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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.

Actions of security forces and effective investigations

The independence and effectiveness of investigations into incidents during military operations abroad (allegations of illegal killings, ill-treatment or deprivations of liberty) were enhanced, notably through improved instructions and training in line with recommendations developed in 2010 on the basis of work carried out by independent experts nominated by Parliament.

Jaloud (47708/08)
Final Resolution
CM/ResDH(2018)47

Conditions of detention

Measures to address problems related to conditions of detention (renovation of prison facilities, training, adjustment of the policy regarding disciplinary punishment, etc.) were taken with regard to remand centres and prisons in Aruba.

Mathew (24919/03)
Final Resolution
CM/ResDH(2016)126

Protection against ill-treatment in case of actions by third parties

In 1985, the Criminal Code was amended to allow for complaints in respect of certain criminal offences, in particular, sexual abuse, to be lodged by the legal representative of a legally incapacitated victim.

X and Y (8978/80)
Final Resolution
CM/ResDH(89)3

Right to liberty and security

- Military disciplinary law

The Military disciplinary law was amended as early as 1974 to abolish arrest and committal to a disciplinary unit and other penalties which could be considered as constituting a deprivation of liberty. The rules governing the application of military penal and disciplinary law were amended in 1983 on ministerial order: The commanding officer may order a serviceman to be remanded or kept in custody only if a remand in custody is admissible and if there are sufficient grounds. A comprehensive revision of the administration of military justice was underway, including the proposal that penal code rules on remand in custody should also apply to military servicemen.

Engel and Others (5100/71+)
Final Resolution
CM/ResDH(77)10
Jong, Baljet and Van den Brink (8805/79+)
Final Resolution
CM/ResDH(84)7
Duinhof and Duijf (9626/81)
Final Resolution
CM/ResDH(84)8

- Psychiatric detention

The bill on "special admissions to psychiatric hospitals" of 1980 provided that, in cases of involuntary admission, prolongation of the term of admission or requests for dismissal, the patient had to be heard by a court. After a revision of the Criminal Code promulgated in 1988 concerning persons suffering from a mental deficiency, the court's decision on prolongation of the confinement requested by the crown prosecutor must be given within two months following expiry of the current or preceding hospital order. Extended/Additional safeguards were included in the amended Psychiatric Hospital Act of 1992. The period of "pre-placement detention" of convicted persons suffering from mental disorders awaiting their transfer, after serving their sentences, to custodial psychiatric care (as ordered at the time of conviction - TBS orders) was reduced to a maximum of four months. Operational capacities of custodial clinics were improved and a compensation scheme for excessive pre-placement detention was established as from 2007.

Winterwerp (6301/73)
Final Resolution
CM/ResDH(82)2

Koendjbiharie (11487/85)
Final Resolution
CM/ResDH(92)25

Van der Leer (11509/85)
Final Resolution
CM/ResDH(93)23

Morsink (48865/99)
Final Resolution
CM/ResDH(2014)294

Functioning of justice

Fairness of proceedings

The Appeals Act was revised in 1991 concerning admissibility rules on appeals in disputes relating to fitness or unfitness for work. The Code of Civil Procedure in the fields of the law of persons and family law was amended in 1994, providing additional procedural guarantees, such as rendering judgments in public hearings. Moreover, amendments to the Code of Criminal Procedure, introduced the same year, provide new regulations as to who may testify without having to reveal his identity and as to the methods to be used in order to safeguard the rights of the accused if such testimony is to be used in criminal proceedings. The General Administrative Code of 1994 laid down new uniform procedural rules, while the provisions of the Industrial Appeals Act empowering an executive authority to interfere with the binding force of a judgment were repealed.

Feldbrugge (8562/79)
Final Resolution CM/ResDH(92)8
De Vries (16690/90)
Final Resolution CM/ResDH(95)196
Kostovski (11454/85)
Final Resolution CM/ResDH(94)47
Van De Hurk (16034/90)
Final Resolution CM/ResDH(94)63

Unfair criminal proceedings

On 20 April 2021, the Supreme Court delivered a judgment containing revised principles for the summoning and the examination of witnesses, in particular the right of the accused to cross-examine prosecution witnesses, thus aligning its case-law with that of the European Court. In cases where a witness has made an incriminating statement, the defence's interest in summoning and examining that witness is presumed and therefore the defence cannot be required to further substantiate the interest. This new Supreme Court judgment is applied in practice by the lower courts.

