

# FREEDOM OF ASSEMBLY AND ASSOCIATION



DEPARTMENT FOR  
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HUMAN RIGHTS

DG1

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## FREEDOM OF ASSEMBLY AND ASSOCIATION

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

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The right to freedom of peaceful assembly, enshrined in Article 11 of the European Convention on Human Rights, is a fundamental right in a democratic society and, like the right to freedom of expression, one of its foundations. Of similar importance is the freedom of association, and the Court has underlined its direct relationship with democracy and pluralism, noting that the state of democracy in a country can be measured by the way in which this freedom is secured under national legislation and in which the authorities apply it in practice.

In addition, under the Court's case-law, even though the main purpose of Article 11 is to protect the individual against arbitrary interference by public authorities with the exercise of the rights protected, there may in addition be positive obligations to secure the effective enjoyment of these rights. States' positive obligations in this context are of particular importance for persons holding unpopular views or belonging to minorities, because they are more vulnerable to victimisation.

The present factsheet sets out examples of measures adopted and reported by States in the context of the execution of the European Court's judgments with a view to fully and effectively protecting freedom of assembly and association. It focuses on the following issues: the holding and policing of peaceful demonstrations and mass protests; the freedom to create and participate in associations or political parties and the freedom to form and join trade unions and cooperatives.

## 1. FREEDOM OF ASSEMBLY: HOLDING AND POLICING PEACEFUL DEMONSTRATIONS / MASS PROTESTS

**Sanctions for participation in demonstrations:** These cases concern a breach of the applicants' right to freedom of assembly and association. After having participated in a demonstration, they were convicted of an offence on the basis of a provision of the Code of Administrative Offences, which was not formulated with sufficient precision as to enable the applicant to reasonably foresee the consequences of their actions. In 2005, following a Court of Cassation decision, the Code of Administrative Offences was amended and the problematic statutory provision regulating administrative detention annulled as being incompatible with the ECHR.

*ARM / Mkrtchyan  
(6562/03)*

*Judgment final on  
11/04/2007*

*Final Resolution  
CM/ResDH(2008)2*

The 2011 Law "on Assemblies" regulating the procedure for holding assemblies, rallies, street processions and demonstrations is, according to the Venice Commission, to a large extent in accordance with international and European standards.

*ARM / Galstyan  
(26986/03+)*

*Judgment final on  
15/02/2008*

*Final Resolution  
CM/ResDH(2016)185*

To address the issue of **disproportionate and unnecessary dispersals of peaceful political protests** for reasons of public disorder and crime prevention and the lack of prior authorization (including the subsequent rounding-up, detention and prosecution of activists), the 2011 Law on Freedom of Assemblies gives a broader definition of "assembly" to include all types of gatherings, meetings, marches and demonstrations and regulates the notification process, in particular the registration of the notification, respective hearings, the decision-making process and participation of organisers in it. The advance notification, when necessary, shall be presented no later than seven days prior to the assembly day. The law also stipulates that prior notification for outdoor assemblies is, in principle, to be given within a reasonable time. Notification is not required for spontaneous assemblies, assemblies of up to 100 participants and assemblies considered urgent.

*ARM / Mushegh  
Saghatelyan  
(23086/08)*

*Judgment final on  
20/12/2018*

*Action Plan*

*Status of execution: pending*

Even without prior notification, peaceful assemblies shall be facilitated by the police and termination or dispersal is a measure of last resort only for violent assemblies.

The Laws on Police and Police Troops, as amended in 2010, improves the human rights protection mechanisms, in particular by individual identification of police officers, strict conditions for the use of physical force, as a last resort only, training on negotiation tactics, and measures for the planning and policing process.

In 2015 the Armenian Civil Code was amended, introducing non-pecuniary damage compensation for the violation of the right to freedom of assembly.

