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Executive summary

Through ENNHRI's joint reporting, National Human Rights Institutions (NHRIs) from across EU Member States confirm for the sixth consecutive year that the overall situation for rule of law remains concerning. This structural negative trend across the EU underpins the fundamental importance to more effectively address the challenges reported. Reflecting this, ENNHRI's report includes recommendations for action addressed to domestic and EU authorities and presents NHRIs' own actions taken to address the challenges identified.

ENNHRI welcomes the new European Commission's commitment to build a closer link between the recommendations in its Rule of Law Report and financial support under the EU budget, as well as reinforced application of enforcement measures under the Article 7 TEU Mechanism. ENNHRI also calls for more consistent assessment and reporting by the European Commission on Member States' follow-up to recommendations made. ENNHRI recommends that the European Commission further engages in dialogue and cooperation with NHRIs to advance follow-up to its recommendations, such as by further including NHRIs in follow-up dialogues with government and parliament and exchanging with NHRIs on their assessment and experience with advancing implementation of recommendations domestically. Through their own national reports with recommendations and regular engagement with state authorities, as well as civil society and the broader public, NHRIs can further amplify impacts from the European Commission's Rule of Law Reports.

ENNHRI welcomes the inclusion of four enlargement countries in the European Commission's Rule of Law Report, namely Albania, North Macedonia, Montenegro and Serbia. This contributes to supporting their reform efforts and ensuring the alignment of EU efforts to strengthen EU values, including the rule of law, among EU Member States and accession countries. In line with its membership encompassing EU accession countries, ENNHRI's members from the relevant enlargement countries developed national reports as part of ENNHRI's contribution to the European Commission's Rule of Law Report. Later this year, ENNHRI will include these in a dedicated report to DG ENEST covering all enlargement countries, including dedicated trends and recommendations, advancing further implementation of the EU values with a view to accession. Further, an upcoming ENNHRI report across the Council of Europe geography will support coherence between the EU's internal and external policies.

For 2025, ENNHRI's report provides specific attention to the establishment, independence and enabling environment of NHRIs, which is essential for them to advance checks and balances and the rule of law. Further, the report focuses

on the situation of civic space and human rights defenders, which are equally key for a healthy rule of law. Finally, the report presents comparative information on justice systems and media freedom. In each national report, NHRIs have also highlighted specific rule of law or structural fundamental rights issues they identify as important in their specific domestic context.

In the report, ENNHRI's members from EU Member States underline some progress, as well as new and persisting challenges affecting the rule of law.

NHRIs' establishment, independence and effectiveness

NHRIs' establishment, independence and effectiveness

There has been noteworthy progress concerning the accreditation with A-status of the NHRI in Sweden. This brings the total of EU Member States with an internationally recognised A-status NHRI to twenty. Also, the establishment of the NHRI in the Czech Republic where a law was adopted expanding the Ombudsman mandate with an NHRI mandate has been considered as a noteworthy progress. Limited progress was reported in Malta where the Ombudsman presented to the government a proposal to expand its mandate to become the NHRI, and in Romania where the government indicated two institutions should be internationally accredited as NHRIs. No progress can be reported on the establishment of an NHRI in Italy, despite the European Commission's repeated recommendations. Further, limited or no progress is reported on the NHRIs with B-status in Belgium, Hungary and Slovakia. Of the four enlargement countries, Albania and Serbia are each equipped with an A-status NHRI, whereas the NHRIs from Montenegro and North Macedonia currently hold a B-status accreditation.

Worryingly, NHRIs across the EU face increasing challenges that impact their effectiveness and operating space. Most reported is a lack of sufficient resources to carry out their broad and increasing mandates (including those derived from EU regulations) and budget cuts. Further, an insufficient level of follow-up and response to NHRIs' recommendations is reported, even when legal obligations exist for state authorities doing so, which undermines NHRIs' effectiveness and reflects disregard for the rule of law. In line with the generally deteriorating situation for rule of law and independent checks and balances, NHRIs in the EU also face a rising number of intimidation, threats and attacks with one in four EU NHRIs reporting this in relation to the past year.

ENNHRI's key recommendations

ENNHRI calls on EU Member States to respect and strengthen the enabling environment for strong and independent NHRIs; to ensure adequate funding, to cooperate and follow-up on NHRIs' recommendations, and to protect NHRIs

from any form of intimidation, threats or attacks.

ENNHRI calls on the European Commission to further support addressing the structural challenges for NHRIs across the EU; through consistently reflecting this in its Rule of Law Report, through the adoption of an EU-wide European Commission Recommendation on NHRIs recalling internationally expected benchmarks on NHRI independence and enabling space, and by addressing specific threats to NHRIs with EU Member State authorities when they emerge, including at the highest political level.

Civil society space and human rights defenders

Civil society space and human rights defenders

Shrinking space for civil society organisations (CSOs) and human rights defenders (HRDs) has again been confirmed and has further deteriorated. ENNHRI members from EU Member States raise serious concerns about laws and measures impacting on freedom of peaceful assembly and identified numerous cases of intimidation, harassment or violence before, during or after protests. NHRIs also disclose a worrying trend of limitations put on freedom of expression and freedom of association. The report also identifies serious obstacles in access to funding, as well as shortcomings in access to information and law- and policymaking processes. Last but not least, ENNHRI members identified a growing trend of negative attitudes, campaigns and stigmatisation of CSOs and HRDs, criminalisation of the work of HRDs, as well as attacks, threats and legal intimidation through SLAPPs against these actors. Some groups are especially impacted, including environmental defenders, women HRDs, and LGBTQI defenders.

While the overall situation reported is negative, NHRIs carry out a variety of activities in support of CSOs and HRDs, in particular through monitoring and reporting, advise on (draft) laws impacting civic space, provision of legal assistance and individual complaints handling, and engagement with relevant international and regional protection mechanisms. At the same time, however, NHRIs report that dedicated HRD protection mechanisms, measures and laws with safeguards for HRDs are lacking in the large majority of EU Member States.

ENNHRI's key recommendations

ENNHRI calls on EU Member States to guarantee freedom of assembly and association, to ensure access of CSOs and HRDs to funding – including foreign funding – and to set up dedicated protection mechanisms for HRDs. These should include specific attention for groups specifically affected (such as women HRDs, LGBTQI defenders, and environmental defenders), in consultation and cooperation with NHRIs and CSOs.

ENNHRI calls on the European Commission to ensure prioritised and consistent attention to CSOs and HRDs through its annual Rule of Law Report and recommendations. Further, it recommends the European Commission to strengthen the empowerment, promotion and protection of CSOs and HRDs through its upcoming Civil Society Strategy, to continue to ensure structural funding for CSOs and HRDs, and to ensure swift support for CSOs and HRDs when facing threats including through the set-up of a dedicated EU HRD protection mechanism, in consultation and cooperation with NHRIs.

Justice systems and the implementation of European Courts' judgments

Justice systems and the implementation of European Courts' judgments
Challenges affecting justice systems are widely reported, including delays in court proceedings in more than half of the EU Member States, challenges to the independence and impartiality of the judiciary in at least a third of the EU Member States, and obstacles to access to legal aid with particular groups being especially affected, including asylum seekers and migrants, as well as women and transgender persons. ENNHRI members from EU countries also noted little progress regarding the implementation of European Courts' judgments by state authorities. In some EU Member States, state authorities lack the political will to implement their international obligation to execute ECtHR judgments or challenge the legitimacy of the ECtHR more broadly.

NHRIs provided examples of how they contribute to access to justice, including through legal assistance or individual complaints-handling, referring to such judgments in their reports and recommendations, third-party interventions, awareness-raising of the added value of execution of judgments for society, or providing independent reports on implementation of ECtHR judgments before the Committee of Ministers.

ENNHRI's key recommendations

ENNHRI underlines that EU Member States should prioritise further efforts, reforms and funds to ensure the efficiency of justice systems, to reduce the delay of proceedings, and to ensure access to legal aid, including for specifically affected groups such as migrants, women or transgender persons. ENNHRI also calls on EU Member States to strengthen and safeguard judicial independence, including by ensuring transparent and merit-based selection, accountability and removal processes. EU Member States should also timely and effectively implement the European Commission's and other international actors' recommendations and judgments concerning justice systems.

The implementation of European Courts' judgments should be prioritised, particularly pilot and leading judgments of the European Court of Human

Rights, as they reflect systemic challenges to the rule of law in EU Member States – especially when these rulings are (intentionally) not implemented.

ENNHRI recommends the European Commission to systematically monitor the EU Member States' implementation of the European Courts' judgments and issue country-specific recommendations in its annual Rule of Law Reports in case of persistent non-execution of these judgments. The European Commission should initiate infringement proceedings in case of persistent non-implementation of the CJEU judgments relating to systemic issues which violate EU law, and where relevant, follow-up through enforcement measures such as blocking of EU funds.

Media freedom

Media freedom

Key challenges are reported affecting media freedom, including insufficient access to public interest information and documents, harassment, threats and attacks against journalists and media outlets, as well as strategic lawsuits against public participation (SLAPPs). NHRIs also raise concerns over the spread of misinformation and disinformation, including by government authorities, as well as the independence and effectiveness of media regulatory bodies. The most far-reaching negative trend was identified in Slovakia, where the public broadcaster was replaced by a new public broadcaster influenced by the executive, and where government authorities are reported to engage more with outlets known for spreading disinformation rather than with independent media.

NHRIs contribute to safeguarding media freedom in various ways. This includes through their monitoring and recommendations, providing advice on draft policies and laws including on freedom of expression or access to information, or through following-up on implementation of judgments affecting media freedom and the protection of journalists. Some NHRIs also have been mandated with roles in relation to relevant EU regulation, such as being appointed as focal point on SLAPPs to counter attempts to silence pluralistic public debate and protect journalists and other rights defenders.

ENNHRI's key recommendations

ENNHRI recommends that EU Member States should improve access to information. They should refrain from and effectively counter disinformation and hate speech, while ensuring respect for freedom of expression. EU Member States should effectively protect journalists from threats and attacks and ensure independent and effective media regulatory bodies.

The European Commission should closely monitor and follow-up the

implementation of EU regulation of relevance to media freedom and freedom of expression, including the EU anti-SLAPP Directive and the EU Media Freedom Act.

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ENNHRI's recommendations

Based on the findings of ENNHRI members across the EU Member States, ENNHRI sets out the following detailed recommendations to the European Commission, as well as other relevant regional actors, and EU Member States:

1. **ENNHRI invites the EU institutions to strengthen the implementation of the EU rule of law toolbox to effectively address the rule of law challenges in the EU, in consultation with NHRIs and civil society.**

More specifically, ENNHRI invites:

- The European Commission to strengthen the implementation of its country-specific recommendations by initiating enforcement actions (infringement procedures, rule of law conditionality, the procedure under Article 7 TEU) against EU Member States in the case of the persistent lack of implementation of the European Commission's recommendations;
- The Council of the European Union to systematically assess the implementation of the European Commission's recommendations during country-specific rule of law dialogues and engage with NHRIs in line with the 2023 Presidency Conclusions on the evaluation of the annual rule of law dialogue;
- The European Parliament to step up its engagement with NHRIs in the monitoring of the rule of law and fundamental rights, in particular within the work of the LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG).

2. **ENNHRI calls on EU Member States to advance and the European Commission to strengthen their support for the establishment of and enabling space for NHRIs**

Namely, ENNHRI calls on:

- The European Commission to adopt a dedicated Recommendation on

NHRIs to further anchor NHRI's role in advancing the key EU's common values of fundamental rights, democracy, and rule of law enshrined in Article 2 TEU, while clarifying what is expected from EU Member States to facilitate that a strong and independent NHRI is in place;

- The European Commission to consistently and systematically reflect key challenges faced by NHRIs across EU Member States in its annual Rule of Law Report and beyond, and continue to encourage EU Member States to take action to strengthen NHRIs' legislative frameworks and enabling space, in line with international and regional standards on NHRIs;
- The European Commission to strengthen support for NHRIs under threat, including by responding to and addressing with state authorities cases of intimidation, harassment, and other threats seeking to undermine the independent and effective functioning of NHRIs across the EU;
- The EU Member States to ensure adequate resources for NHRIs to carry out their mandate independently and effectively, as well as to ensure timely and reasoned responses and follow-up to NHRI recommendations, including by ensuring timely consideration and dialogue on NHRI reports with recommendations, and by introducing structured follow-up mechanisms;
- EU Member States with non-accredited institutions (Malta, Czechia, Romania) and with B-status NHRIs (Belgium, Hungary and Slovakia) to advance legislative and other measures to ensure an NHRI in full compliance with the UN Paris Principles, including through meaningful consultation with ENNHRI's (associate) members in the country and to make use of ENNHRI's technical advice in doing so.
- Italy to advance on the establishment of an NHRI in compliance with the UN Paris Principles, including through technical support from ENNHRI;

3. **ENNHRI urges the European Commission and EU Member States to take firm actions to protect civil society organisations (CSOs) and human rights defenders (HRDs) from attacks and threats and to ensure their sustainable funding.**

In particular, ENNHRI urges:

- The European Commission to consistently include dedicated attention to persistent challenges faced by civil society and human rights defenders in its annual Rule of Law Reports and country-specific recommendations;
- The European Commission to include in its upcoming EU Civil Society Strategy:
    - a focus on protection from threats, attacks and undue

restrictions on the work of CSOs and HRDs, including NHRIs. This should include the establishment of an EU internal HRD protection mechanism to ensure swift detection and responses to attacks as well as reprisals against HRDs, for their work on the implementation of EU fundamental rights and values. Such a mechanism should take into account NHRIs' mandate and role in supporting civil society space and protecting other HRDs;
    - flexible and accessible financing framework for all civil society organisations and human rights defenders at the EU level, including in the upcoming Multiannual Financial Framework.
- EU Member States to guarantee freedom of assembly and freedom of association, by preventing and addressing undue restrictions on the work of civil society organisations and HRDs, including through legislation, policy and practice.
- EU Member States to enhance protection of civil society and human rights defenders from attacks and threats, including by setting up dedicated national HRD protection mechanisms, in consultation with NHRIs and other HRDs nationally;
- EU Member States to set up an accessible financing framework, including by eliminating any undue obstacles in access to funding, also from foreign sources.

4. **ENNHRI underlines that EU Member States should prioritise, and the European Commission closely monitor and support, the timely and effective implementation of European Courts' judgments.**

Particularly, ENNHRI recommends:

- The European Commission to systematically monitor the EU Member States' implementation of the judgments issued by the Court of Justice of the EU and the European Court of Human Rights and issue country-specific recommendations in its annual Rule of Law Reports in case of persistent non-execution of these judgments;
- The European Commission to follow up on the implementation of European Courts' judgments with EU Member States, including through national dialogues, while initiating infringement proceedings in case of persistent non-implementation of the CJEU judgments relating to systemic issues which violate EU law, including fundamental rights issues, and, where relevant, follow-up through enforcement measures such as blocking of EU funds;
- The EU Member States to ensure the timely and effective execution of European Courts' judgments and engage with NHRIs and civil society through dedicated institutional and procedural frameworks.

5. **ENNHRI urges further efforts by the European Commission and EU Member States to ensure the effective and independent functioning of justice systems.**

ENNHRI urges:

- The EU Member States to prioritise efforts, reforms and funds to ensure the efficiency of justice systems and to reduce the backlog and the length of proceedings;
- The EU Member States to prioritise safeguarding judicial independence, including by ensuring transparent and merit-based selection, accountability and removal processes;
- The EU Member States to ensure effective access to legal aid, including for specifically affected groups such as migrants, women or transgender persons;
- The EU Member States to timely and effectively implement the European Commission's and other international actors' recommendations as well as European Courts' judgments concerning justice systems by introducing or amending the relevant laws, policies and measures to ensure effective and independent functioning of justice systems;
- The European Commission to closely monitor the implementation of its country-specific recommendations by EU Member States in relation to the justice systems or identified persistent challenges in justice systems, including concerning judicial independence,
- The European Commission to initiate enforcement actions in case of systemic violations of EU law in the area of justice.

6. **ENNHRI calls for firm actions by the European Commission and EU Member States to safeguard media freedom.**

More specifically, ENNHRI calls for:

- EU Member States to urgently advance on the application and implementation of the Digital Services Act, the EU Whistleblower Directive, the European Commission's country-specific recommendations on media freedom issued in its annual Rule of Law Reports, and the European Commission's Recommendation on the protection, safety and empowerment of journalists, as well as to prioritise transposition of the European Media Freedom Act and the EU anti-SLAPP Directive;
- EU Member States to improve access to information and introduce and enforce laws to protect journalists from threats and attacks, ensure independent and effective media regulatory bodies, as well as refraining from and effectively countering disinformation and hate

speech, while ensuring respect for freedom of expression.
- The European Commission to further monitor and support the implementation of the Digital Services Act, the EU Whistleblower Directive, the European Commission's country-specific recommendations on media freedom issued in its annual Rule of Law Reports, and the European Commission's Recommendation on the protection, safety and empowerment of journalists, and to provide support to EU Member States in transposition of the European Media Freedom Act and the EU anti-SLAPP Directive;

7. **ENNHRI calls on the European Commission and EU Member States to consistently address the systemic fundamental rights violations in EU Member States and implement a fundamental rights-based approach to drafting laws and policies, including those addressing European and national security.**

ENNHRI encourages:

- The European Commission to dedicate a separate chapter in its annual Rule of Law Report on structural fundamental rights violations across the EU, including specific recommendations on addressing such structural breaches;
- The European Commission and EU Member States to adopt a fundamental rights-based approach when developing draft laws and policies, including those addressing migration and security.

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Introduction

About ENNHRI and NHRIs

About ENNHRI and NHRIs

The European Network of National Human Rights Institutions (ENNHRI) brings together 49 National Human Rights Institutions (NHRIs) across wider Europe, including 30 ENNHRI members in 26 EU Member States. It provides support for the establishment and strengthening of NHRIs, a platform for collaboration, solidarity, and a common voice for NHRIs at the European level to enhance the promotion and protection of human rights, democracy and the rule of law in the region.

NHRIs are state-mandated bodies, independent of government, with a broad

constitutional or legal mandate to protect and promote fundamental rights at the national level. NHRIs are established and function with reference to the UN Paris Principles and act as bridge-builder between the state and civil society. NHRIs cooperate with a variety of civil society actors, and bring an accurate overview of the fundamental rights situation, with recommendations to governments, parliament and other state bodies.

NHRIs are unique because their independence, pluralism, accountability and effectiveness is periodically assessed and subject to international accreditation, carried out by the UN Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI) with reference to the UN Paris Principles. This accreditation reinforces NHRIs as key interlocutors on the ground for rights holders, civil society organisations, state actors, and international bodies.

NHRIs are a key pillar for the respect of human rights, democracy and rule of law. Moreover, strong and independent NHRIs in compliance with the UN Paris Principles have become an indicator of a healthy rule of law. The vital role of NHRIs in upholding fundamental rights and the rule of law has been recognised by a wide range of actors, including the European Union, the Council of Europe, and the United Nations. At the EU level, the crucial role of NHRIs is reaffirmed in the European Commission's annual Rule of Law Reports, annual reports on the application of the Charter, EU Strategy to Strengthen the application of the Charter of Fundamental Rights in the EU, and the Council Conclusions.

Methodology of ENNHRI's rule of law and human rights reporting

Methodology of ENNHRI's rule of law and human rights reporting
Given their unique position as an indicator of the rule of law, independent and effective NHRIs also serve as reliable sources of information on the rule of law compliance on the ground. NHRIs are in a key position to contribute to the rule of law monitoring mechanisms given their broad human rights mandate, structural engagement with a variety of stakeholders, and the close interconnection between the rule of law, democracy and fundamental rights. Such consistent engagement also enhances the effective follow-up to NHRIs' rule of law recommendations by relevant national, European and international actors.

Considering the above, ENNHRI has been coordinating NHRIs' joint engagement with European rule of law mechanisms, including in particular the EU, based on a common methodology. On the basis of this methodology, since 2020, ENNHRI has published joint annual reports on the state of the rule of law in the European Union and wider Europe. ENNHRI reports compile NHRIs' country-specific submissions focusing on national rule of law situations, as well as present an overview of common trends reflecting NHRIs' findings on the state

of the rule of law across the EU. Thus, NHRIs' independent reporting based on a common approach provides comparative information and is of unique value to monitoring by EU and other regional actors of respect for human rights, democracy, and the rule of law across the region. This year, ENNHRI will also publish two additional reports - focusing on the rule of law situation in EU accession's countries, as well as covering the wider Council of Europe region.

ENNHRI's reporting has successfully ensured its timely response to annual consultations by relevant counterparts (EU rule of law monitoring cycle, EU annual report on application of the EU Charter, Enlargement Package, UN Secretary-General report on NHRI reprisals). This has also been the basis for submissions to some specific thematic initiatives when they emerged (EU SLAPP initiative (2021)), EU Freedom of the Media Act (2022), Defence of Democracy Package (2023), European Internal Security Strategy (2025)). In addition, ENNHRI's reporting has been used by ENNHRI members for their engagement with national actors to inform responses to the identified rule of law challenges.

ENNHRI's 2025 report – both the regional overview as well as country-specific chapters authored by EU ENNHRI members - covers the following topics:

- NHRIs establishment, independence and effectiveness;
- Human rights defenders and civil society space;
- Justice systems (and the implementation of European Courts' judgments);
- Media freedom;
- Other persisting challenges for the rule of law, including structural fundamental rights issues.

The regional trends on all above topics are included in the chapter on the overview of trends and challenges. Further information on all identified trends and more detailed in-country observations are included in the country reports. This year's report also provides a focus on gender aspects of rule of law challenges. In addition, in this report and its country chapters, NHRIs provided insights on the implementation of the ECtHR and CJEU judgments, focusing on the cases relevant to human rights and the rule of law. ENNHRI members from EU Member States in their country chapters reflected whether any progress in the effective follow-up by relevant authorities to such judgments had been made, building on the information already provided in last year's report.

Furthermore, in 2025, ENNHRI's report ensures more in-depth analysis on civic space and human rights defenders, with a view to feed into regional developments as means to advance progress on the ground, including:

- analysis and recommendations concerning civil society carried out by the European Commission within its rule of law monitoring cycle in the EU, as well as within the Enlargement Package;

- European Commission's upcoming EU Strategy to support, protect and empower the civil society, European Democracy Shield, and other relevant proposals for stronger HRD protection mechanisms in the European Union – in follow up to the European Commission report and Council Conclusions which called for action by States to protect HRDs in the EU, as well as the need to establish an EU protection mechanism to prevent and ensure prompt identification, reporting and investigation of threats against HRDs;
- ENNHRI's strategic engagement with the Council of Europe in the implementation of the Secretary General's Roadmap on Civil Society Engagement and continued support for the implementation of Recommendation 2018(11) on the protection and promotion of civic space, including recognition of NHRIs' contribution to civic space.

This report also provides a deepened analysis of NHRI establishment, independence and effectiveness to update ENNHRI's baseline report on NHRIs in the context of the upcoming review at the Council of Europe of the implementation of the Committee of Ministers Recommendation 2021/1 on NHRIs.

Through targeted annual rule of law reporting, ENNHRI enhances its engagement with regional stakeholders to encourage positive change for the rule of law, fundamental rights, and democracy. Based on this reporting, ENNHRI contributes to regional policy and standard-setting, while strengthening NHRIs' capacity to uphold the rule of law and protect fundamental rights in the EU. This year, ENNHRI's joint reporting met almost a complete response rate from NHRIs in EU Member States. For those States without ENNHRI members, the Secretariat provided updates on NHRI establishment progress. The present – sixth – ENNHRI's annual report is a contribution to the European Commission's consultations on its 2025 Rule of Law Report.

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Independence, effectiveness and establishment of NHRIs

ENNHRI welcomes the European Commission's 2024 Rule of Law Report, in which the key role of National Human Rights Institutions (NHRIs) in ensuring healthy checks and balances was again highlighted. The European Commission affirmed that NHRIs' freedom to operate is directly relevant to the rule of law and, in its country-specific recommendations, called on several EU Member

States to step up their efforts to establish and ensure enabling space for NHRIs. ENNHRI underlines the crucial importance of ongoing commitment by the European Commission to ensuring effective functioning of NHRIs in EU countries and welcomes the positive impact that country-specific recommendations made in relation to the establishment of the NHRI in countries without one yet and supporting enabling space for the effective functioning of NHRIs in some EU Member States (namely in Lithuania and Poland).

ENNHRI invites the European Commission to more consistently address in its annual Rule of Law Report challenges faced by EU NHRIs as highlighted in this report, especially in relation to funding, follow-up to NHRI recommendations and the need to address increasing intimidation and threats to NHRIs. ENNHRI also encourages the European Commission to reiterate its call on Italy to establish an NHRI, and to Czechia, Malta and Romania to commit to advancing the establishment of an NHRI in full compliance with the Paris Principles, in consultation with ENNHRI's associate members in the country and making use of ENNHRI's technical support. ENNHRI also encourages the European Commission to recommend States with B-status accredited NHRIs (Belgium, Hungary, Slovakia) to advance legislative or other appropriate measures to ensure an NHRI in full compliance with the UN Paris Principles, including through meaningful consultation with ENNHRI's members in the country and by making use of ENNHRI's technical advice.

Furthermore, ENNHRI calls on the European Commission to adopt in this legislature a dedicated Recommendation on NHRIs in line with ENNHRI's proposal. NHRIs are the only independent national bodies with a broad mandate to promote and protect all human rights, encompassing the EU Charter of Fundamental Rights, and working with all other relevant actors in-country, including through their pluralistic set-up. A dedicated Recommendation would confirm NHRI's role in advancing the key EU values of fundamental rights, democracy, and the rule of law (Article 2 TEU). It would also set out clear and consistent guidelines, with reference to the UN Paris Principles, for what is expected from EU Member States to facilitate a strong and independent NHRI and provide a key EU benchmark to prevent and address undue obstacles, threats and intimidation to NHRIs while these increasingly occur.

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
Since ENNHRI's last EU rule of law report, six NHRIs from EU Member States were reviewed by the GANHRI Sub-Committee on Accreditation (SCA). The

NHRIs in Denmark, Greece, Lithuania, Portugal and Spain were reaccredited with A-status, while the Swedish NHRI was accredited for the first time also with A-status, demonstrating full compliance with the Paris Principles.

Throughout 2025, six further EU NHRIs will be considered by the SCA, including the NHRIs in Estonia, Finland, France (in March 2025, with outcomes expected in April 2025) and Bulgaria, Croatia, and Latvia (in October 2025). In the EU, there are currently twenty Member States with A-status NHRIs, three Member States with B-status NHRIs (Belgium, Hungary, Slovakia), and four EU Member States without an accredited institution (Czechia, Italy, Malta, and Romania).

There has been concrete progress in EU members without an accredited NHRI. In Czechia, the legislative basis of the Czech Public Defender has been strengthened and expanded to include a broad human rights promotion and protection mandate. The legislation was approved by the Senate in February 2025 and expected to come into force in July 2025. The legislation could pave the way for the future international accreditation of the Public Defender as an NHRI.

In November 2024, the Maltese Ombudsman institution presented a new proposed bill amending the Ombudsman Act, following technical advice on relevant international standards from ENNHRI, with the goal of strengthening its compliance with the Paris Principles and ensuring the establishment of an NHRI in Malta. However, at the time of reporting, there has been no substantive engagement from national authorities on the proposed bill.

In Romania, the Romanian Institute for Human Rights and the Romanian Ombudsman institution have both applied for accreditation. The applications are pending policy guidance from the GANHRI Bureau on clarifying the application of Rule 6.3 of the SCA Rules of Procedure, regarding applications by more than one NHRI in a UN Member State.

Given these developments, Italy is now the only EU Member State in which there is no institution working towards compliance with the Paris Principles with a view to accreditation as an NHRI. ENNHRI is aware that there are several legislative proposals for discussion at the level of the Chamber of Deputies and has engaged in public events organised by academia and civil society in Italy about these proposals. However, these proposals have been pending for years, and there continues to be no clear indication of a legislative proposal establishing an NHRI being close to adoption.

In three EU Member States, B-status NHRIs are in place. In Belgium, two B-status NHRIs co-exist; the Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH) and the Interfederal Centre for Equal Opportunity and Fight against Racism and Discrimination (UNIA). Unia has been accredited with B-status since May 2018. In March 2023, the newly established FIRM-IFDH was also accredited with B-status. Legislative changes have been introduced in

April 2024 strengthening FIRM-IFDH mandate, including for greater compliance with the Paris Principles. Both the 2025-2029 Federal Government Agreement and the 2024-2029 Flemish Government Agreement mention that the governments will aim for A-status through a cooperation agreement.

In Slovakia, the Slovak National Centre for Human Rights has been accredited with B-status already since March 2014. The Centre has strengthened its compliance with the Paris Principles through internal rules and practice, and has been advocating with state authorities for its legislative framework to be strengthened. However, no changes to its enabling framework have been made so far, which would strengthen its broad mandate as NHRI in full compliance with the Paris Principles.

In Hungary, the NHRI has been downgraded from A-status to B-status in March 2022. The mandate of the NHRI has been extended since, including in 2024 with the protection of the rights of persons with disabilities and whistle-blowers.

Of the four enlargement countries covered by the European Commission's annual rule of law report, Albania and Serbia are each equipped with an A-status NHRI, whereas North Macedonia's NHRI and the NHRI from Montenegro currently hold a B-status accreditation and have advocated for amendments which would strengthen their legislative frameworks.

Follow-up to international and European actors' recommendations on NHRIs

Follow-up to international and European actors' recommendations on NHRIs
NHRIs' reports point to the **need for input and action by other actors to achieve full implementation of SCA recommendations** n. While some recommendations call for practical adjustments to the work of an NHRI and can be implemented unilaterally by the institution itself, others require action by the national parliament or government. NHRIs are encouraged to advocate for these actors to take steps towards realising these recommendations. Across the EU, NHRIs are taking steps to do so, including, for example, the NHRIs in Belgium, Germany, Greece, Luxembourg, the Netherlands, and Sweden, among others.

ENNHRI plays a key role in supporting NHRIs to advocate towards national authorities to strengthen NHRIs' enabling environment and for its legislation to comply with the Paris Principles. In addition, other regional actors, such as the European Commission and other EU institutions, could liaise with NHRIs to understand their needs in this regard and support effective change.

In cases where the implementation of SCA recommendations requires actions

by national authorities, such as through legislative reform or allocation of additional resources, regional actors, such as EU institutions, could further encourage national authorities to implement relevant SCA recommendations. It is important that regional actors engage and discuss with the relevant NHRIs the best avenues to support them in the implementation of SCA recommendations.

Regarding the follow-up to **the European Commission's country-specific recommendations**, significant progress has taken place in the Czech Republic, where the draft law on the establishment of the NHRI was adopted and is expected to come into force in July 2025. Furthermore, some efforts were identified in relation to the establishment of NHRIs in Malta and Romania. Yet, these are mainly at the initiative of existing institutions rather than through action at the level of state authorities.

Last year, the European Commission reiterated its recommendation to Croatia to further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudswoman. The Ombudswoman of Croatia noted some progress in this regard, while highlighting that the institution's 2022 and 2023 annual reports have still not been discussed by the Parliamentary plenary and that further actions by state authorities are needed to fully implement this recommendation. As the overview of trends shows, the lack of timely follow-up and systematic response to NHRI recommendations is a challenge common to many NHRIs in the EU. The European Commission could consider more consistent attention for this challenge in its upcoming Rule of Law Report.

Regulatory framework

Regulatory framework

A number of ENNHRI members from EU Member States reported on the changes in their regulatory framework. Some ENNHRI members pointed to developments aiming to strengthen their mandate. This includes an amendment to the enabling law of the Estonian NHRI, which reported changes that will allow the institution to discuss its budget allocation directly with the Parliament, rather than through the government, strengthening its budgetary independence.

In 2024, NHRIs have also been given **new mandates**. Several new mandates stem from EU legislation, which envisages a specific role for independent national bodies. For example, ENNHRI is aware that 18 ENNHRI members have been appointed as national authorities protecting fundamental rights in the use of high-risk Artificial Intelligence (AI) systems under Article 77 of the AI Act. In addition, the Polish NHRI was mandated as a whistleblower protection body. The Belgian NHRI's (Centre for Equal Opportunities and Opposition to Racism -

Unia) antidiscrimination mandate has been widened, while the Danish NHRI is mandated to monitor gender balance in corporate bodies. Further, the NHRIs from Belgium (Federal Institute for the Protection and Promotion of Human Rights – FIRM-IFDH) and the Netherlands were named National Preventive Mechanisms (NPM), while there are ongoing legislative amendments seeking to strengthen the role of the Latvian NHRI in its NPM functions. The Lithuanian NHRI became a National Rapporteur on trafficking in human beings.

At the same time, some ENNHRI members were not given additional roles despite their readiness to undertake a new mandate – this was the case for the Luxembourgish NHRI to be appointed fundamental rights body under EU AI Act as well as the Belgian NHRI (Unia) to be allocated the mandate of the NPM. Moreover, in several cases, while additional competences have been conferred upon the NHRI, these have not been accompanied by additional financial and human resources, contrary to international and regional standards on NHRIs, and exacerbating the already challenging budgetary situation for many EU NHRIs.

Numerous ENNHRI members stressed that **further efforts by state authorities are needed to strengthen the NHRI regulatory framework**. In many cases, NHRIs amplified the recommendations made by relevant international and European actors, such as the European Commission, the Council of Europe and the Sub-Committee on Accreditation. This is particularly relevant for NHRIs without accreditation or with B-status accreditation. Accordingly, ENNHRI members in Malta and Romania are advocating for significant legislative changes in relation to independence safeguards and a broad mandate to pave the way for international accreditation of their institution. In Slovakia and Slovenia, the NHRIs highlighted the relevance of bringing its enabling law into full compliance with the UN Paris Principles, in line with SCA recommendations. The NHRI in Luxembourg, notably, is advocating for a change to its enabling law in follow-up to SCA recommendations, to ensure its accountability to parliament rather than government, and thereby strengthening its independence.

A prevalent challenge in relation to EU NHRIs' legislative frameworks relates to **selection and appointment processes of NHRIs' leadership**. Particularly, the NHRIs from Lithuania, Slovenia, and Sweden highlighted the importance of legislative changes that would implement the SCA's recommendations to ensure a participatory and transparent selection and appointment of their decision-making body. The Lithuanian, Swedish and Polish NHRIs highlighted the relevance of legislative changes to clarify the grounds and process for dismissal of the NHRI decision-making body. In Slovenia, amendments to the legislation regarding the selection and appointment process remain pending, while the selection of a new Ombudsperson has been ongoing for several months following the end of the previous office-holder's mandate. The institution has advocated extensively to ensure that the

amended proposals implement the SCA recommendation for a more merit-based, transparent, and participatory selection and appointment process.