Keskin (2205/16)
Safssafi (61125/19)
Final Resolution CM/ResDH(2024)383

Protection of private and family life

Family reunion

The right to family reunion of minors with a parent legally residing in the Netherlands was strengthened in 2006 based on the European Court's case-law. A new exemption from the administrative charge for applying for a residence permit on family grounds was introduced in 2013 for aliens facing economic difficulties.

Tuquabo-Tekle and Others (60665/00)
Final Resolution CM/ResDH(2010)108

G.R. (22251/07)
Final Resolution CM/ResDH(2014)293

Filiation / paternity actions

The Civil Code was amended in 1998 to provide for the possibility to establish the biological fathers' paternity through their acknowledgment with/by gaining the consent of the mother and/or the child or by instituting judicial proceedings, the presumption of paternity remaining in favour of the mother's husband.

Kroon and Others (18535/91)
Final Resolution CM/ResDH(98)148

Placement of children in public care

The procedures for the placement of children in public care were radically changed in a policy framework "Standards 2000", an updated version of which entered into force in 2003 as binding instructions from the Minister of Justice to the Child Welfare Board. The new procedures introduced *inter alia* the involvement of parents in the decision-making process and the intervention of a behavioural psychologist and a legal expert in child protection cases.

Venema (35731/97)
Final Resolution CM/ResDH(2010)9

Secret surveillance

The excessive vagueness of the regulations surrounding secret surveillance, including as regards storage, use and disclosure of information gathered, was clarified through new more detailed procedures in the Security Services Act 2002.

R.V. and Others (14084/88+)
Final Resolution CM/ResDH(2007)86

➢ Protection of correspondence

As concerns regulations on monitoring and recording of prisoners' communications, gradual reform steps between 2005 and 2011 created a clear and detailed framework for the monitoring and use of the information obtained.

Doerga (50210/99)
Final Resolution CM/ResDH(2011)137

Protection against discrimination

➢ On the ground of sex in the context of pension rights

As from 1985, married women had become entitled to an old-age pension in their own right. Following the European Court's judgment, a legislative addition of 2002 also awarded this right retroactively to all married or previously married women, whose (ex-)husbands worked without full insurance before 1985.

Wessels-Bergervoet (34462/97)
Final Resolution CM/ResDH(2005)91

Freedom of expression

➢ Protection of journalistic sources

According to the Code of Criminal Procedure amendment of 2018, witnesses to whom information has been entrusted within the framework of the professional reporting of news, the gathering of information for that purpose, or the participation in public debate, have the right to refuse to give evidence or identify sources of information. Additionally, journalists may, in principle, refuse to comply with an order to surrender an object if such surrender would violate their duty to maintain confidentiality in connection with the protection of sources. The new Intelligence and Security Services Act of 2018 furthermore provides that intelligence and security services intending to use special powers against journalists in order to identify their journalistic sources directly or indirectly must obtain the prior consent of The Hague district court.

Voskuil (64752/01+)
Final Resolution CM/ResDH(2018)437

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.

Conditions of detention

Inhuman and/or degrading treatment on account of the poor conditions of detention pending extradition proceedings in Philipsburg Police Station in Sint Maarten.

Corallo (29593/17)
Judgment final on 09/10/2018
Enhanced supervision
Status of execution

Irreducible life sentences

Inhuman and/or degrading treatment on account of the *de facto* irreducibility of a life sentence due to the lack of any kind of psychiatric treatment or even of any assessment of the needs and possibilities of such treatment.

Murray (10511/10)
Judgment final on 26/04/2016
Enhanced supervision
Status of execution

Migration and asylum

Failure to properly assess – in the context of "last minute" asylum proceedings – the alleged risk of treatment contrary to the prohibition of torture (Article 3) prior to the applicant's deportation to his country-of-origin (Bahrain).

A.M.A. (23048/19)
Judgment final on 24/01/2024
Standard supervision
Status of execution

Termination of parental authority

Shortcomings in the decision making of domestic child welfare authorities and courts leading to the termination of parental authority.

Van Slooten (45644/18)
Judgment final on 15/07/2025
Standard supervision
Status of execution

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