**Notification regulations for assemblies:** According to the Law on Freedom of Assemblies, the Regulatory Body has a maximum of 48 hours to decide on the notification for organising an assembly. In case of delay, the notification is deemed to be granted. The 2013 Code of Administrative Procedure regulates the possibilities of appeal against the Regulatory Body's

*ARM / Helsinki Committee  
of Armenia  
(59109/08)*

*Judgment final on  
30/06/2015*

decisions. The Constitution, as amended in December 2015, provides for additional guarantees for freedom of assembly and enshrines the right to spontaneous assemblies.

[Final Resolution CM/ResDH\(2017\)297](#)

To address numerous breaches of the freedom of assembly - the **dispersal of unauthorised peaceful demonstrations** posing no threat to public order organised by the opposition in 2010-2014 as well as the applicants' ensuing arrest and administrative conviction to short periods of detention (3-15 days) and/or criminal conviction for public disorder (1.5-3 years) - the 1998 Law on Freedom of Assembly was amended in 2008, 2012 and 2018 taking into account relevant Venice Commission recommendations. The Council of Europe Action Plan on Azerbaijan for 2018-2021 identified the protection of freedom of assembly as one of its main objectives.

*AZE / Gafgaz Mammadov (60259/11)*

[Judgment final on 14/03/2016](#)

[Action Plan](#)

Status of execution: pending

To address the disproportionate interference due to the **disbanding of a peaceful assembly** because of the absence of the requisite prior notice, in the absence of any illegal conduct on the part of the participants, the Constitutional Court repealed, in 2008, the provision in the Act on the Right to Assembly of 1989, which prohibited demonstrations organised without prior notice. Under the amended legislation, while the general obligation to notify the authorities three days in advance about a demonstration still applied, peaceful assemblies which cannot be announced three days before the date of the planned event (i.e. gatherings forming as immediate response to political events) can no longer be prohibited solely on the grounds of late notification.

*HUN / Bukta and Others (25691/04)*

[Judgment final on 17/10/2007](#)

[Final Resolution CM/ResDH\(2010\)54](#)

The 2008 Law on the Organisation and Conduct of Assemblies lifted the existing **requirement to obtain prior authorisation to hold a public event**. Organisers of public events involving more than 50 participants must only notify their intention to the local public authorities five days in advance providing information on its time and place. Procedures applicable for the notification of spontaneous public gatherings were simplified. The local administration can only recommend a change of place and time for the peaceful holding of the gathering. The final decision is to be taken by courts within three days upon receipt of a reasoned request made by a local administration. Reasons for prohibition are instigation of aggression, war, national, racial, ethnic, or religious hatred, public discrimination or violence, or national security or territorial integrity of the State, perpetration of crimes, violation of public order or organisation of mass riots, violation of public morality, the rights and freedoms of other persons or endangering their lives and health. This court decision may be appealed within three days. Initiation of judicial proceedings by the local administration shall not suspend the right to hold a public event. In 2011 the Supreme Court adopted an explanatory decision concerning the interpretation and application of the Law on Assemblies and other related legislation by the domestic courts.

*MDA / Christian Democratic People's Party (28793/02+)*

[Judgment final on 14/05/2006](#)

[Final Resolution CM/ResDH\(2017\)410](#)

With regard to the **freedom of assembly of LGBTI persons**, the legislative framework regarding the holding of public assemblies and protection against discrimination was reformed and the relevant administrative practice was modified accordingly. The efficiency of the measures adopted was shown by the fact that the applicant NGO was able to organise demonstrations (pride marches) without undue restrictions between 2016 and 2019 and with adequate police protection. The Anti-discrimination Council was established in 2016.

*MDA / Genderdoc-M (9106/06)*

[Judgment final on 12/09/2012](#)

[Final Resolution CM/ResDH\(2019\)239](#)

**Prior notification of assemblies:** The 2015 Assemblies Act provided that the notice on a planned assembly is to be transmitted to the municipal authorities no earlier than 30 days and no later than six days in advance; municipal authorities are obliged to issue a decision which bans the

*POL / Bączkowski and Others (1543/06)*

assembly no later than 96 hours before the planned date of the event. The organiser has 24 hours to lodge an appeal to the Regional Court which must decide within 24 hours. Its decision can be appealed within 24 hours before the Court of Appeal. There is no cassation appeal available, and the final order of the Court of Appeal must be executed immediately.