The NHRIs in several EU Member States, highlighted the importance of ensuring that any additional mandate(s) for NHRIs are appropriately reflected in both law and adequate additional resources, in relation to national mechanisms on trafficking (Germany, Slovenia) and gender-based violence (Germany), NPM (Belgium - FIRM-IFDH, Ireland), independent monitoring mechanism under the CRPD and the Ombudsperson for Children (Slovenia).

NHRIs in the EU generally reported sufficient legal provisions protecting heads of institution and staff from legal liability for official acts taken in good faith (functional immunity). However, some NHRIs, including in Luxembourg and Poland, point to the need to strengthen the overall national protection framework, for example, through additional policy or legislative measures that would protect NHRIs from broader attacks and threats.

Enabling and safe space for NHRIs

Enabling and safe space for NHRIs

The majority of ENNHRI members from EU Member States confirmed that state authorities in their respective countries have generally good **awareness of the NHRI mandate, independence and role**. However, some shortcomings in this regard are reported in several states. NHRIs from Denmark, Greece, the Netherlands, Slovenia, and Sweden underlined that recognition and understanding of the NHRI's role among state authorities could be improved. NHRIs from Finland, Ireland and Lithuania noted low awareness of state authorities regarding the mandate of NHRIs. The Finnish NHRI explained that authorities have difficulties in understanding the NHRI's position and its broad mandate.

NHRI's **access to information and law and policymaking processes** is good in the majority of EU Member States. It seems that this overall positive reflection correlates with relatively good awareness by state authorities of the NHRI's role. At the same time, some NHRIs identified obstacles in systematic access to information and decision-making processes, including in Belgium, Greece, Lithuania, Luxembourg and Slovakia, where state authorities are not obliged to ask NHRIs to provide opinions on legislative drafts, and NHRIs are not invited to submit information during legislative and policy processes. In this regard, the Greek NHRI reiterated the need to introduce a standing invitation for the NHRI to join the Parliamentary debate on the draft laws with a human rights impact.

In addition, in contexts where NHRIs submit recommendations to legislative or decision-making processes, several NHRIs have reported insufficient

engagement with the substantive information and recommendations by NHRIs during policy-making processes from state authorities. This trend was identified by NHRIs from Belgium, France, Ireland, Luxembourg and Sweden, while the NHRIs from Finland and Slovenia reported short and overlapping consultations hindering the possibility of meaningful engagement in the process. Moreover, the NHRIs from Belgium (Unia) and Latvia reported on the obstacles to access to the courts' data. Several NHRIs reported obstacles to accessing information and legislative consultation processes, particularly when these relate to politicised topics, including, for example, the rights of migrants (Netherlands).

The **lack of adequate resources** for NHRI's to carry out their mandate appears to be the most consistently recurring problem in the large majority of EU Member States. Only seven EU NHRIs informed they consider their budget adequate (in Austria, Cyprus, Estonia, Hungary, Latvia, Portugal and Spain). The other EU ENNHRI members reported that the resources provided to their institutions were not sufficient to ensure the breadth of their mandates. In some cases, the situation of NHRIs worsened due to budgetary cuts, such as in Belgium and France. Some NHRIs reported that their budgets were overall adequate to perform their core functions, yet underlined that they should be increased to ensure that the NHRI can effectively fulfil its increasing responsibilities and additional mandates (including those stemming from international treaties and/or the EU acquis) as well as to continue to progressively improve their operations – this was the case in Denmark, Croatia, Finland and Sweden.

This year's ENNHRI report also confirms **wide-spread challenges in follow-up by state authorities to NHRI recommendations**. In some EU countries, state authorities failed to provide replies to ENNHRI members' recommendations, including in Belgium, the Czech Republic, Ireland, Luxembourg and Romania.

In numerous EU countries, there are no specific measures in place to ensure state authorities' timely and reasoned responses to recommendations issued by NHRIs – this is the case in the Czech Republic, Denmark, Finland, France, Germany, the Netherlands, Romania, Slovakia and Sweden. In several EU Member States, state authorities are legally obliged to respond to NHRI's recommendations or inquiries (in Austria, Estonia, Hungary, Poland, Portugal and Slovenia), while in Belgium, it is the NHRI (FIRM-IFDH) who may request a written explanation on the follow-up to its recommendations by relevant bodies. Yet, even when such a legal obligation is in place, challenges are reported, such as in Slovenia.

Some progress can be noted in relation to practices by States to follow up on NHRI recommendations. It is worth noting that in Croatia, the government established a new methodology to track the implementation of recommendations issued by the NHRI, following up on the European

Commission's recommendation in this regard. In Estonia and Greece, the NHRIs themselves established a dedicated mechanism (a database or within the annual reporting) collating their recommendations and assessing progress in the implementation of these by state actors in a systematic manner. The improvement of state authorities' follow-up or a high level of implementation of NHRI's recommendations was reported only in a handful of EU countries, namely Austria, Cyprus, Finland, Hungary, and Latvia.

NHRIs' reports confirm that NHRIs are facing increased **intimidation, threats and attacks with one in four EU NHRIs reporting this**. This aligns with the overall trend of challenges to the rule of law and shrinking space for human rights actors, which has been accompanied with rising rhetoric against NHRIs and their work. Online attacks and hate speech against the NHRI were recorded by the NHRIs in Croatia, Luxembourg and Slovakia, while the Croatian and the Polish NHRIs reported on written threats addressed to them. In the Netherlands, the Dutch NHRI reported on hostile emails and comments on social media in response to the NHRI position on specific issues. In several cases, these threats related to work undertaken by the institution to address specific human rights issues in the country, including rights of LGBTQI persons or migrants.

In Belgium, state authorities attempted to undermine the independence or effective functioning of the NHRI (through announced significant budget cuts to the Belgian Unia). NHRIs from Germany and Luxembourg faced threats from far-right political parties. In the context of threats and attacks on NHRIs, it is important to note that the majority of EU ENNHRI members reported that while there are measures in place to safeguard functional immunity of NHRI leadership, there continues to be a lack of specific measures to more holistically protect NHRIs, and their staff from other forms of threats, attacks and harassment.

European Union 2025

Human rights defenders and civil society space

Civil society organisations and human rights defenders play a vital role in a healthy system of checks and balances, as underlined in the Council Conclusions. NHRIs are human rights defenders, and they also have the mandate to promote and protect other human rights defenders. Each year, numerous reports by relevant stakeholders, including civil society organisations and NHRIs, point to the continuously shrinking space for civil society actors to operate. This year's ENNHRI report prioritises this topic to provide relevant

information on the current challenges affecting the enabling space for civil society. In light of the upcoming EU Civil Society Strategy, there is a momentum to identify the most pressing issues in this area and recommend appropriate and firm responses from the European Commission and EU Member States to counter the deterioration of the environment for the functioning of civil society organisations and human rights defenders.

Laws, measures and practices negatively impacting civil society and human rights defenders

Laws, measures and practices negatively impacting civil society and human rights defenders

Reports from EU ENNHRI members confirmed the worrying trend of further shrinking space in which civil society organisations (CSOs) and human rights defenders (HRDs) function. ENNHRI members identified numerous laws and measures negatively impacting CSOs and HRDs across the EU.

NHRIs from eight EU Member States raised serious concerns about laws and measures affecting the full realisation of **freedom of peaceful assembly**. The NHRIs from Belgium, Finland, Luxembourg and the Netherlands reported on ongoing legislative proposals or adopted legislative amendments limiting freedom of assembly. In Poland, some assemblies were banned by invoking emergency laws, and in the Netherlands, assemblies were banned by emergency ordinances issued by local authorities that raise concerns over their proportionality. In Slovakia, limitations on freedom of assembly were introduced in the name of national security, while in Sweden such measures are proposed in a draft law. NHRIs from Belgium, France, Germany and Poland identified disproportionate use of force and measures by law enforcement during assemblies. In Belgium and Germany, the assemblies in support of Palestine were particularly targeted by authorities.

Ten EU NHRIs identified cases of **intimidation, harassment or violence against protesters before, during or after protests**. For example, this was a case in Sweden, while, in particular, in Croatia, Finland, France, Poland and Slovenia, NHRIs reported that excessive use of force was used against protesters by law enforcement, while in Croatia – also by private security companies. In the Netherlands, the NHRI reported on allegations of violence, which are under investigation. Sometimes, certain groups were specifically targeted: environmental defenders in Croatia, Finland, Germany, France; and LGBTQ+ activists and individuals in Lithuania and Slovakia. In certain countries, NHRIs also raise concerns over the use of surveillance technologies by state authorities during protests, such as in France and the Netherlands.

At the same time, NHRIs also disclosed worrying examples of limitations put on **freedom of expression** in Belgium, Croatia, Denmark, Germany,

Luxembourg, the Netherlands, Slovakia, and Poland. In the Netherlands, the NHRI reported on the proposals for such measures impacting freedom of expression, especially in the context of the right to peaceful protests. In Denmark, Danish law does not provide for sufficient protection of public servants in relation to them exercising freedom of speech. The reports also revealed challenges in ensuring the balance of rights: while in Belgium hate speech to some extent remains unpunished, in Germany, the measures introduced to address online disinformation and hate speech might lead to unlawful content removal and a precarious lack of transparency.

In almost half of the EU countries, ENNHRI members recognised worrying limitations on **freedom of association**. In some countries, the obstacles concerned burdening bureaucracy (Romania) or difficulties in access to relevant documents (Luxembourg, Poland), which impact the activities of CSOs. In other countries, NHRIs identified attempts to hinder the functioning of CSOs. This was a particular case in France, where the grounds for dissolution of associations were broadened by a law, in Slovakia, where the attempts to introduce a 'foreign agent' law were undertaken, in Greece, where the excessive registration requirements for CSOs persist, and in the Netherlands, where new measures affecting the representation of associations have been envisaged. In several countries, such as Belgium, Croatia and Slovakia, NHRIs observed **harassment in the form of excessive administrative controls and audits**.

NHRIs also emphasized that the attempts to criminalise the activities of organisations addressing climate change (in Germany) and label organisations by categorising them as 'terrorist' organisations (in Belgium). In this vein, it is worth noting that the overall trend of **criminalisation of work of human rights defenders** was identified by NHRIs in Belgium, Croatia, Germany and Slovakia.

In half of the EU Member States, ENNHRI members stressed that civil society organisations and human rights defenders face **serious obstacles in access to funding**. These challenges concern, for instance, a lack of sufficient funding (in the Czech Republic, Poland and Romania) or reductions in available public funding (in Croatia, Finland, France, Germany, Ireland and Sweden). In Finland, the radical cuts in the funding of CSOs took place in the context of austerity measures put in place. In Slovakia, there were attempts to limit CSOs' access to foreign funding, while in the Netherlands, the law has been under drafting process and potentially would limit access to funding of civil society. In Belgium, Croatia and Estonia, the obstacles in the availability of funding reported were of an administrative nature; in Belgium due to a requirement for CSOs to apply for funding every 5 years, in Croatia due to late payments to CSOs, and in Estonia due to financial gaps caused by delays in public calls.

In many EU countries, NHRIs also reported on **shortcomings in access to**

information and law- and policymaking processes for civil society. The shortcomings in ensuring meaningful public consultations were particularly identified in Croatia, Estonia, Finland, Lithuania, Luxembourg, the Netherlands, Poland, Romania, Slovakia, and Sweden. For instance, in Estonia, Finland and Romania, ENNHRI members noted short deadlines for public consultations, while the NHRIs from Croatia and Lithuania emphasised the lack of due consideration of the proposals provided by CSOs. The NHRIs from Luxembourg, Slovakia and Sweden revealed an overall reluctance of state authorities to engage with CSOs within consultation processes.

Similarly, in numerous EU Member States, NHRIs identified obstacles in access to information by CSOs, as evidenced in Belgium, Croatia, Estonia, Finland, Luxembourg, Poland, and Slovakia. These could be caused by a new potentially arbitrary notion of „extensively excessive" search for information carrying a fee (in Slovakia), refusal of access to certain premises (in Croatia and Poland), and long and complex procedures required to access official documents and difficulties in challenging refusals (in Belgium).

The shrinking space for civil society organisations and human rights defenders has been made worse by the **growing negative attitudes, orchestrated campaigns and stigmatisation** of these actors by state authorities and the wider public. This was particularly the case in numerous EU Member States – such as Belgium, Croatia, Finland, Germany, Lithuania, the Netherlands, Slovakia, Slovenia and Sweden. For instance, in Slovakia and Sweden, orchestrated smear campaigns and/or threats against civil society actors were detected, in Slovenia, the negative attitudes towards CSOs were also coming from public actors, while in Germany the pressure on these actors was perpetuated by the rise of right-wing extremism and polarisation of society. Furthermore, NHRIs from Croatia, France, Germany and Slovakia raised concerns over a growing climate of **repression against environmental defenders**, while in Finland they faced negative attitudes.

NHRIs from several EU countries voiced their concerns over **attacks on CSOs and HRDs** and their work, namely in Belgium, Croatia, Germany, Lithuania, Slovakia, Slovenia and Sweden. CSOs and HRDs also faced **threats and harassment** both online and offline. Such instances were identified in Belgium, Croatia, Denmark, Finland, Germany, Lithuania, Slovakia, Slovenia and Sweden. Women HRDs were more likely to face threats, for instance, in Belgium, Croatia, France, Slovenia and Sweden. In Belgium, Croatia, Denmark and Slovakia, organisations and defenders protecting LGBTQ+ rights were a particular target of attacks.

Several NHRIs evidenced **transnational repression of human rights defenders**. For example, the French and Luxembourgish NHRIs confirmed that foreign HRDs were affected by actions carried out by enterprises originating from their respective countries. In Belgium and France, national HRDs were

victims of foreign attacks. In Lithuania, such an attack was carried out against an HRD with the citizenship of a third country. In Belgium, HRDs were targeted with **strategic lawsuits against public participation (SLAPPs)** in foreign jurisdictions. Overall, the worrying number of SLAPP actions was identified by NHRIs from Croatia, France, Germany, Poland, Slovakia, Slovenia and Spain.

Protection of human rights defenders

Protection of human rights defenders

Reporting by ENNHRI members revealed important gaps in the protection of HRDs in EU Member States. Specific national protection mechanisms for civil society and HRDs were identified in one EU country only, namely Spain. On the other hand, in Finland, France and Germany, the governmental support was offered only to HRDs from abroad, while in the Netherlands and Sweden, such a support mechanism is provided by CSOs.

The information provided by ENNHRI members confirms the insufficiency in the national measures protecting HRDs across the European Union. ENNHRI has continuously advocated for the establishment of both national and regional mechanisms for the protection of HRDs in the EU, including through strengthening the role of NHRIs to protect HRDs at the national level. In this vein, ENNHRI welcomes the European Commission's decision to develop an EU Strategy to support, protect and empower civil society and invites the European Commission to recognise therein the need to ensure protection mechanisms for HRDs and the specific role NHRIs play, as the next section will elaborate.

Activities of NHRIs to support civil society space and human rights defenders

Activities of NHRIs to support civil society space and human rights defenders

In line with the UN Paris Principles, NHRIs are pluralistic institutions, reflective of various strands of civil society in a country, and function as bridge-builders between state authorities and civil society. NHRIs do so through close engagement with civil society organisations (CSOs) and human rights defenders (HRDs) when carrying out their mandate. This has also been confirmed in their 2025 reporting.

The significant majority of ENNHRI members from EU Member States carry out **monitoring** of the situation of CSOs and HRDs and issue **recommendations and opinions** to address the challenges impacting enabling space for civil society, prompting appropriate actions from relevant authorities. For example, NHRIs in Croatia, the Netherlands and Sweden, included a dedicated focus on

CSOs and HRDs in their annual reports. Some NHRIs carried out targeted research on the situation of HRDs in their countries; the NHRI from Belgium (FIRM-IFDH) published a dedicated report on the challenges faced by national HRDs, while the Swedish NHRI was undertaking preparations for a dedicated survey on the situation of HRDs. The NHRI from Portugal included civil society actors' perspectives in its human rights studies, and the Croatian NHRI reported on the situation of civil society to the Parliament.

Some NHRIs confirmed that they were providing **specific support to or receiving advice from women human rights defenders and LGBTQ+ human rights defenders**. For instance, in Estonia and Sweden, the NHRIs included them in their Advisory bodies, and in Croatia, they were a part of the NHRI's thematic network. The NHRIs from Lithuania, Ireland and Slovakia supported activities to advance LGBTQ+ rights, while the Belgian human rights institutions closely collaborate with and support LGBTQ+ organisations.

The substantial majority of EU ENNHRI members also carry out **capacity-building** activities to strengthen civil society actors and their activities in the protection of human rights – these include dedicated trainings and workshops, as well as information campaigns. Around half of the EU ENNHRI members have the competence to address **complaints** submitted by individuals, and they do so also in the matters signalled or faced by CSOs and HRDs. Several NHRIs, including those from Belgium (Unia), Denmark, Poland and Spain, provided **legal assistance** as well. Several NHRIs provide dedicated support to civil society actors through their **specific mandates** – for instance, NHRIs in Belgium (FIRM-IFDH), Croatia, Hungary, and Poland are responsible authorities for the protection of whistleblowers who report on breaches of EU law. NHRIs from Latvia, Portugal and Spain use their NPM mandate, and the Estonian NHRI uses its mandate as monitoring body under UN Convention on the Rights of Persons with Disabilities (CRPD).

NHRIs from EU Member States are also committed to promoting the activities of CSOs and HRDs and their enabling space, which is illustrated by **joint meetings and roundtables** organised by ENNHRI members in the majority of EU countries. Some ENNHRI members carried out **promotion campaigns and awareness-raising activities** (in particular in Belgium (FIRM-IFDH), Ireland, the Netherlands, Romania, Spain, Slovenia and Sweden). Lastly, some NHRIs are involved in awarding prizes to CSOs and HRDs in recognition of their efforts to promote and protect human rights – this is the case in Belgium (Unia), Denmark, France, Hungary, Poland, and Spain.

Furthermore, NHRIs also support the enabling space and address challenges faced by CSOs and HRDs through **engagement with relevant international and regional mechanisms**. This includes contributions to UN processes in support of CSOs and HRDs, carried out by NHRIs from Croatia, Denmark, France, Greece, Hungary, Slovakia, and Spain, or involvement with OSCE

ODIHR, such as in the case of NHRIs from Estonia, Slovakia and Spain. ENNHRI members from EU Member States closely engage with EU actors on the protection of civic space, and the present report and its recommendations are an example of this engagement. In the same vein, ENNHRI also reports on this topic to the UN and the Council of Europe.

European Union 2025

Functioning of justice systems

The effective functioning of justice systems and access to justice for individuals are a prerequisite for effective protection and remedies for victims of human rights violations. On the basis of their broad human rights mandate, NHRIs are well-positioned to monitor and address shortcomings in access to justice faced by individuals. NHRIs do so through a wide variety of functions: by engaging and issuing recommendations to relevant authorities; by contributing to discussions on the improvement of justice systems; handling individual complaints; advising individuals on access to justice; and promoting access to justice for groups in a vulnerable situation. With this year's ENNHRI report, NHRIs provided information on significant challenges currently affecting access to justice and effective judicial protection in EU Member States. NHRIs identified issues that require appropriate actions and responses from both national authorities as well as regional actors, such as the European Union, to ensure EU Member States uphold core EU values, including the rule of law.

More than half of EU ENNHRI members underlined the persisting **delays in court proceedings** in their countries. Several NHRIs – for example from Austria and Portugal – noted that this was a particular issue in relation to the cases in the area of asylum and migration, while in Slovenia, the NHRI reported on the long-standing issue of the backlog of cases in the Administrative Court. Ensuring effective functioning of justice systems and timely court proceedings is not only of relevance for the principle of rule of law, but is a crucial element of the right to effective remedies and the right to a fair trial within a reasonable time secured under both the EU Charter of Fundamental Rights and the European Convention on Human Rights.

Almost one-third of ENNHRI members from EU countries reported on challenges in the area of **independence and impartiality of the judiciary**. These include verbal attacks by governmental officials against judges, such as in Slovakia, as well as developments which may diminish the independence of judiciary – for example the legal proposals reinforcing disciplinary control exercised on the judges in Belgium. Several NHRIs from Belgium, Germany and

Sweden pointed out insufficient protection of the independence and impartiality of judges and/or lay judges in the existing legislation. Other ENNHRI members – from Finland, Poland, Romania and Slovakia underlined the need to introduce further reforms to improve and safeguard the independence and impartiality of judges. The NHRIs from Finland and Germany noted the ongoing initiatives to strengthen the independence of the judiciary.

Twelve EU ENNHRI members reported on the challenges concerning **access to legal aid**. More specifically, they emphasized the insufficient access to legal aid, as in Hungary, France, Greece, Latvia, the Netherlands, Slovenia as well as in Lithuania, where it specifically affects asylum seekers. Several NHRIs also specifically raised that the insufficient access to legal aid was exacerbated by budget cuts (in the Netherlands) and insufficient remuneration for state legal aid (in Croatia and Estonia). The ENNHRI members from Belgium, Latvia, Lithuania and Ireland stressed the need to consider the needs of vulnerable groups, including persons living in poverty, asylum seekers, while the Danish NHRI noted the ongoing work on the reform of access to legal aid.

In seven EU Member States – in Belgium, Croatia, Cyprus, France, Malta, Poland and Romania – the NHRIs identified significant challenges regarding the **timely and effective execution of national courts' judgments**. It is worth noting that the persistent lack of execution of national courts' judgments issued in migration cases has been a serious systemic problem in Belgium. ENNHRI members from five EU Member States (Belgium, the Czech Republic, Luxembourg, Poland and Romania) also found the **delays and a lack of publication of courts' judgments** as a significant issue affecting access to justice and the functioning of justice systems.

Seven ENNHRI members from EU Member States noted shortcomings in relation to **professionalism, specialisation and training of judges**, namely in Belgium, Croatia (in relation to training), Cyprus, France, Luxembourg, Poland, and Romania. Seven EU ENNHRI members raised that there were gaps in **respect for fair trial standards**. In particular, in the Netherlands, this referred to the protection of the right to asylum, in Greece, this concerned the presumption of innocence and the right to be present at criminal trials, in Sweden – the system with politically nominated lay judges, in Belgium – to the increased use of municipal administrative sanctions, while in the Netherlands, the deficiencies stemmed from the insufficient accountability of law enforcement bodies. The ENNHRI member from Romania noted the impact of emergency laws that contained automatic suspension of processing some cases, while the NHRI from Luxembourg raised concerns over the gaps in access to compensation for victims of crimes. Finally, the NHRI from Slovenia noted the need for state authorities to duly implement the judgment issued by the European Court of Human Rights in the case X and Others v. Slovenia to ensure full respect for the right to a fair trial.

Some ENNHRI members also reported on **measures taken in their countries to follow up on the recommendations concerning justice systems**, issued by European actors, such as the European Commission in the 2024 EU Rule of Law Report, the Council of Europe, and the OSCE. Several ENNHRI members, namely from Estonia, Greece, Romania and Spain, noted the ongoing justice systems reforms which aim to implement the relevant regional actors' rule of law recommendations. ENNHRI members from Belgium, Germany, Portugal, and Romania confirmed the ongoing need for and efforts to ensure sufficient resources for national justice systems. At the same time, ENNHRI members from Belgium, Germany and Greece raised concerns over the lack of appropriate actions by state authorities to fully implement the European Commission's rule of law recommendations concerning the functioning of justice systems.

Some challenges in access to justice and the functioning of justice systems **disproportionately impacted women and transgender persons**, as evidenced by several NHRIs. For instance, this has been identified in relation to women and victims of gender-based violence, namely in Cyprus, France, Germany, Greece, Ireland, Romania, Slovakia, and Spain. ENNHRI members from Belgium and Poland noted challenges faced by transgender and non-binary individuals - in Belgium due to a legal lack of gender registration for non-binary individuals, and in Poland concerning access to legal gender recognition for transgender individuals.

European Union 2025

Implementation of European Courts' judgments

The implementation of European Courts' judgments is an essential element of the rule of law, and yet questioned by some actors across Europe., It is of particular importance for ENNHRI and NHRIs to continue shining a light on the challenges identified in the implementation of European Courts' judgments. The timely and effective execution of the judgments of the ECtHR and CJEU is an important indicator of respect for the rule of law by state authorities and is crucial for ensuring effective protection of the European Convention on Human Rights (the Convention) and the EU Charter of Fundamental Rights (the EU Charter). In this context, the information and recommendations by NHRIs on how to fully implement the judgments of European Courts provide valuable guidance for national authorities on how to advance the execution of judgments and ensure closer alignment with the principle of the rule of law.

In some countries, NHRIs observed some progress in relation to the execution of certain judgments of European Courts – notably in Lithuania, Poland, Portugal, Slovakia and Sweden. At the same time, there is a **need for national authorities to step up on their international obligation to implement European Courts' judgments** in a timely and effective manner and ensure full realisation of the rights enshrined in the Convention and the EU Charter. For instance, significant challenges with the execution of the ECtHR and the CJEU were observed in Belgium, France, Greece and Spain. The Danish NHRI particularly raised serious concerns over the fact that the legitimacy of the ECtHR and its judgments has been undermined by politicians. In Belgium and France, ENNHRI members reported on the persistent and intentional non-implementation of ECtHR judgments, leading to the perpetuation of violations of rights enshrined in the Convention.

ENNHRI members from EU Member States carry out numerous **activities to support the implementation of the European Courts' judgments** in their respective countries. A significant majority of EU ENNHRI members referred to the judgments of European Courts in their annual and thematic reports and recommendations to state authorities, in this way encouraging appropriate actions by relevant state actors to ensure implementation. More than half of the EU NHRIs focused on awareness-raising activities to inform the general public of the importance of the judgments issued by European Courts and their relevance for the rights of individuals. ENNHRI members from nine EU Member States (Croatia, the Czech Republic, Denmark, Finland, Germany, Ireland, Lithuania, the Netherlands and Poland) confirmed their engagement with the national coordinator of the execution of judgments of the European Court of Human Rights to advance implementation.

Almost one third of EU ENNHRI members focused on the engagement with national courts to enhance the implementation of jurisprudence of the ECtHR and the CJEU, particularly in Belgium, Denmark, Estonia, Germany, Ireland, and the Netherlands. Around one quarter of EU NHRIs included the execution of European Courts' judgments in the context of their educational activities. This is the case in Belgium, Cyprus, Estonia, Greece, Lithuania, the Netherlands, Romania, Slovakia, and Spain. Lastly, ENNHRI members from Belgium, Croatia, the Czech Republic, Finland, France and Germany provided Rule 9 submissions to the Council of Europe's Committee of Ministers to provide objective information on the status of the implementation of the judgments of the ECtHR and advance implementation.

NHRIs also reflected how they can step up their actions to support the implementation process. For instance, the Dutch NHRI underlined the importance of the NHRI's inquiries regarding the implementation status of the judgments, while the Spanish NHRI highlighted the added value of so-called Rule 9 submissions provided to the Council of Europe's Committee of Ministers.

Several ENNHRI members also reflected on **what could be further done by state authorities to advance the implementation of European Courts' judgments**. First of all, EU NHRIs called on state authorities to take concrete actions to duly execute European Courts' judgments. This was particularly noted by ENNHRI members from Belgium, Estonia, France, Ireland, Lithuania and Romania. More specifically, the NHRI from France called on state authorities to ensure that national legislation aligns with EU law and the Convention, as well as the jurisprudence of the CJEU and the ECtHR. The Irish NHRI urged the national authorities to commit to a clear time bound implementation plan for the judgment issued by the ECtHR in the case O'Keeffe v. Ireland. The Irish NHRI also pointed out the need to ensure a fair and accessible scheme that provides redress for victims of human rights violations. The NHRI from Finland underlined the need to further strengthen national systems to follow up on the ECtHR judgments while raising awareness of all levels of public administration of these judgments. The NHRI from Slovenia emphasised the importance of full and transparent implementation of the ECtHR judgment in the case X and Others v. Slovenia, which found multiple violations of the right to a fair trial, in particular the right to a "tribunal established by law" and the principle of the "natural judge", and the right to private life in family law matters due to irregularities in judicial case reallocation. Furthermore, the ENNHRI member from Romania stressed the need for state authorities to carry out much-needed structural reforms in line with the standards enshrined in ECtHR jurisprudence. Finally, the Croatian NHRI recommended the inclusion of other stakeholders, including civil society organisations and academia, in the process of enforcement of the ECtHR decisions, including by seeking their involvement in the process of drafting action plans and reports on the implementation of judgments.

European Union 2025

Media freedom, pluralism and safety of journalists

Media freedom and pluralism are key elements of a healthy rule of law. Enabling space for the work of media outlets and journalists ensures greater accountability and transparency of state authorities and other actors. Safeguarding media freedom and pluralism also ensures the realisation of freedom of expression enshrined in the EU Charter of Fundamental Rights and the European Convention on Human Rights. Therefore, safeguarding freedom and pluralism of media remains a topic of consideration for NHRIs. On the basis of their monitoring, they advise how to address identified shortcomings and

what the appropriate solutions are to be undertaken by relevant authorities. The below information is also relevant more specifically for the European Commission in view of the monitoring of the implementation of European Media Freedom Act as well as EU Anti-SLAPP directive.

ENNHRI members from EU Member States provided insights on challenges affecting media freedom in their countries. Almost half of EU ENNHRI members reported on the general shortcomings in relation to **access to public interest information and documents**, for example, in Belgium, Croatia, Denmark, Estonia, Finland, Greece, Luxembourg, Poland, Slovakia and Spain. More specifically, these included wide exemptions from access to public information for journalists and the wider public, such as the case in Denmark and the differing interpretation of the relevant law in Finland, in both cases leading to refusals of access to relevant information. In Estonia, the NHRI noted that access to information remains a challenge for media outlets, while in Belgium, the ENNHRI members deemed a reform on access to public documents as unsuccessful. In Germany, the NHRI raised concerns over the problem of criminalisation of disclosure of court documents by journalists, which could affect freedom of expression. In Greece, increasing difficulties in accessing information in the area of asylum and migration.

Secondly, a significant number of EU NHRIs reported **harassment, threats and/or attacks against journalists and media outlets**, in some cases by public actors, such as in Croatia, Finland, Greece, Slovakia and Slovenia. Journalists were subjected to attacks during protests in Belgium and France. ENNHRI members from Belgium, Latvia, the Netherlands, Slovakia and Slovenia stressed that often the victims of such attacks and threats are women journalists. **Strategic lawsuits against public participation** were specifically reported in Belgium, Croatia, Greece, Luxembourg, Slovakia and Slovenia. In Germany and France, the NHRIs notified about attacks against journalists during public assemblies, including from law enforcement. In Poland, there were cases of purposeful obstruction of the work of journalists by public authorities.

The third most reported challenge in the area of media freedom is the spread of **misinformation and disinformation**. These were identified especially by ENNHRI members from Croatia, France, Germany, Ireland, the Netherlands, Romania, Poland, Slovakia and Slovenia. For instance, in Slovakia, the NHRI noted the increased engagement of the representatives of the government with media outlets known for spreading disinformation or misinformation, while ceasing communication with mainstream independent media. The Irish NHRI and the ENNHRI member from Romania noted that disinformation and misinformation campaigns were driven by far-right groups. In Romania, this was a particular case during the electoral campaign for the presidential elections at the end of 2024. In France, the NHRI raised concerns over the spread of the narrative that represents migrants mostly as male, while women

in migration remain invisible in the political debates. The Dutch NHRI reported on the growing, potential threat of misinformation and disinformation distributed through social media and international streaming services and media platforms. Finally, the NHRIs from Ireland, Poland and Slovenia noted the insufficient legal framework in this area. The Slovenian NHRI reported on the shortcomings of the draft Media Act with regard to proportionality as well as adequate measures to address hate speech and illegal content.

In several EU Member States, NHRIs raised concerns over the **independence and effectiveness of media regulatory bodies**. This is the case in Croatia, Finland, Greece, Luxembourg, Poland and Slovakia. In particular, the functioning of the media regulatory bodies was affected by budget cuts (such as in Finland), a lack of sufficient transparency (in Croatia), and planned reforms undermining their independence (in Slovakia), concerns over the constitutionality of the appointment process (in Greece).

An overall **decline in media independence** was identified in Germany, Poland, Romania and Slovakia, with a problem of political influence appearing in Romania and Slovakia in particular. In Germany, the NHRI mentioned several courts' rulings regarding the independence of media. At the same time, a **decline in media pluralism** was reported in Finland and the Netherlands due to media ownership concentration issues, in Poland due to problems with media outlets funded by local authorities, as well as in Slovakia due to the worrying transformation of the public media broadcaster.

In relation to some EU Member States, NHRIs provided information on the state of play regarding **follow-up by state authorities on the recommendations issued by the European Commission** concerning media freedom. In this context, some progress was identified in Croatia, Cyprus and Spain as a result of measures introduced to protect freedom of media and journalists, in the Netherlands and Poland, where there are ongoing works on the reforms of public media, as well as in Luxembourg, where the draft law on access to official documents was presented. At the same time, an insufficient or even a lack of progress in the implementation of relevant recommendations issued by the European Commission was noted in Finland, Germany, Greece and Romania.

European Union 2025

Other challenges to the rule of law and human rights

While ENNHRI's joint reporting on the rule of law focused on specific issues of concern addressed above (such as NHRI establishment, independence and effectiveness, civic space and HRDs, justice systems, and media freedom), ENNHRI members also reported on other key rule of law and fundamental rights challenges, of particular importance within their domestic context. In their country reports, ENNHRI members provided examples of specific threats to checks and balances and anti-corruption, as well as structural fundamental rights issues impacting the rule of law.

Several ENNHRI members from EU Member States pointed out the challenges affecting healthy **checks and balances**. These include changes aiming at weakening state institutions in Slovakia, a lack of appointment of heads of independent authorities in Slovenia, attempts of the executive branch to influence judicial decisions in Romania and attempts of the executive branch to control the judiciary in Belgium. In Greece, the need to conduct independent and efficient investigations on the informal forced returns (pushbacks) was identified. In Finland and Germany, there were concerns over the system of constitutional review. In the case of Germany, this led to the reform of the Constitutional Court. ENNHRI members from Ireland, Romania and Slovakia underlined the need to improve the quality of law-making process. In the case of Romania and Slovakia, this is due to the excessive use of expedited law-making procedures. The Estonian NHRI warned about worrying usage of administrative orders and decisions instead of legislative frameworks to regulate fundamental rights issues.

Furthermore, several NHRIs, namely those from Belgium, Finland, Germany and Lithuania, raised concerns over the lack of compliance with human rights standards of migration laws, policies and practices in their countries, introduced often to address security risks. In Sweden, the NHRI reported on some laws and measures introduced in response to security threats, which might disproportionately impact fundamental rights, such as anti-discrimination and the right to privacy.

