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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 case concerns the absence of an effective remedy whereby the applicant might seek compensation for non-pecuniary damages following the death of her brother, who was mistakenly shot by the police. Section 7 of the Human Rights Act 1998 created a cause of action, which can serve as the basis of a claim for relief, including damages, against a public authority which has acted unlawfully, in breach of Convention rights.

Bubbins (50196/99)
Final Resolution CM/ResDH(2007)101

To ensure effective and independent investigations into allegations of unlawful killings and possible abuse of Iraqi civilians by UK armed forces in Iraq between 2003 and 2009, the Iraq Historic Allegations Team was created as a special unit in 2010 and the Iraq Fatality Investigations in 2014. In addition, a judge of the High Court was designated to oversee the progress of the investigative process and to hear all public and private law claims arising from UK military operations in Iraq.

Al-Skeini and Others (55721/07)
Final Resolution CM/ResDH(2016)298

Al-Jedda (27021/08)
Final Resolution CM/ResDH(2014)271

Protection against ill-treatment by private individuals

The practice of inflicting birching as a corporal punishment in the Isle of Man was abandoned after 1978.

Tyrer (5856/72)
Final Resolution CM/ResDH(78)39

In the Children Act 2004, the defence of "reasonable chastisement" was removed and replaced with one of "reasonable punishment". This defence has been limited to cases charged as "common assault", i.e. cases where the injury suffered by the child is transient or trifling. The defence may no longer be invoked in cases where the physical punishment amounts to assault occasioning actual bodily harm to children, cruelty or more serious assault offences.

A. (25599/94)
Final Resolution CM/ResDH(2009)75

To enhance the local authorities' competence and capacities to protect minor children from serious, long-term neglect and abuse by their parents, legislative and awareness-raising measures were taken as from 1993. Furthermore, according to the Human Rights Act 1998, local authorities are obliged to act in accordance with the Convention. If they were not to do so, their acts would be unlawful and the injured party could bring proceedings and a court may grant whatever remedies it considers just and appropriate, including damages.

Keenan and Others (27229/95+)
Final Resolution CM/ResDH(2011)290

Risk of ill-treatment in case of expulsion

The Special Immigration Appeals Commission Act was amended in 1998 and a Special Immigration Appeals Commission was established, which may decide on appeals against deportation orders in the interest of national security. When a decision affecting a person's entry or residence in the UK is based on grounds other than national security, the Immigration and Asylum Act 1999 created a new right of appeal on human rights grounds to an adjudicator or the Immigration Appeal Tribunal. Moreover, the Human Rights Act entered into force in 2000 enabling tribunals to provide remedies
in relation to an act of a public authority which is unlawful. Proceedings for habeas corpus and for judicial review of the decision to detain a person pending their deportation are subject to the provisions of the Human Rights Act.

Chahal (22414/93)
Final Resolution CM/ResDH(2001)119

Protection against domestic servitude

Legislation adopted in 2010 in England, Wales and in Scotland, criminalised the holding of a person in slavery or servitude or requiring the person to perform forced or compulsory labour. The legislation made it clear that the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the ECHR.

C.N. (4239/08)
Final Resolution CM/ResDH(2014)34

Right to liberty and security

Lawfulness of detention

As a result of amendments to the Criminal Justice Act 2003, the Parole Board is now competent to rule on the release of all mandatory life sentence prisoners; the Secretary of State is no longer free to depart from its decisions.
In 2012, the Indeterminate Sentence for Public Protection (IPP) was abolished by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act and replaced by a new regime of determinate sentences. On the basis of a personalised sentence plan established by prison and probation staff analysing the offender's risks and needs, the prisoner may demonstrate to the Parole Board that they may be effectively and safely managed in the community. The National Offender Management Service (NOMS) is organising additional evidence-based programmes, focusing on prisoners with medium or higher risks of offending.

Stafford (46295/99)
Final Resolution CM/ResDH(2011)179

James, Wells and Lee (25119/09+)
Final Resolution CM/ResDH(2014)132

The scope of the Secretary of State's powers to release prisoners serving whole life sentences was clarified in 2014 by the Court of Appeal for England and Wales - refusals must explain the penological reasons for continued detention and are subject to judicial review.