*Judgment final on*  
*24/09/2007*

*Final Resolution*  
*CM/ResDH(2015)234*

This group of cases mainly concerns the **prohibition to participate in public gatherings and protests**, resulting, *inter alia* in the participants' detention and unfair trials and convictions. Moreover, in the two *Navalnyy* cases, the European Court found that certain measures, including unlawful arrests, taken against the applicant pursued an ulterior motive, "namely to suppress that political pluralism which forms part of 'effective political democracy' governed by 'the rule of law'". Amendments to the Public Events Act of 2016 clarified the notification time-limit. Rulings by the Constitutional and Supreme Courts of 2018 and 2019 provided clarifications in respect of actions of the executive. As the domestic remedy introduced in the 2015 Code of Administrative Procedure has been considered ineffective by the European Court in some cases, a draft proposal for a new Code of Administrative Offences is currently under negotiation.

*RUS / Lashmankin and*  
*Others group*  
*(57818/09)*

*Judgment final on*  
*29/05/2017*

*Action Report*

Status of execution: pending

To prevent interference with the right to peaceful assembly, including through **prosecution of participants and/or use of excessive force to disperse peaceful demonstrations**, the revision of the 1983 Law No. 2911 on Meetings and Demonstrations was one of the aims of the action plan adopted by the Turkish Cabinet in 2014. It requires notice to be given to the local authorities at least 48 hours prior to an event. Assemblies which the authorities deem to be in breach of these provisions and thus unlawful shall be dispersed. Statistics show a decrease in the percentage of demonstrations subject to police intervention in 2017 and 2018. The continuing approach of the Constitutional Court towards an interpretation and application of Law No. 2911 in line with the European Court's case-law was noted with interest. Further general measures to be adopted remain under examination with the Committee of Ministers.

*TUR / Ataman group*  
*(74552/01+)*

*Judgment final on*  
*05/03/2007*

*Action Report*

Status of execution: pending

To redress **the authorities' refusal to allow the "Turkish Cypriot coordinator" of the "Movement for an Independent and Federal Cyprus", to cross the "green line" and participate in bi-communal meetings**, the issuance of permits to Turkish Cypriots was regulated and their crossing from the north to the south part made possible upon presentation of an identity card or passport and the computerised record of the passage of persons and vehicles. As from 2004, children under 11 were no longer obliged to present identity cards to cross in either direction. Moreover, the provisions requiring passage on a day-trip basis with the return before midnight were repealed. The case-law of the "High Administrative Court" changed in 2003, admitting, in principle, complaints against the authorities' refusals to authorise departures.

*TUR / Djavit An*  
*(20652/92)*

*Judgment final on*  
*09/07/2003*

*Final Resolution*  
*CM/ResDH(2008)59*

## 2. FREEDOM TO CREATE AND PARTICIPATE IN ASSOCIATIONS

In response to the European Court's finding of a disproportionate interference due to **restrictions on public commemorative meetings of an organisation aiming at securing the recognition of the Macedonian minority** in Bulgaria, the authorities provided information indicating a change of practice of mayors concerning the authorisation of such meetings and on measures taken aimed at bringing about changes in the case-law of domestic courts.

*BGR / Stankov and United Macedonian Organisation Ilinden (29221/95)*

*Judgment final on 02/01/2002*

*Final Resolution ResDH(2004)78*

To address the European Court's finding of a disproportionate interference due to the **prohibitions of the applicant organisations' meetings** between 1998 and 2003 aiming to achieve "the recognition of the Macedonian minority in Bulgaria", the scope of dissemination of the relevant judgments was extended: They were not only sent to the mayors of the towns concerned, but also to district courts, to the competent prosecutors and to the directors of the National Security Service, the Police Directorate of Sofia and the Directorate of the Interior of Blagoevgrad. Several training activities on freedom of association as enshrined in the ECHR were organised for judges and prosecutors. The authorities provided information on meetings which took place without prohibition.