A few NHRIs reported on specific challenges in the area of **anti-corruption**. The ENNHRI members from Romania and Slovakia noted the insufficient actions by state authorities to combat corruption and ensure accountability. More broadly, the Belgian members identified the impact of organized crime on the rule of law and growing intimidation against state authorities, including law enforcement, as well as journalists.

In terms of other **structural fundamental rights issues**, some ENNHRI members reported on the challenges in the full realisation of **economic and social rights**. For instance, NHRIs from Germany and Hungary underlined the challenges affecting the full realisation of the right to education, while the German NHRI reported on the persisting discrimination in the areas of employment and housing. Several NHRIs noted the shortcomings in access to

healthcare and the respect for the rights of patients. The NHRIs from Denmark and Hungary indicated shortcomings in relation to the rights of patients – in Hungary, there was a need to ensure fair access to justice in this area, while in Denmark, the concerns were raised in relation to the excessive use of coercive measures in psychiatric care. In the area of **AI and digitalisation**, the ENNHRI members from Belgium and Spain identified the impact of the use of AI by state authorities on fundamental rights and the rule of law. Furthermore, while the NHRI from Portugal noted the obstacles in equal access to services of public administration due to progressive digitalisation. The Irish NHRI raised concerns over the shortcomings in the collection and access to equality data. The Danish NHRI reiterated the challenges stemming from the ongoing mass collection and retention of information by intelligence services and a lack of adequate legal guarantees. In Belgium, the structural fundamental rights issues stemmed from the persistent lack of respect for the rights of asylum seekers.

Austria 2025

Information from: Austrian Ombudsman Board

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Austrian Ombudsman Board (hereinafter “AOB”) achieved its first-time A-status reaccreditation in March 2022. On that occasion, the Sub-Committee on Accreditation (SCA) welcomed the amendments to the institution’s enabling laws and the Federal Constitutional Law in relation to recommendations made by the SCA during its 2011 review. In its recommendations, the SCA further noted that the current selection and appointment process for Board members is not sufficiently broad and transparent. Thus, the SCA recommended that a clear, transparent and participatory appointment and selection process is formalised in relevant legislation, regulations or binding administrative guidelines. The SCA also encouraged the institution to work towards greater pluralism in its Board membership and staff composition. In particular, it noted the gender imbalance in the composition of the Austrian Ombudsman Board members at the time of the assessment and the lack of sufficient formal provisions to ensure ethnic, geographic, religious, and minority representation.

The SCA also encouraged the institution to formalise its working relationships with domestic civil society organisations and human rights defenders, including those working on the rights of vulnerable groups.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In relation to the SCA's recommendation that the AOB continues to enhance and formalize its working relationships and cooperation with civil society organisations and human rights defenders, including those working on the rights of vulnerable groups, the AOB has undertaken the following initiatives:

1. The initiative of the NGO Sounding Board continued in 2024 and will continue in 2025. The informal meetings between representatives of the AOB and NGOs are a way to coordinate their work and inform each other about new developments in the field. Apart from efforts to coordinate media work, the NGOs and the AOB tried to bundle individual cases. In case people complained with NGOs, the NGOs encouraged them to submit a complaint to the AOB. The idea behind this approach was that NGOs usually do not handle individual complaints compared to the AOB. Additionally, if the AOB receives an increased number of complaints about a particular issue, it gains stronger leverage to highlight systemic problems in public administration.
   Moreover, the NGO Sounding Board helped to prepare the NGO Forum. Together they agreed on a topic for the event. Members also had the opportunity to propose speakers and participants.

2. The topic of the NGO Forum in 2024 was "The Rights of the Child". Around 70 participants representing various NGOs and experts of the AOB collaborated during the one and a half day-event. Representatives of several Federal Ministries, the Länder and children themselves gave input for the working groups. These small working groups offered an opportunity for an exchange of experience about the following topics: child participation in environment protection, education and cultural inclusion, child poverty, health of children, and protection of children against violence. The discussions and suggestions in the working groups were summarized in minutes that are soon to be published in a public conference volume.
   The NGO Forum closed with a discussion with Members of Parliament (MPs).

The interaction between NGOs and government representatives contributes to a rule of law culture. Due to their work on the ground, NGOs can report about the quality of the implementation of policies or the lack thereof. (See the article "NGO forum 2024: "Fully implement children's rights!", available in German only).

3. In 2024, the kick-off event for the lecture series "One in five" as in previous years took place at the premises of the AOB. The Centre for Forensic Medicine at the Medical University of Vienna, the Austrian Women's Shelters Association and the AOB launched this year's interdisciplinary lecture series with a thematic focus on "Domestic Violence against Women" with an in-person event on 20th November 2024, which focussed on violence prevention in care homes, shared accommodation for persons with disabilities and shared accommodation for children and adolescents. Apart from violence prevention in these settings, experts from different fields also discussed what persons affected by violence as well as witnesses of violence can do in case of violence in these places (see the article "Kick-off event: One in five – Domestic violence in a care home – Who can help?", available in German only).

4. Another initiative for female empowerment in cooperation with civil society was launched by Ombudsperson Gaby Schwarz in 2024: an exchange for female journalists on the topic of online hate in cooperation with the network for women in media on 16th April 2024 (see the article "Together against online hate and defamation", available in German only).

5. In 2024, the AOB made an active effort to reach adolescents and teach about the AOB's mandate and the rule of law. The members of the AOB obtained a list of all education institutions for adolescents from the age of 14 and above from the Federal Ministry of Education. A letter was sent out to those institutions informing about the possibility for schools to visit the AOB.
   Since then, many school classes visited the AOB. The aim of this initiative is to increasingly reach the younger generation and raise awareness about maladministration and possible remedies.

6. Overall, the approachability of the AOB has again been confirmed in the 2024 APA/OGM Confidence Index, which asks a specific number of people whether they trust an institution or not. The balance resulted in an even higher score of plus 62 for the AOB, showing that the AOB is among the most trusted public institutions in Austria (see the article "Further increase in confidence in the Austrian Ombudsman Board", available in German only).

With regard to the SCA's recommendation on pluralism and diversity of the members of the Austrian Ombudsman Board (hereinafter "AOB"), the AOB notes that the AOB has always had a high percentage of female staff members (currently nearly 70 percent of the AOB's staff members are women). However, as opposed to the time of the latest re-accreditation of the AOB – two out of three Ombudspersons of the AOB are presently women. In addition, out of the current three Chiefs of cabinet of the Ombudspersons, two are women (see the AOB's organigram, only available in German).

Regulatory framework

Regulatory framework

The Austrian Ombudsman Board has been identified as one of the Fundamental Rights bodies under Article 77(2) of the EU AI Act (see Digital Austria's website on Article 77 AI Act, only available in German). However, the regulatory framework of the AOB has not been changed as this article of the AI Act strengthens already existing supervisory and regulatory powers of authorities or public bodies for fundamental rights.

NHRI enabling and safe space

NHRI enabling and safe space

The Austrian Ombudsman Board notes that the relevant state authorities have good awareness of its mandate, independence and role. In addition, it also notes that it has adequate access to information and to policy makers, and according to Chapter 1 § 1 (2) item 4 Ombudsman Act 1982 may comment on any proposed draft legislation or ordinance.

The Austrian Ombudsman Board also notes that it has adequate resources to carry out the full breath of its mandate. The AOB has sufficient personnel and financial resources to carry out its tasks. Its financial autonomy underlines its independence. In line with Art. 148d (2) of the Austrian Federal Constitutional Law (B-VG), the AOB discusses its own budget in the relevant committee and then in the plenary session of the National Council. Subsequently, the AOB's independence is ensured through direct discussions with the members of parliament (MPs).

As regards the timely and reasoned responses to NHRI recommendations, the Austrian Ombudsman Board notes that according to Art. 148c of the B-VG, in conjunction with Art. 6 of the Ombudsman Act, the responsible federal, regional, or local authorities are obligated to comply with recommendations on measures to be taken in or by reason of a particular case addressed to them by the AOB. They shall do so within a term of eight weeks and inform the AOB accordingly or give the reasons in writing why the recommendation has not

been complied with.

While recommendations and suggestions are always communicated to the relevant authorities, all general recommendations including the reactions of the concerned governmental department are also found in the annual reports of the AOB. Specific recommendations that derive from individual cases and subsequent actions of the AOB and the concerned authority are frequently uploaded on the AOB website. Therefore, the public can easily access all recommendations including government reactions. The availability of recommendations and consecutive activities creates transparency in the tracking process of recommendations.

Ordinarily, the recommendations and suggestions are followed up and implemented by the authorities. The appreciation and trust in the AOB of the MPs as well as the federal and local authorities contribute to a high implementation rate of recommendations. Moreover, the weekly TV show “Bürgeranwalt” (People’s Advocate) assists in the implementation of recommendations as the public display of grievances may increase the willingness to rectify them.

As regards the functional immunity of the leadership and staff of the Austrian Ombudsman Board, according to Art. 148a (6) of the B-VG, the AOB is an independent organ. The three Ombudsman are elected by the National Council (Parliament) to represent the AOB independently and impartially. Each Ombudsman has a fixed tenure of six years that cannot be revoked by the parliament (Art. 148g (1) B-VG).

The members of the AOB enjoy almost absolute independence and cannot be dismissed. This does not apply in cases of constitutional responsibility (Article 142 B-VG) or in the case of accountability according to the Austrian Criminal Code. Only if a member of the AOB is found guilty of a criminal offence and sentenced to imprisonment, provided that, the (conditional) sentence imposed exceeds one year, the non-conditional sentence exceeds six months, or the conviction was exclusively for the offense of abuse of authority (§ 212, Austrian Criminal Code), the incumbent can be dismissed (§ 27, Austrian Criminal Code).

Austria 2025

Information from: Austrian Ombudsman Board

Human rights defenders and civil society space

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The Austrian Ombudsman Board continues to enhance and support the civil society and Human Rights Defenders through several initiatives. For more information on the initiatives, please see the section on “Follow-up to international and European actors’ recommendations on NHRIs and relevant developments”.

Austria 2025

Information from: Austrian Ombudsman Board

Functioning of justice systems

Based on the human rights monitoring and reporting, the Austrian Ombudsman Board notes that there are significant challenges affecting access to justice and/or effective judicial protection in in the area of delays in court proceedings. Over the years, the AOB has received many complaints about delays in court proceedings at the Federal Administrative Court, in particular in asylum appeal proceedings. Between January and December 2024, the AOB identified maladministration in 25 cases due to delays in appeal proceedings of asylum seekers (see the list of cases of maladministration and respective AOB recommendations in 2024, last updated on 7th January 2025, available in German only).

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal

opportunities and opposition to racism and discrimination)

This country-specific report was coordinated by the Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH). It was co-authored by four ENNHRI members: FIRM-IFDH, Unia, Myria, and the Combat Poverty, Insecurity and Social Exclusion Service, as well as three public institutions with human rights remit that are not members of ENNHRI : the Central Monitoring Council for Prisons (CTRG-CCSP), the Flanders Human Rights Institute (FLANHRI) and the Institute for the Equality between Women and Men (IGVM-IEFH).

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal opportunities and opposition to racism and discrimination)

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
Belgium currently has two NHRIs accredited with B-status, signifying partial compliance with the Paris Principles.

In March 2023, the SCA accredited FIRM-IFDH with B-status. At that time, the SCA included recommendations in relation to the NHRI's human rights mandate, annual report, pluralism, selection and appointment, and adequate

funding. Further information on the recommendations and the actions undertaken in follow up are detailed in the section below.

When the SCA accredited Unia with B-status, it included recommendations in relation to human rights mandate, interaction with the international human rights system, selection and appointment, full-time members, and functional immunity.

FLANHRI was created in 2022 with a broad human rights mandate within the competences of the Flemish Region and the Flemish Community. FLANHRI works in collaboration or in complementarity with other public institutions, both at the federal and the regional level.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

FIRM-IFDH

In March 2023, GANHRI's Sub-Committee on Accreditation (SCA) accredited FIRM-IFDH with a B-status. It formulated **two core recommendations**:

- An amendment to FIRM-IFDH's enabling law, in order to **expand and strengthen its mandate beyond the federal level**. An inter-federalisation of FIRM-IFDH's mandate can only be achieved through a cooperation agreement between state governments and the federal government. However, despite being mentioned in the 202, the inter-federalisation has not taken place and the recommendation remains **unimplemented**. FIRM-IFDH continues to advocate for its inter-federalisation. Both the 2025-2029 Federal Government Agreement and the 2024-2029 Flemish Government Agreement mention the government will aim for A-status through a cooperation agreement. the inter-federalisation has not taken place and the recommendation remains **unimplemented**. FIRM-IFDH continues to advocate for its inter-federalisation. Both the 2025-2029 Federal Government Agreement and the 2024-2029 Flemish Government Agreement mention the government will aim for A-status through a cooperation agreement.
- An amendment to provide FIRM-IFDH with **unannounced and free access to inspect and examine any public premises**, such as places of deprivation of liberty, as well as any documents, equipment, and assets without prior notice. This recommendation has been **partially implemented** : the Act of 21 April 2024 grants **free and**

unannounced access to all places of deprivation of liberty. However, this access is limited to the scope of the mandate of the Prevention Mechanism (NPM).

The SCA also formulated **four additional recommendations,** which were **mostly implemented**:

- To ensure that **FIRM-IFDH's annual report** be subjected to public scrutiny. The Act of 21 April 2024 provides that it is sent and discussed in the federal Parliament (art. 19).
- To ensure that the **principles of pluralism and diversity** are reflected in its composition and/or work, and implemented in practice. FIRM-IFDH's enabling law now explicitly mentions it.
- To require **broad consultation and/or participation**, including of civil society organizations, in the application, screening, selection and appointment process to **FIRM-IFDH's board of directors**. This recommendation was also implemented by the Act of 21 April 2024 (art. 11).

Finally, as the SCA recommended, FIRM-IFDH advocates for the **financial resources necessary** to ensure it can effectively carry out its mandate.

Unia

During the 2024 elections campaign, several political parties (Parti socialiste p. 678; CD&V p.82, OpenVLD) included in their programs that a human rights institution in Belgium should obtain the A-status. Given the fragmentation of institutions in Belgium, inter-federalisation is necessary to obtain A-status. The 2025-2029 Federal Government Agreement states that: "Efficient accessibility and service for citizens are essential. Collaboration with the country's human rights institutions must be maximised in the interests of those seeking justice. Through a cooperation agreement, we are aiming for A-status for the country. The remit of each institution must be clearly defined. [...] We will reduce Unia's funding by 25%."

NHRI follow-up on the recommendations issued by European actors

FIRM-IFDH provided (informal) input and recommendations to the Belgian administration participating in the Steering Committee for Human Rights (CDDH), which held dedicated meetings on the implementation of Council of Europe's Recommendation CM/REC(2021)1, on the development and strengthening of effective, pluralist and independent national human rights institutions. As some of these recommendations aligned with the SCA's recommendations regarding FIRM-IFDH, some progress has been made. Those progresses include more guarantees for pluralism in the appointment and composition of the decision-making body, access to premises and information, as well as the protection of its independence.

Regulatory framework

Regulatory framework

Core mandate

FIRM-IFDH

On 21 April 2024, the federal Parliament adopted an Act modifying FIRM-IFDH's enabling law. The Act established a torture prevention mechanism (NPM) at the federal level within FIRM-IFDH, in accordance with the Optional Protocol to the Convention against Torture (OPCAT). The NPM is now a separate department within FIRM-IFDH with specific duties regarding the situation of persons who have been deprived of their liberty. This mission is carried out in close collaboration with specialized institutions such as CTRG-CCSP, Myria and the Standing Police Monitoring Committee. In addition to the establishment of the NPM, the Act of 21 April 2024 also brought changes to FIRM-IFDH's general mandate.

Unia

The anti-discrimination legislative framework within Unia's remit has changed since January 2024. Both the Brussels Region (Joint Decree of 4 April 2024) and the French Community (Decree of 16 May 2024) have significantly strengthened their anti-discrimination legislative frameworks, following earlier changes brought to the Walloon (2019) and federal (2023) anti-discrimination framework. The following forms of discrimination are now also prohibited at these levels:

- intersectional discrimination (except in the Walloon Region);
- discrimination by association;
- and discrimination based on a previous state of health.

Furthermore, the new Brussels Equality Code now covers reasonable accommodation by association and the federal and French Community laws have tripled lump-sum compensations for victims of discrimination outside employment relationships.

Unia was also excluded from a major legislative change, namely from joining the new OPCAT-mechanism created by the Act of 21 April 2024,. Unia actively participated in numerous preparatory consultations on the establishment of a NPM in Belgium. Its skills and expertise in the field of disability (in prisons) and internment have always been recognized.

FIRM-IFDH together with CTRG-CCSP, Myria and Unia adopted a concerted joint approach that served as the basis for the bill to create the NPM at federal level. However, following an opinion from the Council of State (requesting a revision

of its cooperation agreement beforehand, which Unia contests), Unia was excluded from the mechanism. Unia's absence is a missed opportunity, since it already has the competence and significant expertise in monitoring the respect of the rights of persons with a disability deprived of their liberties. Its inclusion in the mechanism would have significantly reinforced the NPM's functioning and expertise. Unia has not been able to take part because the current framework only exists at the federal level. If the NPM becomes inter-federal, Unia intends to integrate it based on its CRPD mandate.

FLANHRI

The decision of the Flemish Government on the composition of and the procedure for the litigation chamber of the Flanders Human Rights Institute was published on 23 January 2024. As a result, all processes and procedures before the Litigation Chamber became operational as of February 2nd, 2024. At the same time, the "Decree *implementing the decree of 10 July 2008 containing a framework for the Flemish equal opportunities and equal treatment policy*" was amended on 22 March 2024.

Combat Poverty Service

Within the framework of the Interministerial Conference 'Social integration, Housing and Policy on large cities', a new cooperation agreement on homelessness was drawn up to replace the 2014 agreement. The mandate of the Combat Poverty Service as a general gathering point for data on homelessness was confirmed. This new agreement was approved by all (previous) governments at the end of the last legislative period. It still has to be approved by the Consultation Committee, the Council of State and ultimately the parliaments as well. At the time of this writing, the agreement still has the status of a 'draft'.

Complaints handling

FIRM-IFDH

The mandate to contribute to access to justice for individuals through complaints handling has not been strengthened since 2022. The 2020-2024 Federal Government Agreement intended to give FIRM-IFDH a complaint-handling mechanism. However, it had not implemented it at the end of the previous legislature. FIRM-IFDH advocates for a complaints-handling competence in conjunction with its inter-federalisation.

FLANHRI

The mandate to contribute to access to justice for individuals through complaints handling has been strengthened since 2022. As of mid-March 2023, FLANHRI has assumed the responsibilities previously held by the Flemish

ombudswoman Gender, who had a mandate to handle complaints on discrimination based on gender, and Unia, which had a mandate to handle discrimination complaints in general (apart from gender and language). The working model of the new Human Rights Institute includes a new, tribunal-type Litigation Chamber, based on the model of the Dutch College voor de Rechten van de Mens.

In cases of (perceived) discrimination, individuals can file a complaint with FLANHRI, following initial assistance. Individual complaints may undergo mediation between parties. If mediation proves unsuccessful or impossible, FLANHRI's Litigation Chamber can render a non-binding judgment.

Strategic litigation before courts

FIRM-IFDH

Although this is not a change of legal mandate in the strict sense, FIRM-IFDH initiated its first legal action in 2024, before the Belgian Constitutional Court. FIRM-IFDH is also conducting an internal reflection on its forthcoming legal actions, which will be completed around the summer of 2025, with the aim of establishing a strong strategic litigation policy.

Providing legal assistance to individuals

IGVM-IEFH

IGVM-IEFH's mandate was strengthened by the addition of a new criterion protected against discrimination, namely 'family responsibilities' (Act of November 15, 2022). It constitutes a major step forward in the protection of all people with caring responsibilities, whatever their gender. In addition, the protected criterion of 'gender reassignment' has been reclassified as 'medical or social transition' (Act of June 28, 2023). This better reflects the reality of transgender people, as these terms cover a wider range of steps that transgender people could take as part of their gender transition.

As mentioned hereabove, Belgian legislation now recognises instances of discrimination based on multiple protected criteria. Discrimination by association, a concept already recognised in European case law, has also been explicitly enshrined (Act of June 28, 2023). This enables the relevant equality bodies to better assist victims of discrimination.

A new Act of 7 April 2023 also strengthened protection against reprisals for people who take action to remedy discrimination. This was necessary because many people confronted with discrimination or transgressive sexual behaviour are afraid to report it (internally).

FIRM-IFDH

Since 2022, the mandate of FIRM-IFDH has been strengthened with additional competence under the federal whistleblower legislation. FIRM-IFDH provides legal support by informing whistleblowers about the law, offering personalized legal advice, and, when needed, covering part of legal fees for judicial procedures or directing them to pro bono lawyers. Since 2023, FIRM-IFDH has financially supported legal representation by lawyers for 14 whistleblowers.

Unia

Unia has set up a ‘legal protection fund’ to cover the legal costs of victims in vulnerable situations, enabling them to access justice and assert their rights. Given the recent decision to reduce Unia's funding by 25% (hereabove), the sustainability of this fund is not assured.

FLANHRI

As an institution with legal personality, FLANHRI has the capacity to take legal action, including a general collective right of action pursuant to article 17 of the Judicial Code.

Awareness raising

FLANHRI

FLANHRI’s legal mandate includes the handling of all human rights complaints and questions within the competences of the Flemish Community and Region, by informing the public, raising awareness and conducting research. It can also advise government(s), either on demand or on its own initiative on human rights-related issues.

FIRM-IFDH

The mandate to contribute to awareness-raising has been strengthened since 2022 FIRM-IFDH has generally a broad mandate regarding awareness-raising and sensibilization aimed at the general public, but few changes have been made since 2022. In 2023, FIRM-IFDH received an additional mandate regarding whistleblowers’ support and information, which included a specific mission regarding the promotion of a whistleblower-friendly culture in Belgium. Accordingly, FIRM-IFDH has launched a media campaign aimed at improving awareness of whistleblowers’ role and importance in society.

Strengthening of the NHRI’s regulatory framework

Unia

As mentioned above, several federated entities have recently significantly strengthened their anti-discrimination legislative frameworks: the Walloon Region in 2019, the federal level in 2023, the Brussels Region and the French

Community in April 2024. Compensations for victims of discrimination has improved at the federal level and in the French Community. However, in other respects, the compensations remain too low.

The German-speaking Community has not evaluated nor adapted its anti-discrimination legislative framework since 2012. There is currently no specific protection against multiple discrimination, discrimination by association and discrimination based on a previous state of health. An evaluation procedure of the anti-discrimination Decree of 19 March 2012 is underway, to which Unia has submitted recommendations.

FLANHRI

The present lack of a formal cooperation agreement between different human rights institutions and equality bodies in Belgium hinders the protection of human rights in Belgium. The recent Flemish and Federal government agreements both include the goal to accrue A-status through a clear, inter-federal collaboration agreement.

Next to a mandate to protect and promote human rights, FLANHRI has an additional mandate to protect against discrimination under the Flemish competences. Several elements in the Directives on Equality Bodies (2024/1499 and 2024/1500) could lead towards strengthening also the protection and promotion of human rights, for example the optional role involving data collection.

FIRM-IFDH

FIRM-IFDH recommends two important changes to its regulatory framework.

First, the federal government and federated entities should sign a cooperation agreement to expand FIRM-IFDH's mandate to include matters falling under the competences of the communities and regions (with the exception of matters under the jurisdiction of the Flemish Region and the Flemish Community, for which FLANHRI is responsible). Such a cooperation agreement should also grant FIRM-IFDH the competence to handle complaints. Additionally, the agreement should expand FIRM-IFDH's NPM mandate to cover places of deprivation of liberty under the competences of the relevant communities and regions.

Second, at present, FIRM-IFDH employees have no pension rights, due to a legislative omission in FIRM-IFDH's enabling law. With members of CTRG-CCSP's board and the two federal ombudsmen, FIRM-IFDH employees are at present the only members of the working population in Belgium not to build up pension rights nor derived rights (for example, the right to a survivor's pension for the spouse) through their employment. The Council of State recently pointed out that this situation constituted a violation of the principle of

equality. In addition, the absence of pension rights jeopardizes the independence and effectiveness of FIRM-IFDH. A law proposal was introduced into Parliament in November 2024 to fix the omission but has not yet been adopted. FIRM-IFDH believes that the bill adequately establishes a legal basis to grant and fund a statutory pension under the civil service pension scheme for its permanent staff. However, an amendment is needed to provide a retroactive legal basis. FIRM-IFDH recommends that the bill with the necessary amendment be adopted without delay.

NHRI enabling and safe space

NHRI enabling and safe space

Awareness of the NHRI's mandate, independence and role

FLANHRI

Flemish authorities' awareness of FLANHRI's mandate, independence, and role remains limited. Although the Institute is mentioned in the most recent Flemish Government Agreement and engages with the Flemish Parliament on a regular basis, its role and activities are not yet widely recognized. This is not unusual given FLANHRI's relatively recent establishment, in 2023.

Efforts to raise awareness have included introductory meetings with policymakers, government departments, and human rights partners. These initiatives highlight the importance of further engagement to establish the Institute's presence and role.

FIRM-IFDH

Generally, relevant state authorities have good awareness of the NHRI's mandate, independence and role.

Access to information and involvement in law and policy making

Unia

Unia, as other human rights institutions in Belgium, operates in a complex institutional environment with six different state-level authorities. Access to information and cooperation with each of these policy makers vary, depending on several factors such as the modus operandi of a specific ministerial cabinet, the relationships previously established, the specific issue discussed, and so on. No executive power is required to provide information to Unia related to the issues within its mandate, nor is there any obligation to notify it of policy measures or proposed regulations.

It does happen that Unia is consulted formally, for example by the legislative

power, when a bill is tabled, and informally. The latter happens, for instance, with a request from a cabinet of a minister or by the administration for more explanation on a particular issue.

FLANHRI

The FLANHRI-decree (arts. 9 and 10) habilitates FLANHRI to give advice to the Flemish parliament and government on matters relating to human rights (including the right not to be discriminated). However, no legislative or executive framework determines in what way and form FLANHRI is to be consulted. The European directives on standards for equality bodies stipulate that Member States ought to ensure that equality bodies are consulted with regard to non-discrimination legislation, policy, procedure and programmes (art. 15). Parliament has to ensure simultaneously that the increased workload is not detrimental the execution of FLANHRI's other responsibilities.

FIRM-IFDH

FIRM-IFDH is frequently asked by the government or the federal Parliament to provide advice on legislative initiatives. However, the frequency and nature of this contact can vary depending on the individual official holder.

Upon its request, FIRM-IFDH is also invited to Parliament to present its reports. For example, in January 2025, FIRM-IFDH was asked by the federal Parliament to present itself to the new members of Parliament. It was also auditioned on the Belgian chapter to ENNHRI 2024 Rule of Law Report and on its thematic report on the protection of human rights defenders in Belgium.

IGVM-IEFH & Unia

Until December 2023, IGVM-IEFH and Unia received from the judiciary a copy of judgements relating to their areas of competence. They were also informed when a case concerning their areas of competence had been scheduled for a court hearing. This information is very useful for their legal functions of supporting victims of discrimination, intervening in legal proceedings relating to anti-discrimination laws and publishing anonymised court decisions. This circular – COL13/2013 on judicial anti-discrimination policy – was amended in 2024. The transmission of this information to Unia and IGVM-IEFH of notices of court proceedings has been suspended pending an in-depth examination of the issue, due to uncertainties linked to data protection. To date, the examination is still ongoing. The Institute and Unia therefore still do not have access to this information. For the same reasons, Unia and IGVM-IEFH no longer receive court decisions relating to discrimination, as the judicial authorities are currently unable to make them anonymous. Unia can therefore no longer analyze them and publish them on its website in accordance with its mandate.

Adequate resources

FIRM-IFDH

In 2024, FIRM-IFDH was entrusted with a new NPM-related competence (hereabove), exercised in collaboration with several specialized bodies (Myria, CTRG-CCSP and the Standing Police Monitoring Committee). Exercising this new function of monitoring places of deprivation of liberty requires substantial resources. However, Parliament has only allocated limited new resources to the three specialized bodies and FIRM-IFDH for their additional NPM mandate (each received 1 FTE extra staff, instead of the requested total staff of 18,5 FTE, in addition to cuts in the requested operational costs). They have therefore to devote additional existing human resources to the intensive process of implementing the NPM and organizing monitoring visits. This lack of resources poses real problems for the functioning of the NPM.

Additionally, operational costs requested by FIRM-IFDH for its general mandate have equally been reduced, which will mainly impact on the budget for whistleblowers support, as well as on its available funding for strategic litigation and ongoing research projects.

FIRM-IFDH also requested additional budget to adhere to the pension scheme of the so-called “Pool for parastatal institutions”, its only possible alternative if the law proposal mentioned above is not adopted by Parliament. This budget was refused, with explicit referral to the law proposal. If the proposal would not be adopted within a reasonable delay, FIRM-IFDH will submit a new request to receive this budget, in addition to considering legal steps as to ensure a basic pension scheme to its staff.

Lastly, FIRM-IFDH does not have sufficient office space for its staff. FIRM-IFDH is hosted by the federal Parliament. Currently, its 24 staff members are working in 4 rooms and a small meeting room, while 3 additional staff members are to be recruited soon. Negotiations to expand office space have been ongoing for years. Additional offices in the same premises have been promised over a year ago, but practical obstacles keep delaying the expansion. This situation is appalling and a cause of stress for all staff members.

FLANHRI

FLANHRI’s budget is approved by the Flemish parliament. However, this budget is presently sourced from the Flemish Agency for Home Affairs’ resources. The budget should come directly from the Flemish parliament and be uniquely earmarked for FLANHRI.

The present budget is substantial. Nonetheless, additional duties allotted to FLANHRI should be accompanied by a reasonable increase in its budget. Presently, according to its decree, FLANHRI’s budget must be adequate to fulfil its mandate effectively and independently and cannot be decreased if its mandate remains the same (art. 40).

Unia

Some of Unia's new or reinforced missions are not accompanied by a financial reinforcement for the hiring of additional personnel. Examples include:

- Unia is tasked by decree to take an active part in several new advisory councils (council to combat racism or related to policies for people with disabilities), without any additional financial support.
- Unia is also a member of several monitoring committees for the European Structural and Investment Funds. The investment required in terms of time and expertise is substantial, although no support in terms of human and financial resources is envisaged.

Above all, the new federal government decided to reduce Unia's funding by 25%, without explanation. As a consequence, Unia will have to drastically reduce its staff and activities, which will weaken its effectiveness.

IGVM – IEFH

IGVM-IEFH did not always receive additional resources when it was given certain new legal missions. This has notably been the case for the non-consensual dissemination of intimate images, even though IGVM-IEFH receives many reports on this subject every year since 2020. In addition, the development of artificial intelligence and legislation in this area also represents new challenges. IGVM-IEFH was recently given an additional mandate in accordance to article 77 of the AI-Act, for which additional resources are requested.

Timely and reasoned responses to NHRI recommendations

FLANHRI

The FLANHRI-decree enables FLANHRI to offer advice to the Flemish parliament and government on matters relating to human rights, either on its own initiative or upon request. The advice is non-binding, but FLANHRI closely monitors the compliance with its advisory opinions. The decree also specifies that FLANHRI actively and carefully monitors the compliance with the non-binding rulings of its Litigation Chamber. Given the recent establishment of FLANHRI, it is still too early to assess whether these legal safeguards are sufficient.

FIRM-IFDH

FIRM-IFDH is regularly in contact with parliamentarians, the Government and public authorities to present and discuss its recommendations. Nevertheless, FIRM-IFDH does **not automatically receive feedback from the authorities**. While the Act of 12 May 2019 allows FIRM-IFDH to request written explanations regarding the follow-up of these opinions, recommendations and

reports (art. 6 §3), the Institute has not used this possibility yet.

The Act establishing FIRM-IFDH was revised through the Act of 21 April 2024, incorporating several recommendations from the SCA. As a result, the law now foresees the annual report must be presented to Parliament (art. 19).

Functional immunity / measures to protect NHRI staff

FLANHRI

There are mechanisms in place to protect FLANHRI's leadership and staff, such as limitation of dismissal reasons and procedural guarantees. Its decree forbids members of its staff, of its board of directors and of its litigation chamber to receive instructions from the Flemish parliament, the Flemish government or any other public entity (art. 27). Members of the board of directors cannot be removed due to opinions voiced during the execution of their function. The Flemish parliament can summon the chairperson of the board of directors and the general director to evaluate FLANHRI's functioning, but the chairperson of the litigation chamber cannot be summoned.

FIRM-IFDH

FIRM-IFDH's enabling law provides for an immunity for both members of its board of directors and its staff members. The Institute and its members are immune to civil and criminal liability for their decisions, acts or behaviours in the performance of FIRM-IFDH's legal tasks (art. 18). The immunity can only be lifted in the cases provided for by law and if so, decided by the federal House of Representatives by a two-thirds majority (art. 11).

Unia

Unia's two directors have 6-year mandates, which can be extended twice. Measures are taken internally within Unia to protect employees who come into direct contact with expressions of hate, contempt and harassment.

Unia itself is regularly attacked in the media, in public and in political programs. These attacks recently led to a political agreement within the new government to reduce Unia's budget by 25%.

Threats faced by NHRIs

Unia

The program of the current prime minister's political party (NV-A, see p. 89), published ahead of the June 2024 elections, aimed at dismantling Unia. It suggested withdrawing the federal competences from Unia, which would be equivalent to reducing Unia to a pittance (80% of its budget). Additionally, it intended to withdraw the power to take legal action from Unia.

Following negotiations between the current members of the government coalition, the government decided to reduce Unia's federal funding by 25%. The 2025-2029 Federal Government Agreement provided no explanation nor argument to justify this measure.

FLANHRI

The institution has not faced threats. However, during the recent Belgian and Flemish elections, one major political party stipulated that they would "*evaluate FLANHRI's working and make adjustments where necessary*." This could be interpreted as a potential risk. Additionally, there were also negative political reactions on one of the first rulings of the Litigation Chamber (on a case which involved the use of burkinis in a public swimming pool).

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

1. Transpose in the most ambitious way possible the European directives on the standards applicable to equality bodies, establish or strengthen their investigative powers, their ability to take legal action and the obligation to consult them in legislative and political processes.
2. Work on a cooperation agreement to expand FIRM-IFDH's mandate to include matters falling under the competences of the communities and regions (with the exception of matters under the jurisdiction of the Flemish Region and the Flemish Community, for which FLANHRI is responsible). Grant a complaints-handling competence to FIRM-IFDH.
3. Expand FIRM-IFDH's NPM mandate (OPCAT) to places of deprivation of liberty under the competences of the relevant communities and regions. Properly fund the NPM mandate, both for FIRM-IFDH and the specialized bodies.
4. Allocate additional resources for each new mandate and each extension of existing ones.
5. Establish stronger guarantees with regard to FLANHRI's budget. The budget should also come directly from the Flemish parliament, with resources uniquely earmarked for FLANHRI.

