

## Refusal to register Turkish women's association violated right to freedom of association

In today's **Chamber judgment**<sup>1</sup> in the case of [Sagir and Others v. Greece](#) (application no. 34724/18) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 11 (freedom of assembly and association)** of the European Convention on Human Rights.

The case concerned the refusal of the authorities to register the Cultural Association of Turkish Women of the Prefecture of Xanthi.

The Court found in particular that the refusal to register the association had been based on the need to distinguish between a recognised Muslim minority and an unrecognised Turkish minority. It had not been justified by a threat to public order, and had not pursued a "pressing social need".

The Court also stated, under **Article 46 (binding force and enforcement of judgments)** that it would be appropriate for the Greek courts to allow this case to be reopened, should that be requested by the applicants.

### Principal facts

The applicants are seven Greek nationals who live in Xanthi (Greece).

The applicants were all members of the Cultural Association of Turkish Women of the Prefecture of Xanthi (*Πολιτιστικός Σύλλογος Τούρκων Γυναϊκών Ν. Ξάνθης*). That association's charter stated that members could only be adult women of Greek nationality who were residents of the Prefecture of Xanthi.

In December 2010 the applicants applied to have the association entered onto the local register of associations. That application was dismissed by the Xanthi Court of First Instance, which found, in particular, that "its name ..., which define[d] its identity, ... [was] objectively likely to create a misleading image and cause confusion regarding the identity of its members" in particular as it qualified its "members as Turkish, and not simply as Muslims of Greek nationality". The applicants appealed.

That appeal was dismissed by the Thrace Court of Appeal in April 2014, which stated that it was not bound in this case by the European Court's judgment in [Emin and Others v. Greece](#) (no. 34144/05), as the reason invoked by domestic courts in that case was the contravention of the public order and not the need to adhere to the principle of truth. A subsequent appeal on points of law before the Court of Cassation was also unsuccessful in September 2017.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

## Complaints, procedure and composition of the Court

Relying on Article 11 (freedom of assembly and association), the applicants complained of the refusal to register their association.

The application was lodged with the European Court of Human Rights on 9 July 2018.

Judgment was given by a Chamber of seven judges, composed as follows:

Peeter **Roosma** (Estonia), *President*,  
Darian **Pavli** (Albania),  
Oddný Mjöll **Arnardóttir** (Iceland),  
Úna Ní **Raifeartaigh** (Ireland),  
Mateja **Đurović** (Serbia),  
Canòlic **Mingorance Cairat** (Andorra) and,  
Vasilis **Hatzopoulos** (Greece), *ad hoc Judge*,

and also Milan **Blaško**, *Section Registrar*.

## Decision of the Court

### Article 11

The parties did not dispute that there had been a refusal to register the Cultural Association of Turkish Women of the Prefecture of Xanthi, which had been an interference with the applicants' right to freedom of association. The basis for that decision was set out in law (Articles 79 to 81 of the Civil Code). The Court noted that the decision had also had a legitimate aim, specifically that understanding the true identity of the members of an association was in the interests of protecting order, legal certainty and stability in respect of legal matters.

As regards the necessity of this measure in a democratic society, the Court noted that the Greek courts had found that the proposed title of the association had not complied with the "principle of truth" and had been misleading. The courts had not stated that the name could either "threaten public order" or the "internal legal order" as they had done in similar cases in the past. Essentially, the reasoning had been based on the need to distinguish between a Muslim minority, which had been recognised by the 1923 Treaty of Lausanne, and a Turkish minority, the existence of which was not acknowledged by the national courts.

The Court reiterated that it had previously found in respect of circumstances similar to those of the present case that even if the true purpose of the association had been to promote the existence of an ethnic minority in Greece, that could not be regarded as a threat to democratic society. Furthermore, pluralism, which was an essential part of a democratic society, was not possible without genuine recognition of and respect for diversity. The Court also highlighted that the right to free self-identification was a cornerstone of international law.

No threat to the public order could be identified in the name of the association. Therefore the refusal to register the association had not been justified, and had not pursued a "pressing social need". There had been a violation of Article 11.

### Article 46 (binding force and enforcement of judgments)

The Court reiterated that under certain circumstances, it [indicated specifically to a State what actions to take](#) to end a violation, in particular to end a systematic situation. Regarding this case it stated that the reopening of proceedings before the Greek courts – if requested – would be the most appropriate way of dealing with the violation in this case.

### Just satisfaction (Article 41)

The Court held that Greece was to pay each applicant 3,000 euros (EUR) in respect of non-pecuniary damage, and jointly EUR 4,677.80 in respect of costs and expenses.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.