*BGR / United Macedonian Organisation Ilinden (44079/98)*

*Judgment final on 15/02/2006*

*BGR / Ivanov and Ivanov and Others (46336/99)*

*Judgment final on 24/02/2006*

*Final Resolution CM/ResDH(2011)46*

To introduce an effective remedy, the Meetings and Marches Act was amended in 2010, providing that organisers of outdoor meetings and demonstrations must inform the mayor of the district concerned 48 hours in advance. The mayor may ban a meeting for the reasons set out in the law, no later than 24 hours after the notification. The mayor's decision may be appealed before administrative courts, which must take a final decision within 24 hours. Thus, the 2010 amendments to the Meeting and Marches Act removed the reference to a review body that had already ceased to exist.

*BGR / Zeleni Balkani (63778/00)*

*Judgment final on 12/07/2007*

*Final Resolution CM/ResDH(2011)7*

Concerning the unjustified **prohibition of the applicant organisations' meetings**, the CM considered, with regard to the general measures covered in [CM/ResDH\(2011\)46](#) in *United Macedonian Organisation Ilinden and Ivanov and Ivanov and Others* (see entry above), that sufficient legislative, awareness-raising and other measures had been taken to prevent future similar violations. The present judgments do not seem to contain information which would put the above conclusions in doubt, the events having taken place between 2004 and 2009. The authorities provided further information on meetings which took place without restrictions.

*BGR / United Macedonian Organisation Ilinden and Ivanov No.2 (37586/04)*

*Judgment final on 18/01/2012*

*Final Resolution CM/ResDH(2015)119*

To facilitate the **registration of associations**, a legislative amendment of 2018 transferred the competence to register associations from the courts to the Registration Agency attached to the Ministry of Justice. A refusal to register an association may be appealed against with the regional court within seven days. The outstanding questions concerning the scope of review of the lawfulness of registration requests of associations under this new mechanism, in particular

*BGR / Zhechev (57045/00)*

*Judgment final on 21/09/07*

as concerns the assessment of the association goals, are examined in the *Umo Ilinden and Others* group.

[Final Resolution  
CM/ResDH\(2017\)360](#)

*BGR / United Macedonian  
Organisation Ilinden and  
Others  
(59491/00)*

[Interim Resolution  
CM/ResDH\(2020\)197](#)

In the context of unjustified **refusals by domestic courts to register the applicant association** “National Turkish Union” promoting the rights of the Muslim minority, based on considerations of national security and on the constitutional prohibition on associations pursuing political goals, seminars aimed at clarifying the lawful scope of review in the context of an association’s registration request were organized by the government. Further measures to secure ECHR-compliant examinations of association’s registration requests and issues related to the functioning of the new administrative registration mechanism for associations before the Registration Agency created in 2018 and attached to the Ministry of Justice, remain under supervision in the *United Macedonian Organisation Ilinden and Others* group.

*BGR / National Turkish  
Union and Kungyun  
(4776/08)*

[Judgment final on  
08/09/2017](#)

[Final Resolution  
CM/ResDH\(2019\)308](#)

As concerns the **legal obligation imposed on landowners to join** the approved municipal hunting associations (ACCA) as well as to authorise hunting on their land, the Act on hunting was amended in 2000, giving those opposed to hunting the right to object to it on grounds of conscience.

*FRA / Chassagnou and  
Others  
(25088/94+)*

[Judgment final on  
29/04/1999](#)

[Final Resolution  
CM/ResDH\(2005\)26](#)

In 2005, a regional law abolished the 1996 law on the **obligation for candidates to public office** in one of the Regions in question to declare that they were not freemasons. The 2005 law provides the exclusion from public office in that Region only for persons belonging to those secret societies, banned under Article 18 of the Constitution, if such membership has been established by a decision having the force of *res judicata*. In 2008, another regional law removed from the 1978 law in force in the other Region in question the provisions obliging only members of Masonic associations to declare their membership when applying for certain posts in the regional government.

