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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 2006 Code of Criminal Procedure enabled the prosecutor to review actions of police officers following a complaint. Prosecutors shall examine the complaints and notify the complainants as to their findings. Decisions on suspension of criminal proceedings shall be communicated to the accused and the victim, who can file complaints. Investigations of particularly serious crimes must be completed within six months. Amendments of the Code of Criminal Procedure and the Criminal Code of 2017 enhanced the effectiveness of investigations into racially motivated crimes, transferring these cases to specialised investigators and to the Specialized Criminal Court. In case of alleged criminal acts committed by a police officer, investigation is conducted by a fully independent inspection service, not related to the Police Corps, carrying out operative-inquisitive actions and criminal investigations.

Koky and Others (13624/03)
Final Resolution CM/ResDH(2017)86

Effective investigations into racially motivated crime

A prosecutor responsible for extremism exists in each judicial district while a special police department within the office of the head of police and in each police district deals with extremism. In addition, 231 police officers specialised in minorities/ Roma operate at the level of the regional police departments. The Strategy for Combating Extremism for 2011-2014 of the Ministry of Interior has resulted in the creation of a database of extremist symbols that is accessible to judges, prosecutors and the police, and new guidelines for police were established. The police undergo periodic training on measures to combat new forms of extremist criminal acts and to prevent the excessive use of police force against Roma. The authorities also planned to increase the number of police officers of Roma origin while a Committee for Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other forms of Intolerance acts as an advisory body within the Ministry of Interior.

Mižigárová (74832/01)
Final Resolution CM/ResDH(2016)17

Fairness of criminal proceedings

The violation found by the European Court concerned objectively justified doubts as to the domestic court's impartiality in a trial against the applicant, because of its earlier judgments endorsing accomplices' plea-bargain agreements, which, in view of their wording, had been prejudicial to the applicant's right to be presumed innocent, and given also the role these earlier judgments played in the applicant's own trial, which took place before the same judges. Following the European Court's judgment, the Supreme Court examined a case in which it found that there were established facts preventing a Specialised Criminal Court judge from being objectively impartial, as that judge was deciding on an approval of a plea bargain and was later to decide a case against one of the persons alleged to be a co-perpetrator in that plea bargain. In another judgement, the Supreme Court excluded a judge from the proceedings, as he was a part of the chamber which, in a previous ruling against another person, had described the whole group as "criminal."

Mucha (63703/19)
Final Resolution CM/ResDH(2024)405

Prevention of domestic violence

Following the facts of the case, the Code of Civil Procedure was amended (in 2003) and provided that courts through an interim measure may proscribe a person's entry into a dwelling occupied by a close person/relation or person in the former's care if the former is suspected of committing violence.

E.S. and Others (8227/04)
Final Resolution CM/ResDH(2012)50

As from 2006, the Civil Code provided for an effective remedy in the context of domestic violence resulting in death in the form of an action for the protection of personal integrity. Subsequently, lodging an appeal became possible before the Constitutional Court. Moreover, the 2006 Criminal Code provided a legal basis for claiming compensation for non-pecuniary damage against the perpetrator of a criminal offence. No court fees are payable when bringing such a claim and, as from 2004, under the State Liability Act, claims for non-pecuniary damage became possible also following a State official's wrongful conduct.

Kontrova (7510/04)
Final Resolution CM/ResDH(2011)31

Risk of ill-treatment in case of expulsion

Under the 2012 Act on the Residence of Foreigners, the competent department of the foreigner police shall decide in first instance on expulsion and their decisions may be appealed to the Directorate of the Border and Foreigner Police. According to the Administrative Code, a further appeal before courts is possible within 15 days and has automatic suspensive effect. As regards asylum seekers, under the 2015 amendments of the Asylum Act and the Act on Residence of Foreigners, a rejected asylum seeker shall not be expelled until a domestic court has made a full assessment of any risk of ill-treatment in the country to which he or she would be expelled.

Labsi (33809/08)
Final Resolution CM/ResDH(2017)87

Right to liberty and security

- Lawfulness of detention

The Code of Criminal Procedure 2005 provided that public prosecutors and judges are obliged to give priority to detention cases and deal with them promptly. A detainee is entitled to apply for release at any time. Where the public prosecutor dismisses such an application, he or she shall immediately submit it to a competent judge, who shall rule on the application without delay. Detention in pre-trial proceedings can only last for "a necessary period of time". Prolonged detention requires further significant reasons for detention and the authorities must proceed with special diligence.