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social

Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal opportunities and opposition to racism and discrimination)

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and human rights defenders

Laws and measures negatively impacting civil society and human rights defenders

Freedom of association

The 2025-2029 Federal Government Agreement announced a new legal mechanism allowing it to ban "dangerous radical organisations such as Samidoun because of their links with terrorism or the propagation of anti-Semitism". This announcement raises concerns about the possible broad interpretation of this forthcoming statute. Furthermore, the Agreement does not contain any information regarding procedural guarantees and remedies against a possible ban.

A recent proposal for a resolution at the federal Parliament suggests labelling several non-violent civil disobedience organisations, such as Black Lives Matter and Extinction Rebellion, as terrorist organisations. This would have severe consequences for their activities and funding and would allow the prosecution of individuals associated with them.

Freedom of assembly

In 2024, freedom of assembly has increasingly been under pressure, both from new measures and old issues that remain unresolved.

For instance, the new Criminal Code has outlawed the 'malicious interference with public authority' (art. 547). FIRM- IFDH, numerous civil society organisations, academics and trade unions have underlined that this measure carries a real risk of penalising legitimate political and social protest, and may thus lead to a criminalisation of human rights defenders.

ENNHRI 2024 Rule of Law report also underlined a legislative proposal from the

Belgian government to introduce a judicial ban on demonstrations in the Criminal Code, for up to five years for the individual concerned. This proposal was ultimately dropped but the 2025-2029 Federal Government Agreement has suggested reintroducing it. Furthermore, a circular from the former Minister of the Interior already allows mayors to preventively ban individuals from demonstrating in their municipality if they suspect them of threatening public order. FIRM-IFDH has argued that a circular is not a sufficient legal basis to preventively restrict freedom of assembly.

Most demonstrations in Belgium also require a permit, granted by the police authorities in consultation with the mayor. Demonstrators sometimes have to apply several weeks in advance. In the context of the armed conflict in Gaza, certain demonstrations were not authorized by the local authorities. In a ruling on 4 October 2024, the Council of State annulled a measure banning an assembly, which had been taken informally by a police commissioner instead of the legally competent mayor. Without this authorization, demonstrators risk a municipal administrative sanction up to 500,- €. Municipal administrative sanctions are also sometimes used to criminalize non-violent disobedience during demonstrations.

A dozen CSO's reported the repression of peaceful demonstrations in Belgian cities. Examples include the use of police force (water cannon, tear gas) to disperse a peaceful demonstration on the sole reason of its lack of prior authorization; the use of administrative sanctions imposed for the sole participation to a peaceful demonstration ; and the police requesting individuals wearing signs (Palestinian flag and keffiyeh) to remove them to "protect the neutrality of the public space", on pain of arrest or administrative fines, criminal investigations into the occupation of university buildings.

Finally, ENNHRI 2024 Rule of Law Report noted an increase in ex parte petitions and penalties, placing the right to strike under pressure. Emergency unilateral proceedings against trade unions appeared to have been less widely used in 2024, likely due to the lack of large-scale labour disputes, as had occurred in 2023. However, in the meantime, several higher courts have ruled on the dispute. The Constitutional Court found the legitimate use of the right to strike did not constitute a cause of absolute necessity that justified the use of emergency unilateral applications to forbid picketing. The Court found that the "ordinary" emergency procedures – that allow the defendant to be represented – were already sufficient to cover the situations brought to its attention, such as the need to restore access to a picketed store. However, a little more than a month after this decision of the Constitutional Court, the Gent Labour Court found that one of the retail chains had been justified in using the emergency unilateral procedure against the trade unions, arguing that the strike actions had been a threat to the store's property right.

Freedom of expression

Punishable written opinions disseminated in the press or on social networks are deemed “press offences”. The Belgian Constitution provides that press offences fall within the jurisdiction of the Assize Court, which involves a trial before a jury of peers (art. 150). The only exception is for press offences inspired by racism or xenophobia, which falls under the jurisdiction of “ordinary” criminal courts. Because of the difficulty and cost of an assize trial, there is a de facto impunity for all non-racist discriminatory speech written and disseminated in the press or on social networks. Hence, no judicial remedy exists to combat behaviour that hinders the freedom of expression of those targeted, who will more often be people with a protected criterion, such as women and transgender people. Victims of hate speech implement strategies of avoidance and withdrawal from public space.

Barriers in access to information and law and policymaking processes

Publicity of official documents in Belgium requires undergoing a complex procedure, with little emphasis placed on the proactivity of the administration to make documents more easily accessible. Three different publicity regimes co-exist at the federal level, and two different appeal bodies exist to challenge the refusal of access to documents by a federal authority, namely the Commission d'accès et de réutilisation des documents administratifs and the Commission fédérale de recours pour le droit d'accès à l'information en matière environnementale. Yet those two appeal bodies’ rulings are not binding for public authorities. The effectiveness of this system has been criticized. Efforts are required in order to improve the right of access to public documents. Regional appeal bodies also exist for access to documents within the competences of the Regions or the Communities, whose decisions are generally binding.

Furthermore, procedures for effective access to documents are relatively long in Belgium. This is particularly detrimental to journalists who often need swift access to certain documents due to publishing deadlines. It would be advisable to provide an emergency procedure, allowing a decision to be obtained within a shorter period of time if the circumstances justify this.

Criminalisation of human rights defenders’ activities

The criminalisation of human rights defenders’ work has also been reported as a challenge.

Limit access to funding - including from foreign sources

The previous Flemish government amended the decree on social-cultural work so that funding would have prioritised organisations that focus on integration, rather than those who “revert back to their ethic-cultural origin.” This ambiguous amendment has been the subject of much controversy and could have had a negative impact on the freedoms of association, assembly and

expression, as the decree created the risk that grant funding would become dependent on consistency with policy orientation, compromising the independence of organisations and making critical voices vulnerable to defunding. The Belgian constitutional court ruled in September 2024 that this condition was ambiguous and ought to be annulled.

In June of 2024, the Flemish Equal Rights Decree was amended. Several changes appear to positively impact the protection of human rights in Flanders, including the expansion of discrimination grounds; the facilitation of the procedure for a request for reasonable accommodation by a person with a disability; and the increased penalty that can be imposed by a judge. However, the amended decree also changed the allocation of subsidies. Civil society organisations now have to request subsidies every five years. Successful organisations are granted the status of a 'partner organisation' for the upcoming five years, leading to more financial predictability. However, for organisations that are not granted the status of 'partner organisation', the lack of subsidies for a period of five years could be detrimental to their existence.

Enforcement of judgments

Lack of enforcement of thousands of judgments – especially decisions related to the reception of international protection seekers – by public authorities has a severe and direct impact on non-governmental organisations, attorneys and magistrates working on migrant rights. It has led to a gigantic work overload for these actors – as pointed out among others by the European Court of Human Rights, which had to rule on more than a thousand of such cases – which severely impacts their functioning.

Specific support to women or LGBTQ+ HRD

IGVM-IEFH provides legal support to people who suffer discrimination in relation to their gender, in the broadest sense of the term. This can include women, transgender and intersex human rights defenders. IGVM-IEFH examines on a case-by-case basis whether a link can be made with its areas of competence. If so, it provides them with legal advice and can take action alongside them, including court action.

IGVM-IEFH and Unia are currently conducting a study in collaboration with LGBTQ+ advocacy associations to evaluate the federal action plan 'For an LGBTQI+ Friendly Belgium' 2021-2024' and propose recommendations to the new authorities. Additionally, Unia has long-standing collaboration agreements with LGBTQ+ advocacy associations.

At the end of 2022, Unia sent a contribution to the United Nations as part of its evaluation of Belgium's conformity with the CEDAW. Unia specifically underlined the higher risks of discrimination and violence for women with a disability.

FIRM-IFDH did not include specific questions regarding women human rights defenders in its recent study of the situation of human rights defenders (HRDs) in Belgium. It plans to address this gap in a forthcoming edition of its study by disaggregating data by (possible) grounds of discrimination as much as possible. This will help to highlight the unique and cumulative challenges faced by vulnerable and marginalized groups, and to develop specific measures to support these groups.

Furthermore, FIRM-IFDH conducted several focus group discussions which made clear that women human rights defenders, especially those with a migration background, are particularly targeted on social media.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

Verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment

FIRM-IFDH has carried out research into the quality of civic space and the threats and pressures faced by civil society organisations. 159 organisations responded to its questionnaire, a majority of whom (55%) said they had experienced at least one form of intimidation and aggression between 2020 and 2022. These attacks could take several forms including:

- legal intimidation (24%);
- negative media campaigns (22%);
- online attacks on their digital infrastructure (19%);
- political sanctions (17%);
- destruction of material goods belonging to employees or to the organisation itself (12%);
- regular verbal attacks (11%);
- physical attacks (such as being slapped or pushed) (10%);
- and illegitimate acts of violence committed by members of the police (such as unjustified arrests, use of force disproportionate to the type of action taken) (5%).

Negative attitudes/campaigns towards/perceptions of CSO and HRD by public authorities and the general public

In 2024, an alert regarding political intervention was made to the Council of Europe's Platform to promote the protection of journalism and safety of journalists, following criticisms expressed publicly by the French-speaking Media Minister regarding a reportage titled "How to be less racist?" by the public broadcast media *RTBF.*

Intimidation, harassment or violence before, during or after protests

The French-speaking professional journalists association expressed concerns about the behaviour of certain members of the police force towards journalists in the exercise of their duty to provide information. Its statement followed the brief arrest and the seizure of video material of a journalist of Zin TV covering an unauthorized demonstration in November 2024, where physical and verbal violence from the police against the journalist were reported, including sexist and racist insults. Three persons, including the journalist, filed a criminal complaint.

Harassment in the form of excessive administrative controls or audits

Nearly one in ten organisations who replied to the questionnaire of FIRM-IFDH's research on human rights defenders report that they have been disproportionately controlled by an (official) administrative body after communicating openly on a sensitive and controversial subject or carrying out a contested action.

In one specific example, journalists at Zin TV, in Brussels, reported to the RTBF being the subject of political pressures, intimidation and a politically-motivated police investigation of their professional premises. The journalists believe these pressures are due to having hosted a conference on the criminalisation of Palestinian voices in the European Union four months earlier.

Surveillance by state actors

In FIRM-IFDH's research on the situation of human rights defenders in Belgium (covering the timespan between 2020-2022), 6% of the organisations surveyed suspected having been kept under surveillance by state actors, either by Belgian or foreign governments. Organisations report suspecting they were being targeted because the organisation's actions were sometimes prevented due to pressure from representatives of foreign governments, even though no communication on the action had yet been made; or because they were the subject of verbal attacks based on such personal data (about members of their family, for example, or private experiences) that only a secret service could discover. In addition, several organisations reported they have discovered that the phones of some members of the organisation have been put under surveillance using Pegasus spyware.

Strategic lawsuits against public participation – SLAPPs

Threats or legal and/or administrative intimidation occur occasionally and more often against staff members than against organisations (±15% compared to ±10%). At least 5% of organisations report that they have been the subject of (threats of) legal proceedings ('SLAPP') from natural or legal persons, organisations and/or public authorities who have initiated (or threatened to

initiate) proceedings against them (such as claims for damages, criminal charges, injunctions, administrative actions or fines and tax complaints).

In March 2024, the Gent Court of Appeal squashed an earlier ruling that had forbidden the publication of embarrassing information regarding the president of the Flemish socialist party.

Gender aspect

A study commissioned by IGVM-IEFH shows that women candidates for political elections are subject to more aggressive and sexist behavior than their male counterparts on social networks and in real life, which can have a very real negative impact on them. It affects their well-being and their political commitment. It can also lead them to give up a career in politics, which has serious consequences for democracy in the long run.

FIRM-IFDH's study on the threats faced by civil society organisations defending human rights also show that personal characteristics – such as gender, sex, sexual orientation and physical appearance – are often the target of online and offline verbal aggression. This is specifically the case where individual employees are targeted, as reported by four out of every ten participating organisations. Employees working for organisations that defend women's rights and/or LGBTQIA+ rights are (much) more likely to be confronted with misogynistic and/or transphobic comments.

Threats and attacks on human rights defenders

In FIRM-IFDH's research on the situation of human rights defenders in Belgium (covering the timespan between 2020-2022), 8% of the organisations surveyed reported online bullying against employees. Online verbal attacks, which are initially directed at organisations, increasingly target employees, mainly via social networks. Staff members are repeatedly confronted with hate messages and insults, often in the form of online trolls. These are presumably members of the public but may also be members of extremist political parties who have organised to take coordinated online action.

More than 1 in 3 of the surveyed organizations reported offline verbal attacks. These may take the form of recurring and even threatening phone calls. Negative and threatening speeches – in which, for example, the *raison d'être* of organisations is publicly questioned – are sometimes made by politicians during parliamentary debates.

The perpetrators of those threats and intimidation attempts have a diverse profile. Threats to individuals mostly appear to come from members of the general public. Organisations (as legal entities) tend to be targeted by actors from political circles.

The area of human rights defended by the organisations influences their experiences of pressure and threats. Those working on 1) racism, migrants and refugees and/or 2) LGBTQIA+ are most often targeted, particularly by verbal attacks. They are also more likely to be threatened, particularly by politicians. These threats take the form, for example, of proposals to defund the organisation in question in policy papers; the making and relaying of threats against them via the press and other media; or disproportionate and unforeseen monitoring of activities (by a public service responsible for employment or social security, for example).

Transnational repression of human rights defenders

Some recent concerns were raised by the Flemish journalists association about damages caused to two Kurdish-language television channels and material seized by the police during raids as part of a European Investigation Order into terrorist financing, and its possible consequence on press freedom. The Belgian state has not yet reply to the alert made on 31 May 2024 on the Council of Europe's Platform for the Safety of Journalists.

FIRM-IFDH's study on human rights defenders highlighted that 6% of the participating organisations had suspected surveillance by national or foreign security services in 2021-2022. A situation of physical aggression committed by representatives of a non-European state during a demonstration in Belgium to denounce violations committed by the leaders of this state was also reported by one of the participating organisations active abroad.

Finally, some human rights defenders in Belgium have been sued before foreign jurisdictions in cases that have been deemed SLAPPs. This raises significant concern regarding possible forum-shopping and underlines the need for an ambitious transposition of the European anti-SLAPP directive in Belgium.

Initiatives, frameworks, or policies for the protection of human rights defenders existing at the national level

In 2024, FIRM-IFDH conducted a research report on the protection of HRDs in Belgium. A majority of the consulted human rights organisations had recently faced pressure and intimidation. Many indicated that the situation as a whole had deteriorated over the past two years. More protection for the civic space and HRDs is needed. A number of concrete proposals were included in the report, some of which are presented hereunder.

There are no specific protection mechanisms such as emergency response systems or safe houses specifically aimed at HRDs in Belgium. However, in 2023, the Federal Government adopted 3 royal decrees to provide structural funding for coalitions of civil society organisations active in:

1. The fight against racism;

2. The fight against discrimination based on sexual orientation;
3. and the fight for gender equality.

Specific strategies to protect human rights defenders and/or inclusion of human rights defenders in human rights action plans

While there are no specific strategies to protect human rights defenders, three national action plans do include HRDs:

1. The National Action Plan on Business and Human Rights (2024-2029) foresees that "*companies and investors [should] respect the space for civil society organisations and provide consultation mechanisms with them*". Supporting civil society is framed as a way to gain better understanding of a market.
2. The National Action Plan in the Fight against Gender-based Violence (2021-2025) provides for integrated policies around gender equality, involving civil society organisations and for the establishment of a National Consultative Platform, composed of civil society organisations, monitoring independently the National Action Plan.
3. The National Action Plan against Racism 2021-2024 also includes several provisions regarding civil society organisations, including its consultation for drafting the plan. One of the Plan's strategic objectives is to maintain a permanent dialogue between the authorities and relevant stakeholders, especially civil society organisations.

A majority of the consulted human rights organisations in FIRM-IFDH's study on the protection of HRDs had recently faced pressure and intimidation. Many indicated that the situation as a whole had deteriorated over the past two years. More protection for the civic space and HRDs is needed. A number of concrete proposals were included in the report, some of which are presented in this chapter.

Gender aspects

FIRM-IFDH's research report on human rights defenders in Belgium found that nearly four surveyed organisations in ten reported that the incidents against members of staff were perpetrated with explicit reference to their gender or sex, especially in organisations that defend the human rights of women and the LGBTQI+-community. Amongst staff members, women, and especially women of colour, Muslim women and queer women, were found to be targeted in a disproportionate, aggressive and orchestrated manner. Any measure taken to better protect HRDs in Belgium should take this gendered reality into account.

Activities of NHRIs to support civil society space and

human rights defenders

Activities of NHRIs to support civil society space and human rights defenders

NHRI actions to promote civil society space and human rights defenders (HRDs)

Awarding of prizes

Every year, Unia takes part in juries organized by several Belgian public authorities to award prizes to projects involved, for example, in the fight against homophobia, or the fight against cyber-hate. These juries allow for the funding of local initiatives to combat racism, homophobia, etc.

Promotion Campaigns

FIRM-IFDH conducted a 'Defend the defenders' promotional campaign, from December 2023 to January 2024, through posters in public places and with specific events as well as online publications. The aim was to improve HRDs' protection by raising public awareness for the need to defend their rights.

Joint meetings and/or roundtables

In October 2024, numerous human rights organisations and public institutions met for a workshop to identify potential courses of action to support HRDs in Belgium and Europe. They also discussed FIRM-IFDH's role in the protection of HRDs and the concrete actions it could potentially take. Based on these discussions, FIRM-IFDH is currently considering several actions to be taken at national level that fall within its mandate.

FIRM-IFDH also took part and organised several events dedicated to this subject matter, including a roundtable on a protection mechanism for HRDs and civil society organisations in Europe in April 2024; a workshop on "Strengthening NHRIs' role as protection mechanisms for human rights defenders" (26 September 2024); a roundtable on civil society and threats to the rule of law (8 October 2024); and a panel discussion on standing up for human and children's rights (24 October 2024). FIRM-IFDH also became a member of an advisory group that supports a study on safeguarding civil space for a vital democracy, conducted by a consortium of Belgian universities.

Unia has set up two commissions bringing together various actors (civil society organisations, trade unions, etc.), one working in the field of anti-racism and the other related to the field of disability. The commissions meet several times a year, providing a forum for exchange and support. Unia also takes part in the general meeting of the NAPAR coalition, which brings together a large number of actors in the fight against racism. Unia also participates in several working groups and advisory councils with civil society.

Advocacy and publications

FIRM-IFDH also participated to several auditions before the federal Parliament on the subject of the protection of HRDs. On 29 January 2025, it presented the Belgian chapter to ENNHRI 2024 Rule of Law Report to the Justice Commission of the House of Representatives, including the main findings of its report on HRDs protection in Belgium. The HRDs protection report was also presented to the federal Senate's Commission of Institutional Affairs on 3 February 2025. Additionally, the main findings of this report were presented and discussed to most major political actors in several meetings throughout 2024 and included in its main priorities for political parties ahead of the June 2024 elections.

FIRM-IFDH published a guide for whistleblowers in December 2024, together with the Federal Ombudsman. It is aimed at people who report abuse or fraud in the workplace or would like to do so. It informs whistleblowers of their rights, directs them to the appropriate contact point and support organisations (including FIRM-IFDH and the Ombudsman) and encourages them to speak out.

Unia supports local NGOs with training and cooperation about equal rights and non-discrimination. In 2024, Unia trained a.o. first line workers of LGBTQIA+ organisations, trade unions and centres promoting the integration of newly arrived migrants.

Finally, Unia and the Combat Poverty Service plan to initiate a collective complaint procedure before the European Committee of Social Rights on the grounds of digital inequality. Several human rights civil society organisations will be associated to this complaint.

NHRI actions to protect civil society space and human rights defenders (HRDs)

Monitoring

As mentioned above, FIRM-IFDH conducts research into issues relating to the quality of civic space and the pressure and intimidation experienced by human rights defenders. It ensures that its studies complement those undertaken by other observers, whether they come from other public institutions or from civil society. FIRM-IFDH also formulates recommendations aimed at HRDs and policy makers and follows up on them.

Complaints handling

Four co-authors of this report have a complaints-handling mechanism that can be used to support HRDs and civil society space if a situation falls within their competence: Unia, IGVM-IEFH, FLANHRI and Myria.

IGVM-IEFH's mission includes ensuring respect for the equality of women and men and combating all forms of discrimination or inequality based on gender. In this capacity, it assists, within the limits of its mandate, any person seeking

advice on the extent of their rights and obligations, and issues opinions and recommendations to the public authorities. In 2024, IGVM-IEFH received and processed 1,126 reports as part of these legal missions. It also drafted 12 advisory opinions.

In 2023, Unia received and handled 1704 reports. It formulated 18 advisory opinions and policy recommendations. It also prepared 74 recommendations for its June 2024 Elections Memorandum.

FLANHRI receives reports and complaints about human rights issues. These reports feed into its investigatory and research priorities, which often lead to advising Flemish public entities on human rights issues.

Legal assistance

Unia joined forces with CAWaB, a collective of more than 20 associations active in the field of accessibility for people with disabilities, to ask the rail operator (NMBS-SNCB) to extend its assistance to people with disabilities to embark and disembark trains with the help of a train assistant. Owing to insufficient results from this approach, Unia has introduced a legal action against NMBS-SNCB.

In August 2024, 24 Brussels-based civil society organisations filed an application with the Constitutional Court for the annulment of one of the provisions of the 'Brussels Digital' ordinance (nr 8303). In October 2024, Unia joined them in its capacity as an equality and anti-discrimination body and as an independent mechanism responsible for monitoring the UN Convention on the Rights of Persons with Disabilities.

IGVM-IEFH's mandate also includes providing legal assistance, including in order to protect human rights defenders that face a form of gender-based discrimination, or any other of its related criteria.

Recommendations and opinions

Unia regularly joins forces with one or more associations to draw up recommendations. For example, Unia recently joined forces with CAWaB, Dito, Kannet and the National High Council for People with Disabilities to provide the negotiators of the next federal government agreement with coordinated recommendations on the accessibility of rail transport. Additionally, Unia drew up a recommendation on digital inequalities for a umbrella group of associations defending illiterate people (Lire et Ecrire).

FIRM-IFDH's Report on the quality of civic space in Belgium contain a number of recommendations aimed at better protecting civil society space and HRDs' in Belgium. Some of these recommendations were also included in FIRM-IFDH's Memorandum for the June 2024 elections, as well as in two recent Parliamentary hearings.

Capacity building

FIRM-IFDH conducted several meetings with organisations involved in human rights over the course of 2024. One of those meetings, in October 2024, aimed at allowing French- and Dutch-speaking to discuss their respective experiences and learn from each other, as well as discussing more structural solutions to better protect human rights defenders in Belgium.

Through NHRI's specific/additional mandates

FIRM-IFDH has two specific mandates regarding HRDs' protection. First it is legally mandated to provide support to whistleblowers, including legal assistance, either directly or via attorneys. It offers training on whistleblower protection. FIRM-IFDH and the Federal Ombudsman recently published their Whistleblower's Guide to provide more information on these missions.

Second, FIRM-IFDH was appointed focal point against SLAPP by the Ministry of Justice in 2022. In this capacity, it gathers and shares information on available resources regarding protection against SLAPP. It is also participates as an observer in the Belgian anti-SLAPP working group.

Examples of NHRI engagement in this area with international and regional mechanisms in support of human rights defenders and civil society

FIRM-IFDH's research report on Human Rights Defenders in Belgium formulates recommendations grounded in various regional and international guidelines on the protection of HRDs. FIRM-IFDH presented these to policymakers in diverse forums, including parliamentary committees, bilateral meetings, and discussions on priorities for the new government. FIRM-IFDH also met and involved in its research a member of an international coalition dedicated to the protection of HRDs and civil society organisations in Europe. FIRM-IFDH will continue to follow support relevant developments at the European level.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

Recommendations to national actors

On Human Rights Defenders:

- Ensure that the space for human rights organizations to defend and promote human rights is preserved at all times.
- Facilitate the development of human rights organizations that monitor human rights compliance and continue to foster mutual engagement

between authorities and human rights organisations.
- Ensure that human rights organisations have access to stable and predictable funding. Providing organisations with resources cannot have a negative impact on their independence in the performance of their work and cannot prevent them from adopting a critical stance on policies.
- Work towards increasing awareness of the importance of human rights and the role of human rights organisations in order to foster a culture that values the work human rights defenders do. This includes supporting educational initiatives that inform the general public about human rights issues and likeminded efforts by human rights organisations.

On Freedom of Assembly:

- Guarantee the right to protest under all circumstances by refraining from criminalizing peaceful demonstrations.
- Ensure that municipal regulations on demonstrations do not unlawfully restrict the right to protest.

On SLAPPs:

- Effectively protect human rights defenders from clearly unfounded or unlawful legal proceedings, including by an ambitious transposition of the EU anti-SLAPP Directive.

On hate speech:

- Establish a policy to combat online and offline hate messages and remove the legal obstacles that prevent their prosecution.

Recommendations to European actors

1. Closely monitor the transposition of the EU anti-SLAPP Directive, taking into account the standards set out in the European Commission Recommendation 2022/758 and the Recommendation CM/Rec (2024)2 of the Committee of Ministers of the Council of Europe. This should include an effective support system for defendants in SLAPP procedures.
2. Support the implementation and broad application of the Digital Services Act, including by fostering and supporting the trusted institutions that combat illegal, online content (art. 22). The European Commission should also encourage Belgium to designate ‘trusted flaggers’ as soon as possible. Additionally, the Commission could offer clearer guidelines and strong, effective means to ‘trusted flaggers’ that have already been designated by public authorities.

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal opportunities and opposition to racism and discrimination)

Functioning of justice systems

Independence and impartiality of judiciary

The 2025-2029 Federal Government Agreement envisages appointing judges at the Council for Alien Law Litigation (CALL – an independent administrative tribunal for immigration cases) for a renewable mandate of five years instead of for life.

The federal government will also examine whether the competence regarding the reception of applicants for international protection could be transferred from the labour courts to the CALL. This change could be in response to the State's thousands of convictions for refusing to provide applicants for international protection with their legally mandated reception and the State's subsequent refusal to enforce those judgments and pay the penalties ordered by the labour courts.

As mentioned in ENNHRI 2024 Rule of Law Report, there are also some concerns
regarding several recent law proposals that would reinforce disciplinary control exercised on the judges, including by controlling them more frequently, by creating new bodies tasked with the upholding of the discipline (and sometimes removing the current privilege of the chef de corps) and to allow for new sanctions. These law proposals seem intended to break with the tradition of magistrates' disciplinary proceedings being mostly conducted by the judiciary itself, in order to improve both the effectiveness of the proceedings and its appearance of impartiality to the larger public. A more thorough analysis of these proposals was published in last year's report. Furthermore, the 2025-2029 Government Agreement mentions a reform of the disciplinary

regime applicable to magistrates, even though few details are currently available. The Agreement does seem to indicate that the law on the autonomy of the judiciary might be paused until the disciplinary reform has been made. This could be concerning given that the law on the autonomy of the judiciary was expected to lead to increased resources for the judiciary.

Delays in court proceedings

As underlined in the European Commission 2024 Rule of Law Report on Belgium, delay in court proceedings remain a significant problem in Belgium. Furthermore, there remains a lack of statistical information that allow to measure the evolution of this problem, despite multiple recommendations to gather this information.

Access to legal aid

Many litigants in Belgium are giving up their rights due to of the cost of a judicial procedure, significant delays and lack of confidence in the justice system. Without covering exhaustively this subject, some issues limiting access to legal aid can be highlighted, related to the competences of the authors of this report:

- In 2024, a coalition of Belgian civil society organisations, judicial actors and trade unions made a number of recommendations to improve access to justice. They include setting thresholds for access to completely free legal aid above the poverty line, and a yearly indexation based on inflation. The platform also expressed concerns about the physical accessibility of courts for people with reduced mobility and/or disabilities and for people without electronic identity documents (checked at the entrance of certain buildings), as well as regarding access to digital documents for people with limited online access.
- The 2025-2029 Federal Government Agreement envisages to re-evaluate the remuneration for free legal aid for applicants of international protection, to increase its control and the fight against fraud.
- The Act of 4 May 2020 established IGVM-IEFH's competence to deal with non-consensual dissemination of images and recordings of a sexual nature. However, the Public Prosecutor's Office regularly refuses to take statements as injured party from IGVM-IEFH in such cases, on the pretext that there is no gender dimension. Courts have also ruled that IGVM-IEFH's legal action in such cases was inadmissible. IGVM-IEFH finds two faults in this reasoning: first, it does not seem necessary for the Institute to demonstrate any gender discrimination as the 2020 Act habilitates it to act. Second, there is a gender dimension to these cases, since they often rely on gender and sex-related stereotypes.

- The Combat Poverty Service dealt with access to legal aid in the context of its work on the non-take-up of rights. It recommended that authorities and actors involved initiate a reflection on non-take-up, provide for better monitoring and for the necessary measures to improve access to justice.
- Finally, the quasi-impunity associated with discriminatory press offences is also an obstacle to access to justice for victims.

Professionalism, specialisation and training of judges

The Commission for the evaluation of the federal antidiscrimination laws recommends to step up training efforts for judges on anti-discrimination legislation, with the assistance of equality bodies. This training should include awareness-raising of the impact of discrimination, hate speech and hate crimes on victims and society.

Respect for fair trial standards

In recent years, municipal administrative sanctions have been increasingly used to combat behaviours deemed problematic by public authorities and to prosecute certain minor offences (such as insults, graffiti, non-violent thefts of less than a few hundred euros, etc.). Although the law provides a remedy to the police court, access to the judge can be difficult in practice to challenge those fines. Research from the National Institute of Criminalistics and Criminology suggests that the existing remedy is rarely used, owing to a lack of information and the potential costs associated with the procedure that could end up much higher than the challenged fine (maximum 500 euros). For example, on 7 October 2024, the Antwerp police court ordered a person to pay €299 in additional costs in addition to the confirmed fine of €60 for its participation in an unauthorized peaceful demonstration that had not disturbed public order.

The 2025-2029 Federal Government Agreement intends to introduce remote hearings or hearing at prisons premises for the legality review of the pre-trial detention. This represents a significant change from the recently adopted remote hearings Act, as the Agreement establishes as a general principle that the hearings could be held remotely without the consent of the parties to the proceedings. This change could lead to a serious risk of violation of the right to a fair trial.

Digitalization of the judiciary system can have significant positive impact but should not render access to justice more difficult for the most vulnerable. According to the numerical barometer of the King Baudouin Foundation, in 2023, 40% of Belgians aged between 16 and 74 were in a situation of digital vulnerability. Furthermore, the digital gap between people on low and high incomes is increasing.

Finally, in its 2024 concluding observations for Belgium, the UN Committee on the rights of persons with disabilities noted a lack of sufficient age-appropriate, disability and gender responsive procedural accommodations to ensure effective participation in all legal processes. Judicial staff, such as judges, clerks, magistrates, and others, are often inadequately trained about the individualized requirements of persons with disabilities. Thus, as the Unia has shown in its parallel report for the UN Committee and in two additional reports on the rights of persons with disabilities and on their political participation, they are not sufficiently heard by the judge. This is particularly the case with decisions to place people with mental disorders under observation or under judicial protection. People with disabilities also often lack the financial means to go to court, especially since they are no longer automatically entitled to free legal aid. Deaf and Hard of Hearing litigants do not benefit from a sign language interpreter in civil matters, and the courts are not always accessible.

Timely and effective execution of national courts' judgments

Non-enforcement of judicial decisions by public authorities remains a significant problem in Belgium, with very little progress being made over the last year. As this issue has already led to several recommendations by the Council of Europe and the European Commission, this section only highlights a number of unenforced court decisions that have not been previously reported on.

An examination of recent case law on prisoners' complaints shows that the proceedings before the complaints commissions set up in each prison suffer from the lack of participation from many prison directors. The directors often choose to limit themselves to a written defense, or even to forgo presenting a defense altogether. The fairness of the proceedings suffers, and the procedures are often delayed. Furthermore, the implementation of the complaint's commissions' rulings is regularly or even – and this is more worrying – simply ignored. However, the law of principles provides that any decision of the complaints commission is enforceable, except if decided otherwise by the chair of the appeals commission. The refusal to enforce a decision can also be challenged in a new procedure before a civil court, but this undermines the effectiveness of the right to lodge a complaint.

In 2019, the Belgian Constitutional Court delivered an important ruling on gender registration in civil status documents. The Court ruled that the Belgian system poses a problem for people of non-binary gender (i.e. who do not fall into the dichotomous categories of 'man' and 'woman'), as they are obliged to have a registered gender that does not correspond to their gender identity. Almost 6 years later, non-binary registration is still not allowed.

In 2024, FIRM-IFDH launched a study on the non-execution of national judgements. The first part of this study – which will be completed by the end of

2025 – is a (non-exhaustive) inventory of non-executed decisions. To this end, FIRM-IFDH has already identified unexecuted decisions in areas as varied as the right to a healthy environment (overflight of Brussels by planes, 'nitraat arrest', etc.), the fight against terrorism (Trabelsi case, return of a terrorist to France), labour law (protection of contractual trade union delegates in the public sector, recording of overtime, grounds for dismissal in the public sector, etc.), company law (refusal to grant subsidies on political grounds), or administrative law (arms exports, payment of penalties to the Council of State, etc.). In total, at the time of this writing, judgements regarding 23 'themes' are considered unexecuted, with sometimes several dozen or even several thousand unexecuted decisions within a theme.

Delay in and/or a lack of publication of judgments

In 2022, a law created the Central Registry of civil and criminal judgments. The law entered into force on 30 September 2023, but the registry remains inaccessible to this date, mostly due to technical difficulties. In 2025, the government announced it would make the registry operational, which would be powered by algorithms. Effectively creating the registry would improve the transparency and the accessibility of the case-law. However, clarification could be brought on the application of the research tool to identify human-rights case-law, such as decisions regarding journalists, criminal investigation involving police officers or civil servants, etc.

Gender aspects

Some of the issues regarding access to justice indeed affect disproportionately women and marginalised gender groups:

- The non-execution of the abovementioned Constitutional Court's 2019 ruling creates problems for non-binary people as they are still unable to have a registered gender that corresponds to their gender identity despite the situation being unconstitutional;
- The refusal to recognize IGVM-IEFH's competence in case of non-consensual dissemination of images and recordings of a sexual nature likely has a greater impact on women. IGVM-IEFH can thus not offer them its legal support.
- Women, transgender and intersex people are more likely to be the target of press offences (e.g. cyberstalking or written hate speech). These groups are therefore disproportionately affected by the quasi-impossibility to sanction press offences.
- Finally, the ongoing reception crisis disproportionately impacts vulnerable groups, with a particularly significant effect on single men seeking asylum. The exclusion not only exacerbates their physical and psychological distress, and impacts on their preparedness for the asylum procedure, it also limits their ability to access justice.