Vinter and Others (66069/09+)
Final Resolution CM/ResDH(2017)178

Detention in psychiatric institutions

The 2007 Mental Health Act introduced in England and Wales a series of additional procedural safeguards for the placement and detention of legally incapacitated persons in psychiatric facilities. A respective code of practice was published in 2008. No amendments to the Scottish legislation were required. With regard to Northern Ireland, in 2010, the Health and Social Board, which commissions all health and social care services, issued guidance, the application of which it monitors through bi-annual reports. Judicial review is available to challenge any failure to apply the guidance by public authorities.
Furthermore, independent mental health advocates were established in England and Wales. In Scotland, the 2003 Mental Health Care and Treatment Act guaranteed access to the Mental Health Tribunal for the revocation of a short-term detention certificate while in Northern Ireland the referral to the Mental Health Review Tribunal was provided for by the 2016 Mental Capacity Bill.

H.L. (45508/99)
Final Resolution CM/ResDH(2014)133

M.H. (11577/06)
Final Resolution CM/ResDH(2015)53

Functioning of justice

Fairness of proceedings and access to a court

In 2004, the House of Lords delivered a judgment in a case in which it considered the question of whether the procedures for dealing with claims for public-interest immunity made on behalf of the prosecution in criminal proceedings complied with the Convention. The House of Lords took into consideration the European Court's case-law and stated that derogation from full disclosure "may be justified but such derogation must always be the minimum derogation necessary to protect the public interest and must never imperil the overall fairness of the trial". A number of general guiding principles on disclosure and the procedure which must be followed when a court is faced with an application to withhold sensitive material from the defence were set out in the decision. These principles were included in the 2004 Guidance issued by the Director of Public Prosecutions and in the 2005 Crown Prosecution Service's Disclosure Manual. The Criminal Justice Act 2003 amended the disclosure regime in the Criminal Procedure and Investigations Act 1996 giving statutory force to the prosecution's duty of disclosure.

John Murray (18731/91)
Final Resolution CM/ResDH(2010)120

Edwards and Lewis (39647/98)
Final Resolution CM/ResDH(2011)289

Protection of private and family life

Parental authority and public care of children

Statutory guidance was provided in 2010 to prevent children from being treated at public hospitals without parental consent, to improve the care services offered by local authorities to families and to avoid unnecessary relocations to family centres or placement in foster care.

M.A.K. and R.K. (45901/05 and 40146/06)
Final Resolution CM/ResDH(2012)65

A.D. and O.D. (28680/06)
Final Resolution CM/ResDH(2012)66

Protection of domestic violence victims

The relevant legislation was amended (entry into force in October 2021) to introduce an exemption for victims of domestic violence who are part of a special Sanctuary Scheme from reduction in housing benefits. This exemption applies also to claimants who adjusted their home under the Sanctuary scheme, due to an individual in their household being subject to domestic violence.

J.D. and A (32949/17)
Final Resolution CM/ResDH(2022)19

Protection of home

Amendments introduced by the Housing Act 2004 enabled courts to suspend, for up to twelve months at a time, the enforcement of a possession order made by a local authority concerning Gypsy/Traveller sites. Moreover, Gypsies and Travellers who reside on local authority sites were also afforded greater security of tenure by the Housing and Regeneration Act 2008.

Connors (66746/01)
Final Resolution CM/ResDH(2013)174

Buckland (40060/08)
Final Resolution CM/ResDH(2013)237

Protection of journalistic sources

In 1997, domestic case-law changed to protect journalists from being obliged to disclose the identity of their sources.

Goodwin (17488/90)
Final Resolution (97)507

Access to public records

The Data Protection Act was adopted in 1998, attaching conditions to data processing, including obtaining and recording data, regulating the right to be

Gaskin (10454/83)
Final Resolution CM/ResDH(2000)106

informed about their processing and to obtain copies of data, and providing for administrative and judicial remedies.