Kučera and Haris (48666/99+)
Final Resolution CM/ResDH(2011)158

If the application is dismissed by the prosecutor, it shall be immediately submitted to a competent judge, who shall rule without delay.

Nestak (65559/01)
Final Resolution CM/ResDH(2009)136

The implementation of the adversarial principle was improved, granting the right to be heard in person by the court deciding on detention and of access to the investigation file.

Lexa (34761/03)
Final Resolution CM/ResDH(2012)53

The right to appeal against detention orders and their prolongation in proceedings based on European Arrest Warrants was clarified in the European Arrest Warrant Act of 2010.

Černák (36997/08)
Final Resolution CM/ResDH(2017)170

Functioning of justice

- Fairness of proceedings

The Act on Courts 2004 and the Ministry of Justice's Regulation of 2005 on Rules for district courts, regional courts, the Special Court and military courts, provided for random assignment of cases to judges, using an electronic registry.

DMD group, A.S. (19334/03)
Final Resolution CM/ResDH(2012)51

➢ Access to court

In cases of a concurrent lodging of an appeal on points of law before the Constitutional Court and the Supreme Court, the former changed its case-law so that the constitutional complaint is admissible only following the Supreme Court's decision. However, the statutory time-limit for lodging the complaint before the Constitutional Court is preserved not only in respect of the Supreme Court's decision but also in respect of the lower courts' decision, against which the appeal on points of law has been lodged.

Kovárová (46564/10)
Final Resolution CM/ResDH(2016)138

In a case on refusal of the domestic courts to exempt a company from a court fee for the claim for damages it sought against a lawyer, without proper balance between the public interest in collecting court fees and the interest of the company in pursuing its claim, more recent case-law by the Constitutional Court now interprets the applicable provision on court fees as setting the same criteria for exemption for all parties to the proceedings.

KOM, SPOLOČNOSŤ S RUČENÍM OBMEDZENÝM (56293/15)
Final Resolution CM/ResDH(2024)404

➢ Remedies in case of excessive length of proceedings

The Constitutional reform of 2002 introduced a compensatory remedy and the Constitutional Court started granting adequate pecuniary compensation in case of excessive length of judicial proceedings.

Jakub (2015/02+)
Final Resolution CM/ResDH(2012)59

The Code of Civil Procedure was amended in 2002 to remove the inquisitorial principle and establish the adversarial nature of civil proceedings. The function of court senior clerks was introduced in 2003 with a view to delegating various administrative tasks which do not require judges' involvement.

Masar (66882/09)
Final Resolution CM/ResDH(2013)126

Protection of private and family life

➢ Shortcomings in the investigation of allegations of sexual abuse

Since 15 August 2020, the law enforcement authorities have an obligation to notify the social protection authorities if they detect that a child is threatened by violence, or there is a suspicion of abuse, threat to morals, or torture. The social protection authorities are then to assess the situation and adopt adequate measures.

Targeted dissemination was carried out, including to the domestic authorities involved in the case as well as all judges. The General Prosecutor confirmed that all the prosecutors specialised in the area received the judgement, and the remaining prosecutors its analysis during a training in 2020.

Multiple targeted training measures were delivered to the social-services and child-protection authorities, and the Child Abuse and Neglect Syndrome Manual addressing the issue further was produced and disseminated.

M.M.B. (6318/17)
Final Resolution CM/ResDH(2025)213

➢ Public care and abduction of children

The possibility for administrative authorities to order urgent placement of children in public care until the courts have considered the matter was repealed as unconstitutional in 2002.

Berecova (74400/01)
Final Resolution CM/ResDH(2009)11

The 2015 Code of Civil Non-Dispute Procedure ensured, in matters relating to international parental child abductions, more efficient compliance with European and international rules. Among others, strict time frames were introduced to ensure swift court rulings on such cases, and the right to submit extraordinary appeals was abrogated to prevent further delays.

Frisancho Perea (383/13)
Final Resolution CM/ResDH(2018)95

➢ Challenging paternity decisions rendered by courts

The Code of Civil Procedure was amended in 2013 to provide for the right to request before courts the reopening of paternity recognition proceedings based on scientific evidence, notably DNA tests, which had not been available during the original court proceedings.