Implementation by state authorities of European Courts' judgments - progress:

L.B. and W.D. *(internees in prison)*

The Committee of Ministers of the Council of Europe adopted an interim resolution on December 5, 2024, expressing its deep concern about the persistence of prolonged detention of internees in prison psychiatric wings without sufficient and adapted therapeutic support. The Committee, among others, urged the authorities to adopt all relevant measures to remedy the situation, speed up the creation of places for internees outside prisons and reinforce care services. The Committee will resume consideration of this group of cases in March 2026. Unia, CTRG-CCSP and FIRM-IFDH had sent a joint rule 9 submission to the Committee. Proper implementation of the *L.B.* group will require efforts from both the federal authorities and federated entities (Flemish and French Communities).

Order of Flemish Bar Associations *– cooperation in the field of taxation*

As mentioned in ENNHRI 2024 Rule of Law Report, the European Court of Justice had answered a preliminary question from the Belgian Constitutional Court regarding attorneys' obligations to notify intermediaries, as stipulated in the Flemish Decree of 21 June 2013, which transposed Council Directive 2011/16/EU on administrative cooperation in the field of taxation. The CJEU determined that this obligation encroached on legal professional privilege, was unwarranted and contravened the fundamental right to uphold confidentiality in lawyer-client communications. Consequently, the Constitutional Court had annulled key provisions of the decree.

Remaining unresolved issues were resolved after the European Court of Justice answered the remaining preliminary questions in case C-623/22.

Horion *(de facto indefinite prison sentence)*

The European Convention on Human Rights does not prohibit life imprisonment. However, individuals sentenced to life imprisonment must have a realistic chance of reforming and, if so, to be released. If this is not possible, the sentence is considered inhumane. In the *Horion* case, the detainee cannot be released before completing a stay in an internee facility, which is not possible under the present legislation. CTRG-CCSP and FIRM-IFDH have sent a Rule 9 communication to the Committee of Ministers, noting the lack of sufficient measures to remedy the situation.

Camara *(non-enforcement of judicial decisions in the context of the so-called "reception crisis")*

More than 1,5 years after the Camara judgement of July 18, 2023, the

reception crisis is still ongoing. Numerous court judgments forcing the federal government to grant humane reception to international protection seekers remain unenforced. FIRM-IFDH and Myria submitted a Rule 9 communication to the Council of Europe, highlighting Belgium's insufficient efforts to address the lack of reception capacity. On September 20, 2024, the Committee of Ministers stated that Belgium had not taken adequate measures to resolve the reception crisis. At the end of December 2024, there were still 3,000 single men on the waiting list for a reception place. The average waiting time was 3 to 4 months. The Committee called on Belgium to increase reception capacity and improve intergovernmental cooperation to tackle the crisis. Belgium's next action plan will be monitored by the Committee in September 2025. This issue is addressed at greater depths hereunder.

Vasilescu (prison overcrowding)

ENNHRI 2024 Rule of Law Report noted significant concerns regarding non-enforcement of judicial decisions relating to prison overcrowding. The situation was such that, in May 2024, the French-speaking and German-speaking Order of Belgian Bar Associations seized the unused prison of Forest. Despite this effort, the millions in penalties occurred (but not paid, in violation of the law) by the Belgian State, and the numerous attempts to draw the attention of the authorities to this issue, two of the three prisons concerned by those court decisions remain overcrowded.

From December to February, the Federal Parliament held a series of hearings on overcrowding. In December 2024, the Committee of Ministers of the Council of Europe adopted a decision "*urg*[ing] *the authorities to adopt, without further delay, all the measures required to solve the problem of prison overcrowding everywhere*". The Committee of Ministers also "*reiterated their urgent call on the authorities to focus their efforts on achieving a sustainable reduction in the prison population and not on increasing capacity*". However, the 2025-2029 Federal Government Agreement appears to focus mostly on increasing prison capacity (both in Belgium and by renting prisons in other Member States of the European Union). In February 2025, CTRG-CCSP called on the authorities to adopt a form of binding prison regulation.

Bell (excessive length of proceedings)

Excessive length of proceedings remains an ongoing concern in Belgium. Disaggregated statistical data on the disposition time and the clearance rate of Belgian courts and tribunals have not yet been published, despite being emphasized by several actors, including the Committee of Ministers of the Council of Europe and the European Commission. This issue is addressed at greater depths hereunder.

NHRI actions to support implementation of European Courts' judgments

Rule 9 submissions to the Council of Europe's Committee of Ministers

Rule 9 submissions were addressed to the Council of Europe's Committee of Ministers regarding the execution of the following cases:

- Clasens (CTRG-CCSP and FIRM-IFDH);
- Bell (FIRM-IFDH);
- Camara (Myria and FIRM-IFDH);
- Horion (CTRG-CCSP and FIRM-IFDH);
- Vasilescu (CTRG-CCSP and FIRM-IFDH);
- L.B. (Unia, CTRG-CCSP and FIRM-IFDH).

Referring to the judgments of European Courts in the reports and recommendations to state authorities

References to judgments of European Courts are often included in the reports and recommendations of Belgian human rights institutions. Examples include:

- Myria's annual report on international protection;
- The Combat Poverty Service's case-law overview;
- Unia's parallel report to the Committee on the Rights of Persons with Disabilities and its 2023 monitoring report on the rights of internees;
- FLANHRI's advisory opinion on the Flemish reform of antidiscrimination law;
- IGVM-IEFH's report on anti-gender campaigns in Belgium;
- CTRG-CCSP's advisory opinion on prison regulation;
- And FIRM-IFDH's audition by the Federal Parliament regarding the Rule of Law in Belgium.

Engagement with courts

- FIRM-IFDH held several meetings with magistrates' organisations in 2024, to discuss non-enforcement of court judgments and the protection of human rights defenders;
- The Combat Poverty Service has an annual training day with judges on magistrates' view on poverty.

Awareness raising of the general public

Unia, CTRG-CCSP, FLANHRI and FIRM-IFDH, regularly communicates to the general public on decisions of European Courts or the Committee of Ministers and the lack of implementation by state authorities (for example: Internering in gevangenissen: Europa wijst België op zijn… | Unia). Unia also refers to these decisions in presentations and formations for the general public and professionals as well as in media interventions.

Human rights education

FIRM-IFDH held several human rights trainings in 2024 and early 2025, including to police agents at the Kazerne Dossin and for junior attorneys of the Young Bar Association.

Support to specific groups

At the end of 2023, the International Federation of Human Rights (FIDH) and International Movement ATD – Fourth World filed a complaint before the European Committee of Social Rights. The Committee is asked to find that the repression of begging by local ordinances in Belgium does not comply with the European Social Charter, partly based on a joint study of the Combat Poverty Service and FIRM-IFDH. In 2024, ENNHRI addressed a third-party intervention to the Committee, in support of the claimants and asked the Committee to recognize that begging enjoyed protection under the Charter.

Measures taken in your country to follow up on the recommendations concerning justice systems, issued by European actors

Non-enforcement of judicial decisions

Failure to enforce court decisions – both European and national – remains one of the main threats to the rule of law in Belgium. In 2023 and 2024, the European Commission noted its "serious concerns" regarding non-compliance with final judgments. The Commission recommended to Belgium to "[t]*ake measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights*". This is both a long-standing problem – some convictions have been pending for more than twenty years – and a widespread one – affecting both the federal state and the Communities and Regions. It is also getting worse.

This phenomenon has been particularly well illustrated since 2021 by the refusal of the federal authorities to enforce numerous court decisions ordering them to provide dignified reception to applicants for international protection. Court rulings ordering accommodation and assistance to asylum seekers are still systematically non-enforced by the Belgian authorities. There were up to 10.206 convictions by labour courts in December 2024. The Belgian authorities continue to refuse to pay the penalties ordered by the labour courts for non-compliance with court judgements.

Since December 2024, men with protection status in another EU member state have been doubly targeted: the Secretary on Asylum and Migration announced their exclusion from the legally-mandated reception and their removal from the Fedasil waiting list that could eventually lead to their reception. On 27 December 2024, the Council of State ordered the suspension of this 'instruction', requiring it to be submitted for legislative advice. In response, the Secretary on Asylum and Migration announced plans to proceed with the controversial policy despite the court ruling. This ongoing reception crisis

exacerbates the humanitarian crisis, leaving many asylum seekers without shelter and at risk.

In its review of the follow-up to the ECtHR *Camara* judgment in September 2024, the Committee of Ministers of the Council of Europe noted the inadequacy of the measures taken in view of this continuing crisis. The Committee called on Belgium to "*eradicate* (...) *the problem of non-execution of judicial decisions at its source*". In a recent audition before the Justice Commission of the Federal Parliament, FIRM-IFDH also underlined non-enforcement of final judgments as one of the main problems affecting the rule of law in Belgium today, pointing out that a government that does not guarantee effective legal protection undermines all human rights.

Additional resources for the judiciary

The European Commission 2024 Rule of Law Report noted, as it had done in 2022 and 2023, the need to "*continue efforts to address the structural resources deficiencies in the justice system, taking into account European standards on resources for the justice system.*". In particular, The Commission highlighted the recent workload measurement, which confirmed structural shortcomings. Based on the 2024 scoreboard on justice in the EU, the Commission points out that the justice budget in Belgium is below the European average and that the number of professional magistrates per 100,000 inhabitants is well below average.

The same observation can be made at the level of the Council of Europe: in recent years, Belgium has allocated approximately 0.22% of its GDP to its justice system, compared to 0.28% of GDP for the median of the Member States of the Council of Europe. It has an median of 14.4 professional judges per 100,000 inhabitants, compared to 17.6 professional judges at the Council of Europe level. Finally, Belgium has 48.8 non-magistrate judicial personnel per 100,000 inhabitants, compared to a median of 57.9 personnel for the Member States of the Council of Europe.

This observation of a lack of resources is widely shared by those involved in the judicial system. In a joint memorandum, the Constitutional Court, the Court of Cassation and the Council of State emphasized that it is "*urgent that judicial activity as a whole receives increased attention and budgetary resources*". In July 2024, the Justice Ministry called on the next government to allocate more financial resources, claiming it would otherwise be unable to pay its bills. In March, and then in November, the professional organisation of sworn translators and interpreters pointed out that some of its members had not been paid by the State for months, a problem that was largely resolved in December. Staff at the Nivelles courthouse were denied access to its archives due to the presence of serious health risks, making it impossible to hold scheduled hearings in some cases. As the situation deteriorated further, the Nivelles

courts had to relocate urgently following the closure of the entire courthouse building. Other courthouses have also suffered: between June and October 2024, several media outlets reported that the archives of the judicial districts of Liège, Brussels, Mons and, last year, Tongres had been damaged by water leaks, fungus and mould. This has led, among others, to the inadmissibility of proceedings against a man sentenced in absentia to 25 years' imprisonment because the right to a fair trial could no longer be guaranteed, due to the destruction of the necessary evidence and documents.

The 2025-2029 Federal Government Agreement does not contain clear commitment to significantly increase the resources for the judiciary, contrarily to other sectors – such as defence spendings – which are set to increase. Some improvements have been announced, such as better pay for the judges in training. The government also plans to achieve the autonomous management of courts and tribunals, which has in the past been linked to increased resources (albeit with more responsibilities). However, the Government Agreement also states that the autonomous management will not be finalized until a reform of the discipline and evaluation applicable to judges has been renewed. Such conditionality is worrying, as it could lead to a 'carrot-and-stick' situation, where additional resources are denied unless the magistrates agree to a reform. It is also important to prevent the conditionality attached to additional resources to have the unwarranted effect of threatening the quality of the work of the judiciary as well as the independence of the judiciary, nor impede citizens' effective access to justice. Furthermore, the conditionality should avoid leading to sanction understaffed and underfunded courts and tribunals if they fail to meet the objectives due to a lack of resources. In general, more resources should be allocated to the judiciary in order to ensure that it can carry out its duties in proper and safe working conditions.

Reducing the length of proceedings

In its 2024 Report on the Rule of Law, the European Commission recommended that Belgium improves the efficiency of its justice system, "*particularly to reduce the length of proceedings based on comprehensive statistical data*." However, excessive length of court proceedings remains a significant problem in Belgium.

In a recent assessment of the execution of the European Court of Human Rights' rulings on this matter, the Committee of Ministers of the Council of Europe emphasised "*the importance of making progress without delay, and in particular of finalising the mapping of the backlog and processing times of all courts, while strengthening the resources of the most overburdened ones".* The Committee also invited the government to provide statistics on the disposition time and the clearance rate of civil and criminal cases, both in first instance and on appeal, and both at the national level and on the number of cases disaggregated by court within each court of appeal. The clearance rate is a

measurement of the capacity of a court or judicial system to resolve as many cases as it receives within a specified period of time. It is obtained by dividing the number of cases resolved by the number of new cases within the same period.

While efforts have been made to better map the processing of court cases, statistics on the clearance remain incomplete as they do not take into account the differences existing between different jurisdictions within the same judicial district. Furthermore, statistics on the disposition time have not yet been published.

FIRM-IFDH has written several times on the length of legal proceedings as part of its follow-up to the *Bell v. Belgium* ruling of the European Court of Human Rights. In April 2024, it published its second communication to the Committee of Ministers, which took stock of previously published statistics on the processing time of legal proceedings and the *clearance rate* of Belgian courts. FIRM-IFDH, like the Commission, has asked federal authorities to publish statistical data on the length of judicial proceedings in civil and criminal cases, which would account for the disparities between judicial districts. It has also asked the State to detail the measures it intends to take to address staffing problems and the increasing backlog of several jurisdictions, including in family courts.

Strengthening Parliament's integrity framework

The European Commission 2024 Rule of Law Report recommended to strengthen the federal Parliament's integrity framework, including by adopting rules on gifts and benefits for members of Parliament. In 2024, article 6 of the deontological code of the House of Representatives was modified in order to clarify which gifts can be received by members of Parliament. A reference was made to the existing legal framework for electoral spending (article 16bis of the Act of 4 July 1989). Contrary to the government's deontological code (art. 5), no gifts register was introduced for members of parliament. This was not considered desirable, given the difficulties of control and the heavy administrative burden it would lead to.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. **Non-execution of Judgements:** the lack of execution of judicial decisions—both European and national—is one of the greatest threats to the rule of law in Belgium. A government that fails to ensure effective legal protection undermines all human rights. Respect for

these decisions must urgently become a priority for the government and Parliament.
    1. Organize a parliamentary hearing on the non-execution of judicial rulings to highlight the scope of the issue and discuss possible solutions.
    2. Request the government to provide regular updates on the follow-up of significant rulings that have not yet been implemented.
    3. Approve legislative amendments to address gaps identified by courts and tribunals.
2. **Additional Resources for the Judiciary**
    1. Commit to approving an adequate budget for sufficient personnel and resources for courts and tribunals, taking into account European standards for resources to the judiciary.
    2. Ensure that judicial funding remains independent of performance criteria set by the executive branch to safeguard judicial independence.
3. **Addressing Excessive Length of Judicial Proceedings**
    1. Publish data – either through the government or in a parliamentary report – on the length of judicial proceedings and case resolution rates, broken down by judicial district and by each jurisdiction within them, including distinctions between civil and criminal divisions of the courts of appeal.
    2. Provide details on the measures the government plans to take to address the growing backlog in family courts.
    3. Allocate additional resources to reduce backlogs in the most affected courts and tribunals.
4. **Providing Care and Assistance to Internees and Detainees**
    1. Increase efforts to provide (mental) health care and assistance to internees, detainees and former detainees. At present, it is not clear for many detainees and internees which services (psychological, educational,…) are available, due to lack of information about them (or registration to them), lack of translation and illiteracy. Internees and some detainees do not have access to those services because of their legal status, residence status, multiple problems or disorders, foreign language, or because there is no or only limited provision.
    2. Facilitate the transfer of internees from prisons and forensic psychiatric facilities into the ordinary care circuit. Solutions should be found for internees without residence permits.
5. **Legal aid**
    1. Make information regarding legal aid accessible through different channels (personal contacts, leaflets, collaboration with neighbourhood organizations) to reach the widest possible audience and use as little legal jargon as possible.

2. Review and address financial and material obstacles to legal aid and legal insurance.

6. **Non-take-up of Rights**
    1. Provide appropriate financial resources and training to the administrative authorities tasked with overseeing the effectiveness of rights.
    2. Undergo an ex ante and ex post evaluation – where people in poverty and other relevant actors are included – of measures with a possible impact on situations of poverty. These analyses must particularly consider effective ways to reach vulnerable persons – including take-up and non-take-up of rights.
    3. Adopt a plan to combat the non-take-up of rightsat the federal, regional and local levels.

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal opportunities and opposition to racism and discrimination)

Media freedom, pluralism and safety of journalists

Media independence

- In Belgium, audiovisual media (including online platforms and influencers) are an exclusive competence of the communities. Audiovisual media in Flanders have a specific supervisory institution, the Vlaamse Regulator voor de Media (VRM), with which FLANHRI closely collaborated in developing this section.

Several safeguards are in place to guarantee media independence in Flanders, including:

- **Editorial statutes**. These written frameworks define the relationships between editors, editor-in-chief, and management within a broadcast media, ensuring the independent operation of editors in relation to the broadcaster;
- **Legal guarantees**. The Flemish Media Decree explicitly states that broadcasters must be independent of political parties and that broadcasts are under the final editorial responsibility of the staff.
- **Historical reasons**. Historically, newspapers in Belgium were affiliated with political parties and labour organizations. However, those affiliations faded out after World War II due to the consolidation of many newspapers into a few media groups. Most newspapers are now owned by commercial entities and the largest are all independent from political groupings. Politically affiliated news brands exist but do not have a large audience nor are they seen as leaders within the Flemish media landscape. This independence is supported by the yearly media concentration reports published by VRM.
- **Strong self-regulation**. The remaining area of concern, such as media groups promoting their own products, are generally seen as manageable. The presence of norms and good practices published by the Media Councils (Raad voor de Journalistiek) helps to uphold editorial ethics.

According to a 2024 survey, most journalists in Flanders are satisfied with the collective autonomy of editors from commercial and other pressures. Internal bodies or self-regulatory instruments also play a crucial role in protecting journalists from commercial pressures and other external pressures. Belgium's rise to the 16th place in the World Press Freedom Index by Reporters Sans Frontières (RSF) also suggests a relatively healthy media environment.

However, a statement by the Flemish Association of Journalists argues in favour of a more pluralistic board of directors of the current public broadcaster VRT. A partial depoliticization took place in 2021 which resulted in four independent directors being required among the total of twelve. Eight out of twelve directors remain politically assigned, with a system of equal representation for the biggest parties in the Flemish Parliament. This shift within the appointment system leads to smaller political parties not being represented within the current board of directors. The current system of appointment risks to jeopardise the safeguards laid out in the new European Media Freedom Act, which calls for a management board where members are appointed on the basis of transparent, open, effective and non-discriminatory procedures and transparent, objective, non-discriminatory and proportionate criteria laid down in advance at national level.

Media pluralism

Both the Flemish and the French-language media markets remain highly

concentrated. However, several actors, such as the Media Pluralism Monitor and the European Commission consider this concentration to be sufficiently counterbalanced by the independence of media regulators. In Flanders at least, media regulators have an obligation to publish a yearly report on media concentration. Furthermore, over the past five years, media pluralism among individual television channels has increased.

Harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs)

In 2024, several worrying trends regarding the protection of journalists against frivolous lawsuits and other actions aimed at limiting the right to information became exacerbated. A number of noticeable cases appear to point at attempts to go against the constitutional ban on preventive censorship (art. 25), as the two professional organisations representing (French-speaking and Flemish) journalists highlighted in a statement. Several examples can be mentioned:

- The Court of Appeal in Ghent ruled on 28 March 2024 that a well-known politician could not rely on a legal basis to prohibit the publication of an article about him. The court ruled that the order of the first instance tribunal had violated the constitutional prohibition on preventive censorship.
- On 10 October 2024 – just days before the municipal elections – a judge in Liège acting on an emergency unilateral application imposed a publication ban on an article about a candidate for the municipal elections.
- The Minister of the Interior together with an official working on the ‘QatarGate’ requested the removal of several online publications by the Sudinfo media group. Additionally, a ban was sought on "any similar publication in the future." The judge found the request to be in direct contradiction with the Belgian constitutional ban on preventive censorship.
- A bailiff requested banning the distribution of a broadcast of the public media RTBF before the French-speaking Business Court of Brussels. While the court ruled in favour of RTBF, the reasoning it followed has raised concerns that commercial legislation on unfair practices could be invoked and used to justify preventive censorship.
- Lastly, several instances of violence and other forms of harassment have been reported against journalists, among else by the French-speaking and the Flemish Journalists Associations, and the NGO Mapping Media Freedom. More examples of violence and harassment against journalists are presented under question 15 hereabove.

Independence and effectiveness of media regulatory bodies

According to the Flemish Media Decree, the Flemish media regulator VRM is set up as a separate legal entity and its independence is explicitly recognized in the legal framework (art. 215). Its deciding organ is entirely composed of experts that are independent from both media organisations, commercial interest groups and broadcasters (art. 216).

VRM has never been condemned after an investigation by an anti-corruption body.

Challenges in access to public interest information/documents

The European Commission has long recommended Belgium amended its legislation regarding access to public documents, arguing in its July 2024 report that Belgium should "(…) *strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents*". The federal law on access to official documents had then just been amended by the Act of 12 May 2024. However, those changes were received with mixed enthusiasm, due to a lack of reform of the main deficiencies of the current publicity regime. The appeal bodies competent to contest a refusal to receive access were not granted binding decision-making powers, nor was an urgent procedure introduced. Furthermore, two new absolute grounds to refuse access to official documents were introduced, leading to criticism, among others, from the French-speaking and the Flemish Journalists Associations.

While the federal parliament adopted an act giving assent to the Council of Europe Convention on access to official documents (the 'Tromsø Convention'), Belgium is still to formally ratify the convention. The Act also does not appear to have been published yet in the Belgian Official Gazette. It is also unclear whether all relevant parliaments from federated entities have adopted laws assenting to the Convention, especially for the Walloon Region.

In 2024, the **new Penal Code** was adopted. It included, among other things, revised articles regarding the protection of state secrets. These articles expand, among other things, the definition of **state secrets**. FIRM-IFDH expressed its concern about these provisions in a 2023 advisory opinion to the federal Parliament. These provisions, when applied, could pose a threat to press freedom and to the role of whistleblowers, and their ability to contact and bring relevant information to journalists. Furthermore, journalists could themselves be prosecuted under this new statute based on their having access or storing state secrets. The Flemish and French-speaking Professional Journalists associations recently introduced legal proceedings against this new offence before the Constitutional Court. The ruling is expected in 2026.

Gendered aspects

Analyses show that **women are less represented than men** in media.

Transgender people are also underrepresented. Furthermore, women and men are distributed depending on the types of programmes. For example, men are more represented in sports programmes. This impacts **gender-related representations**.

In its legal assistance mandate to combat gender discrimination, IGVM-IEFH is sometimes confronted with **problematic behaviours in the media**. This involves, for example, comments and behaviours made in programmes that trivialise gender-based violence (such as "rape is not systematically experienced as a tragedy") or express contempt for women (for example, a guest on a programme who refused to answer questions from a female journalist). The impact in terms of equality can be considerable given how widespread these types of behaviour appear to be.

A recent study amongst Belgian journalists found that Belgium has a relatively **undiversified** group of journalists in terms of minorities and gender, with only **one third of journalists being women**. It also found that violence against journalists is widespread and disproportionately affects women. Those findings confirm other reports which found that **Belgian journalists** have been confronted with **increased violence** in recent years, as highlighted in ENNHRI 2024 Rule of Law Report. Indeed, in June 2023, the French-speaking and Flemish professional Journalists' Associations published their third study 'Portrait of Belgian journalists' surveying almost 1400 journalists on a variety of subjects, including threats and violence they had experienced. **55,8% of journalists reported having been confronted with transgressive behaviours**, including verbal violence (41,3%), threats and intimidation (29,2%), sexually transgressive behaviours (7,1%) and physical violence. **64,1% of female journalists** reported having been targeted by transgressive behaviours, **compared with 51,4% of male journalists**. The difference is mainly due to:

- much more prevalent forms of sexual transgressive behaviours (18,6 % of female journalists, compared to 1,2% of male journalists);
- and discrimination (14,8% of female journalists compared to 4,4% of male journalists);

Physical violence also appears to have a gendered component: twice as many men were victims (6,6 % to 3,2% for women).

Concerns over **increasing online intimidation against female journalists, especially those of color**, arise as well, as illustrated by other studies: a 2022 study also found that a large majority of women journalists, and especially women journalists of colour, faced online intimidation and violence, including rape and murder threats.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. **Transpose the EU anti-SLAPP directive**, taking into account EU Commission Recommendation 2022/758 of 27 April 2022 as well as Recommendation CM/Rec(20244)2 adopted by the Committee of Ministers of the Council of Europe on 5 April 2024;
2. Further **strengthen the federal legislation regarding access to information** and ratify the Council of Europe Convention on access to official documents.

Belgium 2025

Information from: Central Monitoring Council for Prisons (CTRG-CCSP); Combat Poverty, Insecurity and Social Exclusion Service; Federal Institute for the Protection and the Promotion of Human Rights (FIRM-IFDH); Flanders Human Rights Institute (FLANHRI); Institute for the Equality between Women and Men (IGVM-IEFH); Myria (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking); Unia (Interfederal centre for equal opportunities and opposition to racism and discrimination)

Other challenges to the rule of law and human rights

Three issues related to areas of the rule of law remain to be addressed within this report.

Checks and balances

First, the **separation of powers** in Belgium has increasingly been **under pressure** in the last few years, mostly to the detriment of the judiciary. This is the result of several distinct but mutually reinforcing trends :

- Persistent **lack of funding for the judiciary** – Belgium only allocates 0,22% of its GDP to the judiciary, while the European median is 0,28% ;
- Attempts to increase the **executive branch’s control over the**

judiciary, such as by conditioning the means allocated to overburdened tribunals to the realization of certain objectives set by the executive or by reforming the judges' disciplinary procedures ;
- **Lack of compliance** with court rulings ;
- And increasingly **shifting the sanctioning** of certain minor offenses **from the judiciary to the executive branch**, mainly through administrative sanctions.

Second, there has been growing concern for the **impact of organized crime on the rule of law** in Belgium. The 2024 European Commission Rule of Law Report on Belgium underlined concerns regarding corruption by organized crime groups and drugs traffickers, including the unauthorized access to databases by public officials to obtain data for criminal groups, and the lack of resources and coordination for the internal integrity police. The situation has deteriorated since, with **growing intimidation** against magistrates, journalists, police officers and politicians by criminal organisations. Furthermore, measures to step up the fight against organized crime have also had a **significant negative impact** on the rule of law, including by weakening the separation of powers.

Lastly, concerns were raised regarding the area of **migration and asylum**. The means of control and constraint that can be mobilized as part of the migration removal policy were considerably extended (Act of 18 April 2024, Act of 12 May 2024, Act of 16 May 2024). Myria argues the **extension of these prerogatives are not sufficiently regulated**. Furthermore, the recent 2025-2029 Federal Government Agreement envisages many **far-reaching measures** for irregular migrants, asylum seekers and beneficiaries of international protection as well as in the framework of family reunification. This will need to be followed up with scrutiny in terms of respect for international and European law and of safeguarding the necessary checks and balances.

Measures taken in your country to follow up on the recommendations concerning other areas of the rule of law (such as checks and balances, anti-corruption), issued by European actors

FIRM-IFDH participated in the **OECD Working Group on Bribery's country visit** to Belgium in September 2024. It contributed to discussions on whistleblower protection. The finalization of Belgium's Phase 4 evaluation report is scheduled for the first semester of 2025.

On 29 January 2025, FIRM-IFDH presented the Belgian chapter to ENNHRI 2024 Rule of Law Report to the **Justice Commission of the House of Representatives**. It also included an update on most of the recommendations formulated in the European Commission 2024 Rule of Law Report on Belgium. FIRM-IFDH encouraged the members of Parliament to take specific measures in

order to improve Belgium's compliance with these recommendations.

Persisting structural human rights issues impacting on the national rule of law environment

Impact of the so-called "reception crisis" on the rule of law

The ongoing reception crisis for applicants of international protection remains one of the direst challenges to the rule of law in Belgium. In its 2024 Rule of Law Report on Belgium, the European Commission recommended to "[t]*ake measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights*.", singling out in particular the lack of compliance with "*a number of judgments and court orders*" regarding the rights of asylum seekers. Unfortunately, few efforts appear to have been made to ensure compliance. Judicial decisions continue not to be executed, and state authorities have so far not openly reacted to this growing rule of law crisis, despite numerous alarms from independent actors.

Belgian responsibility for historical crimes against humanity

On 2 December 2024, the **Brussels Court of Appeal** ruled that the Belgian State had committed a **crime against humanity by systematically locating and kidnapping children born of a black mother and a white father in the former Belgian Congo**. This decision is historic: by acknowledging that these reprehensible acts constitute crimes against humanity, the Court rejected the argument that statutory limitations would prevent the trial, thus ending a decades-long search for justice. These facts, being ruled to constitute a crime against humanity, mean that no statute of limitations on civil actions can be invoked, allowing victims to claim compensation decades later. This decision constitutes a major consecration of the **principle of legality** and the binding force of law, including with regard to historical violations of fundamental rights by States. Hence, it also constitutes a major step forward for the rule of law.

Artificial intelligence

The **opacity regarding the uses of artificial intelligence by public authorities** remains an ongoing concern. Authorities are steadily adopting more AI tools in order to perform a number of public duties related to healthcare, police or social programs. However, the authorities do not have an obligation to divulge the use of those systems, their functioning and how they are used. This creates an **accountability gap** which prevents the assessment of potential human rights violations. FIRM-IFDH and Unia have both recommended the creation a **public register of authorities' uses of artificial intelligence**. In December 2024, the Belgian Data Protection Authority published a summary of the links between data protection and artificial intelligence systems. Unia's 2024 annual report points out **multiple**

risks associated with AI, including discrimination, exclusion and profiling. The report advocates for the creation of a **supervisory body** to ensure the transparent and controlled use of AI in accordance with human rights. The report reiterates the recommendations made in the Belgian chapter to ENNHRI 2024 Report on the Rule of Law: to adopt a **register of the use of AI by public authorities**; to **systematically inform individuals** when public authorities use AI; and to **support equality bodies and human rights institutions** in their AI-related tasks.

Bulgaria 2025

Independence, effectiveness and establishment of NHRIs

The Ombudsman of the Republic of Bulgaria was re-accredited with A-status in March 2019. Among its recommendations, the SCA took the view that the selection process outlined in the enabling law would be strengthened by explicitly requiring the advertisement of vacancies, and by describing how a broad consultation and participation of civil society is to be achieved. The SCA encouraged the Bulgarian National Human Rights Institution (NHRI) to advocate for the formalisation and application of a broad and transparent process.

The Bulgarian NHRI also reported that, while its budget had improved, it would benefit from additional funding to carry out its functions (including as a National Preventive Mechanism - NPM and the National Monitoring Mechanism - NMM), to establish regional offices and to ensure that its communications are accessible to all. The SCA encouraged the NHRI to continue to advocate for the funding necessary to ensure it can effectively carry out the full extent of its mandate.

Finally, the Bulgarian NHRI reported that there had been inadequate responses by state authorities, including relating to the NHRI's recommendations on the issue of domestic violence and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The SCA encouraged the Bulgarian NHRI to continue to conduct follow-up activities to monitor the extent to which their recommendations have been implemented.

The SCA will consider the reaccreditation of the Bulgarian NHRI in its second session of 2025.

The term of the previous ombudsperson ended in April 2024. During much of

2024, the institution was working in absence of a head of institution. In April 2025, the selection and appointment process are still ongoing at the National Assembly, with a new Ombudsperson expected to be appointed in mid-April.

Croatia 2025

Information from: Ombudswoman of the Republic of Croatia

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Ombudsman of the Republic of Croatia (ORC) was last re-accredited with A-status in March 2019 . Among the recommendations, the SCA encouraged the Croatian NHRI to advocate for broad consultation and participation of civil society in the selection process for the position of the Ombudsperson.

The SCA also noted that the Croatian NHRI had recently been mandated with additional responsibilities under the whistle-blower legislation, but that no new funding had been allocated to allow it to carry out these new responsibilities. Therefore, the SCA encouraged the Croatian NHRI to continue to advocate for the funding necessary to ensure that it can effectively carry out the full extent of its mandate, including its newly-mandated responsibilities.

Additionally, the SCA noted that the term of office of the Ombudsperson is of 8 years and that the enabling law does not limit the number of reappointments. The SCA took the view that it would be preferable for this to be limited to one reappointment.

Finally, the SCA acknowledged that the regional offices in Rijeka were not accessible to persons with disabilities at the time. It encouraged the NHRI to continue to seek a solution of this situation, including by advocating for additional funds to ensure that all its offices are accessible.

The SCA will consider the reaccreditation of the Croatian NHRI in its second session in October 2025.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Since its last re-accreditation in 2019, the institution has taken a number of concrete steps to address SCA's recommendations issued to it. These have been elaborated in detail in ORC's inputs to ENNHRI's 2023 and 2022 Rule of Law Report as well as in the 2024 Annual report of the Ombudswoman to the Croatian Parliament.

In addition to these, an additional Deputy was elected in July 2024. This is especially important taking into account the increase in the number of ORC's mandates and the related tasks over the years, as well as the rise in the number of complaints and, more generally, demands and expectations from the public, CSOs, and the media who have come to rely on it as an expert independent institution in relation to numerous human rights issues, necessitating the strengthening of the institutional capacities also at the managing levels.

Furthermore, for reasons of increased workload in the entire institution, but also with a view of fulfilling the recommendations by the UN's Subcommittee on the Prevention of Torture (SPT) communicated to the state and the Ombudswoman at the end of 2024 following its 2023 visit to Croatia on the strengthening of the capacities of Croatia's National Preventive Mechanism, which in the Republic of Croatia is a mandate carried out by the institution of the Ombudswoman, the ORC has requested and received the funds for three (3) more staff members in the 2025 state budget, which was approved.

In addition to this and in the future, the increase in the institutional capacities in terms of staff will also be necessary in order to meet the recommendations issued to the Republic of Croatia by the OECD with regard to the strengthening of the ORC's whistle-blowers protection related mandate (OECD Working Group on Bribery's Report adopted in December 2024 issued a recommendation "to ensure that the ombudsperson has sufficient resources for its whistleblowing function). Also, there are new tasks related to the implementation of the EU Artificial Intelligence Act. Namely, most recently, the ORC was named as one of the national public authorities authorized to supervise or enforce the respect of obligations under EU law protecting fundamental rights, including the right to non-discrimination, in relation to certain high-risk uses of AI systems in line with the EU AI Act).

