

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the 'type of information' outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
☐ Anti-corruption
☐ Media Pluralism
☒ Checks and Balances
☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
☒ Belgium
☐ Bulgaria
☐ Croatia
☐ Cyprus
☐ Czechia
☐ Denmark
☐ Estonia
☐ Finland
☐ France
☐ Germany
☐ Greece
☐ Hungary
☐ Ireland
☐ Italy
☐ Latvia
☐ Lithuania
☐ Luxembourg

- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

This submission brings together 9 country submissions compiled by ILGA-Europe, with expert input of its member organisations in the Member States, namely - Bulgaria (Deystvie), Belgium (Prisme), Cyprus (Queer Cyprus), Hungary (Háttér Társaság and Budapest Pride), Italy (Arcigay), Poland (KPH), Romania (ACCEPT Romania), Slovakia (Saplinq), and Spain (Euforia. Familias Trans-Aliadas). Recommendations are included in the chapters where organisations chose to issue them.

The developments encompassed in this submission point to systematic attacks on the fundamental rights of LGBTI people in some countries, often enabled by a deliberate weakening of rule of law and democratic structures by those in power. This contribution focuses on rule of law violations which impact the rights of LGBTI people and therefore does not include all fundamental rights violations against LGBTI people, or all restrictions experienced by LGBTI civil society in the respective countries.

8 of the 9 submissions reported problems with smear campaigns, disinformation, misinformation, hate speech and discriminatory speech against LGBTI persons, spread by different actors, most notably far-right politicians, media outlets and social media accounts. In our previous submissions to this consultation we highlighted how such narratives are often used by politicians seeking to polarise society in the aim to win elections. This year a clear example was the Romanian election period, which saw a surge in anti-LGBTI narratives particularly online, in the aim to discredit political opponents. These elections also clearly showed that these narratives are also spread by organised foreign interference, including cyber-attacks and social media manipulation. Most importantly, we also can see how these narratives translate into real hatred and violent actions.

As a result, violence against LGBTI people has been normalised and this is increasingly reflected by legislative proposals actively attacking fundamental rights and dignity of LGBTI people. This year we saw anti-LGBTI laws, often using the terminology of combating “LGBTI propaganda”, reported on in six of the nine countries which contributed to our submission. While in Hungary the anti-LGBTI law adopted in 2021 continues to be implemented, anti-LGBTI legislation was adopted in 2024 in Bulgaria and Italy, protections for LGBTI persons were repealed in a region of Spain, and anti-LGBTI legislation was tabled in Romania and Slovakia. In all cases these legislations are incompatible with international and European standards for protection of LGBTI people against discrimination and for the ability of LGBTI people to fully enjoy their rights, and in some cases are incompatible with the Member States’ own domestic legislation, such as the Constitution.

In the meantime, efforts of LGBTI persons and CSOs to challenge discriminatory legislation, actions of the government or lack of protections for LGBTI people face structural challenges in 7 of the 9 countries.

In Bulgaria, Hungary, Romania and Poland there is still, as reported in previous years, consistent lack of implementation of judgements of the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECtHR) in cases related to equality for LGBTI families (legal recognition of same-sex couples and of same-sex parents) and in cases related to legal gender recognition (LGR) – the procedure in which trans and intersex people can change their legal gender in identity documents.

Inadequate consultation processes for laws that impact LGBTI persons and their rights was reported in Slovakia, Romania, Hungary and Cyprus; funding restrictions on civil society organisations working for the LGBTI community or on LGBTI-related issues were reported in Slovakia, Spain and Cyprus; and problems with access to justice for LGBTI persons was reported in Slovakia, Romania, Poland and Hungary.

Independence of the media remains a serious concern in Hungary, Romania and Slovakia. The right to freedom of assembly is increasingly threatened through restrictive legislation in Italy and Slovakia.