- *Disclosure of pictures taken by surveillance cameras*

Specific provisions were included in the Data Protection Act 1998 and supplemented by the Information Commissioners CCTV Code in 2008 to limit the retention of images and to restrict their disclosure to third parties.

Peck (44647/98)
Final Resolution CM/ResDH(2011)177

- *Police registers with DNA profiles*

The Protection of Freedoms of 2013 requires the destruction of the DNA profiles and fingerprints of the vast majority of those who have not been convicted.

Goggins and Others (30089/04+)
Final Resolution CM/ResDH(2014)91

- *Police stop and search orders*

The broad powers of the police were limited by 2012 legislation, allowing stop and searches of people and vehicles without special suspicion only in exceptional circumstances (where a senior police officer reasonably suspects that an act of terrorism will take place and the measure is necessary to prevent the act).

Gillan and Quinton (4158/05)
Final Resolution CM/ResDH(2013)52

- *Secret surveillance*

The Interception of Communications Act 1986 established a comprehensive statutory framework governing interceptions on the public postal and telecommunications systems, setting out requirements for obtaining an authorisation and declaring unauthorised interceptions a criminal offence.
The Security Service Act 1989 placed the Security Service on a statutory basis, defining the purposes of its activities and establishing a Security Service Commissioner and an independent tribunal for the investigation of complaints about this service. In 2000, legislation was enacted providing a regulatory framework for interceptions on private telecommunication networks and more detailed and foreseeable regulation of interceptions of other electronic communications.

Malone (8691/79)
Final Resolution CM/ResDH(86)1

Hewitt, Harman and N. (12175/86+)
Final Resolution

Halford (20605/92)
Final Resolution CM/ResDH(2007)15

Liberty and Others (58243/00)
Final Resolution CM/ResDH(2011)83

- *Secret surveillance (bulk interception – acquisition communication data)*

The European Court found shortcomings in the old legislative regime (Regulation of Investigatory Powers Act 2000). That legislation was replaced by the Investigatory Powers Act (IPA) 2016. The IPA introduced a 'double lock' which requires warrants for the use of these powers to be authorised by a Secretary of State and approved by a senior judge in the Investigatory Powers Commissioner's Office prior to being issued. The IPA also requires that applications for a bulk interception warrant must specify all the operational purposes for which any material obtained under that warrant may be selected for examination. Beyond the IPA, operational procedures have been amended which now require that when an analyst intends to target strong selectors referable to an identifiable individual who has not previously been approved, their targeting must be confirmed by an 'approver' to verify that the targeting is necessary and proportionate.
In addition, the Investigatory Powers Act 2016 (Remedial) Order 2024 strengthened the existing safeguards for journalists and journalistic material in the IPA, which ensured that the regime is compliant with Article 10 of the Convention.

Big Brother Watch and Others (58170/13)

Final Resolution CM/ResDH(2024)429

The Data Retention and Acquisition Regulations 2018 further strengthened the safeguards for the IPA's communications data regime by amending the IPA to introduce a serious crime threshold and independent authorisation of relevant communications data requests.

➢ *Decriminalisation of homosexuality*

The provisions of the Homosexual Offences (Northern Ireland) Order 1982 decriminalised sexual acts between two consenting male adults in private. In the Sexual Offences Act of 2003, which underlined the importance of consent, there are no specific offences for any homosexual activity in private between consenting adults.

Dudgeon (7525/76)
Final Resolution CM/ResDH(83)13

A.D.T. (35765/97)
Final Resolution CM/ResDH(2010)118

➢ *Homosexuality in the military*

The ban on homosexuals serving in the military was removed following the introduction of the 2000 Armed Forces Code of Social Conduct Policy Statement.

Smith and Grady (33985/96)
Final Resolution CM/ResDH(2002)35

➢ *Legal recognition of transgender persons*

Legal recognition of transgender persons who had taken decisive steps to live fully and permanently in their acquired gender was ensured by the adoption of the Gender Recognition Act 2004 which came into force in 2005, including recognition in regard to social security benefits and state pension.

