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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 thea 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 Public Prosecution Service made particular efforts to prosecute crimes of torture and inhuman or degrading treatment, as stated in its annual reports since 2007. Following the ratification, in 2006, of the Optional Protocol to the UN Convention against Torture, the Ombudsman's Office, as National Prevention Mechanism, began its activities in 2010. In 2008, the Constitutional Court developed its case law, underlining the absolute prohibition of torture and the authorities' obligation to carry out effective investigations into such acts. Legislation in 2015 established the pecuniary liability of the administration in cases in which a person suffers harm and a causal link between that harm and the functioning of a public service can be proven.

San Argimiro Isasa (2507/07+)
Final Resolution CM/ResDH(2017)281

Right to liberty and security

The *habeas corpus* procedure was regulated in 1984, providing immediate access to court for every person claiming to have been illegally detained.

Barberà, Messegué and Jabardo (10590/83)
Final Resolution CM/ResDH(94)84

The disciplinary sanction of house arrest for members of the Guardia Civil was abolished in 2007.

Dacosta Silva (69966/01)
Final Resolution CM/ResDH(2010)110

Functioning of justice

- Fairness of proceedings

As concerns criminal proceedings, the possibility of cassation on the grounds of a violation to a constitutional right as well as the possibility to request the annulment of judicial acts which are proved to violate the principle of a fair hearing, the right to be assisted by counsel or the rights of the defence were introduced by organic law in 1988.
Case-law developed by the Constitutional and the Supreme Courts underlined the rights of the accused, in particular with regard to the accusatorial procedure, equality of arms, publicity, the presumption of innocence and the rights of the defence.

Barberà, Messegué and Jabardo (10590/83)
Final Resolution CM/ResDH(94)84

Additional safeguards as regards the composition of military courts and the procedural rules applicable to ensure these courts' impartiality were introduced in 2003.

Perote Pellon (45238/99)
Final Resolution CM/ResDH(2005)94

According to constitutional court jurisprudence from 2002, implemented by the ordinary courts and codified in 2015, courts of appeal are no longer competent to decide a case on the merits without a full hearing, if it involves the overturning of an acquittal at first instance. The possibility (already recognised in the practice of the highest national courts) to request the reopening of judicial proceedings following a judgment by the European Court was introduced and the victim's status was strengthened by law in 2015.

Igual Coll (37496/04+)
Final Resolution CM/ResDH(2017)69

- Access to a court

The 1998 Law on Conflicts of Jurisdiction in Administrative Cases resolved the controversy over the identification of the first day of the time-limit for lodging an appeal against judgments (i.e., the date of notification or the date of publication).

Miragall Escolano and Others (38366/97+)
Final Resolution CM/ResDH(2001)158

- Remedies against excessive length of proceedings

In a first reform wave, that occurred between 1982 and 1990, 600 new courts were created, that is, an average of more than six new courts per month, including single-judge courts, social courts and juvenile courts. The territorial organisation of the judicial system was improved in 1988 and led to the creation of 1,570 new judicial posts (judges, clerks of court and administrative officers). The 2011 law on the acceleration of proceedings and the 2012 law on mediation in civil and commercial cases improved the efficiency of civil, labour, criminal, enforcement, administrative and bankruptcy proceedings, while progress was made concerning legal aid. In 2015, amendments of the Constitutional Law on the Judiciary, the Civil Procedure Code and the Criminal Procedure Code made courts' organisation more flexible and user-friendly.

Unión Alimentaria Sanders S.A (11681/85)
Final Resolution CM/ResDH(90)40

The victim's status in criminal proceedings was strengthened in 2015. A common administrative procedure for all public administration was introduced in 2015. The use of communications and information technologies in the administration of justice was regulated by law in 2011, improving case-management and the administration of justice.

Moreno Carmona (26178/04)
Final Resolution CM/ResDH(2018)35

- Right of appeal in criminal matters

In 2015, a legislative reform widened the criteria for access to appeals in cassation, in particular, by removing the €600,000 minimum threshold of the dispute. Furthermore, the Supreme Court, in its judgment of November 2021, adapted its case-law to the relevant European Court criteria to determine if an administrative fine has a criminal nature. In accordance with this general guidance, the Supreme Court can hear appeals in cassation and thus provide a second level of jurisdiction under the existing contentious-administrative appeals system.

Saquetti Iglesias (50514/13)
Final Resolution CM/ResDH(2022)143

No punishment without law

The case concerns the "Parot doctrine" that was adopted in 2006 by the Supreme Court, establishing that sentence reductions for good behaviour, including remission for work performed, were to apply to each sentence individually and not to the maximum term. In response to the European Court's judgment which found that the above case-law contravened the principle of non-retroactivity of criminal law, the criminal courts discontinued the application of the "Parot doctrine" and this was endorsed by the Criminal Division of the Supreme Court in 2013. The Constitutional Court has sent all cases pending before it back to the Audiencia Nacional for new decisions. As a result, all persons affected by the "Parot doctrine" have been released.