*ITA / Oriente d'Italia di  
Palazzo Giustiniani and  
Grande Oriente d'Italia di  
Palazzo Giustiniani No. 2  
(35972/97)*

[Judgment final on  
12/12/2001](#)

[Final Resolution  
CM/ResDH\(2010\)173](#)

The **mandatory inclusion of all landowners** in approved hunting associations, with the consequent duty to permit hunting on their lands, was repealed in 2011 so as to allow those opposed to hunting to refuse both to join these associations and to allow hunting on their land.

*LUX / Schneider  
(2113/04)*

[Judgment final on  
10/10/2007](#)

[Final Resolution  
CM/ResDH\(2013\)34](#)

The case concerned the unjustified **dissolution of an association** shortly after its foundation on the basis of a decision of the Constitutional Court declaring its Statute and Programme null and void. In order to prevent similar violations, the Law on Associations and Foundations of 2010 facilitated and simplified registration and related procedures. The registration authority is now competent to examine only procedural requirements. Dissolution of an association requires a

*MKD / Association of  
citizens Radko and  
Paunkovski  
(74651/01)*

[Judgment final on  
15/04/2009](#)



well-reasoned court decision. 200 associations representing national minorities have been registered between 2010 and 2017.

[Final Resolution  
CM/ResDH\(2017\)293](#)

As concerns the **domestic courts' refusal to register the applicant associations as religious entities** between 2004 and 2012, case-law developments in 2017 allowed the registration of certain religious associations that share identical or similar doctrinal sources with the applicants. Also, in cooperation with the Department for the Execution of Judgments, awareness-raising activities for Judges and Prosecutors have been organised.

*MKD / Orthodox Ohrid  
Archdiocese group  
(3532/07)*

[Judgment final on  
09/04/2018](#)

[Action Plan](#)

Status of execution: pending

The case concerns the first instance courts' and the Court of Cassation's **refusal to grant the applicants time to amend the "constitution" of their public-benefit foundation** both to reflect their true aims and to comply with the legal requirements for registration. To prevent similar violations, the Civil Code which entered into force in 2002, clarified that the courts should grant time to public-benefit foundations to complete or amend their constitutions before the final decision on registration is made. Examples of the Court of Cassation's relevant case-law were submitted. More generally, the General Directorate of Foundations (GDF) was set up as the governmental institution competent to manage and audit public-benefit foundations. Court decisions on new foundations' registration may be appealed within one month from the date of notification that the GDF has not recognised the foundation's purpose as legitimate.

*TUR / Özbek and Others  
(35570/02)*

[Judgment final on  
06/01/2010](#)

[Final Resolution  
CM/ResDH\(2020\)290](#)

In 2004, the Associations Law was enacted with a view to strengthening civil society and securing freedom of association: most of the restrictions of the right to found associations, including prohibiting political activities and criticism of the State at stake in this case, were lifted. The Court of Cassation modified its case-law accordingly.

*TUR / IPSD and Others  
(35832/97)*

[Judgment final on  
25/01/2006](#)

[Final Resolution  
CM/ResDH\(2018\)161](#)

The case concerned the authorities' **refusal to register a non-governmental association for environmental protection**, based on a very broad interpretation of a provision of the Associations of Citizens Act. To prevent similar violations, the 2013 Law on Civil Associations abrogated the excessively rigid and prohibitive requirements for the creation of non-profit organisations and provided increased opportunities for the creation, registration and work of civil associations. Registration can now only be refused on very limited formal grounds. Disputes with the authorities are henceforth amenable to judicial review.

*UKR / Koretskyy and Others  
(40269/02)*

[Judgment final on  
03/07/2008](#)

[Final Resolution  
CM/ResDH\(2017\)377](#)

## 3. FREEDOM TO CREATE AND PARTICIPATE IN POLITICAL PARTIES

This case concerns the disproportionate interference due to the **dissolution of a political party** aiming at “the recognition of the Macedonian minority in Bulgaria” based on considerations of national security. In 2009, an amendment to the Political Parties Act reduced the number of members required for the founding of a party from 5,000 to 2,500. Thus, the government declared that it “sees no obstacle to the applicants' obtaining the registration of their organisation as a political party on the condition that the requirements of the Constitution of the state and the formal requirements of the Political Parties Act are met”. The judgment was used in training activities for judges, prosecutors, representatives of the Ombudsman's Office, lawyers and NGOs.