Meanwhile in Hungary the Act on the Protection of National Sovereignty began to be implemented, with the Sovereignty Protection Office (SPO) investigating watchdog CSOs and publishing reports criticising their work and funding, e.g. criticising CSOs for their regranting activities via the EU CERV programme (including listing ILGA-Europe’s member organisation Háttér Society, in relation to this). It is important to see these government led and implemented smear campaigns against CSOs in the context of the aforementioned rising hateful narrative online and in the media. For example, the SPO’s report criticising receipt of EU funding was published in December 2024, the same month that CSOs in Hungary were described as “agents of foreign interest” by social media accounts, for contributing to this report – the European Commission’s Rule of Law report.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands

- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☒ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

Barriers to justice for LGBTI persons persist due to procedural inefficiencies and discriminatory practices among public servants, and due to the overall lack of knowledge on LGBTI issues and misinformation spread about LGBTI persons in the public sphere. The National Council for Combating Discrimination (CNCD) lacks transparency in terms of its deadlines, with recent procedural changes making it less accessible. For example, a new procedure was adopted this year that requires a majority vote among the Council members for self-initiated investigations, significantly slowing the resolution process [<https://www.crj.ro/ce-propun-noile-modificari-ale-procedurii-interne-a-cncd-ului/>].

In addition, legal cases are often prolonged, and often complaints filed to the police do not receive any update after submission. This year complaints regarding hate speech committed by public officials against LGBTI people were submitted under the electoral law to the competent authorities (Bucharest Police and the Central Electoral Bureau). According to the electoral law these should have been dealt with expeditiously, however they were redirected to the CNCD which has much longer deadlines and is overloaded. As a result, LGBTI-phobic public social media posts and statements made during the 2024 election campaigns (see more under IV. D.) were not removed, continuing the discrimination, smear campaigns and hate speech against LGBTI people.

Although as of 2020, prosecutors have at their disposal a methodology for investigating hate crimes, adopted by Order No. 184 of October 30, 2020 of the General Prosecutor of the Prosecutor's Office of the High Court of Cassation and Justice, reporting of hate crime remains low and people have more trust in CSOs rather than public authorities. This lack of trust is compounded by slow and redirected procedures as referenced above.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

With the exception of some small-medium news outlets, all the mainstream media outlets have private ownership which have legal contracts in place with political parties, displaying information and covering comfortable topics for the latter. These are contracts that most parliamentary political parties have or parties who have obtained a certain number of local seats in the elections (for mayors, local or county councillors), as these parties receive state subsidies which they can spend this way. As a result, some media outlets still give politicians the platform to propagate anti-LGBTI narratives. For instance, MEPs Cristian Terheş and Diana Ivanovici Şoşoacă have used public platforms to disseminate hate speech against LGBTI persons without significant repercussions. In the political sphere, more and more people have used hate speech against LGBTI people to further their political agenda, through media outlets. ACCEPT has made several complaints to the National Audiovisual Council (CNA) for LGBTI-phobic statements broadcast on air presented as mere political opinions, with broadcasters failing to fulfil their obligation to moderate the speech of guests on their programs. One such case is that of MEP Cristian Terheş, who, following the Eurovision Song Contest in which a non-binary person won the top prize, made several bias-motivated statements against non-binary people. The CNA sanctioned the TV station following ACCEPT's complaint [https://www.facebook.com/story.php/?story_fbid=881590447341197&id=100064707485020]. Another notable name who has used this type of anti-EU and anti-LGBTI discourse is MEP Diana Ivanovici Şoşoacă [<https://www.digi24.ro/stiri/externe/ue/diana-sosoaca-primul-live-din-parlamentul-european-niciodata-cu-ucraina-niciodata-pentru-lgbt-2862689>], who has made many public appearances and videos on her personal social media accounts discussing the topic [https://www.digi24.ro/stiri/externe/ue/diana-sosoaca-primul-live-din-parlamentul-european-niciodata-cu-ucraina-niciodata-pentru-lgbt-2862689?__grsc=cookieIsUndefined&__grts=57912085&__grua=f51bb482c660d0eeadd1f058058a2b35&__grrn=1].

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Although national legislation requires public consultations prior to adopting legislation, public access to the works of the parliamentary commissions and plenary sessions are very difficult to obtain without support from elected representatives. One example is the parliamentary proposals of censorship laws aimed at restricting discussions on LGBTI issues in schools, media, and public spaces [<https://stirileprotv.ro/stiri/actualitate/proiect-de-lege-anti-lgbt-in-scoli-depus-de-un-deputat-psd-si-unul-exclus-din-aur-zideologia-lgbtqia-dauneaza-rasei-umane.html>]. These proposals, modelled after Hungary's anti-LGBTI policies, were advanced without meaningful public debate or consultations with civil society organizations, including ACCEPT.