Since the earthquake in 2020 that rendered the ORC's offices unusable, the institution has been using temporary offices, which are now quite limiting in terms of the institution's needs. Taking the current situation into account, and

especially in line with the recommendations of the international mechanisms and new mandates which are to be accommodated in terms of the strengthening of the human capacities of the institution, new, more fitting working space would be needed to enable optimal working processes.

Follow-up on NHRI recommendations

When it comes to the recommendation stemming from the 2024 EU Rule of Law Report, namely for the Republic of Croatia to further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson, the ORC would like to highlight the following points.

Firstly, the Government Office for Human Rights and the Rights of National Minorities (GOHRRNM) has continued with its annual tracking of the implementation of the ORC's recommendations, which, after a long pause, it had resumed in 2023. Namely, the Government Office prepares the Report that should inform on the implementation of the recommendations of the ORC (which is being done only and exclusively for ORC's recommendations). The first year of its application experienced certain deficiencies – namely, it only included a summary of numerical self-assessment of the responsible bodies on the level of implementation without any explanation. Hence, the explanations of the competent authorities were not visible, so it is not clear what they considered an implemented recommendation.

Consequently, and based on the recommendation from the Commission's Rule of Law Report, the methodology was revised in the dialogue between the GOHRRNM and the ORC. As a result, the GOHRRNM has provided the ORC in March 2025 with a draft Report on the implementation of the Ombudswoman's recommendations, which includes statistical data on implementation, but more importantly, explanations of relevant bodies on what they have done/are planning to do.

At the same, substantively, based on our work (casework, information gathered in the preparation of the drafting of the 2024 annual report), we can see progress in certain areas (e.g. a significant number of ORC's recommendations were taken up in the processes of the drafting of the legislation regulating housing); whereas certain others are stalling (thus, for instance, the ORC has encountered difficulties acquiring the information in the area of health care, which, at the same time, is the area with the highest number of complaints).

Timely discussion of the Annual Report

The trend of stalling with the discussions on the ORC's reports in the plenary session of the Croatian Parliament has continued; thus, neither the institution's 2023 annual report, nor the 2022 annual report (despite the opinion issued by the Government of the Republic of Croatia) and the Special Report on the

Impact of COVID-19 on Human Rights and Equality have been discussed in the plenary session of the Parliament as yet.

Additionally, at the time of this reporting, the Government of the Republic of Croatia has still not issued its opinion on the ORC's 2023 Annual Report, which is a prerequisite for the plenary parliamentary debate on it.

The ORC has continually flagged this issue in the Parliament (e.g. during the discussions on draft legislation) and through media. As the Ombudswoman has stressed previously, timely discussion of the institution's reports is crucial for the debate to be relevant and for the ORC to be able to receive timely feedback from the Parliament on them and be able to utilize it in her work.

Limited salary reform in the state and public administration concerning Ombudswoman's advisors

Despite the initial announcements during the preparation of the salary reform in the state and public administration, according to which the salaries of the Ombudswoman's advisors were to be increased only cosmetically (instead of the existing coefficient of 2.425, it was to be rounded to 2.5), the final proposal for the regulation on coefficients increased it to 2.70. However, we believe that this increase should have been higher.

Access to information by the NHRI

Since 2018, the ORC had faced barriers when it comes to its NPM officers accessing the data related to irregular migration stored in the Ministry of Interior's (MoI) information system and had, thus, in her annual reports repeatedly issued recommendations to the MoI. The EC had been flagging the issue since the inception of its rule of law reporting, issuing recommendations to the Republic of Croatia.

In 2024, an improvement in this area was recorded. During the NPM visit to the Registration Centre for Applicants for International Protection, we were not granted access to relevant data. The first reason was that there were no police officers authorized to provide such data present during the visit, which is why we received the information via telephone. The second reason was that the Centre, which had been established only a few months before the NPM visit, according to information provided to us, did not maintain relevant records. During the NPM visit to the border police station conducted later in the year, we were granted access to all requested data, both those kept in physical form and those maintained in electronic form (Information System of the Ministry of Interior).

Regulatory framework

Regulatory framework
The national regulatory framework applicable to the ORC has not changed since January 2024. However, the Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) was adopted in June 2024. Article 77(2) thereof requires Member States to designate and publish the list of public authorities or bodies competent for the supervision and enforcement of obligations relating to the protection of fundamental rights when using high-risk AI systems. In line with this obligation. In December 2024 the Ministry of Justice, Public Administration and Digital Transformation notified the European Commission of the competent authorities in accordance with the Act, which, among several other institution, include the institution of the Ombudswoman of the Republic of Croatia, following the meeting with ORC.

The Law on the Implementation of the AIA is planned for adoption by the Government of the Republic of Croatia in the first quarter of 2025. The Ombudswoman received an invitation to participate in the working group that will work on the development of the implementing legislative framework, however, at the time of writing this report, no meetings of the aforementioned working group was held. In the meantime, the working group was set up (the ORC is a member) and the first meeting took place in April 2025.

As regards the mandate to contribute to the access of justice for individuals, there have been no normative changes in the period of 2022-2024. However, certain progress in terms of the resources available and in terms of ORC's own activities contributed to the strengthening of the mandate.

Complaints handling

When it comes to complaints, the ORC worked on a total of 6,404 cases in 2024 . Of the total number of cases, 4,942 were opened in 2024 (so-called newly opened cases), which is 2.81 % more than the previous year, while 1,462 were transferred from previous years. Among the newly opened cases, the majority were opened upon citizen complaints or on our own initiative (3,716), there were 1,011 general initiatives, and 215 cases were opened for office operations.

As in the last five years, in 2024, the most cases were opened in relation to discrimination (420), the right to health (394) and labour rights (327).

Ombudswoman's request to the Constitutional Court to abolish a provision in the amended Law on Mandatory Health Insurance and further intervention in court proceedings

In 2023, the Ombudswoman submitted a request to the Constitutional Court proposing to the Court to abolish one of the provisions of the amended Law on Mandatory Health Insurance. With this provision newly introduced in 2023, the obligation is introduced for a certain category of insured citizens (the ones that are unemployed but are not officially registered as such at the Croatian Employment Service) to periodically personally approach the Croatian Health Insurance Fund (CHIF) or otherwise they will lose their health insurance covered by the State Budget. The Ombudswoman finds this obligation discriminatory on the grounds of disability and health status since not all persons will be able to personally approach CHIF and on the ground of property status, since not all persons will be able to cover the transport costs to the locations of the CHIF. Besides this, the Ombudswoman warned that introducing this obligation will have a more negative and severe impact on those groups that are generally deprived of information and live segregated, as the Roma do. The Constitutional Court's decision on the request is still pending.

The institution also joined anti-discrimination court proceedings on the plaintiff's side as an intervener in a case of suspected discrimination in employment. The case, initiated in 2023, was still ongoing in 2024 (in the final judgment, the court did not find discrimination in this instance).

Awareness-raising activities as part of the projects implemented by the ORC

Furthermore, during the reporting period, the ORC participated in several projects with various partners. The activities contributed or will contribute to the implementation of the mandate. In the period July 2022-February 2024, the ORC was one of the seven NHRIs participating in the FRA/ENNHRI project "Support to National Human Rights Institutions in the Monitoring of Human Rights and the Rule of Law" and its national activities included both training for the ORC's staff as well as educational activities provided by it to civil servants and NGOs.

Two EU-funded projects are currently being implemented with civil society partners. As part of the first, focused on combating racism and discrimination, the ORC organized a conference on the 15th anniversary of the adoption of the Antidiscrimination Act in Croatia (ADA), gathering relevant stakeholders in a discussion on the progress achieved and the way forward, published a handbook on the application of the ADA, and is planning to provide training sessions on combatting discrimination to faculty students set to enter the teaching profession. Furthermore, research relating to discrimination based on race/ethnicity in housing is being conducted.

As part of the second project aimed at developing the skills of civil society actors, civil servants and lawyers for the implementation of EU law, including the Charter of Fundamental Rights, and for engaging in strategic litigation, the

ORC is collecting data on discrimination in relation to social housing and will hold workshops on litigation strategies and collecting evidence in discrimination cases.

Ongoing strengthening of the framework

In relation to NHRI regulatory framework, as the ORC is a multi-mandated body and one of its mandates is that of the central equality body. On 7 May 2024, the Council of the European Union adopted two new Directives, which establish a set of minimum standards for Equality Bodies (Directive 2024/1500 and Directive 2024/1499). Together, they require States to take specific and concrete measures to guarantee the independence of Equality Bodies and ensure their effectiveness in combatting discrimination and promoting equality. Currently, there is an ongoing review of whether, due to the obligation to transpose these Directives, some legislative changes are needed and of which laws (as there are also other equality bodies and several pieces of legislation that could potentially be changed). In her 2024 Annual Report the ORC recommended that transposition of these Directives should be done in cooperation with equality bodies.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities generally have a good awareness of the NHRI's mandate, independence and role. The ORC is regularly present in the media, at various events and regularly participates in the relevant sessions of the parliamentary committees, thus, raising the institution's visibility and raising the awareness of its work. The ORC maintains regular dialogue with all of the relevant authorities in various forms, such as meetings, participation in the public consultations, inviting their representatives to participate in the events it organizes, debates and round tables organized in the Parliament, etc. and continues to emphasise the importance of cooperation and of the responsiveness to its work and recommendations.

Access to information and to policy makers

The ORC has adequate access to information with regard to legislative and policy initiatives and procedures. It has access to the various stages of the legislation and policy-making processes. In line with the law, it can indicate the need for the adoption and amendments of acts and other regulations to the Croatian Parliament as well as the need for the harmonization of laws and bylaws with the international standards and the Constitution of the Republic of Croatia.

In practice, the representatives of the institution, on certain occasions and on

its own free choosing, also take part in the working groups set up to draft legislation (particularly when the changes relate to ORC's recommendations). ORC regularly and frequently participates in public consultations in the processes of adopting policy documents and legislation (in 2024 it took part in 49 public consultations). Furthermore, ORC participates in the discussions in the parliamentary committees when these pieces of legislations are being discussed and can do so in all parliamentary committees and without invitation. The ORC has also organized events with the aim of bringing together the relevant stakeholders and facilitate further discussion on particular legislative proposals.

Access to resources to carry out the mandate

Since 2022, the institution has been strengthened when it comes to staff and the managing structure. However, further strengthening of the human resources will be necessary to accommodate among other needs, the SPT's recommendations to the Republic of Croatia regarding the strengthening of the NPM mandate (funds already received, staff yet to be employed), OECD's recommendations regarding further strengthening of the whistleblower protection mandate and the requirements brought about by being designated as one of the public authorities competent for the supervision and enforcement of obligations relating to the protection of fundamental rights when using high-risk AI systems in line with the EU's AI Act (Article 77/2 AI Act body).

As mentioned earlier, since the earthquake in 2020 that rendered the ORC's offices unusable, the institution has been using temporary offices, which are now limiting in terms of the institution's needs. Taking the current situation into account, and especially should the recommendations of the international mechanisms and new mandates be accommodated in terms of the strengthening of the human capacities of the institution, new, more fitting working space would be needed to enable optimal working processes.

Functional immunity of the leadership of the ORC

In line with the Ombudsman Act, the Ombudsman and his/her deputies enjoy immunity as do members of the Croatian Parliament and the provisions of the Constitution of the Republic of Croatia on immunity in the Croatian Parliament are applied appropriately. Under these provisions, they cannot be held criminally liable, detained or sentenced for an opinion expressed.

The ORC's staff have the status of civil servants. Pursuant to the Civil Service Act, civil servants have the right to the protection of their physical and moral integrity in the performance of their duties. They are also obliged to refuse to execute an order that is illegal or whose execution would be contrary to the rules of the profession and the code of ethics, or whose execution could cause greater damage, or the execution of an order whose execution would constitute a criminal offense or misdemeanour.

Furthermore, any complaints by a civil servant due to justified suspicion of corruption or the filing of a report on such suspicion to responsible persons or competent state bodies do not constitute a justified reason for the termination of civil service, and the protection of anonymity, protection from denial or restriction of rights and protection from any form of abuse in the event of filing a report are guaranteed.

Threats faced by the ORC

There are several challenges that the ORC encountered during the reporting period: premises of ORC, salaries of ORC staff, timely discussion of Annual Reports as well as threats received by the Ombudswoman.

The Office of the Ombudswoman has been located at a temporary address for the past 4 years because the former office building was severely damaged in the 2020 earthquake. However, the reconstruction process has not started to this date, while at the same time the number of employees has increased in the past 4 years and temporary premises are not adequate. The office is located in a space the ORC rents at commercial price and pays high reserve costs. Finally, security wise, these premises are less secure than the ones previously occupied (there is no security staff or metal detectors in the entrance to the building/premises of the ORC). These are all reasons why the existing space is inadequate for the needs of the office and that it would be needed to find new space in the coming period, suitable for the accommodation of all employees and officials but also to be accessible to citizens.

Over the years, the Ombudswoman has received various derogatory remarks and insults etc., both in emails sent to her/the institution and in publicly made comments (comments on online media articles, on social media etc.). She also received two anonymous written letters with threats, which she reported to the police. So far, from the information we have, the perpetrator(s) have not been found.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The ORC recommends to national authorities to:

1. discuss annual reports of the Ombudswoman in a timely manner (in the year they were submitted) in the Croatian Parliament,
2. ensure more systematic response to information requests of the ORC to competent bodies relating to complaints handled by the ORC,
3. provide the institution of the Ombudswoman with the additional human resources in line with the international mechanisms’ recommendations

and new mandates assigned to it.

Croatia 2025

Information from: Ombudswoman of the Republic of Croatia

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The ORC's human rights monitoring and reporting found evidence of state measures that negatively impact on freedom of association, freedom of expression, create barriers in access to information and law and policymaking processes, or criminalise human rights defenders' work. While there are no national policies or laws directly aimed at creating barriers for the activities of human rights defenders, instances were recorded of state action negatively impacting them and/or aiming to block them.

Pressure on civic environmental initiatives

Croatia does not have policies or laws directly aimed at creating barriers for the activities of human rights defenders. However, instances were recorded of actions taken by various state bodies that negatively impacted them. For example, in one of the cases, a HRD complained that state inspections were being used as a tool to cause pressure on a civic environmental initiative.

Access to law and policy making processes by CSOs and HRDs

As regards the access to policy/law making processes, generally CSO are pointing to the fact that their inputs are not considered and that public consultations are only of formalistic nature. Additionally, CSOs point that it is not clear how CSOs are included in Working Groups responsible for drafting legislation and policies.

Lack of adequate funding for CSOs and heavy administrative burden in the project-management cycles

CSOs continue flagging the lack of adequate funding for organizations focused on the protection and promotion of human rights, combatting discrimination, advocacy, anticorruption and transparency, watchdog activities, environmental

protection and report on the excessive administrative burden placed on them in the project-management cycles, as well as public calls and the payments being late, which puts a strain on their activities.

Lack of access to the reception centres for asylum seekers for CSOs working with international protection seekers and migrants

Most of the CSOs working with international protection seekers and migrants still do not have the access to the reception centres for asylum seekers and to the reception centre for foreigners since the beginning of the COVID pandemic, despite their being a need for their services, such as free legal aid provision.

Lack of adoption of the new National Plan for the Creation of Favourable Conditions for the Civil Society

The previous document having expired in 2016, Croatia has still not adopted the new National Plan for the Creation of Favourable Conditions for the Civil Society, thus lacking the policy framework for further improving the legal, financial and institutional support system for the activities of civil society organisations. Moreover, CSOs have continuously been flagging the decline in the functioning of the institutional infrastructure set up for the state cooperation with the civil society prior to Croatia's EU accession.

ORC's support to women human rights defenders and LGBTQ+ human rights defenders

Monitoring human rights and the conditions for work of human rights defenders, the ORC pays special attention to HRDs groups known to be targeted more often, including groups working on women's and reproductive rights and those working on LGBTIQ+ rights and flags the fact that they face extra pressures and challenges in her annual reports. Several CSOs working in the areas of women's human rights, gender equality, reproductive rights and gender-based violence are members of the ORC's network of antidiscrimination contact points, which the ORC consults and discusses with them the current developments and challenges in the areas the cover. Several CSOs working on women's and LGBTQ+ rights are regular contributors to the annual report, thus providing a direct insight into the barriers they are facing.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The ORC's human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, such as verbal or physical attacks on civil society

organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment, intimidation, harassment or violence before, during or after protests, harassment in the form of excessive administrative controls or audits, or surveillance by state actors, strategic lawsuits against public participation – SLAPPs.

Excessive administrative burden and pressure on CSOs

CSOs continue to report on the excessive administrative burden placed on them in the project-management cycles, as well as public calls and the payments being late, which puts a strain on their activities, whereas human rights defenders dealing with women's human rights, reproductive rights, LGBTQ+' rights, transitional justice and environmental matters continue to be more intensely targeted by pressures, attacks and harassment.

SLAPP lawsuits against journalists, media professionals and environmental CSOs

SLAPP lawsuits continue to have a major impact on media freedom, which act as a deterrent to journalists and media professionals. The situation could be improved by the ongoing efforts (including the establishment of a working group for the transposition of EU directive, the work of National Coordinating Committee for the Implementation of measures of the Action plan for the development of culture and media and the campaign of the Council of Europe and the OSCE for the safety of journalists) to transpose the Anti-SLAPP Directive, which applies to civil and commercial cases (representatives of the ORC are taking part in the work of this Working group).

In addition, physical attacks and threats against journalists are still present. In its 2024 Annual Report the ORC highlighted that the legal mechanisms are still unevenly applied for the protection of journalists. For example, municipal state attorney office concluded that there is no criminal liability for the attacker in Nadine, who physically attacked a journalist on a work assignment in public space and who identified herself as such to the attacker and who was accompanied by a cameraman. Although the attacker stated that he attacked a journalist because she recorded his real estate from public space area, a misdemeanour order and a ban on approaching, establishing and maintaining a connection to each other at a distance of not less than 50m was issued against the attacker as well as the victim. This shows that journalists continue to suffer from the uncertainty of whether they will receive adequate criminal-legal protection while performing their work tasks if they are physically attacked.

Along with journalists, environmental CSOs are being targeted with SLAPP lawsuits and report the use of inspections with the aim of intimidation and of blocking their activities (Kardov, K., Represija nad okolišnim inicijativama i

organizacijama civilnog društva u Hrvatskoj, Zagreb, September 2024).

Continuous physical attacks and threats against journalists, environmental initiatives and CSOs working on particular topics

Physical attacks and threats against journalists are still present. Although the Protocol on the conduct of the police, journalists and other media professionals at public gatherings of public interest and the Protocol on the conduct of the police when learning of a criminal offence committed against journalists and other media professionals in the performance of their duties have been adopted, adequate implementation of these protocols is lacking.

Moreover, according to Kardov in 2024, environmental initiatives seem to have been the groups most exposed to physical attacks and harassment during protests. For example, environmental defenders were subjected to the breaking of peaceful resistance by a private security company securing a building site. In another case, the media reported about the violence committed by the police and the security against climate activists protesting against fossil fuels.

HRDs are also faced with online threats and harassment. In 2024, the ORC also recorded incidents of threats and attacks aimed at those CSOs dealing with transitional justice and environmental matters. For example, having conducted a public campaign, a CSO dealing with transitional justice received a series of threats by post and via social media, issued by private individuals.

HRDs dealing with women's rights, reproductive rights and LGBTQ+ rights being targetted

Human rights defenders dealing with women's rights, reproductive rights and LGBTQ+ topics are continuously among the most commonly and intensely targeted groups.

For example, prayer gatherings have been held every first Saturday of the month in the main square in Zagreb and in several cities across Croatia since October 2022 have particularly attracted attention, as well as public controversy, due to some of the 'prayer intentions' of the participants: to become spiritual authorities in the family, for a life of premarital purity, for chastity in dress and behaviour, and for the renewal of Catholic marriages, for an end to abortion and openness to life for married couples.

Protests, or counter-protests, were held at the same time as the prayer gatherings, highlighting women's rights and gender equality.

In relation to securing those gatherings, the police officers have, at some occasions, treated unequally (counter)protestors defending women' rights and those taking part in the prayer gatherings, whereas these have also been

issues of potentially conflicting rights (e.g. religious freedom/freedom of assembly/freedom of expression of those gathering in public prayer versus freedom of expression, including artistic expressions and freedom of assembly of protestors).

Additionally, the current legal framework regarding the maintenance of public order and peace at public gatherings sometimes leads to different understandings of 'organizers' duties' and the duties of police authorities for protecting security and public order when securing public gatherings.

Transnational repression of human rights defenders:

In the midst of the student protests in Serbia beginning in November 2024, in December 2024, according to Croatian media reports, personal information of a Croatian journalist was published and his ID card shown in live program by a Serbian TV station, with the journalist being accused of "aiding and abetting" the protestors. Additionally, in January 2025 Croatian media reported on several Croatian CSO members attending a workshop in Belgrade being questioned by the police, expelled from the country and being served with a one-year entry ban due to, ostensibly, "presenting a security risk", prompting the reaction by both the Croatian Ministry of Foreign and European Affairs as well as of the European Commission.

Strategies and initiatives to protect human rights defenders at the national level

There are no specific laws or mechanisms for the protection of civil society and human rights defenders at the national level.

Moreover, Croatia has not adopted for years the strategic policy document aimed at the creation of favourable conditions for civil society. Creating a policy framework to guide normative, institutional and financial measures as well as rendering the institutional framework for the cooperation between the civil society and the state again would be a welcomed step in making the conditions for the work of human rights defenders more conducive.

When it comes to journalists and environmental human rights defenders (but also possibly others in the future), normative solutions aimed at early recognition and dismissal of SLAPP lawsuits are key, and currently there is a Working Group working on transposing the Directive.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
In 2024, the ORC has taken initiatives to promote civil society space and

human rights defenders, such as the organization of joint meetings and/or roundtables or including a specific chapter in the ORC's annual report on the situation of human rights defenders. This also serves as an awareness raising tool aimed at both the relevant state actors as well as the general public, informing them about the importance of the human rights defenders' work and of the creation of the favourable environment for it, of their contributions but also about the obstacles they face, including recommendations on the possible ways to remove those obstacles.

Additionally, the ORC has set up a network of anti-discrimination contact points, CSOs with whom it regularly shares information relating to their work as HRDs.

Moreover, in 2024, the ORC has also taken actions to protect civil society space and human rights defenders (HRDs), such as monitoring, complaints handling, issuing recommendations & opinions, capacity building, or through NHRI's specific/additional mandates.

The ORC is a multi-mandated institution with the mandates of the ombudsman, an NHRI, a national equality body, the NPM, and whistle-blowers' protection and engages in the protection of the civil society space and, more broadly, of human rights defenders through its various mandates.

It monitors the situation and reports annually to the Croatian Parliament as well as internationally. ORC receives complaints submitted by the HRDs and issues recommendations, addressing both the perpetrators of individual violations as well as pointing to systemic issues and suggesting possible solutions.

From the Adoption of the Act on the Protection of the Persons Reporting Irregularities, the ORC is the body responsible for the external reporting of irregularities, which also monitors the implementation of the protection of whistleblowers.

Finally, the ORC regularly provides capacity building to the civil society actors. Thus, for instance, one of the activities in the FRA/ENNHRI project "Support to National Human Rights Institutions in the Monitoring of Human Rights and the Rule of Law" was an educational session on the Charter of Fundamental Rights for civil society actors. We are also currently conducting 2 EU-funded projects with CSO partners, also including various capacity-building activities (FRED - Fostering Racial Equality and Diversity and SURE - Strategies for Using Rights and Achieving Equality, both are CERV funded).

Engagement of the ORC with international and regional mechanisms in support of human rights defenders and civil society

In its Rule of Law Reports, the European Commission regularly assesses the situation of civil society actors at the national level. Via its own

recommendations, the ORC supports the rectification of the identified barriers in this area. Additionally, in its alternative report to the UN Committee on Human Rights, the ORC reported on challenges faced by CSOs.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The ORC recommends to the Government of Croatia to:

1. adopt the National Plan for the Creation of the Enabling Environment for the Civil Society;
2. provide consistent and multiannual funding for the organizations focused on the protection and promotion of human rights and combatting discrimination;
3. By law, regulate the right of citizens to participate in decision-making.

The ORC recommends to the European Commission to:

1. adopt the EU civil society strategy,
2. make funding more flexible and speedy, especially in relation to quickly changing needs and human rights priorities.

Croatia 2025

Information from: Ombudswoman of the Republic of Croatia

Functioning of justice systems

Based on the human rights monitoring and reporting, the ORC identified significant challenges affecting access to justice and/or effective judicial protection in the areas including independence and impartiality of judiciary, delays in court proceedings, access to legal aid, professionalism, specialisation and training of judges, timely and effective execution of national courts' judgments.

Amendment of legislation on the functioning of the judiciary

During 2024, several laws significant for improving the functioning of the judiciary were amended and supplemented, namely the Courts Act, the Criminal Code, the Criminal Procedure Act, the Protection from Domestic

Violence Act and the Land Registry Act, and the Delivery of Court Documents Act and the new Administrative Disputes Act were adopted.

White strike of judges and state attorneys

Poor working conditions and the problem of salaries resulted in open expressions of dissatisfaction among judges and state attorneys, and a so-called “white strike” was held from 22 January to 2 February 2024, because salaries and other material rights of judicial officials had not been regulated by the end of 2023, in accordance with the Government's promise.

At a meeting held on 23 February 2024 in the Government of the Republic of Croatia, an agreement was reached with representatives of the Association of Croatian Judges and the Association of State Attorneys on increasing the base for calculating the salaries of judicial officials, coefficients for county court judges and presidents of first and second instance judges, as well as on the material rights of judges and state attorneys.

After the end of the strike and after the agreement was reached, the Act on Amendments to the Act on Salaries and Other Material Rights of Judicial Officials was adopted (Official Gazette 35/24 of 22 March 2024, which entered into force on 1 April 2024).

Independence and impartiality of the judiciary

Regarding the independence and impartiality of judiciary and according to the results of the Eurobarometer from February 2024, 37% of surveyed citizens in the Republic of Croatia assessed the independence of courts and judges as poor, and 32% of them as very poor, and despite a slight improvement compared to 2023, the Republic of Croatia is still facing a negative perception of the independence of courts and judges.

According to data from the State Judicial Council, in 2024, 60 judges were resolved/relieved of duty (of which 38 at their own request, while 17 due to reaching the age of 70, three judges died, one judge due to taking up office in another judicial body, and one due to permanent loss of ability to perform judicial duties).

According to data from the State Judicial Council, in 2024, nine disciplinary proceedings were initiated against judges, and 15 decisions were made in which one reprimand, three fines, three dismissals from the exercise of judicial office were issued, while in two cases the judges were acquitted of committing disciplinary offences, and in six cases a decision was made to suspend the disciplinary proceedings. The disciplinary proceedings were conducted due to improper performance of judicial office, failure to comply with a decision made in the procedure for the protection of the right to a trial within a reasonable time, and causing damage to the reputation of the court or judicial office in

another way. Due to the disciplinary offence of improper performance of judicial office, three judges were suspended from exercising judicial office during the disciplinary proceedings, until the disciplinary penalty of dismissal was imposed.

Furthermore, in 47 cases, the State Judicial Council was requested to initiate criminal proceedings against judges, and 37 requests were rejected, while 10 procedures are ongoing. All requests were received from parties to court proceedings who were dissatisfied with the course and outcome of the court proceedings and are requesting authorization to initiate criminal proceedings against judges. In all these proceedings, the competent state attorney's office previously dismissed the criminal charges against the judges, and the parties were instructed to take over the criminal prosecution.

Digitalization of the judiciary

The digitalization of the judiciary should be seen as the important factor that contributes to reducing the number of unresolved court cases and shortening court proceedings, and its goal is transparent and efficient management of the judicial system.

Public e-services (e-Communication, e-Case, e-Notice Board, e-Certificate that no criminal proceedings are being conducted, etc.) should accelerate the efficiency of administrative systems, optimize administrative business processes and thus improve the quality of the judicial system, and for users of e-services this means a faster, more efficient way of obtaining information and solving problems, without physically going to the counter.

Since 1 January 2025, anonymized court decisions of Croatian courts have been publicly available, which should make it easier for citizens to represent their legal interests before the court and improve judicial accountability, transparency, legitimacy and representativeness.

Territorial fragmentation of the activities of primary legal aid providers and low compensation

Citizens are still not sufficiently familiar with the possibility of directly addressing authorized primary legal aid providers and with the conditions for realizing the right to legal representation and exemption from court costs and court fees. Therefore, the ORC recommended that the Ministry of Justice, Public Administration and Digital Transformation continuously implement activities to inform the public about the free legal aid system, for example, through promotional activities using the media.

There is a problem of significant territorial fragmentation of the activities of primary legal aid providers, which leads to insufficient availability of free legal aid, because most providers operate in the capital and larger urban centres,

while free legal aid is mostly unavailable in rural and isolated areas.

Also, in some parts of Croatia there is a lack of lawyers providing free legal aid. One of the reasons for the reduced interest of lawyers is the low point value on the basis of which the compensation for the free legal aid provided is determined. Therefore, the Ombudsman continuously points out to the Ministry the need to increase the point value of the lawyer's tariff for representation within the free legal aid system.

Need to improve the follow-up and implementation by state authorities of European Courts' judgments

In ORC's view, there is room for involving other stakeholders in the process of enforcing judgments and decisions of the ECtHR, for example, the Croatian Parliament through the work of the competent Committees, in order to prevent potential systemic violations of the Convention. Furthermore, the ORC considers that it would be useful to ensure the active and continuous participation of civil society and the academic community in the process of the drafting of action plans and action reports, through the work of the Expert Council for the Enforcement of Judgments and Decisions of the ECtHR. The ORC, however, is a member of the Expert Council and contributes to its work.

Actions taken by the ORC to support the implementation of the European Courts' judgments

The ORC has undertaken actions to support implementation of the European Courts' judgments, such as previous Rule 9 submissions to the Council of Europe's Committee of Ministers, referring to the judgments of European Courts' in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, as well as awareness raising of the general public.

ORC's systematic monitoring of the compliance of the national legislation and actions of public law bodies with the ECtHR's case law

The ORC systematically monitors the compliance of the national legislation and the actions of the public law bodies with ECtHR's case-law. In accordance with the observed shortcomings, whether through non-compliance or inadequate application by the competent bodies of the national legislation in a large number of individual cases, we identify priority areas/cases. These are the areas in which systemic problems have been observed, either through the content of complaints the ORC receives and in which it has previously acted, or through the issues detected through the activities of the National Preventive Mechanism (for example, the situation in prisons).

In accordance with the identified priorities, the institution is involved in monitoring the execution of individual ECtHR judgments from the initial stage

of the drafting of the action plans. As members of the Expert Council for the Execution of the Judgments and the Decisions of the ECtHR, the ORC points out specific issues related to the execution of judgments in a specific legal area.

Participation in the procedure for the execution of the judgments of the ECtHR

Regarding the participation of the ORC in the procedure for the execution of the judgment in the case of M. H. et al. v. Croatia (App. no. 15670/18), which is under enhanced enforcement supervision, and in which the ORC submitted a Rule 9 communication in 2023, in June 2024 the institution submitted comments on the revised action plan to the Office of the Representative of the Republic of Croatia before the ECtHR.

Dedicated chapter in the ORC's annual report on the ECtHR's case law

One of the chapters of the ORC's annual report is dedicated to the ECtHR's case-law in relation to Croatia. In this section, the ORC addresses developments related to the proceedings of the ECtHR, for example, the adoption of new rules of procedure regarding the submission of applications, etc., and provides a concise overview of the content of the judgments and decisions issued by the ECtHR in relation to Croatia, explaining which violation of Convention took place and what it consists of, taking into account the factual and legal context of the case.

A statistical overview of the number of cases in enforcement and those for which the Council of Europe's Committee of Ministers' supervision procedure has been completed is included as well, as are the amounts of the pecuniary damages paid from the state budget.

Croatia 2025

Information from: Ombudswoman of the Republic of Croatia

Media freedom, pluralism and safety of journalists

According to the ORC, there are several current challenges that affect media freedom, including SLAPP lawsuits, the introduction of the new Article 307.a. of the Criminal Code "Unauthorized disclosure of the contents of investigative or evidentiary proceedings", physical attacks and threats against journalists, and the non-application of the police Protocols on the conduct of journalists when

they are attacked, and the lack of application of Article 315.b. of the Criminal Code "Coercion against a person performing tasks of public interest or in public service", as well as the issue of transparency of media ownership.

SLAPP lawsuits

Although we do not have exact data on the number of SLAPP proceedings, the transposition of the Anti-SLAPP Directive should support its decrease. With its implementation, relevant stakeholders will be obliged to adequately collect data on the number of SLAPP proceedings, and mechanisms for the early recognition and rejection of such malicious lawsuits should also be designed.

Amendments to the Criminal Code

A challenge to media freedom has been brought by the amendments to the Criminal Code. On the one hand, Article 307.a. punishes persons who, during the first stages of proceedings (which are secret), disclose the content without authorization. Although this article excludes illegality for a journalist and someone who acts to protect the victim of a criminal offense, in the interest of the defense in criminal proceedings or in another predominantly public interest, there is a fear that journalistic sources could still suffer certain inconveniences during the conduct of investigative actions.

Attacks and threats against journalists and media workers

The performance of journalistic work is also negatively affected by attacks and threats to which journalists and media workers are exposed. In order to prevent this, Article 315.b. of the Criminal Code and the Protocol on Police Conduct upon Learning of a Criminal Offense Committed to the Detriment of Journalists and Other Media Workers in the Performance of Their Work Tasks were introduced. However, according to our knowledge, the Protocol is inconsistently and inadequately applied, which may also affect the smaller number of criminal proceedings under Article 315.b. committed to the detriment of a journalist as a person performing tasks in the public interest.

The issue of real and hidden ownership of the media

In addition to all of the above, the issue of real and hidden ownership of the media has a negative impact on media freedom. Although covert ownership of the media is prohibited due to the protection of media pluralism, in reality there are some doubts about the adequate application of the norms that prescribe it. The aforementioned problems related to the transparency of ownership which could be influenced by adequate supervision over the application of the Law on Electronic Media.

