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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

As concerns confinement in a prison's psychiatric clinic, measures were taken in 2004 and 2007 to improve forensic examinations with a view to speeding up the judicial review of detention.

Regarding compensation for violations of Article 5 §§ 1-4 of the European Convention, the Code of Criminal Procedure was amended in 2021 to explicitly establish this right, and domestic courts have integrated the European Court's case-law into their jurisprudence.

Magalhães Pereira No. 2
(15996/02)

Final Resolution
CM/ResDH(2009)53

Fernandes Pedroso
(59133/11)

Final Resolution
CM/ResDH(2025)342

➡ Functioning of justice

➤ Fairness of proceedings

Reciprocal notification of the actions undertaken by the plaintiff and/or the Attorney-General's Department was ensured by an amendment of the Civil Procedure Code in 1996.

As from 2007, the annotations ("*despacho de sustentação*") made by the first instance judge and sent to the court of appeal had to be communicated also to the parties.

An upper limit on the sums that could be charged as court fees was introduced in the Court Fees Code of 2008.

In criminal investigations, in order to ensure that the use of undercover agents does not unduly interfere with the right to a fair trial, the requirement of a court's approval to be given within five days of the application and for a specific period was introduced in 1996.

➤ Remedies for excessive length of proceedings

The 1988 Code of criminal procedure introduced an autonomous remedy to accelerate the procedure. When the time-limits set by the law for the duration of each phase of the proceedings have expired, the Public Prosecutor, the accused, or the parties claiming damages may request expedition to be decided either by the General Prosecutor, if the case is under the direction of the Public Prosecutor, or by the Superior Council of the Judiciary if the case was brought before a court or a judge.

In 1992, the court system was reorganised, and the total number of courts and judges increased.

Subsequently, further major legislative measures lead to encouraging results with regard to criminal proceedings, as well as to first instance civil *ex parte* proceedings and civil proceedings, in general, before the higher courts.

The effectiveness of a compensatory remedy developed by court practice was recognised by the European Court in its case-law.

Lobo Machado
(15764/89)

Final Resolution
CM/ResDH(97)221

Ferreira Alves No.4
(41870/05)

Final Resolution
CM/ResDH(2012)45

Perdigao (24768/06)

Final Resolution
CM/ResDH(2011)243

Teixeira de Castro
(25829/94)

Final resolution
CM/ResDH(2001)12

Moreira de Azevedo
(11296/84)

Final Resolution
CM/ResDH(92)10

Gama Cidrais (18024/91)

Final Resolution
CM/ResDH(94)71

Oliveira Modesto and Others (34422/97+)

Final Resolution
CM/ResDH(2016)149

Martins Castro et Alves Correia de Castro group
(33729/06)

Final Resolution
CM/ResDH(2016)99



Administrative justice was enhanced by the creation of a higher administrative and fiscal tribunal in 1996 as well as changes to the administrative procedure.

► Protection of family and private life

➤ Child custody and international child abduction

The Civil and Criminal Codes were amended in 2008, in order to strengthen the sanctions in cases of child abduction and refusals to abide by visiting or custody agreements, and to ensure better mediation in reaching such agreements through a special procedure involving the prosecutor.

In 2015, the Law on the promotion and protection of children and youth in danger was amended in order to make the parents' legal representation obligatory in proceedings concerning the placement of their children.

➤ National security and protection of private life

In 2007, legislation improved the protection of private life in cases whereby employees were being investigated in the interest of national security. Effective remedies were provided to allow victims to obtain compensation through civil actions and the criminal or disciplinary sanctioning of the responsible official.

J.M.C.S. (21599/93)
Final Resolution
CM/ResDH(99)117

Reigado Ramos
(73229/01)
Final Resolution
CM/ResDH(2012)132

Soares de Melo
(72850/14)
Final Resolution
CM/ResDH(2019)123

Antunes Rocha
(64330/01)
Final Resolution
CM/ResDH(2013)230

► Protection against discrimination on the grounds of sexual orientation

The domestic courts' jurisprudence concerning parental authority and custody proceedings was further developed by interpreting the relevant provisions in a way to ensure equal treatment of parents living in same-sex relationships.

Salgueiro da Silva Mouta (33290/96)
Final Resolution
CM/ResDH(2007)89

► Freedom of expression

The Criminal Procedure Code was amended in 2007 so that the provision concerning the violation of a judicial secret ("*segredo of justiça*") is no longer applied automatically but only upon decision taken by the investigating judge or the prosecution.

Under the Supreme Court's case-law developed in 2017, in cases concerning the protection of honour and reputation, domestic courts' decisions must be aligned with the European Court's case-law.

Colaço Mestre and SIC
(11182/03+)
Final Resolution
CM/ResDH(2015)115

Medipress Sociedade Jornalística Lda.
(55442/12)
Final Resolution
CM/ResDH(2019)201

► Protection of property rights

In 2008, the Court Fees Code placed an upper limit on the court fees so that they may not exceed the amount awarded to real property owners as compensation due to expropriation.

Perdigao (24768/06)
Final Resolution
CM/ResDH(2011)243



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

➤ Rights in detention

Inhuman and degrading treatment of the applicant due to **overcrowding** and **poor material conditions of detention**, as well as the **absence of an effective remedy** to complain about the situation and to obtain redress.

Petrescu (23190/17)
Judgment final on 03/12/2019

Enhanced supervision
Status of execution

Preventive detention of the applicant who was declared not criminally responsible owing to his mental disorder in inadequate conditions and without appropriate assistance and care revealing a structural problem in the context of enforcing preventive detention measures in prison facilities.

Miranda Magro (30138/21)
Judgment final on 09/04/2024

Enhanced supervision
Status of execution

Continued imposition of high security regime in prison and restrictive measures for a particularly long duration and without demonstrating that it remained necessary.

Fernandes (33023/17)
Judgment final on 16/01/2024

Enhanced supervision
Status of execution

➤ Lawfulness of detention

Violation of the right to liberty and security due to the **excessive duration of the review of the legality of the applicant's pre-trial detention**.

Martins O'Neill Pedrosa (55214/15)
Judgment final on 14/05/2017

Standard supervision
Status of execution

► Access to a court

Impossibility to have access to court for the examination of the cassation complaint due to a restrictive interpretation of a procedural rule by the Supreme Court.

Meggi Cala (24086/11)
Judgment final on 02/05/2016

Standard supervision
Status of execution

► Fairness of judicial proceedings

Failure of the Court of appeal to hear, in 2007, the accused in person in criminal proceedings instituted against her for threats and insults and resulting in her conviction to 265 hours of community service.

Moreira Ferreira (19808/08)
Judgment final on 05/10/2011

Standard supervision
Status of execution

► Length of judicial proceedings

Excessive length of judicial proceedings revealing a structural problem in the administration of justice and lack of an effective compensatory remedy.

Vicente Cardoso (30130/10)
Judgment final on 12/03/2013

Enhanced supervision
Status of execution

► Enforcement of domestic judicial decisions

Unlawful tax enforcement procedure due to the tax authorities' and administrative courts' disregard of an acquittal in criminal proceedings for tax fraud.

Melo Tadeu (27785/10)
Judgment final on 23/03/2015

Standard supervision
Status of execution



► Freedom of expression

Criminal conviction for aggravated defamation and causing offence to a legal person, sentencing the applicant to payment of a fine and compensation for non-pecuniary damage.

Almeida Arroja
(47238/19)
Judgment final on 19/06/2024

Standard supervision
Status of execution



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