Del Rio Prada (42750/09)
Final Resolution CM/ResDH(2014)107

Protection of private and family life

- Access to one's child and international child abduction

Child abduction by a parent, while previously considered a disobedience, was criminalised in 2002, thereby allowing the issuing of an international arrest warrant, and thus making it easier for Spanish courts to request international action including under the Hague Convention.

Iglesias Gil et A.U.I.
(56673/00)
Final Resolution CM/ResDH(2006)76

The former Law for Legal Protection of Minors was replaced in 2015 by new legislation improving the legal system for the protection of childhood and adolescence, referring to the European Convention on the Adoption of Children, the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as the European Convention on the Exercise of Children's Rights. The law addressed, in particular, the situation of unaccompanied foreign minors while a national authority was created to focus exclusively on child protection.

Saleck Bardi *(66167/09+)*
Final Resolution CM/ResDH(2018)150

- Right to home/noise pollution

A 2003 Royal Decree on the assessment and management of environmental noise defined the national strategy on noise, incldluing action plans and information to the population. A 2007 Royal Decree on acoustic zoning, quality objectives and acoustic emissions established environmental quality objectives both indoors and outdoors and set maximum noise levels. Lastly, relevant case-law was developed by the Constitutional Tribunal, the Supreme Court and regional Supreme Courts.
Since 2002, the legislation on protection against exposure to noise intrusion has been developed. Notable developments include quality objectives for both indoors and outdoors, as well as maximum noise levels. As to jurisprudence, there are positive examples showing that domestic courts have progressively taken into account the jurisprudence of the ECtHR on noise pollution.

Martínez Martínez
(21532/08)
Final Resolution CM/ResDH(2017)223

Protection against religious discrimination

In 2015, the possibility for Evangelical Church ministers to have their earlier years of pastoral service prior to their integration into the social-security scheme taken into account for the calculation of the minimum period necessary to be entitled to retirement pensions was recognised by Royal Decree 839/2015.

Manzanas Martin
(17966/10)
Final Resolution CM/ResDH(2016)205

Migration matters – expulsion

In 2020, the Supreme Court aligned its case-law on the application of the impugned provision of the Law on Rights and Freedoms of Aliens to the present judgment and put an end to the automatism previously existing between a criminal conviction of more than one year and an expulsion order with interdiction to re-enter the country.

Saber and Boughassal
(76550/13)
Final Resolution CM/ResDH(2022)113

Freedom of expression

Awareness raising and capacity building measures led to a Convention compliant interpretation and application of the relevant provisions of the criminal code concerning the offence of insulting the Crown by judges and prosecutors. Only five convictions recorded since 2018. The European Court issued an inadmissibility decision in a similar case upholding the assessment of domestic courts.

Stern Taulats and Roura Capellera
(51168/15)
Final Resolution CM/ResDH(2025)455

In 2020, the Constitutional Court issued a landmark ruling on the offence of glorifying terrorism which led to a notable decline in convictions under this provision. Comprehensive awareness initiatives were launched to disseminate the

Erkizia Almandoz
(5869/17)
Final Resolution

judgment and relevant European Court principles, ensuring broader understanding and consistent application. The judgment received significant attention in both media and academic circles, enhancing public awareness and informed debate. Subsequently, the European Court reviewed two similar cases on the application of the same provision and found that domestic courts had properly upheld Convention requirements, balancing individual rights and public interest.

CM/ResDH(2025)345



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.

Migration

Lack of effective remedy with suspensive effect to challenge decisions of the administration dismissing requests for international protection lodged by thirty persons of Saharawi origins, thus hindering their faculty to assert a risk of ill-treatment and/or death in case of return to Morocco.

A.C. and Others (6528/11)
Judgment final on 22/07/2014

Enhanced supervision
Status of execution

Prohibition of slavery and forced labour

Authorities' **disregard of their duty to investigate** a Nigerian woman's serious allegations of human trafficking.

T.V. v. Spain (22512/21)
Judgment final on 10/01/2025

Standard supervision
Status of execution

Protection of family life

Shortcomings in the decision-making process resulting in the breakdown of contact between child and biological parent, due to the lack of a personalised assessment of the situation of the biological father.

Haddad (16572/17)
Judgment final on 18/09/2019

Standard supervision
Status of execution

Protection of private life

Shortcomings which led to **blood transfusions being administered to a Jehovah's witness** against her will during **emergency surgery** despite the applicant's **expressed refusal** to undergo a blood transfusion of any kind.

Pindo Mulla (15541/20)
Judgment final on 17/09/2024

Standard supervision
Status of execution

Police report on judges who signed a manifesto on the Catalan people's "right to decide" and **insufficient inquiry into data leak to press**.

M.D. and Others (36584/17)
Judgment final on 28/09/2022

Standard 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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