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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.

Right to liberty and security

- Lawfulness of detention

The provisions on arrest in the interest of public peace and order were removed from the Code of Criminal Procedure and included in the new Police Act in 1997, thus clarifying police powers to arrest and detain a person in case of disorderly conduct.

Hafsteinsdóttir (40905/98)

Final Resolution CM/ResDH(2008)44

- Compensation for unlawful detention

The Code of Criminal Procedure was again amended in 1999 to grant the right to compensation for an accused person for whom the investigation was discontinued, the indictment not issued on the grounds that the person's alleged conduct was deemed to be not criminal, proof thereof could not be obtained, or in case of acquittal.

Vilborg Yrsa Sigurðardóttir (32451/96)

Final Resolution CM/ResDH(2000)111

Functioning of justice

- Fairness of proceedings

To resolve the problem of possible ties between members of the State Medical Board and hospitals in tort proceedings for malpractice, the Board was abolished in 2008 and its competence transferred to special chambers of ordinary courts.

Sara Lind Eggertsdottir (31930/04)

Final Resolution CM/ResDH (2015)201

In 2001, a right to appeal to the Supreme Court against fines imposed by the Labour Court was introduced.

Siglfirdingur EHF (34142/96)

Final Resolution CM/ResDH(2002)67

In 2018, a Court of Appeal was set up in the context of a global reform of the judicial system. It is competent both for civil and criminal cases and can hear witnesses directly. In addition, the Code of Civil Procedure was amended in 2019 so that the Court of Appeal and the Supreme Court can conduct an oral hearing even if a party has not submitted documents within the given time limit.

Súsanna Rós Westlund (42628/04)

Final Resolution CM/resDH(2019)119

- Organisation of the judiciary

Until recently, the civil and criminal courts system consisted only of district courts and the Supreme Court. In the context of a general reform of the judicial system, a Court of Appeal was set up in 2018 by the Act on the Judiciary of 2016, to deal with civil and criminal matters. The Court of Appeal has access to recordings of testimony from the proceedings before district courts and can also hear witnesses directly.

Strymir Þór Bragason (36292/14)

Final Resolution CM/ResDH(2020)262

- Judicial appointment procedure

The European Court found grave irregularities in the appointment procedure of one judge of the Court of Appeal that upheld the applicant's criminal conviction (these irregularities applied similarly to three other judges on the bench). Immediately after the ECHR's Chamber judgment, no new Court of Appeal cases were allocated to the four irregularly appointed judges. In compliance with Convention requirements, four new judges were then appointed to the bench. Individuals who had their cases heard by one or more of the irregularly appointed judges have the possibility to apply for reopening of their cases. To prevent similar violations, guidelines were issued by the Ministry of Justice clarifying the legal framework governing the judicial

Guðmundur Andri Ástráðsson (26374/18)

Final Resolution CM/ResDH(2022)48

appointment procedure and the involvement of national institutions (the Evaluation Committee, the Minister of Justice and the Parliament).	
Ne bis in idem	
In 2018, the Supreme Court adapted its jurisprudence to the Court's findings in this case with regard to the authorities' conducting parallel administrative tax and criminal proceedings in respect of the same offcence. In April 2021, the Act on the investigation and prosecution of tax offences was passed by Parliament to make the tax system more transparent and efficient, by drawing a clear distinction between criminal and administrative proceedings.	***Johannesson and Others*** (22007/11) **Final Resolution CM/ResDH(2022)396**
Freedom of expression	
➢ Defamation	
Following the present judgment in this case, judicial practice in defamation proceedings against journalists changed: sanctions imposed must be justified by relevant and sufficient grounds, demonstrating the journalists' bad faith or lack of diligence. A reform of penal legislation with a view to formally abolish the possibility of prison sentences for defamation appeared not necessary as this sanction had not been applied since 1995.	***Björk Eiðsdóttir* group** (46443/09+) **Final Resolution CM/ResDH(2016)26**
Freedom of association	
The requirement for taxi operators to belong to a specified union in order to obtain a business licence was abolished in 1995.	***Sigurjonsson*** (16130/90) **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.	***Vörður Ólafsson*** (20161/06) **Final Resolution CM/ResDH(2015)200**

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.

Domestic violence

Failure of the Icelandic authorities to protect the applicant's right to private life due to the ineffectiveness of the investigation into complaints of domestic violence lodged in December 2017 concerning events that had occurred approximately seventeen to twenty-two months before (violation of Article 8 – procedural limb).

M.A. (59813/19)
Judgment final on 26/11/2025

Standard supervision
Status of execution

Right to free elections

Failure of the Icelandic authorities to discharge their positive procedural obligation to secure an effective examination of the applicants' complaints concerning various **irregularities surrounding the vote recount in a regional constituency** in the 2021 Parliamentary elections. (violation of Article 3 of Protocol No. 1). The shortcomings identified also prevented the applicants from having access to an effective domestic remedy (violation of Article 13 in conjunction with Article 3 of Protocol No. 1).

Gudmundur Gunnarsson and Magnus David Norddahl (24159/22)
Judgment final on 16/07/2024

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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