I. and Christine Goodwin (25680/94 and 28957/95)
Final Resolution CM/ResDH(2011)175

Grant (32570/03)
Final Resolution CM/ResDH(2011)173

Freedom of expression

The concept of contempt of court was revised through legislation in 1981.
The legal aid system in defamation proceedings was revised in 2000, authorising the granting of legal aid subject to an "exceptional cases test".
In 2006, the amended Consolidated Criminal Practice Direction specified that courts should no longer bind an individual "to be of good behaviour" in general terms but should identify the specific conduct or activity from which the individual should refrain.
As from April 2019, the media defendant is no longer liable to pay the winning party's success fee in defamation proceedings following Conditional Fee Agreements concluded after that date.

Sunday Times (6538/74)
Final Resolution CM/ResDH(81)2

Steel and Morris (68416/01)
Final Resolution CM/ResDH(2011)284

Hashman and Harrup (25594/94)
Final Resolution CM/ResDH(2011)180

MGN Limited (39401/04)
Final Resolution CM/ResDH(2019)307

Freedom of association

Provisions of the Employment Act 1980, re-enacted and strengthened in 1982, relating to the "closed shop" system, determined that the dismissal of an employee due to his objection to joining a trade union is to be regarded as an unfair dismissal against which a remedy is available.

Young, James and Webster (7601/76+)
Final Resolution CM/ResDH(83)3

Right to marry

In the 1980s, practice with regard to the marriage of prisoners was changed and subsequently respective laws were amended allowing prisoners to be married in prison without restrictions and delays. As part of a review of family law in Scotland in 2005, remaining restrictions on marriage between a person and the parent of their former spouse were removed. The impugned provisions have since been repealed also in England, Wales and Northern Ireland.

Hamer (7114/75)
Final Resolution

Draper (8186/78)
Final Resolution

B. and L. (36536/02)
Final Resolution
CM/ResDH(2010)187

Protection against discrimination

- *on the ground of sex*

Widows and widowers were granted the same right to social security benefits as from 2001.
The Welfare Reform and Pensions Act 1999 granted equal treatment to widows and widowers in respect of social security benefits as from 2001. An amendment of the Finance Act 1999 abolished the Widow's Bereavement Tax Allowance in relation to deaths occurring on or after 06/04/2000.

Fielding (36940/97)
Final Resolution
CM/ResDH(2002)97

Blackgrove (2895/07+)
Final Resolution
CM/ResDH(2010)135

- *on the ground of sexual orientation*

The Civil Partnership Act 2004 provided that same sex relationships are considered in an equivalent way to relationships between persons of the opposite sex.

J.M. (37060/06)
Final Resolution
CM/ResDH(2012)231

Right to education

The Education Act 1986 abolished corporal punishment in state schools.

Campbell and Cosans (7511/76)
Final Resolution
CM/ResDH(87)9

Warwick (9471/81)
Final Resolution
CM/ResDH(89)5



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.

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Actions of security forces – Effective investigations **Ineffective investigations into suspicious deaths of individuals during the conflict in Northern Ireland** either during security forces operations or in circumstances giving rise to suspicion of collusion with those forces. Various shortcomings in the investigation proceedings, notably lack of independence of investigative police officers, lack of public scrutiny and information to victim's families on reasons for decisions not to prosecute; defects in the police investigations, absence of legal aid for the victims' families, delays in inquest proceedings.	***McKerr* group** (28883/95) Judgments final on 04/08/2001 Enhanced supervision **Status of execution**
Protection of trafficking victims **Failure to take operational measures to protect two minors from prosecution** despite a credible suspicion they were trafficking victims and subsequent unfair criminal proceedings.	***V.C.L. and A.N.*** (77587/12) Judgment final on 05/07/2021 Enhanced supervision **Status of execution**
Private life - Retention of information **Retention for an indefinite period of cellular samples, fingerprints and DNA profiles**, for person convicted of minor offence (*Gaughran*) and in connection with arrests for offences for which the persons concerned were ultimately not convicted (*S. and Marper*).	***Gaughran* group** (45245/15) Judgment final on 13/06/2020 Enhanced supervision **Status of execution**



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