary Assembly of the Council of Europe (PACE) is encouraged to continue its regular reports on the execution of judgments of the European Court.

VII.7 National human rights institutions and civil society

120. Make full use of the possibilities afforded to communicate with the Committee of Ministers on individual and general measures as part of the dialogue on execution of judgments involving freedom of association through rule 9 interventions and other means.
121. As appropriate, comment on the Action Plans presented by Member States, in order to ensure that the Committee of Ministers has adequate information to assess the strength of governments’ adopted and proposed measures.

¹¹² High-level Conference on the “Implementation of the European Convention on Human Rights, our shared responsibility” Brussels Declaration (27 March 2015), para. C(3)(d).

¹¹³ Ibid, paras. B(2)(f); B(2)(j).

ANNEX : Pending cases considered in the thematic study

Adana Tayad v. Turkey, no. 59835/10, 21 July 2020

Aliyev v. Azerbaijan, nos. 68762/14 and 71200/14, 20 September 2018

Aliyev and Others v. Azerbaijan, no. 28736/05, 18 December 2008

Association of Solidarity with the Oppressed v. Turkey, no. 8064/13, 9 February 2021

Azizov and Novruzlu v. Azerbaijan, nos. 65583/13 70106/13, 18 February 2021

Bekir-Ousta and Others v. Greece, no. 35151/05, 11 October 2007

Bektashi Community and Others v. “the former Yugoslav Republic of Macedonia”, nos. 48044/10, 75722/12 and 25176/13, 12 April 2018

Biblical Centre of the Chuvash Republic, no. 33203/08, 12 June 2014

Çetinkaya v. Turkey, no. 75569/01, 27 June 2006

Church of Scientology Moscow v. Russia, no. 18147/02, 5 April 2007

Church of Scientology of St Petersburg and Others v. Russia, no. 47191/06, 2 October 2014

Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan, nos. 74288/14 and 64568/16), 14 October 2021

Emin and Others v. Greece, no. 34144/05, 27 March 2008

Genov v. Bulgaria, no. 40524/08, 23 March 2017

House of Macedonian Civilisation and Others v. Greece, no. 1295/10, 9 July 2015

Islam-Ittihad Association and Others v. Azerbaijan, No. 5548/05, 13 November 2014

Ismayilov v. Azerbaijan, no. 4439/04, 17 January 2008

Jafarov and Others v. Azerbaijan, no. 27309/14, 25 July 2019

Jehovah’s Witnesses of Moscow v. Russia, no. 302/02, 10 June 2010

Kavala v. Turkey, no. 28749/18, 10 December 2019

Kimlya and Others v. Russia, no. 76836/01, 1 October 2008

Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v. Bulgaria, no 67197/13, 28 May 2020

Magyar Keresztény Mennonita Egyház and Others v. Hungary, nos. 70945/11, 23611/12, 26998/12 et al., 8 April 2014

Mammadli v. Azerbaijan, no. 47145/14, 19 April 2018

Metodiev and Others v. Bulgaria, no. 58088/08, 15 June 2017

Moscow Branch of the Salvation Army v. Russia, no. 72881/01, 5 October 2006

Nasibova v. Azerbaijan, no. 4307/04, 18 October 2007

"Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdioese of the Peć Patriarchy)" v. "the former Yugoslav Republic of Macedonia", no. 3532/07, 16 November 2017

Ramazanova and Others v. Azerbaijan, no. 44363/02, 1 February 2007

Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan, no. 37083/03, 8 October 2009

Tourkiki Enosi Xanthis and Others v. Greece, no. 26698/05, 27 March 2008

United Macedonian Organisation Ilinden and Ors v. Bulgaria, no. 59491/00, 19 January 2006

United Macedonian Organisation Ilinden and Ors v. Bulgaria (No 2), No. 34960/04, 18 October 2011

United Macedonian Organisation Ilinden and Others v. Bulgaria (No. 3), no. 29496/16, 11 January 2018

Vasilev and Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v. Bulgaria, no. 23702/15, 28 May 2020

Yordan Ivanov and Others v. Bulgaria, no. 70502/13, 11 January 2018

Yunusova and Yunusov v. Azerbaijan (No. 2), no 68817/14, 16 July 2020

Zhdanov and Others v. Russia, nos. 12200/08, 35949/11 and 58282/12, 16 July 2019