*BGR / United Macedonian Organisation Ilinden – PIRIN and Others (59489/00)*

*Judgment final on 20/01/2006*

*Final Resolution CM/ResDH(2009)120*

This case concerns the **failure and omission of domestic authorities to protect a political party** from attacks against it by protestors from the local population resulting in damage to the party premises and an impossibility to exercise freedom of association. Police subsequently adopted a new anti-crime strategy, and a series of new decrees, orders and decisions were issued between 2002 and 2006 concerning, in particular, the reinforcement of security of sensitive targets, including those of particular political interest, which are under 24-hour surveillance to avoid any risk of aggression. Particular emphasis is placed on the need to provide immediate and effective assistance in case of riots against such targets.

*GRC / Ouranio Toxo and Others (74989/01)*

*Judgment final on 20/01/2006*

*Final Resolution CM/ResDH(2011)218*

**Rules and competencies concerning registration of political parties** were clarified by federal laws in 2001 and 2013 and by orders of the Ministry of Justice in 2011, 2013 and 2015. Under the 2012 Political Parties Act, prior to a refusal to register, the authorities must inform the party concerned about the reasons thereof and give it three months to address them. As to the possibility to dissolve a political party, this Act set the minimum number of party members at 500 (instead of 5,000), and removed the requirements concerning the number of members in the parties' regional branches.

*RUS / Republican Party of Russia (12976/07)*

*Judgment final on 15/09/2011*

*Final Resolution CM/ResDH(2017)354*

To enhance the **political parties' legal status**, constitutional amendments of 2001, followed by amendments to the law on political parties in 2003, ensured that a political party would not be sanctioned on the sole basis of its manifesto and/or without evidence of clearly anti-democratic activities. The requirement of proportionality provided for recourse to lesser penalties than dissolution.

*TUR / United Communist Party (19392/92)*

*Judgment final on 30/01/1998*

*Final Resolution CM/ResDH(2007)100*

The Equalities Act 2010 only protected employees having worked over a year for their employer from **unfair dismissal on grounds of political opinion or affiliation**. The 2013 Enterprise and Regulatory Reform Act granted any employee claiming he/she had been dismissed on the grounds of political opinion or affiliation to bring a complaint before the Employment Tribunal irrespective of the duration of their employment.

*UK. / Redfearn (47335/06)*

*Judgment final on 06/02/2013*

*Final Resolution CM/ResDH(2013)223*

## 4. FREEDOM TO FORM AND JOIN TRADE UNIONS / COOPERATIVES

This case concerned the **absence of the right of employees to not become a member of a trade union**, i.e so-called closed shop agreements between employers and trade unions. To prevent similar violations, the Act on protection against dismissal due to association membership was amended in April 2006 to provide that a person's affiliation to a union or non-membership of a union can no longer be taken into account in recruitment or dismissal.

*DNK / Sørensen and Rasmussen (52562/99)*

*Judgment final on 11/01/2006*

*Final Resolution CM/ResDH(2007)6*

The case concerned the **blanket ban on the right to form or join trade unions on the basis of Defence Code provisions on members of the gendarmerie and military personnel** and the prohibition to set up professional associations with the aim to defend the pecuniary and other interests of service personnel. To prevent similar violations, the Defence Code was amended in 2015: Military personnel can now freely create and join a national professional association and exercise responsibilities in it. These associations' detailed rules of functioning were established by government decrees in 2016. Their creation is based on a declarative system and therefore may not be refused registration unless for specific reasons by judicial decision. Ten such national professional associations have since been registered.

*FRA / Matelly (10609/10+)*

*Judgment final on 02/01/2015*

*Final Resolution CM/ResDH(2017)117*

The case concerned the authorities' **refusal to grant licences to wine producers to freely dispose of and sell their wine production** owing to the exclusive rights of a union of viticultural cooperatives with compulsory membership. To remedy the situation, the 2016 Law on Agricultural Cooperatives ended the winemakers' obligation to adhere to winemaking cooperatives, which were transformed into agricultural cooperatives without mandatory membership. The Mandatory Law of 1934 providing for the winemaking of Samos was thereby automatically repealed.