Paulik (10699/05)
Final Resolution CM/ResDH(2013)195

Protection of property rights

➢ Rent control

With regard to disproportionate limitations on the use of property by landlords, in 2011, legislation ensured that flat owners are no longer subject to loss resulting from regulated rent as they were entitled to receive the market price as from 2017. Municipalities plan to construct new flats to provide tenants with social housing and start carrying out payments to flat owners if they had not been able to provide substitute housing.

Bitto and Others (30255/09)
Final Resolution CM/ResDH(2020)39



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.

Actions of police, security forces and prison authorities, criminal investigations

Excessive use of force in a police operation carried out on a street that is home to a Roma community, ineffective investigation into the allegations of excessive use of force, and lack of inquiry into the alleged discrimination in the planning of the operation. Authorities' failure to protect the physical well-being in police custody of an unaccompanied minor of Romani origin.

R.R. and R.D. (20649/18)
Judgment final on 01/12/2020

Enhanced supervision
Status of execution

➢ **Secret surveillance by the Intelligence Service**

Lack of adequate legal safeguards against abuse in secret surveillance carried out by the Slovak Intelligence Service, due to the practically unfettered power exercised by this service. Lack of legal protection for persons randomly affected by covert surveillance measures and lack of adequate and effective safeguards against abuse in respect of a person randomly affected by the implementation of a secret surveillance warrant in the context of criminal proceedings.

***Zoltán* Varga** (58361/12)
Judgment final on 22/11/2021

Plechlo (18593/19)
Judgment final on 26/01/2024

Enhanced supervision
Status of execution

➢ **High security regime in prison**

Placement in high security unit in prison with only limited safeguards against abuse; broad discretion of the prison authorities under the applicable rules in deciding to impose and prolong the high security regime.

Maslák (No. 2) (38321/17)
Judgment final on 30/06/2022

Enhanced supervision
Status of execution

➢ **Ineffective investigation of human trafficking**

Ineffective investigation carried out in response to a credible allegation that the applicant had been trafficked to the United Kingdom. The authorities limited their efforts to establish the facts relevant to pimping. Failure to pursue an obvious line of inquiry was aggravated by the length of proceedings. Relevant background exists of persistent international criticism of domestic courts' lenient sentencing in human trafficking.

B.B. (48587/21)
Judgment final on 24/01/2025

Enhanced supervision
Status of execution

Length of judicial proceedings

Excessive length of civil proceedings, and lack of effective remedies in this respect.

***Maxian and Maxianova* group** (44482/09)
Judgment final on 24/07/2012

Standard supervision
Status of execution

Civil claims joined to criminal proceedings not protected by the right to trial within a reasonable time until charges have been brought against a specific person (even if the lodging of such claims prevents the lodging of separate civil proceedings).

Javor and Javorová (42360/20)
Judgment final on 01/02/2016

Standard supervision
Status of execution

Excessive length of proceedings on the land restitution claims and ineffective remedies in this respect.

Balogh and Others (35142/15)
Judgment final on 04/02/2019

Standard supervision
Status of execution

Fairness of criminal proceedings

Convictions based to a decisive degree on accomplices' statements without appropriate safeguards. Lack of legal framework and judicial oversight for arrangements between collaborating perpetrators and the prosecuting authorities when the former obtained benefits in return for incriminating statements against another person.

Adamco (45084/14)
Judgment final on 12/02/2020

Erik Adamco (19990/20)
Judgment final on 01/09/2023

Standard supervision
Status of execution

Domestic courts' refusal, without sufficient reasons, of the applicants' requests to examine witnesses; trial based essentially on evidence adduced by the prosecution without examination of any of the evidence adduced by the applicants.

Vasarab and Paulus (28081/19)
Judgment final on 15/03/2023

Standard supervision
Status of execution

Right to private life

Lack of reasoning in the court's warrant authorising telephone-tapping during criminal proceeding, not in accordance with the law, and lack of domestic remedies in this respect.

Potoczka and Adamco (7286/16)
Judgment final on 12/04/2023

Standard supervision
Status of execution

Discrimination

➢ Placement of Roma pupils in special classes for children with intellectual disabilities

A number of failings with regards to enrolment of Roma pupils – including the danger that diagnostic tests, used to determine intellectual capacity, were culturally biased, and consequently there has been an overrepresentation of Roma pupils in special classes. The enrolment was in practice permanent, and not subject to systematic re-testing. The applicant received an education which did not offer the necessary guarantees stemming from the positive obligations of the State to undo a history of racial segregation in special education.

Salay (29359/22)
Judgment final on 27/05/2025

Enhanced supervision
Status of execution



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