In addition, in order to bypass the aforementioned requirement for public consultation, the Government adopts national legislation by emergency ordinances, a legislative tool meant for emergency situations only. A review of the number of laws adopted in recent years clearly shows that an overwhelming majority has been adopted by the government through emergency ordinances, without public consultation and feedback from civil society.

In the first half of 2024, there was an attempt to pass a Family Law initiative without the consultation of any LGBTI CSOs [<https://www.euronews.ro/articole/natalia-intotero-despre-recunoasterea-familiei-formate-de-persoane-de-acelasi-sex>]. In February 2024, Natalia Intotero, the Minister of Family, Youth, and Equal Opportunities, announced plans to draft a new Family Law explicitly excluding same-sex families. During an interview, she claimed that the Civil Code, which currently defines marriage as a union exclusively between a man and a woman and prohibits recognition of same-sex marriages, would form the basis of this legislation. Intotero linked the initiative to addressing Romania's declining birth rate, prioritizing large families and encouraging child-raising as national objectives. The government engaged selectively with groups opposing rights for LGBTI persons, thereby side-lining inclusive dialogue and promoting a family model which excludes LGBTI people and the reality of diverse families.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

The current Ombudsperson, voted in by the Parliament in 2019, has shown involvement, including coordinating a working group to address the implementation of judgements of the European Court of Human Rights (ECtHR) on LGBTI issues, which remain a systemic problem (see section IV. C. below). Her mandate expired at the end of 2024 and she will not be politically supported for a new mandate, which raises questions as to how the collaboration will continue in the future. Despite the willingness of the Ombudsperson to work on LGBTI related issues and policies, progress remains slow, with no concrete legislative initiatives emerging from the Ombudsperson's efforts.

The independence of the National Council for Combating Discrimination (CNCD) is increasingly questioned due to procedural inefficiencies and politicized decisions. Numerous decisions of the CNCD are challenged and reversed in court. For example, in January 2024 the CNCD ruled in favour of a printing shop that refused to print LGBTI related leaflets, even though the anti-discrimination law stipulates that services should not be denied based on sexual orientation [<https://stirileprotv.ro/divers/cum-motiveaza-cncd-respingerea-unei-sesizari-privind-o-tipografie-care-a-refuzat-sa-printeze-afise-depre-lgbtq.html>]. The decision is being challenged in court.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

There have been delays in implementing key judgments from the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU), such as the Coman judgment (2018) and the Buhuceanu and Others v. Romania decision (2023). The government's disregard for implementing international and domestic judgments threatens the rule of law. This includes the absence of a legal gender recognition procedure, despite the ECtHR X and Y judgement requiring a procedure that is accessible, transparent and predictable. No significant developments on the implementation of these rulings have taken place since last year's report.

Non-implementation of CJEU judgement from 2018

On 5 June 2018, the Court of Justice of the European Union (CJEU) issued a landmark judgement against Romania, in the case C-673/16 recognising that the term spouse includes same-sex spouses under EU freedom of movement laws [<https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-06/cp180080en.pdf>]. However, the judgement still has not been properly implemented by Romania. Following political letters sent by the European Commission in 2022, the Romanian authorities informed the Commission that they will change their legislation with adoption planned in 2023. The latest commitment received from Romanian authorities (in April 2024) mentioned an adoption in the second half of September 2024. The draft legislative text has been at parliamentary committee for opinion since end 2023/beginning 2024. ACCEPT considers that this legislation would actually not be an implementation of the judgment as it would be much more restrictive. It would modify the law on the regime of foreigners and would create a separate category of family members treated differently from spouses, who would only be granted residence rights and no other rights as spouses.

Non-implementation of ECtHR judgment X and Y v. Romania decision from 2021

In January 2021 the ECtHR ruled in X and Y v. Romania that the refusal to grant legal recognition to the applicant's gender identity in the absence of sex reassignment surgery breached the applicant's right to respect for her private life, constituting a violation of Article 8 of the European Convention on Human Rights (ECHR) [<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-13101%22%5D%7D>]. The judgement notes that some domestic courts applied the sex reassignment requirement while others did not, due to the fact that there was "no clear and foreseeable procedure for legal recognition of gender identity making it possible to amend a person's indicated gender, and hence his or her name and digital personal code, on official documents in a quick, transparent and accessible manner." Despite this judgement Romania still has not introduced a legal gender recognition (LGR) procedure that is quick, accessible, transparent and predictable.

