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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Risk of ill-treatment in case of expulsion

The Asylum Law was amended in 2011, regulating the procedure and deadlines for decisions on the right to enter and introducing judicial review proceedings for refusals to enter.

Rashed (298/07)
Final Resolution
CM/ResDH(2014)99

In 2014, the legal framework related to issues of asylum and residence of aliens was amended to provide that a court's revocation of the Ministry of the Interior's refusal of an alien's entry (and thus ordering his/her detention at the reception centre in the transit zone of the airport) entails the immediate release of the alien and his/her transfer to an asylum centre within the Czech territory.

Buishvili (30241/11)
Final Resolution
CM/ResDH(2015)98

Right to liberty and security

- Length of detention on remand

Safeguards against excessive length of pre-trial custody were strengthened in the Code of Criminal Procedure in 2002 and maximum periods for different categories of offences fixed in this respect. The principle of a "detention hearing" allowing the defendant to appear before a judge was introduced in 2012.

Punzelt (31315/96)
Final Resolution
CM/ResDH(2004)33

Husak (19970/04+)
Final Resolution
CM/ResDH(2013)120

Sýkora (23419/07)
Final resolution
CM/ResDH(2015)75

- Placement in social care institutions

Amendments to the Act on Social Services and to the Act on Special Court Proceedings of August 2016 detailed the conditions under which a guardian of an incapacitated person can resort to his/her placement in a social care institution. Prosecutor's offices are now empowered to enter any social care institution, talk in private with any client of the institution and have access to all documentation in order to ascertain whether the legal conditions are met. In January 2019, the Ministry of Labour and Social Affairs published guidance for providers of social care services and public guardians under the new legislation. Previously, the new Civil Code of 2012 had strengthened the legal status of persons suffering from mental illness providing for a larger array of support measures and defining restrictions of legal capacity as measures of last resort.

Cervenka (62507/12)
Final Resolution
CM/ResDH(2019)273

Functioning of justice

- Access to a court

A judicial review of decisions by administrative authorities was extended in two steps through changes of the Code of Civil Procedure in 2001 and 2003.

Kilian (48309/99)
Final Resolution
ResDH(2006)70

The right of appeal to the Constitutional Court was improved by special legislation in 2004 in order not to compel applicants to first have recourse to "extraordinary appeals" as the admissibility of such appeals was a question of discretion.

Beles and Others (47273/99)
Final Resolution
CM/ResDH(2007)115

- Remedies in case of excessive length of proceedings

The possibility to obtain compensation in case of excessively lengthy judicial proceedings was introduced in the Act on Liability for Damage caused in the Exercise of Public Authority in 2006.

Borankova and Hartman (41486/98+)
Final Resolution CM/ResDH(2013)89

- Fairness of criminal proceedings

Following the Court's judgment, the impugned proceedings were reopened and the applicant was acquitted. His demands for compensation were settled in an out-of-court-agreement and he received an official apology for the illegal prosecution and execution of the prison sentence. The Constitutional Court developed its case-law to prevent the occurrence of similar cases on multiple remittals.

Tempel (44151/12)
Final resolution CM/ResDH(2023)95

Protection of private and family life

- Custody and public care of children

Child custody proceedings, including enforcement matters, were improved in 2008, notably through enhanced co-operation of local authorities. Decision-making was accelerated and a possibility of mediation was introduced. These options were further strengthened in 2011. Public care of a child can no longer be ordered solely because of the inadequate housing conditions or the poor financial situation of his/her parents and, in parallel, vulnerable families were granted improved rights to subsidised housing. As to international child abduction, the procedures under the Hague Convention were centralised in one court to ensure better respect of the strict time limits laid down.

Reslova (7550/04+)
Final Resolution CM/ResDH(2011)99

Bergmann (8857/08+)
Final Resolution CM/ResDH(2013)155

Wallova and Walla (23848/04+)
Final Resolution CM/ResDH(2013)218

Macready (4824/06)
Final Resolution CM/ResDH(2012)21

- Rules on discharge from hospital

Following new guidelines by the Minister of Health on the procedure for discharging mothers and their new-borns, mothers with low-risk pregnancies may leave hospital shortly after birth.

Hanzelkovi (43643/10)
Final Resolution CM/ResDH(2017)258

- Filiation / paternity actions

The Special Judicial Proceedings Act was amended in 2017 to provide for the possibility to file an action for reopening of proceedings concerning declaration or denial of paternity even after the expiry of the statutory three-year time-limit after the contested decision became final. This possibility is notably afforded if "new evidence arises which relates to new scientific methods that could not have been used in the original proceedings".

Novotný (16314/13)
Final Resolution CM/ResDH(2019)87

- Secret surveillance

The conditions under which the police may have recourse to secret audio and video surveillance were regulated in detail in 2002 together with a requirement of prior authorisation by a judge in case home or correspondence were affected.

Heglas (5935/02)
Final Resolution CM/ResDH(2011)98

Protection of property rights

- Protection of minority shareholders

Statutory bodies of actors in the financial markets (e.g. boards of banks, investment or insurance companies) were granted the right to lodge appeals to courts against the imposition of receivership in 2006. Furthermore, the possibility under the Commercial Code for shareholders of more than 90% of the company shares to take over the remaining shares at a price decided by arbitration, although the minority shareholders wished a court decision, was abolished in 2008. The possibility for minority shareholders to challenge a decision to wind up a company or to transfer its assets to the main shareholder was introduced in 2011.

Druzstevni Zalozna PRIA and Others (72034/01)
Final Resolution CM/ResDH(2013)122

Suda (1643/06)
Final Resolution CM/ResDH(2012)18

- Rent control

New legislation on unilateral rent increases was passed in 2006 allowing landlords to raise controlled rent gradually. Furthermore, an amendment to the Civil Code in 2011 boosted the landlords' position in tenancy relationships, which was further strengthened in a new Civil Code in 2014.

R & L, S.R.O. and Others (37926/05+)
Final Resolution CM/ResDH(2018)17

II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Right to life

Failure to secure the right to life and lack of effective investigation into the circumstances of the death in a psychiatric institution

V. (26074/18)
Judgment final on 07/03/2024

Enhanced supervision
Status of execution

Private and family life

Lack of a sufficient legal framework to allow the criminalisation and punishment of non-consensual sexual acts.

Z. (37782/21)
Judgment final on 20/09/2024

Standard supervision
Status of execution

Discrimination

Unjustified placement of Roma children in special schools, (designed for children with special needs, including those suffering from a mental or social handicap) on account of their Roma origin.

D.H. and Others
(57325/00)
Judgment final on 13/11/2007

Enhanced supervision
Status of execution

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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