Measures taken to follow-up on the recommendations concerning media freedom issued by European actors

In order to implement the EC Recommendation of 16 September 2021 on ensuring the protection, safety and strengthening of the position of journalists and other media workers in the EU, two police protocols related to the safety of journalists have been adopted: the Protocol on the conduct of police, journalists and other media workers at public gatherings of public interest and the Protocol on the conduct of police when learning of a criminal offence committed against journalists and other media workers in the performance of their duties.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The ORC recommends to national authorities to:

1. increase the safety of journalists. This refers to the prevention and prosecution of attacks and threats against journalists and the adequate implementation of all related procedures (police and public prosecutors),
2. increase efforts to remove other factors that act as a deterrent to the journalism profession. This primarily refers to the reduction of SLAPP lawsuits, but also malicious and unfounded criminal proceedings aimed at deterring journalists from reporting on topics of public interest,
3. increase media transparency. Regulatory bodies that monitor the implementation of relevant laws related to this topic play a significant role.

Croatia 2025

Information from: Ombudswoman of the Republic of Croatia

Other challenges to the rule of law and human rights

Introduction of a new criminal offence

Amendments to the Criminal Code, which entered into force on March 14, 2024, introduced a new criminal offence in its Art. 307.a. - unauthorised disclosure of the contents of an investigative report or evidentiary actions in criminal proceedings.

Although the new paragraph 3 of Art. 307.a. provides for grounds for excluding the illegality of this act if it was committed in the “predominantly public interest”, which would, presumably, also relate to the disclosure of certain information to the public in the context of reporting irregularities in accordance with the Act on Protection of Persons Reporting Irregularities, we consider that the wording is still not entirely satisfactory in the context of the application of the Act on Protection of Persons Reporting Irregularities:

- primarily – it is unclear what exactly will be the criteria for the assessment of whether the public interest prevails in a particular case,
- possible non-compliance with the Act on Protection of Persons Reporting Irregularities – in accordance with Art. 10 par. 1, if persons report information about irregularities or disclose it publicly in accordance with the Act, they shall not be considered to have violated any restriction regarding the disclosure of information and shall in no way be held responsible for such a report or public disclosure, provided that they had a justified reason to believe that the report or public disclosure of that information was necessary for the purpose of exposing irregularities based on this Act.
- all irregularities relating to the provisions of national law may be reported under the Act on Protection of Persons Reporting Irregularities, if such irregularities also undermine the public interest (not predominantly) - accordingly, the Act does not seek for the public interest to prevail when reporting, but it is essential only that the reported irregularities undermine, irrespective of the extent to which, the public interest
- consequences of non-compliance - legal uncertainty of reporting persons who should be protected by the Act on Protection of Persons Reporting Irregularities because they act primarily in the public interest; the fear of criminal sanctions due to the possibility that the State Attorney's Office or the court, based on currently insufficiently clear criteria, will subsequently assess that the public interest did not prevail when reporting irregularities according to Act on Protection of Persons Reporting Irregularities (although the public interest as such clearly existed), will act as a deterrent to potential reporting persons.

Cyprus 2025

Information from: The Commissioner for Administration and the Protection of Human Rights (Ombudsman)

Independence, effectiveness and

establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Cypriot NHRI received its first-time accreditation with A-status by the Sub-Committee on Accreditation (SCA) in October 2022, after being deferred in June 2021.

During its last review, the Cypriot NHRI informed the SCA of several steps it had taken to implement previous SCA recommendations, including the establishment of a Human Rights Advisory Committee aimed at promoting stronger and formal cooperation with civil society and enhancing the institution's visibility. At the time, it was in the process of appointing members to the Committee, which would include civil society organizations working on the promotion and protection of the rights of the LGBTI community, persons with disabilities, women, and other groups. In light of this, the SCA recommended the Cypriot NHRI to ensure the Committee was functional and urged it to continue to enhance and formalize its working relationships with a wide range of civil society organizations and human rights defenders.

The SCA also called for strengthened adequate funding of the NHRI. It noted that, while the institution has management and control over its budget and has effectively undertaken activities within its existing budget, it requires additional funding to allow for recruitment of staff at senior level, particularly in view of its expanded mandates of National Preventive Mechanism under OPCAT and National Monitoring Mechanism under CRPD.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The SCA recommendations concerning the NHRI regarded the necessity for additional funding regarding the recruitment of staff at senior level, as well as on the need to ensure that the Human Rights Advisory Committee is functional and to continue to enhance and formalise its working relationships and cooperation with a wide range of civil society organisations and human rights defenders, including those working on the rights of various groups.

Concerning funding and staff recruitment, it is noted that seven (7) staff

members have been recruited in 2023. Previously and, in particular, during the period 2020-2021 five (5) Officers were also recruited, bringing the total number of new recruits to 12 Officers. At the same time, in 2022 two NHRI Officers were promoted to higher rank positions (Officer A).

The NHRI has also increased its support/secretarial staff with the recruitment of three new secretarial staff members and one hourly employee.

As a result, human resources have been significantly strengthened. However, given that the NHRI's powers and responsibilities have also increased, particularly in view of the new role it has been entrusted with to monitor compliance of the implementation of EU funded programmes with the EU Charter of Fundamental Rights, it has already contacted the Minister of Finance and sought approval for additional Senior Officer posts.

Furthermore, it is noted that at the moment, there is one vacant post for an Officer, one vacant post for an Officer A and one vacant post for a Senior Officer in the organisation chart. When the latter two posts are undertaken - via the promotion of existing staff members - the total number of vacant Officer posts will rise to three. The NHRI will attempt to ensure that in next year's budget additional posts will be approved and included, so that the total number of vacant posts of Officers will be additionally increased, in order to proceed with the recruitment of new Officers.

Concerning the Human Rights Advisory Committee, it is noted that is composed by representatives of NGOs related to the protection of human rights of all vulnerable groups of the population (such as persons with disabilities, refugees, LGBTI people, prisoners, protection of women from any form of violence, etc.), it is completely functional and it meets regularly. During the meetings, issues of concern related to the groups of the population each NGO represents are discussed and solutions are sought together.

Furthermore, it is noted that the Commissioner presides over the Consultative Committee for the Monitoring of the UNCRPD, in which persons with disabilities and representatives of their representative organizations and the Cyprus Confederation of Organizations of the Disabled (CCOD) participate. Therefore, during the meetings all issues concerning persons with disabilities are discussed and addressed and solutions are jointly sought.

Also, at a more general level, NGOs submit complaints to the NHRI on behalf of specific persons or in relation to issues that come to their attention, and it immediately proceeds to their investigation.

NHRI follow-up on the recommendations concerning their institution, issued by European actors

In 2024 EU Rule of Law Report, it was noted that the NHRI's role of monitoring

compliance of the implementation of EU funded programmes with the EU Charter of Fundamental Rights in the framework of the 'Horizontal Enabling Condition on the Charter, "is considered challenging as it impacts on the already heavy workload of the Office and could require reinforcement in terms of resources. While the recruitment of seven additional staff members in 2023 increased its capacity, the need for further staff at senior level remains". As mentioned, efforts have been made to further reinforce staff capacity.

Concerning the NHRI's, and in relation to the provision of legal assistance to individuals, it is noted that the Commissioner may participate in court proceedings as amicus curiae. Specifically and, in spite of the lack of specific procedural rules, dealing with amicus curiae issue, the Supreme Court established guidelines upon its jurisprudence on how a person/Institution, acting as an expert for a specific subject matter, such as the Attorney General of the Republic, or the Commissioner for Administration and Protection of Human Rights, as Equality Body can be a part of the trial, after the submission of a relevant application before the Competent Court. Furthermore, in cases where the Commissioner, in its capacity as an Equality Body, issues a binding decision, this decision can be challenged before the court by private individuals and private bodies, against the Equality Body. In such a case, the Commissioner is entitled to be heard in the judicial proceedings.is entitled to be heard in the judicial proceedings.

In relation to the obligation of the authorities to respond to the NHRI's questions/enquiries, in a timely manner and with reasoned and analytical responses, it should be noted that during the last years the NHRI have witnessed that the involved services are responding in a more timely manner when it reaches out to them. This is obviously due to the visibility the NHRI has achieved over the years.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities have good awareness of the NHRI's mandate, independence and role and the NHRI has adequate access to information and to policy makers and is involved in all stages of legislation and policy making with human rights implications.

Adequate resources

Regarding the NHRI's budget, the Commissioner's budget is prepared every year by the NHRI upon its needs and upon its strategic plan. The proposed budget is approved as a whole by the Parliament via its submission by the Ministry of Finance. This way, the Commissioner is provided with the necessary financial, technical and human resources to fulfil his/her broad mandate.

Following the approval of its budget, the Institution has absolute management and control of the appropriate funds.

The amount included in the budget meets the needs of the Institution, since it is prepared by the Institution upon its needs and the strategic plan.

Indicatively, the Commissioner's Institution's operating budget for 2023 amounted to €2.440.626, compared to €2.132.010 in 2022 and €1.823.357 in 2016.

Functional immunity / Measures to protect NHRI staff

The NHRI's leadership and staff enjoy functional immunity and sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation are in place. According to Article 3(2) of the Commissioner for Administration Laws, the Commissioner may not be dismissed or withdrawn from Office during his/her term of office, except for the same reasons and in the same way that judges of the Supreme Court may be dismissed or withdrawn from Office.

Furthermore, no legal proceedings may be brought against the Commissioner in relation to any act done by him/her or any opinion expressed by him/her or report submitted by him/her in the exercise of his/her functions. And finally, the Commissioner or any other member of the staff of his/her Office may not be called to testify before a Court or in any proceedings of a legal nature in respect of any matter that has come to his knowledge in the exercise of his/her duties.

Threats faced by NHRIs

As noted in last year's report, in 2023 "the Auditor General, as he did in previous years, acting as a threat to the independence of the Ombudsman Institution, in 2023 attempted to intervene in the procedure, regarding the selection and appointment procedure of the new Ombudsman. This time, his interventions were in the form of substituting and influencing the decisions of the Legislative and Executive Powers. More specifically, the Auditor General attempted to interfere without having any jurisdiction in the process of selection and appointment of the new Commissioner in April 2023, when he tried to substitute the decision of the Legislative and Executive Powers in both ways, by a letter addressed to the President of the Republic and by distributing the same letter to the members of the House of Representatives. In particular, after the Council of Ministers decision, following a transparent and open call for applications, to recommend to the President of the Republic the reappointment of the current Commissioner, the Auditor General attempted to substitute his decision and to pre-empt the decision of the House of Representatives by providing false and defamatory information in a letter, without the Commissioner knowing its content (she found it out later), and without having

the right to answer, even though the accusations were directed against her personally. It was clearly an attempt to shape the opinion of the Members of Parliament against the head of the Cypriot NHRI without having any competence to interfere in any way, as an action against the Rule of Law, in democratic societies. Finally, the House of Representatives approved the reappointment of the Commissioner for another term by an overwhelming majority".

It should be noted that in September 2024, the Supreme Constitutional Court in a unanimous decision, dismissed the Auditor General from his position, due to inappropriate conduct, noting, among others, that his behaviour failed to meet "the bare minimum" standards expected of his office, showed "complete disrespect and a complete lack of self-restraint. After the Court's decision, the President of the Republic appointed a new Auditor General (Relevant decision of the Supreme Constitutional Court dated 18/09/2024).

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The enhancement of the effectiveness of the Institute can be achieved by further strengthening its human resources. In particular, in view of the scope of its competences, the reinforcement of its staff, both in senior positions specifically but also in simple Officer positions, will allow the NHRI to carry out its mandates more efficiently.

Cyprus 2025

Information from: The Commissioner for Administration and the Protection of Human Rights (Ombudsman)

Human rights defenders and civil society space

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Cypriot NHRI reports on the issues related to the closure of civil society organisations (CSOs) which have not registered in the official register in line with the national law. This has also affected the perceptions of the wider public on the work of CSOs operating within the legal framework.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
With a Council of Ministers Decision in June 2022, an Advisory Committee of Human Rights was established, which is presided by the acting Commissioner, comprised by various human rights stakeholders (including representatives of the civil society representing the rights of persons with disabilities, the elderly, the LGBTQI community, prisoners, refugees, and others). The said Committee operates effectively and is in constant contact with its members through meetings and other communication channels. Through the dialogue conducted, we maintain working relationships and cooperation with a wide range of civil society organisations and human rights defenders.

In terms of NHRI initiatives in 2024 to promote civil society space and human rights defenders, the NHRI reports having organised joint meetings and/or roundtables.

Within the framework of the functioning of Advisory Committee of Human Rights and of the Consultative Committee for the Monitoring of the UNCRPD, but also through the NHRI's collaboration with various civil society actors, relevant have taken place and issues related to civil society were discussed. have taken place and issues related to civil society were discussed.

NHRI actions to protect civil society space and human rights defenders (HRDs)

In order to protect civil society space and human rights defenders (HRDs, the NHRI reports to have handled complaints and issued recommendations and opinion.

More, specifically, the Cypriot NHRI continued to receive complaints by NGOs on behalf of specific persons or in relation to issues that come to their attention, and we immediately proceeded to their investigation.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
To national authorities:

To better protect and support civil society and HRDs in Cyprus, national authorities could consider the following key recommendations:

1. Strengthen Legal Protection for HRDs: Adopt and enforce national legislation recognizing and protecting HRDs, in line with international

standards.
2. Provide security and legal aid when necessary
3. Address hates and stigmatization:
    1. Take concrete steps to counter misinformation and hate speech targeting HRDs and CSOs,
    2. Ensure that government officials and media outlets do not engage in smear campaigns against HRDs.

To European actors:

Enforce stronger human rights accountability measures:

- Ensure that EU member states comply with international and European human rights obligations.
- Further strengthen monitoring mechanisms, to track and respond to shrinking civic space in Europe.

Cyprus 2025

Information from: The Commissioner for Administration and the Protection of Human Rights (Ombudsman)

Functioning of justice systems

The NHRI's human rights monitoring and reporting has identified delays in court proceedings; professionalism, specialisation and training of judges, timely and effective execution of national courts' judgments as significant challenges affecting access to justice and/or effective judicial protection.

Disproportionate impact on women or marginalised gender groups

The NHRI has not been made aware of any such challenges in 2024. Nevertheless, it should be noted that, through its work, the NHRI has identified that women and marginalized gender groups can encounter challenges in accessing justice, primarily due to systemic discrimination, legal barriers, and social stigma. For example,

- With respect to Gender-Based Violence (GBV), women seeking protection having experienced sexual and gender-based violence (SGBV), have faced difficulties in reception services that failed to meet the specific needs of SGBV survivors, leading to underreporting and insufficient support.
- Regarding Economic and Social Barriers, it can be said that economic

hardships disproportionately affect women and marginalized groups, making legal representation unaffordable. Additionally, a scarcity of gender-sensitive training among law enforcement and judiciary personnel, leading to dismissive attitudes toward victims, has been observed on occasions.
- As regards LGBTQ+ individuals, and even though Cyprus has made strides in LGBTQ+ rights, such as decriminalizing same-sex relations and recognizing civil unions, discrimination has been observed to persist.

Actions Taken: Further to the anti-discrimination legislation the government has developed National Action Plans aiming to promote gender equality and combat discrimination.

NHRI actions to support implementation of the European Courts' judgments

The NHRI has supported the implementation of European Courts' judgements through referring to the judgments of European Courts in the reports and recommendations to state authorities, awareness raising of the general public, support to the general public and human rights education.

Human rights education was targeted towards the Police Department and public authorities in general. In the framework of implementing a Regional Project, funded by the EEA and Norway Grants, that aimed to provide support to National Human Rights Institutions (NHRIs) of member states of the European Union in monitoring fundamental rights and the fundamental rights aspects of the rule of law, the NHRI submitted capacity building seminars/training to the NHRI's Officers, to selected Officers of Public Authorities, to practising private Lawyers (the seminar/training was co-organised with the Cyprus Bar Association) and to Cypriot Judges (the seminar/training was co-organised with the Cyprus School of Judges).

In December 2024, the Department for the Execution of Judgments of the ECtHR visited Cyprus and had a meeting with relevant stakeholders, including the NHRI, to discuss the implementation of the ECtHR. The NHRI's meeting with the Department for the Execution of Judgments, was focused on the execution of DANILCZUK v. CYPRUS case (Application No. 21318/12, Final judgment of 03/07/2018) and, specifically, the preparation, in cooperation with the Attorney General's Office , and the Ministry of Justice and Prisons Department, of an Action Plan concerning effective remedies for detainees at Nicosia Central Prisons. The final Action Plan will be submitted to the Department for the Execution of Judgments in mid-March.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. Modernize and digitize the justice system through the full implementation of e-justice reforms to reduce case backlogs and improve efficiency in case management and through improving public access to legal information through online platforms, ensuring better understanding of legal rights and processes.
2. Strengthen legal aid and judicial training:

    1. Expand state-funded legal aid to ensure equal access to justice, especially for vulnerable groups such as migrants, women, and marginalized communities.
    2. Introduce mandatory human rights and anti-discrimination training for judges, prosecutors, and law enforcement to ensure fair and unbiased rulings.
    3. Improve case management training for judicial staff to reduce delays and increase procedural efficiency.

Cyprus 2025

Information from: The Commissioner for Administration and the Protection of Human Rights (Ombudsman)

Media freedom, pluralism and safety of journalists

Measures to follow up on the recommendations concerning media freedom, issued by European actors

As far as the NHRI knows, Cyprus has undertaken several measures to address recommendations from European entities concerning media freedom, such as legislative reforms and policy initiatives to better protect journalistic expression, access to information and to promote media pluralism and independence.

NHRI’s recommendations to national and regional

authorities

NHRI’s recommendations to national and regional authorities

- Safeguard public interest journalism and pluralism.
- Enhance EU-Wide Monitoring and Accountability to provide stronger oversight and sanctions against member states that restrict press freedom.
- Improve EU mechanisms for protecting at-risk journalists, including relocation programs for those facing serious threats.

Cyprus 2025

Information from: The Commissioner for Administration and the Protection of Human Rights (Ombudsman)

Other challenges to the rule of law and human rights

Persisting structural human rights issues impacting on the national rule of law environment

Cyprus continues to face several structural human rights challenges that impact its national rule of law environment with respect to:

- Stranded asylum seekers in the United Nations Buffer Zone: Dozens of asylum seekers from countries like Sudan, Afghanistan, and Cameroon have been stranded in the buffer zone, which is under the effective control of the UN. The issue has been resolved, and the asylum seekers were transferred to accommodation centres.
- Discrimination and violence against women and marginalized groups.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

- Combat discrimination and protect vulnerable groups and strengthen legal frameworks and enforcement mechanisms to combat gender-based violence, discrimination, and hate crimes against marginalized groups.

- Implement specialized training for law enforcement and judicial authorities on handling cases involving women, LGBTQ+ individuals, and other vulnerable populations and expand public awareness and education programs to promote human rights, inclusion, and equality across society.

Czech Republic 2025

Information from: Public Defender of Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Public Defender of Rights is a non-accredited associate member of ENNHRI. As such, under the ENNHRI Statute, it commits to take active steps towards compliance with the UN Paris Principles and A-status accreditation.

The Defender can handle complaints, write legislative recommendations, and conduct independent inquiries. Moreover, the Public Defender of Rights has received the mandate of Equality Body, National Monitoring Mechanism (NMM) under the UN CRPD, the National Preventive Mechanism (NPM) under the UN CAT, monitor of forced returns (under the EU Return Directive), and body promoting equal treatment and supporting workers in the European Union and their family members (under the Directive 2014/54/EU).

ENNHRI has supported the steps taken by the Public Defender of Rights to strengthen its mandate in compliance with the UN Paris Principles and stands ready to assist the institution in applying for international accreditation. In 2022, the Minister for Legislation started preparing a legislative proposal concerning steps for a Czech NHRI in a reasonable future. In 2023, the Public Defender was closely involved in the suggestions for possible legislative amendments to the Act on the Public Defender of Rights, which have the potential to further align the mandate of the institution to that of a fully-fledged NHRI.

There has been significant progress concerning the establishment of an NHRI in the Czech Republic in 2024. The draft law that envisages entrusting the Public Defender of Rights with the mandate of an NHRI, alongside with establishing a

new position of the Children's Ombudsman who would share the Office of the current Defender (for details see the 2024 ENNHRI report chapter on Czechia) was approved by the Government on 10 April 2024. The Chamber of Deputies of the Parliament approved the draft law on 22 January 2025 with minor changes made by the Deputies. The Senate has approved the law on the 26th February 2025. The law should enter into force on 1 July 2025, once it is signed by the President.

The pending amendments could also pave the way for the future accreditation of the Public Defender as an NHRI.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Given the nature of the changes in the work of the Public Defender of Rights and his Office, which will probably be the most extensive in its 25-year history, preparatory works have already started within the institution in 2024. The Defender's Office has been mapping the scope of the new tasks, examining the practice of similar foreign institutions, preparing a proposal for the division of duties between the Defender and the Children's Ombudsman, and looking for the most appropriate organisational and technical support for the new tasks.

Regulatory framework

Regulatory framework

The draft law on the establishment of the NHRI has been adopted by the the Parliament of the Czech Republic only in early 2025, upon signature by the President, the expected changes in the regulatory framework would enter into force on 1 July 2025.

The Public Defender of Rights supports the strengthening of the institution's mandate towards becoming an NHRI and the establishment of Children's Ombudsman Institution. The Defender also stresses that adequate funding increase is necessary for the meaningful exercise of these new competences.

NHRI enabling and safe space

NHRI enabling and safe space

The Public Defender of Rights notes that relevant state authorities have good

awareness of its mandate, independence and role. The Defender also notes that he has adequate access to information and to policy makers in all stages of legislation and policy making in matters where he has competence.

However, the Defender also that it does not have adequate resources to carry out the full breath of its mandate. According to the Defender, state authorities generally continue to ensure an enabling environment to the Public Defender of Rights. However, in previous reports (see the ENNHRI 2023 and 2024 Rule of Law reports), the Defender has pointed out the ongoing trend of restricting financial resources of his Office. This trend continued in 2024. For the annual budget in 2025 the Defender's Office has received an increase of about 4.6% for salary expenditures. However, given the previous budgetary restrictions and inflation, this will only amount to bringing the salaries back to the levels prior to 2022.

The Defender also points to the fact that the Government has so far not approved a specific amount of funding for the new competences in 2025. This complicates the process of preparation of the institution for its new duties.

As regards the recommendations issued by the Defender, the Defender notes that there have been no changes in legislation, state measures or practices since 2022 to ensure timely and reasoned responses to NHRI recommendations.

As regards the question of immunities and sufficient measures necessary to protect and support the NHRI, the Defender and the Deputy Defender may not be criminally prosecuted without the consent of the Chamber of Deputies, and if the Chamber of Deputies denies consent, criminal prosecution of the Defender shall be impossible during the term of exercise of the Defender's competence.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

Given the current state of the draft legislation strengthening his mandate, the Defender reiterates that the Government should ensure that the establishment of the NHRI and the Children's Ombudsman will be accompanied by adequate additional resources that would allow a meaningful exercise of both the existing and new duties.

Czech Republic 2025

Information from: Public Defender of Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

While the Public Defender of Rights does not conduct broad human rights monitoring and reporting, as a National Equality Body, he is, however, aware of some measures negatively impacting civil society and Human Rights Defenders, particularly in the form of limiting access to funding. In this regard, he has noted that the Government Committee for Institutional Assurance of Gender Equality has been critical of the inadequate allocation of resources for the implementation of the Gender Equality Strategy for 2021–2030, especially with regard to the promotion of systemic changes and support of non-state sector (see the English summary of the Government Strategy, p. 54).

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders

The Defender generally cooperates and consults civil society organizations in all areas of his competence, when relevant.

Civil society organizations are part of the advisory committee in relation to the functioning of the CRPD monitoring mechanism. The Defender also cooperates with an NGO that provides pro bono legal representation to the victims of discrimination.

In other areas, the cooperation with civil society organisations mainly consists of inviting its representatives to roundtables or seminars, consulting them with regards to specific topics and resolving the complaints they file either on their own behalf or on behalf of individuals they represent.

The Public Defender or Rights has also taken specific initiatives in 2024 to protect civil society space and human rights defenders (HRDs), such as complaints handling, issuing of recommendations & opinions and capacity building. In particular, in 2024 the Defender has organized a roundtable with NGOs that specialise in helping the victims of discrimination to exchange experience, good practice and to adjust the legal assistance provided to the victims of discrimination by the Defender.

Czech Republic 2025

Information from: Public Defender of Rights

Functioning of justice systems

Based on activities concerning protection against maladministration, the Public Defender of Rights has identified significant challenges affecting access to justice and/or effective judicial protection in the areas of delays in court proceedings and delay in and/or a lack of publication of judgments.

The Defender only has competence with regard to the state administration of courts. In this capacity, he is tasked to inquire about the way the presidents of the courts resolve complaints on the delays in court proceedings. In 2024, the Deputy Defender concluded an inquiry in which he has considered delays in a twelve-year-long criminal court proceedings concerning a rail accident. He has found that the inflexible judicial system had a major impact on the length and continuity of the proceedings. He has especially pointed out that the district courts are not adequately staffed to deal with complex criminal proceedings of this nature and that the state judicial system does not allow the presidents of the court to take adequate personnel management measures to prevent excessive length of such proceedings. The full inquiry report (in Czech) is available in the Defender's Opinions Register.

The Defender has also been pointing out the lack of publication of court decisions to the Ministry of Justice since 2015. Although improvements have gradually been made (a new database has been created, courts are obliged to publish decisions by law), the situation is still not satisfactory. Only certain types of lower court decisions from specified areas are published – judgements concerning some of the civil law litigations (guardianship, child custody and child protection judgements are excluded) and criminal law judgements concerning corruption. In the opinion of the Defender, the courts should publish all their decisions in principle, apart from specified exceptions. The method of pseudonymisation also needs to be addressed as the current practice is too extensive (including any kind of information that can potentially lead to the identification of a specific person), which often leads to incomprehensibility of decisions. The defender also points out the need for a more user-friendly search in the database. In 2024 the Defender has published a research report on this issue, which is available (in Czech) in the Defender's Opinions Register.

Ombudsman's actions to support the implementation by state authorities of European Courts' judgments

The Public Defender of Rights also supports the implementation of the

European Courts' judgments, mainly through referring to the judgments of European Courts' in the reports and recommendations to state authorities, as well as through engagement with a national coordinator of the execution of judgments of the European Court of Human Rights.

The Defender is a member of the Committee of experts for the execution of the ECtHR's judgments run by the Government Agent. He can thus influence the course of the execution. ECtHR's judgments are currently referred to also in the inquiry reports issued by the Defender.

In addition, the Defender has also previously submitted a Rule 9 submission to the Council of Europe's Committee of Ministers.

Denmark 2025

Information from: The Danish Institute for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Danish Institute for Human Rights (DIHR) was last reaccredited with A-status in October 2024.

The SCA noted the efforts undertaken by the DIHR to address gender-based violence, rights of migrants, stateless persons and refugees, and the efforts undertaken with the Human Rights Council of Greenland to remove the territorial exclusion of Greenland to the Istanbul Convention. It encouraged DIHR to continue to implement long term and proactive strategies to counter retrogressive national policies and encouraged the DIHR to continue to advocate and follow up with relevant authorities to make explicit its mandate to encourage ratification or accession to international human rights instruments.

In addition, the SCA encouraged the DIHR to develop further binding guidance on what constitutes a conflict of interest and the process by which a determination would be made about the existence of such a conflict for Board members, to complement the existing general provisions.

While the SCA acknowledged that functional immunity may exist by virtue of

the specific legal context in which the NHRI operates, it encouraged the DIHR to advocate for legal protections for its Board members and staff from legal liability for actions taken in their official capacity.

Further, acknowledging that the DIHR By Laws are clear on the grounds for dismissal of Board members, the SCA recommended that DIHR advocate for amendments to its By Laws that would outline an independent and objective procedure for the removal of its Board members.

Finally, noting that the DIHR had indicated a need for adequate funding to service its additional mandate in Greenland, the SCA highlighted that, in order to function effectively and fulfil its mandate, an NHRI must be provided with an appropriate level of funding to freely determine its priorities and activities.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Danish Institute for Human Rights received recommendations from the SCA in the October session in 2024 and is currently deciding how to best follow-up to the recommendations received.

Follow-up on the recommendations issued by European actors

In the national baseline report regarding the situation in Denmark, page 2, it follows that improvement is needed in the following key areas:

"CM Principle 13 on measures to protect and support NHRIs: There are no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions). The Danish Institute for Human Rights reports though that Rules of immunity are uncommon in Danish legal tradition. Thus, save for the royal and diplomatic immunity no other individuals are subject to special rules of immunity, including the judiciary and the ombudsman."

Regarding CM principle 13, the Danish Institute for Human Rights maintains the position that rules of immunity are uncommon in the Danish legal tradition. Thus, save for the royal and diplomatic immunity no other individuals are subject to special rules of immunity, including the judiciary and the ombudsman. The matter of functional immunity has never been raised in a Danish context and therefore cannot be regarded as a matter affecting the public confidence in the NHRI. Similarly, it cannot be regarded in any way as

hampering the ability to engage in critical analysis or impinging on the independence of senior leadership.

“CM Principle 15 to facilitate cooperation with various levels of administration in Member States and other human rights actors: the National Mechanism for Reporting and Follow-up is an Inter-Ministerial Human Rights Committee (IHRC) consisting of all ministries that deal with human rights issues. While the IHRC meets on occasion with civil society organisations and the NHRI, the Danish Institute for Human Rights notes that this can be strengthened.”

Regarding CM principle 15, the Danish Institute for Human Rights assesses that there has been no progress as the Inter-Ministerial Human Rights Committee still meets on occasion with civil society organisations and the NHRI. Despite the fact that the Inter-Ministerial Human Rights Committee is an organ that coordinates between relevant ministries and as such doesn’t engage in policy making, the Institute assess that it is relevant for civil society organisations and the NHRI to participate in all meetings in the Committee.

Follow-up to recommendations on gender-specific issues

In the SCA report from October 2024, the SCA notes the efforts undertaken by the Danish Institute for Human Rights to address gender-based violence including through conduct of consultations, issuance of reports and recommendations to parliament and government, and highlighting human rights implications of government policies.

The SCA further notes the intersectional work of the Danish Institute for Human Rights on gender-based violence including its report on foreign women stranded in violent marriages, efforts in addressing sexual harassment, and the efforts undertaken with the Human Rights Council of Greenland to remove the territorial exclusion of Greenland to the Istanbul Convention.

The SCA encourages the Danish Institute for Human Rights to continue to implement long term and proactive strategies to counter retrogressive national policies.

As mentioned, the Danish Institute for Human Rights is currently deciding how to best follow up to the recommendations received.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI has changed since January 2024.

The Danish Institute for Human Rights’ mandate has been extended in the area

of on equal treatment. Pursuant to Article 13 in the Danish Gender Balance Act, the Danish Institute is now also tasked with promoting, analysing, monitoring and supporting gender balance in corporate bodies of listed companies. The additional mandate applies from 1 January 2025.

The NHRI believes its regulatory framework should be strengthened. As a follow-up to the SCA report from October 2024, the Danish Institute for Human Rights has identified a need for updating the statutes of the Danish Institute for Human Rights to clarify the process for deciding what constitutes a conflict of interest.

NHRI enabling and safe space

NHRI enabling and safe space

NHRI's mandate, independence and role

Relevant state authorities have a good awareness of the NHRI's mandate, independence and role. However, the Danish Institute for Human Rights experiences that the awareness of the institute as an NHRI varies between different state authorities. Consequently, it was added to the institute's strategy for 2030 as a core strategic goal to make the identity of the institute clear to all stakeholders. The mixed awareness of the institute's role as an NHRI was underlined in a stakeholder analysis that was produced for the institute in connection with the preparation of the new strategy.

Access to information and involvement in policy-making processes

The NHRI has adequate access to information and to policy makers and it is involved in all stages of legislation and policy making with human rights implications.

The Institute notes that in general consultations on the human rights implications of draft legislation and policy strategies are timely. In general, the Institute also has access to information from policy makers.

State authorities' follow up to the Danish NHRI recommendations

Since 2022, there have been no changes in relation to the legislation, state measures or practices to ensure timely and reasoned responses to NHRI recommendations. The addressees of the Danish NHRI's recommendations are not legally obliged to provide a reply. The Danish Institute for Human Rights found, however, that state actors tend to take recommendations from the Institute into thorough consideration.

Adequate resources

The NHRI has adequate resources to carry out the full breath of its mandate.

However, in 2014, the Danish Institute for Human Rights was appointed as the NHRI in Greenland. Although the mandate of the Danish Institute for Human Rights was extended the appointment did not come with an increase in budget in the Danish Institute for Human Rights' core funding on the Danish Finance Act. However, in addition to the core funding in 2021-2024, the Danish Institute for Human Rights did receive a special allocation of funds on the Danish Finance Act for promoting human rights in Greenland.

Since 2014, it has become increasingly more resourceful to fulfil the mandate as NHRI in Greenland. Nonetheless, the special allocation of funds for promoting human rights in Greenland has not been extended after 2024. The need for adequate funding was raised towards the SCA in relation to the SCA's re-accreditation of the Danish Institute for Human Rights in 2024. In SCA's review of the Danish Institute for Human Rights the SCA highlighted that where an NHRI has been mandated with additional responsibilities, it must be provided with adequate funding to effectively fulfil these duties.

Functional immunity of NHRI staff and leadership

The NHRI's leadership and staff do not enjoy functional immunity and in view of the Institute notes that there is no need for any additional measures to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation.

There are no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions). Rules of immunity are uncommon in Danish legal tradition and only apply to members of Parliament and of the royal family. No other individuals are subject to special rules of immunity, including the judiciary and the ombudsman. The matter of functional immunity has never been raised in a Danish context and therefore cannot be regarded as a matter affecting the public confidence in the NHRI. Similarly, it cannot be regarded in any way as hampering the ability to engage in critical analysis or impinging on the independence of senior leadership.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Danish Institute for Human Rights recommends to national authorities that the core funding for the Danish Institute for Human Rights on the Danish Finance Act is increased appropriately to ensure adequate funding to fulfil the mandate as NHRI in Greenland.

Denmark 2025

Information from: The Danish Institute for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The NHRI's human rights monitoring and reporting found evidence of laws, policies and/or state measures that create barriers in access to information and law and policymaking processes.

Barriers in access to information and law and policymaking processes

Since the Public Access to Information Act was amended in 2013, there has been ongoing criticism of the so-called ministerial-service-rule and the so-called parliamentary-politician-rule in the Act. The rules exempt the public from access to a wide range of documents.

The ministerial-service-rule exempts the public from access to documents that are exchanged with a subordinate authority or with another ministry at a time when a minister has or will need advice and assistance from the civil service.

The parliamentary-politician-rule applies to documents prepared and exchanged between ministers and members of parliament in connection with legislative matters or other similar political processes.

Both rules allow for an absolute exemption from access to documents even after a legislative process or process related to another political initiative has been finalised.

In 2023, both the European Commission and Djøf's independent expert committee, the so-called Dybvad Committee, recommended that the two rules be reduced. In early 2024, a majority in the Danish Parliament agreed to set up a preparatory committee to amend the Public Access to Information Act with a special focus on broader access to information in political decision-making processes, including professional assessments.

