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Human Rights and Rule of law

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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.

Lawfulness of detention - Mentally ill persons

The Mental Health Act was amended in 2014 to provide patients with a right to request a second independent opinion before involuntary confinement is extended and to initiate themselves an appeal against the extension of involuntary confinement. In addition, legal amendments to the Mental Health Act and the Administrative Court Act entered into force on 1 April 2024, providing for a judicial remedy enabling patients to challenge decisions about forcible administration of medication directly before the administrative courts.

X. (34806/04)
Final Resolution CM/ResDH(2024)43

Functioning of justice

- Fairness of proceedings

Enhanced protection of the right not to incriminate oneself was introduced through changes of the Enforcement Act in 2004 permitting one to refuse to give information in enforcement proceedings if the information may be self-incriminating in a parallel, pending criminal case.

Marttinen (19235/03)
Final Resolution CM/ResDH(2012)22

An amendment of telecommunication laws in 2004 ensured that superfluous information obtained through interception of telecommunications but not related to the offence in criminal proceedings, or pertaining to an offence other than that covered by the authorisation, is to be destroyed after the case has been definitively decided or removed from the docket.

Natunen (21022/04)
Final Resolution CM/ResDH(2011)206

According to the Code of Criminal Procedure, guardians of persons under guardianship or other forms of legal protection must be informed of criminal proceedings against their wards and possible hearings. The Code of Criminal Procedure provided furthermore in 2003 that the testimony of a person under 15, or of a person with mental disabilities, recorded on audio or videotape during a pre-trial investigation may be used as evidence only on condition that the defendant had an opportunity to have questions put to witnesses.

W. (14151/02+)
Final Resolution CM/ResDH(2011)205

- Remedies against excessive length of proceedings

Organisational measures to expedite criminal and civil proceedings were adopted and the Act on Compensation for Excessive Duration of Judicial Proceeding of 2010 introduced effective compensatory and preventive remedies.

Kangasluoma (48339/99+)
Final Resolution CM/ResDH(2012)75

Protection of private and family life

- Filiation/paternity actions

A new Paternity Act which entered into force in 2016 introduced a general right to bring an action for the establishment of paternity, retroactively also for children born out of wedlock before 1 October 1976 as the previous Paternity Act had fixed a five-year deadline for the introduction of paternity proceedings concerning children born out of wedlock before this date without any exception related to personal circumstances. However, to ensure the protection of property of heirs and the related legitimate expectations as well as general legal security, the rights of inheritance of children born out of marriage before 1 October 1976 were restricted.

Grönmark (17038/04+)
Final Resolution CM/ResDH(2018)326

- Custody and public care of children

Procedures for taking children into public care and for monitoring the continued need of such care as well as regulations regarding contacts between a child placed in public care and the parents were improved. Possibilities of appealing the imposed restrictions were enhanced in the Child Welfare Act 2006 as amended in 2008.

K.A. (27751/95)
Final Resolution CM/ResDH(2007)34

- Protection of correspondence

In 1996, a new Guardianship Act detailed the guardian's entitlement to open, without the ward's consent, letters arriving to the ward, which may be presumed to concern matters falling under the guardian's responsibilities. The law also circumscribes modalities to render effective the ward's right to have criminal proceedings instituted against the guardian if the latter would act in breach of the above provision.

Ollila (18969/91)
Final Resolution CM/ResDH(96)3

An amended bankruptcy legislation provided in 2004 that the bankruptcy trustee shall have a right, without the debtor's consent, to receive and open mail and other messages, as well as parcels, addressed to the debtor which pertain to his or her economic activities. According to the travaux préparatoires, the provision concerns only mail and messages relating to debtors' economic activities and cannot be applied to any personal mail.

Narinen (45027/98)
Final Resolution CM/ResDH(2009)78

Freedom of expression

In order to avoid the arbitrariness of seizures of printed materials resulting from an unclear relation between provisions on publications in the Coercive Measures Act on the one hand and provisions in the Act on the Exercise of Freedom of Expression in Mass Media on the other hand, a new Act on the Exercise of Freedom of Expression in Mass Media was adopted in 2004 repealing the unclear provisions of earlier legislation.

Goussev, Marenk, Soini and Others (35083/97+)
Final Resolution CM/ResDH(2007)36

In order to prevent violations of the right to freedom of expression due to criminal or civil convictions for dissemination of information violating personal privacy or for defamation, amendments were made to the Criminal Code in 2014 taking into consideration the case-law of the European Court of Human Rights. The regular dissemination of information violating personal privacy and defamation can no longer be punished by imprisonment, but only by a fine. A new clause limiting the criminal liability was added, according to which a statement on a matter of public interest is not considered such an offence if the statement, taking into account its contents and form, the rights of others and other circumstances, clearly does not exceed what is acceptable.

Eerikäinen and Others (3514/02)
Final Resolution CM/ResDH(2023)321

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.

Ne bis in idem

Violation of the right to not be punished twice; the applicants were convicted twice, concerning partly or entirely the same facts, both in criminal proceedings and administrative taxation proceedings.

Nykänen (11828/11)
Judgment final on 20/08/2014

Standard supervision
Status of execution

Right to liberty and security – oral hearing

Failure to grant oral hearing in proceedings concerning committal for involuntary treatment in psychiatric hospital and forced medication.

H.H. (19035/21)
Judgment final on 09/03/2026

Standard supervision
Status of execution

ENG

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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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