Non-implementation of ECtHR judgment Buhuceanu and Others v. Romania decision from 2023

In May 2023, the ECtHR ruled in Buhuceanu and Others v. Romania that Romania's failure to provide legal recognition and protection to same-sex couples is a violation of Article 8 of the ECHR and that Romania is obliged to ensure a legislative framework so that same-sex families are protected and recognized [<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-224774%22%5D%7D>]. The case was brought to the Court by 21 families. Romania filed an appeal in August 2023, which the Court rejected. Romania's deadline to submit an action plan addressing the ECtHR's judgment was 25 March 2024, however, no action plan has been put in place to date, and the draft plan lacks specific measures and includes only the translation, dissemination, and internal discussions of the judgment. The Prime Minister publicly stated since the publication of the judgment that he did not intend to respect it, stressing that Romania is not ready to recognize same-sex families.

New CJEU judgement – first for rights of trans people in the EU

The October 2024 CJEU ruling in the case C-4/23 Mirin stated that Romania must recognise the legal gender recognition granted to the applicant in the UK [<https://www.ilga-europe.org/press-release/romanian->

transgender-mans-landmark-case-requesting-that-romania-acknowledges-his-uk-gender-recognition-referred-to-the-court-of-justice-of-the-european-union/#:~:text=Arian%20Mirzarafie-Ahi,%20a%20transgender%20man%20with%20Romanian%20and%20British%20citizenship,]. It ruled that EU Member States must respect and recognise the legal gender identity of individuals as granted by other EU countries, in order to protect the EU right to free movement and residence rights, as well as the right to personal identity. It is a landmark case for equality and non-discrimination of trans people in the EU. Given the difficulties already experienced with the non-implementation of the aforementioned case C-673/16, we will be closely monitoring the pace of implementation.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Anti-LGBTI bills

On 26 November 2024 two MPs of the Romanian People's Patriots Party, MPs Mihai Lasca and Dumitru Focşa, tabled a bill prohibiting information about LGBTI people in the fields of pre-university education, media, sports and public gatherings, through amendments to five different laws [https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=22129]. In their justification the MPs purport that "The idea that LGBTQIA+ ideology harms not only children, but also the human race has become an axiom. In this case, the question of the spread of this scourge and that, in 10 or 15 years, we will have a predominantly homosexual or sexually disordered population". Lasca and Focşa say in the explanatory memorandum that "the EU wants to impose mental conditioning and social control on people who, because of their age, lack maturity or discernment, and thus cause harmful psychological manipulation of children's minds". They also argue that the draft does not seek to limit rights, but is "a measure to prevent influences that may lead to deviations from natural biological and social norms".

Later, in November, a new similar legislative proposal introduced by MPs Daniel Ghiţă and again Mihai Lasca, tried to pass in emergency procedure before the elections [https://www.senat.ro/legis/lista.aspx?nr_cls=b617&an_cls=2024]. This proposal was not accepted due to procedural rules.

Unequal application of rules governing freedom of assembly

Although freedom of assembly is a constitutionally guaranteed right, there are difficulties in organising Pride events in most cities in Romania. At times, even if the organisation of such events is possible, public institutions appear to perform various control activities and issue questionable fines for unverifiable acts such as the level of noise. Difficulties in obtaining legal permits to organise Pride marches are a recurring issue in most cities.

The rejection of PRIDE Park in Oradea for the second consecutive year [<https://romania.europalibera.org/a/mars-pride-oradea-interzis/33072600.html>] demonstrates a troubling pattern of institutional resistance against the LGBTI community's right to freedom of assembly and freedom of expression. Despite ARK Oradea's (the local LGBTI organisation and organiser) timely request to hold the event on 11 August 2024, in Oradea Fortress Park, the municipality refused permission, citing pre-existing approvals for events organized by religious groups. However, these supposed events were not publicly announced, raising concerns about their legitimacy. When ARK sought alternative parks, all six remaining locations were also denied on similar grounds, with the vague explanation that they were "occupied by congregants." The municipality's actions culminated in an abusive fine imposed on ARK Oradea for attempting to proceed with a protest. This penalty appears aimed at discouraging future LGBTI events in the city. Critics, including Florin Buhuceanu of ACCEPT and MEP Nicu Ștefănuță, condemned the decision, likening it to authoritarian practices seen in Russia and Belarus.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Attacks on offices of LGBTI human rights defenders

To date, the Romanian Police has failed to identify any perpetrators on the case mentioned in last year's report regarding the vandalization of the mural on the wall of ACCEPT's office, despite the fact that recordings of the security cameras of ACCEPT have been diligently submitted to them and a long period of time has passed since filing the complaint.