*GRC / Mytilinaios and Kostakis (29389/11)*

*Judgment final on 02/05/2016*

*Final Resolution CM/ResDH(2017)155*

The **requirement for taxi operators to belong to a specified union** in order to obtain a business licence was abolished in 1995.

*ISL / Sigurjonsson (16130/90)*

*Judgment final on 30/06/1993*

*Final Resolution CM/ResDH(95)36*

In 2011, the **statutory obligation imposed on non-members of a private law organisation** – in this case, the Federation of Icelandic Industries – to pay the "Industrial charge" (a levy on industrial activities) was abolished.

*ISL / Vörður Ólafsson (20161/06)*

*Judgment final on 27/07/2010*

*Final Resolution CM/ResDH(2015)200*

Following the impugned **dissolution of the applicant trade union on the sole ground that it had been founded by civil servants**, the 2004 amendment of the Law on civil service unions guaranteed trade union freedom to civil servants so that they may “defend their economic, social and professional interests”. It imposes a general prohibition against any discriminatory act by employers which undermine union freedom in employment matters, in particular, dismissal on the grounds of his/her affiliation with a union or participation in union activities outside working hours (or with the employer’s consent, within working hours).

*TUR / Tum Haber Sen and Cinar*  
(28602/95)

*Judgment final on*  
21/05/2006

*Final Resolution*  
CM/ResDH(2010)117

In the present case concerning a **ban on municipal workers founding a trade union** and the annulment (with retroactive effect) of a collective bargaining agreement, a number of legislative and constitutional amendments were introduced in 2010 allowing civil servants to form trade unions and ensuring their right to enter into collective bargaining with the administration.

*TUR / Demir and Baykara*  
(34503/97)

*Judgment final on*  
12/11/2008

*Final Resolution*  
CM/ResDH(2011)308

As indicated above, the **prohibition for civil servants to join a trade union** was abolished by constitutional amendment in 2010. Parallel amendments were made in the Law on Public Servants in 2011. The prohibition to appeal against warnings and reprimands before the administrative courts was abolished in 2010, when a provision was included in the Constitution, expressly stating that no disciplinary sanction can be exempt from judicial review. Domestic administrative courts and the Council of State have aligned their jurisprudence with the requirements of the ECHR by revoking administrative sanctions for public servants’ trade union activities. Examples of the Constitutional Court’s case-law on trade union rights were also submitted. The judgments were used in training activities of the Justice Academy for judges and prosecutors.

*TUR / Karadayı*  
(6615/03)

*Judgment final on*  
27/06/2007

*Final Resolution*  
CM/ResDH(2020)354

**Imposition of disciplinary sanctions:** In 2007, a Circular of the Prime Minister of 1996 was repealed, as it interfered with the rights of a labour union active in the fields of land registration, energy, infrastructure services and motorway construction, imposing disciplinary sanctions on the public servants who were members of it on the basis of a general strike ban for all state employees.

*TUR / Enerji Yapi-Yol Sen*  
(68959/01)

*Judgment final on*  
06/11/2009

*Final Resolution*  
CM/ResDH(2017)374

The **dissolution by authorities of an association on the grounds of statements made by its representatives**, considered to be contrary to its social objective, was repealed by the Associations Act of 2004, with a view to strengthening civil society. It clarified that the criminal conviction of members of an association for having carried out activities against the social aim of their association would not entail its dissolution.

*TUR / Tunceli Kultur ve Dayanisma Dernegi*  
(61353/00)

*Judgment final on*  
12/02/2007

*Final Resolution*  
CM/ResDH(2010)116

The case concerned the **expulsion by an independent trade union of a member** due to his membership of a political party advocating views incompatible with those of the union. To prevent similar violations, the 2008 Employment Act amended the Trade Union and Labour Relations (Consolidation) Act of 1992 to permit the expulsion of members of a trade union on grounds of their membership of a political party, the rules or objectives of which are in contradiction with those of the trade union, only if the decision to expel is taken fairly and in accordance with union rules and if the individual does not lose his livelihood or suffer other exceptional hardship as a result.