During the election campaigns, there was a surge in anti-LGBTI hate speech (see more details below), including calls for the destruction of the headquarters of LGBTI organisation MozaiQ [<https://buletin.de/bucuresti/asociatia-mozaiq-reclama-indemnuri-la-distrugerea-sediului-din-bucuresti-difuzate-online-proiect-de-lege-anti-lgbtq-depus-de-un-parlamentar-din-ilfov/>]. As a result, MozaiQ has filed a criminal complaint for public incitement and calls for violence, urging the General Prosecutor's Office to initiate an in-rem investigation. The messages on social media, which included the association's address, emerged in the context of heightened tensions surrounding the first round of presidential elections.

Hate speech during electoral campaigns

The 2024 presidential elections in Romania have highlighted the rise of far-right influences, also triggering an increase in hate speech against LGBTI people. A Zelist.ro analysis of social media and blog activity during the campaign period (1 November - 5 December 2024) revealed an increase in references to the LGBTI community [<https://panorama.ro/lgbt-atacuri-familia-traditionala-alegeri/>]. ACCEPT reported multiple instances of anti-gay and transphobic posts on social media, often caricaturing or demonizing LGBTI individuals to garner support for traditionalist agendas. While these mentions initially rose moderately before the first presidential round, anti-LGBTI propaganda increased after far-right candidate Călin Georgescu advanced to the second round. Georgescu's platform advocated a return to criminalizing homosexuality under previous Article 200 in the Penal Code. His opponent, Elena Lasconi, for fear of losing votes, ceased publicly supporting equality for LGBTI persons during the campaign. This left fertile ground for anti-LGBTI narratives that were legitimised by Georgescu's campaign. In addition, the official social media accounts of the PSD (Social Democratic Party) and AUR (Alliance for the Union of Romanians) amplified these messages, further mainstreaming discriminatory rhetoric.

TikTok videos juxtaposed LGBTI imagery with violent scenes, gathering significant engagement through likes and shares. LGBTI organisation MozaiQ received direct threats after its address was shared online, alongside calls for violence inspired by images of vandalized LGBTI centres abroad. Activists have since filed criminal complaints to address these targeted attacks. LGBTI organisation ACCEPT has filed a criminal complaint regarding a Tiktok video of an interview clip of a participant in an LGBTI rights protest who was talking about marriage rights for same-sex couples, which was edited to depict violent scenes, insinuating physical violence as a justified response to LGBTI people talking about their rights. The video received over 200 000 views and 20 000 likes, along with hateful and dehumanizing comments, with users agreeing that violent methods should be used against LGBTI people. A similar video belonging to the same account, this time targeting a transgender woman expressing her support for a presidential candidate, was edited with violent imagery, insinuating that LGBTI people should be excluded or hurt. The video encouraged anti-LGBTI narratives by promoting nationalist and populist narratives, implying that voting for pro-LGBTI candidates would lead to the collapse of society.

The rhetoric of “traditional family values” emerged as a political tool to evoke emotional responses and deepen societal divisions. Mainstream parties like PSD (Social Democratic Party) and PNL (National Liberal Party), but also far-right parties such as AUR (Alliance for Union of Romanians) and SOS (S.O.S. Romania), leveraged these narratives. This discourse framed LGBTI equality as existential threats to national identity. Conservative candidates used family and demography as symbolic cornerstones, portraying LGBTI individuals as incompatible with the preservation of societal stability and traditional family.

Similar electoral tactics were used also during the June 2024 European election campaign, in which AUR and SOS candidates relied on disinformation as well as on LGBTI-phobic and ultra-nationalist discourse in their social media campaigns [<https://context.ro/reteaua-minciunilor-pe-tiktok-europarlamentari-romani-rostogolesc-dezinformari-conspiratii-propaganda-rusa-si-incita-la-ura/>].

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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