*UK. / Associated Society of Locomotive Engineers and Firemen (ASLEF)*  
(11002/05)

*Judgment final on*  
27/05/2007

*Final Resolution*  
CM/ResDH(2011)181

The case concerned the authorities' failure to respect their positive obligation to secure freedom of association by **permitting employers to use financial incentives to induce employees to surrender important union rights**. To prevent similar violations, the 2004 Employment Relations Act was enacted to deal with inducements and detriments in respect of workers' membership in independent trade unions. It provided, *inter alia*, that workers have a right not to have an offer made to them for the sole or main purpose of inducing them to renounce union membership or activities. In the event that such an offer is made to a worker, he or she (or a former worker) may bring a complaint before an employment tribunal.

*UK. / Wilson, the National Union of Journalists & others; Palmer, Wyeth & the National Union of Rail, Maritime & Transport Workers; and Doolan & Others (30668/96)*

*Judgment final on 02/10/2002*

*Final Resolution CM/ResDH(2011)183*

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<i>ARM / Mkrtychyan</i> .....	3	<i>MDA / Christian Democratic People's Party</i> .....	4
<i>ARM / Mushegh Saghatelyan</i> .....	3	<i>MDA / Genderdoc-M</i> .....	4
<i>AZE / Gafgaz Mammadov</i> .....	4	<i>MKD / Association of citizens Radko and Paunkovski</i> .....	7
<i>BGR / Ivanov and Ivanov and Others</i> .....	6	<i>MKD / Orthodox Ohrid Archdiocese group</i> .....	8
<i>BGR / National Turkish Union and Kungyun</i> .....	7	<i>POL / Bączkowski and Others</i> .....	4
<i>BGR / Stankov and United Macedonian Organisation Ilinden</i> .....	6	<i>RUS / Lashmankin and Others group</i> .....	5
<i>BGR / United Macedonian Organisation Ilinden</i> .....	6	<i>RUS / Republican Party of Russia</i> .....	9
<i>BGR / United Macedonian Organisation Ilinden – PIRIN and Others</i> .....	9	<i>TUR / Ataman group</i> .....	5
<i>BGR / United Macedonian Organisation Ilinden and Ivanov No.2</i> .....	6	<i>TUR / Demir and Baykara</i> .....	11
<i>BGR / United Macedonian Organisation Ilinden and Others</i> .....	7	<i>TUR / Djavit An</i> .....	5
<i>BGR / Zeleni Balkani</i> .....	6	<i>TUR / Enerji Yapı-Yol Sen</i> .....	11
<i>BGR / Zhechev</i> .....	6	<i>TUR / IPSD and Others</i> .....	8
<i>DNK / Sørensen and Rasmussen</i> .....	10	<i>TUR / Karaçay</i> .....	11
<i>FRA / Chassagnou and Others</i> .....	7	<i>TUR / Özbek and Others</i> .....	8
<i>FRA / Matelly</i> .....	10	<i>TUR / Tum Haber Sen and Cinar</i> .....	11
<i>GRC / Mytilinaios and Kostakis</i> .....	10	<i>TUR / Tunceli Kultur ve Dayanisma Dernegi</i> .....	11
<i>GRC / Ouranio Toxo and Others</i> .....	9	<i>TUR / United Communist Party</i> .....	9
<i>HUN / Bukta and Others</i> .....	4	<i>UK. / Associated Society of Locomotive Engineers and Firemen (ASLEF)</i> .....	11
<i>ISL / Sigurjonsson</i> .....	10	<i>UK. / Redfearn</i> .....	9
<i>ISL / Vörður Ólafsson</i> .....	10	<i>UK. / Wilson, the National Union of Journalists &amp; others; Palmer, Wyeth &amp; the National Union of Rail, Maritime &amp; Transport Workers; and Doolan &amp; Others</i> .....	12
		<i>UKR / Koretskyy and Others</i> .....	8