The Danish Institute for Human Rights has previously emphasised that the so-called parliamentary-politician-rule should be abolished and that the ministerial-service-rule - at the very least - should be restricted so that it can only be used in narrowly political discussions and never in relation to professional matters

and assessments.

Support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders

The Danish Institute for Human Rights has established a helpline called the Discrimination Helpline. The Discrimination Helpline is a legal helpline for people who have experienced discrimination due to their handicap, gender, sexuality, gender expression, gender characteristics, gender identity, age, religion, race or ethnic origin. The helpline can give legal counselling and assistance in discrimination cases. Thus, the NRHI provides legal support and assistance in cases of discrimination due to gender and LGBTQ+. Besides being involved in concrete cases, the NHRI is continuously in dialogue with civil society organisations on how to best promote equal treatment and protect against discrimination.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The NHRI's human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, namely verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, online and/or offline threats or harassment and intimidation, harassment or violence before, during or after protests.

The NHRI finds it very concerning that a third of Danish citizens has avoided expressing their opinion on social media and ten percent has avoided expressing their opinion in public due to a fear of negative consequences, according to a report from the Danish Institute for Human Rights. The report looks at the broad public and shows that the fear of negative consequences in the form of violence, harassment, surveillance etc. have a significant impact on the individual's willingness to participate in the public debate online and in the public space..

The report published looks into experiences with self-censorship for the general public. It concludes that people who have avoided expressing their opinions on social media and/or in public due to a fear of negative consequences mostly do so due to a fear of negative reactions (threats, violence, harassment, or offensive comments) from other private individuals. Some also fear that their data will be misused by social media or other corporations, that their expressions will lead to consequences from their employer, or that they are under surveillance from the public authorities. Only a few avoid expressing their opinion due to a fear that their expression is illegal.

Gender aspect

No specific gendered aspect has been identified in the report. However, in a coming report to be published in the first half of 2025, the Danish Institute for Human Rights concludes that sexual minorities are more likely to avoid expressing their opinion than heterosexuals (47 % of persons identifying as a sexual minority have avoided expression their opinion due to a fear of negative consequences the past 12 months compared to 30 % of persons identifying as heterosexuals).

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
To promote civil society space and human rights defenders, the NHRI has awarded prizes, organised promotion and campaigns as well as joint meetings and roundtables.

Award of prizes

The Danish Institute for Human Rights awards the Danish Human Rights Prize (Menneskerettighedsprisen) yearly.

In February 2024, the Danish Institute for Human Rights awarded the Danish Human Rights Prize (Menneskerettighedsprisen) to Ms. Naja Lyberth and the so-called Spiral Case Working Group. The prize was awarded for shedding light on the abuse of thousands of Greenlandic women and girls who have had their human rights violated by the Danish state by having a spiral (IUD) inserted without their consent. In the podcast The Spiral Campaign (Spiralkampagnen), made by the Danish news media DR, it was reported that from 1966 to the 1970s, 4,500 spirals were placed on almost half of the 9,000 fertile girls and women in Greenland. The Spiral Campaign was carried out as part of the Danish authorities' strategy to reduce population growth in Greenland.

In December 2024, the Danish Institute for Human Rights awarded the Danish Human Rights Prize to the organisation Repatriate the Children. The prize was awarded for rescuing Danish children and their mothers from prison camps in Syria after the Danish government had refused to evacuate them. Behind Repatriate the Children are journalist Natascha Rée Mikkelsen and lawyer Knud Foldschack, who founded the organisation in September 2020 after visiting the Syrian prison camps, al-Hol and Roj. On 29 August, the Danish Supreme Court ruled that the Danish government was obligated to offer assistance to evacuate the last Danish child with her mother from Roj camp in Syria.

In 2024, the Danish Institute for Human Rights collaborated with the

documentary film festival CPH:DOX to establish a new award: the HUMAN:RIGHTS AWARD. The award honours films that vividly deepen understanding of the human rights challenges we face today. As part of the partnership, several of the Danish Institute for Human Rights' experts and researchers participated in debates on various human rights topics during the film festival. The debates took place in both Danish and English.

Promotion Campaigns

In collaboration with Astralis (esports organization) and the Center for Digital Pedagogy, the Danish Institute for Human Rights launched a https://menneskeret.dk/arrangementer/gaming-digital-respektfocus on unwanted sexual attention in gaming. The campaign featured video interviews with gamers from Astralis' women's team and talent team and was promoted through Astralis' channels. focusing on unwanted sexual attention in gaming. The campaign featured video interviews with gamers from Astralis' women's team and talent team and was promoted through Astralis' channels.

Additionally, the Danish Institute for Human Rights developed an educational initiative to equip esports organizations with the tools to prevent and address unwanted sexual attention and harassment in gaming.

Joint meetings and/or roundtables

The Danish Institute for Human Rights, among other things, hosted two debate events.

The first one was titled Can Your Chatbot Learn Not to Discriminate? The Danish tech experts behind DR's podcast Prompt, Henrik Moltke and Marcel Mirzaei-Fard, discussed how artificial intelligence challenges human rights.

The second was called How Do We Create a Sexism-Free Environment in Vocational Schools? The debate focused on sexually charged comments and gender-stereotypical prejudices as part of everyday life for many women in Denmark's vocational schools. Three female students shared how they stand up against sexism and work towards greater equality and better well-being in their schools. The event was held in collaboration with Divérs.

As in previous years, the Danish Institute for Human Rights in July 2024 co-hosted the initiative RE:Act on Roskilde Festival, Denmark's largest music festival. Over the course of three days, the Danish Institute for Human Rights, Rapolitics and Roskilde Festival gathered people for various artistic events and debates to shed light on human rights issues, such as freedom of expression and the right to one's own body and other human rights relevant to the festival's guests in different ways. From the Danish Institute for Human Rights, Senior Researcher Steven Jensen gave a talk on the history of human rights and their connection to the Global South, while Ole Reitov, founder and former

director of Freemuse, gave a speech on the state of artistic freedom worldwide.

Awareness-raising

On 10 December 2024 (UN Human Rights Days), the Danish Institute for Human Rights co-hosted an event with Talerskolen Røst (non-profit organisation that educates young people in performing speeches) and The Royal Danish Theatre (Det Kongelige Teater) where 10 young people gave speeches on various human rights topics in the foyer of the Royal Danish Opera . The event was the result of training sessions in four workshops that had prepared the participants for the speeches.

In terms of actions taken by the NHRI to protect civil society space and human rights defenders, the NHRI highlights monitoring, legal assistance and the issuing of recommendations and opinions.

Legal assistance

In 2024, the Danish Institute for Human Rights intervened before courts and provided support to lawyers in a number of human rights cases. For instance, the institute made a third-party intervention in a case before the Danish Supreme concerning the governments' obligation to bring home a Danish child and his mother from the Roj Camp in Syria. The case was brought by Repatriate the Children - Denmark which is a non-profit children's rights organisation established by a lawyer and a journalist.

Recommendations and opinions

In June 2024, the Danish Institute for Human Rights published a report on the right to freedom of speech and chilling effect (Ytingsfrihed og selvcensur). The report shows, inter alia, that one in 10 Danes (10 %) have refrained from participating in public debate in the physical public space through demonstrations, public meetings, etc. in the past year because of fear of negative reactions. Fear of violence and threats is the reason for self-censorship for one in three (31 %) of those who have refrained from participating in public debate in a physical space in the past year.

Capacity building

The Institute has not conducted capacity building activities directed at HRDs. Please note, that in 2024, the Danish Institute for Human Rights has adopted a new 2030 Strategy that commits the Danish Institute for Human Rights to provide training that empowers civil society and relevant professionals to work with human rights.

The most important needs to advance the protection of HRDs nationally

The Danish Institute for Human Rights considers it to be most important to ensure a civic space, where everybody enjoys real freedom of speech without the fear of negative reactions.

Examples of NHRI engagement in this area with international and regional mechanisms in support of human rights defenders and civil society

The Danish Institute for Human Rights contributed in 2024 to OHCHR's thematic report to the UN Human Rights Council on best practices and challenges for assessing civic space trends. (See A/HRC/57/31). The Danish Institute for Human Rights' key recommendations included that civic space assessments should be anchored in human rights indicators, that concepts and methodologies used in these assessments should be based on human rights, and that civic space monitoring should be built on a greater interaction between human rights defenders themselves and national human rights institutions, where the context allows.

The Institute also contributed in 2024 to the thematic report of the UN Special Rapporteur on the situation of human rights defenders to the UN General Assembly on the contribution of human rights defenders to the 2030 Agenda for Sustainable Development. The Institute highlighted the importance of human rights data and the ways in which human rights-based monitoring of civic space can facilitate the availability of more disaggregated data on violations against human rights defenders and to a human rights-based implementation and monitoring of the 2030 Agenda for Sustainable Development. (See A/79/123).

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
It is important that the Danish Police and the Public Prosecutor's office ensure an effective investigation and prosecution of illegal social media content.

Sources of information from the Danish Institute for Human Rights, the Ministry of Justice and the Attorney General's Office indicate that there is a significant number of unreported cases and a deficient legal practice. This is problematic because the state has a human rights obligation to remove illegal content online. Furthermore, it is problematic because hate speech and other digital offences can have a chilling effect on freedom of expression.

Both investigations and prosecutions should be strengthened, while it should also be investigated whether social media is partly responsible in some cases.

Recommendations to European actors on protection and promotion of CSOs and HRDs

- Strengthen the monitoring of civic space in Europe, anchoring these assessments, including their indicators and methodologies, in international and European human rights standards.
- Support and strengthen the mandate of the UN SR on Environmental Defenders under the Aarhus Convention to address increasing attacks against human rights defenders in environmental matters in Europe, including against their right to peaceful protest as, among others, a legitimate exercise of the public's right to participate in decision-making and other human rights.

Denmark 2025

Information from: The Danish Institute for Human Rights

Functioning of justice systems

Based on the NHRI's human rights monitoring and reporting, significant challenges affecting access to justice and/or effective judicial protection can be identified in terms of delays in court proceedings and access to legal aid.

Delays in court proceedings

In 2023, the Danish courts received a substantial financial boost to tackle the problem of long case-processing time. Furthermore, reforms have been made in 2024 to simplify and shorten the procedures at the courts.

However, in November 2024 the Danish Bar and Law Society (Advokatsamfundet) published a Rule of Law Analysis (Retssikkerhedsanalysen 2024) that shows that only 18 % of the Danes are confident that the courts while give a ruling within reasonable time. 40 % of the Danes have low trust or no trust at all that the courts while give a ruling w within reasonable time. Moreover, 76 % of Danish lawyers believe that long case-processing time has impaired the rule of law for Danish citizens. Thus, the lawyers in general (still) believe that long case-processing time is the largest challenge for upholding rule of law in Denmark.

Access to legal aid

In 2020, the Danish Ministry of Justice set up a Committee on Legal Aid and Free Process to review the rules on legal aid and free process at the courts. The

purpose of the committee was to review the current legal aid and the framework for free legal aid and make recommendations for changes to the legal framework. The committee's work should have been completed before the summer of 2022 but was postponed.

In December 2024, the Danish Minister of Justice informed the Legal Affairs Committee (Folketingets Retsudvalg) that he had decided to ask the Danish Council on Public Administration of Justice (Retsplejerådet) to look into the legal framework of legal aid and free process instead of the Committee on Legal Aid and Free Process. The Council is expected to present their final report by the summer of 2026. Thus, the reform of access to legal aid will need further time to be finalised.

Implementation by state authorities of European Courts' judgments

In June 2024, an amendment to the Danish Administration of Justice Act was passed that allows the Danish National Prosecutor or a convicted person to request reopening of a case dealt with in the criminal justice system in order to comply with a final judgement from the European Court of Human Rights.

Reopening of cases could, for instance, be relevant for issues such as deportation, entry bans, etc., where the European Court of Human Rights rules that Denmark has violated a person's human rights as a consequence of such deportation or entry bans. However, reopening of cases is not limited to these issues.

NHRI actions to support implementation of the European Courts' judgments

To support implementation of the European Courts' judgments, the Danish NHRI reports having referred to the judgments of European Courts in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, engagement with courts and awareness raising of the general public.

Engagement with a national coordinator of the execution of judgments of the European Court of Human Rights

The Danish Institute for Human Rights continuously is in dialogue with the national coordinator of the execution of judgments of the European Court of Human Rights.

Engagement with courts

As mentioned, the Danish Institute for Human Rights made a third-party intervention in a case before the Danish Supreme concerning the government's obligation to bring home a Danish child and his mother from the Roj Camp in Syria. The Supreme Court ruled in favour of the child and his mother.

The Danish Institute for Human Rights made a third-party intervention in preliminary ruling to the European Court of Justice in the case C-417/23 – Slagelse Almennyttig Boligselskab, Afdeling Schakenborgborgvænge. This is the first time a NHRI has intervened in a case before the European Court of Justice. In the national case the Danish High Court (Landsretten) had asked the European Court of Justice whether the use of the criterion 'non-Western background' in the Danish Public Housing Act was covered by the 'ethnic origin' in the Danish Ethnical Equal Treatment Act which is based on an EU directive.

Awareness raising of the general public

All cases that Denmark is party to are mentioned in a news piece on the Danish Institute for Human Rights' website.

Follow-up on the recommendations by European actors on justice systems

In the Country Chapter on the rule of law situation in Denmark in the European Commission's 2024 EU Rule of Law Report, it is recommended to Denmark to "Complete the review of the legal aid system, taking into account European standards on legal aid."

As mentioned, the Danish Minister of Justice has asked the Danish Council on Public Administration of Justice (Retsplejerådet) to look into the legal framework of legal aid and free process instead of the Committee on Legal Aid and Free Process. The Council is expected to present their final report by the summer of 2026.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Danish Institute for Human Rights recommends that:

- The government and the Danish Parliament establish an independent and permanent public board with the authority to initiate human rights investigations in cases of alleged systematic violations with a focus on human rights. Based on the investigations carried out, the board should be mandated to pay compensation to victims.
- The Minister of Justice requests the Danish Council on Public Administration of Justice (Retsplejerådet) to include issues of the courts' determination of legal fees in free legal aid cases in their ongoing work on legal aid.

Denmark 2025

Information from: The Danish Institute for Human Rights

Media freedom, pluralism and safety of journalists

Based on the NHRI's human rights monitoring and reporting, the significant challenge affecting media freedom Is reported to be access to public interest information/documents.

The Danish Access to Public Administrative Documents Act still largely exempts access to documents on most political decisions. The NHRI notes, however, that in 2024 an expert committee has been appointed by the Danish Government and is currently working on recommendations to amend the law to ensure further access to documents related to political decisions.

Measures to follow-up on the recommendations concerning media freedom, issued by European actors

The 2024 EU Rule of Law Report recommended further advancement with the process to reform the Access to Public Administrative Documents Act. This work is still in progress.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Danish Government and Parliament should, in the interest of freedom of information, limit the access to exempt information in accordance with the Danish Access to Public Administrative Documents Act to what is strictly necessary.

Denmark 2025

Information from: The Danish Institute for Human Rights

Other challenges to the rule of law and human rights

In August 2024, a politician from the Social Democratic Party in Denmark (Socialdemokratiet) published a book in which he proposed that the Danish Parliament (Folketinget) should only selectively comply with judgments from the European Court of Human Rights.

In the view of the Danish Institute for Human Rights, the proposal would both violate conventions and weaken the international legal order.

Furthermore, it is the view of the Danish Institute for Human Rights that the statement is part of a very concerning movement in Denmark, Europe and the rest of the world where democratic leaders distance themselves and political decisions from human rights.

Persisting structural human rights issues impacting on the national rule of law environment

Data retention

As further mentioned in the Danish Institute for Human Rights' contribution to the ENNHRI Rule of Law Report in 2024, the Institute would like to point the attention to persisting issues with data retention.

Use of coercive measures in psychiatric care

Despite political ambitions to reduce the use of coercion in psychiatry, the trend is going in the opposite direction.

In 2020, the European Court of Human Rights convicted Denmark of violating a patient's human rights in a case involving forced immobilisation. The Council of Europe's Committee for the Prevention of Torture and the UN Committee on the Rights of Persons with Disabilities and the Committee against Torture have also criticised the Danish use of coercion.

Data from the Danish Health and Medicines Authority shows that even in 2023, Denmark did not succeed in reducing the use of coercion in psychiatry.

According to the latest figures from the period 2022-2023, 5,686 adult patients were subjected to coercion in psychiatry over the course of a year. Over a decade ago, 2011-2013, the number of adult patients was 5,632, and in the intervening period there have been no significant changes.

At the same time, the total number of incidents involving coercive measures has increased significantly for adult patients over the past three to four years. This means that patients who are subjected to restraint are subjected to more restraint incidents today than ten years ago.

Long-term restraints over 48 hours have more than halved from 2011-2013 to

the latest figures from 2022-2023. During the same period, there has been an increase in the number of other coercive measures, particularly frequent, short-term restraints, restraints and emergency sedation with force.

The decrease in one form of coercion is replaced by an increase in other forms of coercion. Acute tranquillisers are now being administered coercively more often. In 2022-2023, patients were forcibly administered acute tranquillisers 10,152 times. This number has remained stable for the past three years, but looking back ten years, there has been a significant increase.

Similarly, patients are more often subjected to restraints. In 2022-2023, the number of patient restraints was 4,695. This number has been decreasing over the last three years, but looking back ten years, there has been a significant increase.

More children and young people are also being subjected to coercion in psychiatry. In 2023, 342 children were subjected to coercion at least once, compared to 317 children in 2018, according to figures from the Danish Health Authority. Children and young people who are subjected to coercion are also subjected to coercion multiple times. In recent years, there has been a significant increase in the frequency of coercion. In particular, the use of restraints, tranquillisers and the restraint of children is on the rise.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Danish Institute for Human Rights recommends, with a view to upholding the rule of law and human rights, that Danish and European politicians and authorities firmly support human rights, inter alia by supporting the European Convention of Human Rights and the European Court of Human Rights.

Estonia 2025

Information from: The Chancellor of Justice

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA

recommendations

International accreditation status and SCA recommendations

The Chancellor of Justice was accredited with A-status in December 2020. The Subcommittee on Accreditation (SCA) welcomed the establishment of the Chancellor of Justice as an NHRI and commended its efforts to promote and protect human rights in Estonia.

Regarding the selection and appointment of the Chancellor of Justice, the Estonian NHRI clarified that, in practice, the Estonian President consults all political parties represented in the Parliament as well as the legal community before submitting a proposal to the Parliament. However, the SCA took the view that the process enshrined in the NHRI's enabling legislation was not sufficiently broad and transparent. The SCA encouraged the Chancellor of Justice to advocate for the formalization and application of a process that includes all requirements under the UN Paris Principles and SCA General Observations.

Further, the SCA noted that the legislation is silent on the number of times the Chancellor can be re-appointed, which leaves open the possibility of unlimited tenure. The Chancellor of Justice reports that, in the past, re-appointment has not occurred. Nevertheless, the SCA encouraged the NHRI to advocate for amendments to the legislative basis of the NHRI to ensure that the term of office be limited to one reappointment.

Finally, the SCA encouraged the Estonian NHRI to advocate for an appropriate legislative amendment to make explicit its mandate to encourage ratification of and accession to regional and international human rights instruments. However, the SCA acknowledged that the Estonian NHRI interprets its mandate broadly and carries out activities in this regard in practice.

The SCA will consider the reaccreditation of the Estonian NHRI in its first session in March 2025.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In relation to the SCA's recommendation to promote the ratification of regional and international human rights instruments, the Chancellor of Justice continues to promote and reference international recommendations, general comments, and other human rights instruments in her opinions. Regarding the recommendation on selection and appointment, the Chancellor of Justice has

thoroughly addressed the issue in the 2024 report.

In the ENNHRI's baseline report, a key area noted to need improvement was budgetary independence, which has been fully implemented.

In June 2024, amendments to the State Budget Act entered into force, guaranteeing the Chancellor of Justice (along other constitutional institutions) greater budgetary independence from the executive power, as provided in the State Budget Act, § 251(3) clause 12 and § 38(21). As of then, the budget of the Chancellor is discussed directly in the Parliament Financial Committee and no longer needs a prior review by the Government.

The Chancellor of Justice's 2025 budget was prepared for the first time using new principles. Despite the challenging economic situation and the Government of the Republic's plans to reduce the budgets of state institutions, this decision did not impact the budgets of constitutional institutions, including the Chancellor of Justice.

Regulatory framework

Regulatory framework

With regards to changes in the national regulatory framework applicable to the institution of the Chancellor of Justice, the Estonian NHRI reports that the most relevant change affecting the institution is, as mentioned above, the amendment to the State Budget Act.

NHRI enabling and safe space

NHRI enabling and safe space

The Chancellor of Justice has initiated a database of all the proposals and requests that the Chancellor has made to bring a norm into line with the Constitution. This list makes it easier for those concerned and everyone else to follow up on the implementation. All published opinions, positions, and recommendations of the Chancellor of Justice are readily accessible in the opinions database.

The Chancellor of Justice is granted strong legal guarantees that require authorities and officials to respond to Chancellor's inquiries, consider recommendations, and cooperate in proceedings. Additionally, the Chancellor has the right to address the Riigikogu and the Government of the Republic, ensuring direct engagement in legislative and executive discussions. When necessary, the Chancellor also communicates proposals and recommendations publicly through the media to provide clarity and transparency.

Internally, the Office of the Chancellor of Justice conducts quarterly meetings to assess the progress of ongoing proceedings and the implementation of proposals and recommendations. The Chancellor believes this structured approach has proven to be effective and well-founded.

In relation to the enjoyment of functional immunity by the leadership and staff of the Estonian NHRI and the presence of sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions), the Chancellor reports that measures are in place. In fact, existence and independence of the institution is enshrined in the Constitution chapter 12 and the Chancellor of Justice Act §§ 8-11. The Chancellor of Justice can be removed from office only by a court judgment (§ 140 subsection 2 of the Constitution). The Chancellor of Justice can be prosecuted under criminal law only on the proposal of the President of the Republic, and with the consent of the majority of all members of the Riigikogu (§ 145 of the Constitution).

Furthermore, attacks against the Chancellor of Justice are punishable under the Penal Code § 244. Violence, insult and defamation against staff of the Chancellor of Justice (as for any representative of state authority), is punishable under the Penal Code §-s 274, 275, 2751.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The Chancellor of Justice recommends continuing guaranteeing the office sufficient and stable funds to fulfil all its functions.

Estonia 2025

Information from: The Chancellor of Justice

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Estonian NHRI notes that there has been evidence of practices creating barriers in access to information and law and policymaking processes.

In fact, a recent analysis by the Ministry of Justice and Digital Affairs reveals that public information is difficult to find in the document registers. There is also malpractice of not issuing public information if it is in the same document with information with restricted access. Based on the analysis, a decision will be made on whether and how the Public Information Act will be modified. In the analysis it is recommended to improve legal clarity, instructions for the information holders and search from document registers. Also, grounds for restricting access to information needs concretizing.

The Estonian advocacy organizations are usually happy to provide their opinion in the drafting process, if the question is narrow and clear, and there's a reasonable amount of time to respond. However, the Chancellor of Justice has received complaints about very short deadlines and extensive, confusing materials in the consultation process. This is especially problematic when people fail to differentiate between the legislative proposal and the actual draft act. Then, the process becomes time-consuming, with the materials constantly changing, leaving people frustrated that their perspectives were not considered or understood.

The Chancellor has expressed the opinion that in cases where it is necessary to correct an error in a law or to solve a problem that has arisen, drawing up a legislative proposal could be replaced by preparing a clearly worded small-scale draft and explanatory memorandum. In this way, those affected by the amendment can be given sufficient time to put forward concrete proposals to improve the draft. This would save time for everyone concerned.

In relation to the provision of specific support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders, the Estonian NHRI provides that there are human rights defenders who promote gender equality and LGBTQ+ rights among the members of the Advisory Committee on Human Rights established by the Chancellor of Justice.

In May 2024, the Advisory Committee addressed the issue of sexual violence and touched upon the so-called consent law, which seeks to change the definition of sexual violence. Unlike the current coercion and violence-based approach, the consent-based definition of rape bases on the assumption that rape is any type of sexual intercourse against person's will. At the meeting, the Praxis report „Seksuaalvägivalla kohtueelne uurimine“ (Pre-trial investigation of sexual violence) was examined, as was the analysis commissioned by the Ministry of Justice, titled „Seksuaalse enesemääramise vastaste süütegude koosseisude vastavusest Euroopa Nõukogu Istanbuli konventsioonile“ (On compliance of the statutory definitions of offences against sexual self-determination with the Istanbul Convention of the Council of Europe).

See also subchapter on the committee in the 2024 annual report of the Chancellor of Justice.

The Chancellor of Justice has also received information that civil society organisations face some financing concerns in relation to public funding. Ministries are supporting NGOs of particular policy areas through strategic partnerships that are formed usually for three-year periods. However, due to delayed partnership calls, there may be financing gaps that can jeopardise the functioning of especially smaller organisations.

Limitations to actions of civil society organisations

Chancellor of Justice reiterates that the provisions regulating prohibited donations to political parties may excessively restrict the freedom of action of non-governmental organisations, as also indicated in the 2024 report (page 12).

The question arose again in this reporting period in relation to one among the dozens of questions submitted to the Political Parties Financing Surveillance Committee. The case of the Liberal Citizen Foundation (SALK) stood out due to its exceptional nature and the high level of public attention.

SALK is an organisation that stands for the open society, sustainable environment, minority rights, solidarity and free media to counterbalance anti-rights tendencies in the society. Before 2023 Riigikogu elections, the organisation was offering political parties and candidates data and tools in support of arguments based on human rights, facts and research.

After the 2023 Riigikogu elections, the attention of the Political Parties Financing Surveillance Committee was drawn to the allegation that SALK had made a prohibited donation to some political parties by allowing them to get acquainted free of charge with the data of studies and analyses conducted by the foundation.

By July 2024, the Surveillance Committee had calculated the amount of the alleged prohibited donation based on SALK's financial reports and overviews of the cost of specific surveys and sent a precept to four political parties to refund that amount. Two of the political parties that received the claim for a refund challenged the Surveillance Committee's decision.

The Chair of the Surveillance Committee commented on the Committee's decision: political parties should think more carefully about accepting services from legal persons that can be measured in money. The head of SALK, however, felt that the Political Parties Act should be updated and ways in which the non-governmental sector can have a say in politics should be formulated.

Inclusion of civil society organisations in consultation mechanisms

The strategic planning framework is derived from §§ 19 and 20 of the State Budget Act, which outline the general principles and types of strategic

development documents. This framework is further supplemented by the 2019 Government of the Republic Regulation No. 117, "Procedure for the Preparation, Implementation, Reporting, Evaluation, and Amendment of the Sector Development Plan and Programme." Under this regulation, the responsible minister must establish a steering committee for the sector development plan, which includes, among others, representatives of interest groups (including civil society organisations).

The requirement for stakeholder inclusion is also outlined in the Government of the Republic Regulation No. 180 of 22.12.2011, "Rules for Good Legislative Practice and Legislative Drafting," as well as in the Riigikogu Rules of Procedure and Internal Rules Act.

To further support stakeholder inclusion, both the Government Office and civil society representatives have developed best practices for effective engagement.

NHRI’s activities to support civil society space and Human Rights Defenders (HRDs)

NHRI’s activities to support civil society space and Human Rights Defenders (HRDs)

Civil society organisations frequently bring applications to the Chancellor of Justice on possible breaches of human rights by public authorities. Consequent recommendations issued by the Chancellor benefit the groups for whose interests the organisations stand for. For example, the Chancellor of Justice has cooperated with organisations representing people with disabilities to promote accessibility and to evaluate need for motor vehicle tax exemptions.

The Chancellor of Justice sought advice from the members of the Advisory Committee on Human Rights also in relation to equal treatment and data protection, patient and environmental law.

Together with the child human rights defenders, the Chancellor’s Office translated into Estonian the summary of General Comment No 26 of the UN Committee on the Rights of the Child. This summary is prepared for children and deals with the impact of climate change on the rights of the child.

NHRI’s activities to protect civil society space and human rights defenders (HRDs)

The Chancellor of Justice engages in various activities to protect civil society space and HRDs, these include capacity building, complaints handling, issuing recommendations and opinions, providing institutional protection to human rights defenders and by undertaking additional mandates.

In relation to the Chancellor's mandates as NHRI, ombudsman for children and NMM for the CPRD, the Office of the Chancellor of Justice has focal points towards whom defenders of human rights, rights of the child or rights of people with disabilities can turn to.

The Chancellor works towards capacity building through consultations and meetings with the Advisory Committee on Human Rights and civil society organisations at large.

Furthermore, the Chancellor of Justice actively participates in the work of international organisations and networks uniting chancellors of justice, ombudspersons and national human rights institutions around the world. For example, the Chancellor met with representatives from the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE) to discuss the right to hold peaceful public assemblies. OSCE has prepared a report on the matter which is not yet public.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- The Chancellor of Justice recommends state and local authorities to engage meaningfully and timely with the civil society organisations in the policy- and law-making process. In this regard, the Chancellor recommends issuing clearly worded small-scale draft and explanatory memorandum for a change in law rather than issuing a full legislative proposal if it is necessary to correct an error in a law or to solve a problem that has arisen. This would allow CSOs to timely engage through concrete proposals.
- The Chancellor suggests guaranteeing that public funding of civil society organisations is organised in a predictable and equitable manner.
- The Chancellor advises to give due attention to the the freedom of action of non-governmental organisations when regulating the supervision of financing of political parties.
- The Chancellor of Justice recommends European Actors to engage meaningfully with civil society organisations and human rights defenders and to consider responsibly the input of the civil society organisations when preparing different international reports and communicating with state governments.

Estonia 2025

Information from: The Chancellor of Justice

Functioning of justice systems

Access to legal aid

As a rule, everyone’s right of recourse to the courts in case of violation of their rights and freedoms is indeed guaranteed. However, there is room for improvement on some issues.

The Estonian Bar Association assesses that the workload of state legal aid providers is excessive and there is a need to widen the pool of attorneys willing to offer quality state legal aid. The Estonian Human Rights Centre is of the opinion that the state's legal aid system requires reform to ensure the right to a fair trial and the right to defence.

Timely and effective execution of national courts’ judgments

Courts have awarded compensation for non-pecuniary damage from the Estonian State when despite court judgment a parent could not communicate with their child (see also another case). The Estonian state has concluded in the framework of the European Court of Human Rights proceedings an agreement with the parent, recognizing the violation of the parent's right concerning a custody and contact dispute, and paying compensation to the parent.

In 2024, the Chancellor of Justice proposed to the Minister of Justice and Digital Affairs, and to the Minister of Social Protection to analyze whether it would be necessary to supplement the Code of Enforcement Procedure in such a way that the duties and responsibilities of the bailiff and child protection worker are clearer. The Chancellor of Justice and the Estonian Chamber of Enforcement Agents and Trustees in Bankruptcy also discussed over the possibilities to accelerate enforcement of court rulings on contact rights between a child and a parent.

Under the Courts Act, alongside the chairs of the courts and the Supreme Court en banc, the Chancellor of Justice is the only institution outside the court system that may initiate disciplinary proceedings in respect of a judge. If the Chancellor of Justice determines that a disciplinary violation may have occurred, she will submit the case materials to the disciplinary chamber operating under the Supreme Court for consideration. The final decision in the case is made by the disciplinary chamber.

The Chancellor does not assess substantive issues concerning administration of justice. She can only assess whether a judge has failed to fulfil their official duties or has behaved disreputably.

Every year there are cases where the Chancellor examines the work of judges more specifically in the information system of the courts in order to decide whether a reason exists to initiate disciplinary proceedings. On some occasions, the Chancellor also asked for an explanation from a judge and/or chair of the court. In 2024, the Chancellor did not find reason to initiate disciplinary proceedings in respect of a judge in any of the cases reviewed. See also subchapter on courts in the annual report about the activities of the Chancellor of Justice.

Implementation by state authorities of European Courts' judgments:

In 2024, the ECtHR issued no judgments that identified violations of the principles outlined in the Convention by Estonia. There were four Committee decisions declaring applications against Estonia inadmissible (Lukk v. Estonia, Oolo and others v. Estonia, Noël v. Estonia and Abo v. Estonia).

An action plan in the case I.V. v. Estonia was submitted on 16/10/2024. The case concerns the lack of diligence in the adoption proceedings in 2018 leading to an unsuccessful attempt in 2021 by a Latvian national to obtain the annulment of an Estonian court decision by which his biological son was adopted by the husband of the mother (violation of Article 8).

ECtHR summarises the action plan as follows:

Individual measures: The just satisfaction awarded by the Court was paid in full and on time. On 3 July 2024, the Supreme Court granted the applicant's request to review earlier decisions in the domestic proceedings and sent the case to the Circuit Court for a new hearing and gave instructions about how to proceed with examining the case in the light of the Court's judgment. These proceedings are currently pending.

General measures: The authorities consider that raising awareness on the problem revealed by this judgment and the direct effect of the Court's caselaw into Estonian law are sufficient measures to prevent similar violations in the future. Therefore, the judgment was translated into Estonian and published in the official gazette and widely disseminated among to the authorities directly concerned.

NHRI actions to support implementation of the European Courts' judgments

The Chancellor of Justice consistently cites European Courts' rulings in her proposals and recommendations to the authorities, as well as in her opinions to

the Supreme Court on matters of constitutional supervision. The Chancellor's Office notes court cases in the numerous meetings with the wider public (f. ex. older persons, students, pupils) but also in trainings for the specialists (f. ex. child protection workers, judicial clerks, healthcare professionals). The court cases were under discussion also at the seminar that the Chancellor organised for human rights educators on International Human Rights Day 2024.

For instance, in the reporting year, the Chancellor of Justice referred to the judgments of the European Court in its opinions to the Supreme Court on the right to appeal a refusal of a long-term visa. In the Supreme Court case over language of instruction in public elementary school, the Chancellor of Justice relied in its opinion among other on the ECtHR case of Valiullina and others v. Latvia.

In the report on the visit to Viru Prison, the Chancellor of Justice referred to the case of Piechowicz v. Poland in relation to the application of a special regime for dangerous detainees. Additionally, the case of Jeret v. Estonia was cited to highlight that security measures, including restraints, must be applied based on an individual risk assessment.

The Chancellor of Justice has also cited the European Court of Human Rights case law in relation to involuntary psychiatric treatment, observance of religious customs in prison, access to the origin data of adoptees, importance of internet for the older persons, among other things.

Measures taken to follow-up on the recommendations concerning justice systems, issued by European actors

In the 2024 EU Rule of Law Report, there was one recommendation related to the justice system in Estonia. It encourages Estonia to continue efforts to reform the Council for the Administration of Courts, taking into account European Standards on councils for the judiciary.

The draft reforming the Council was submitted to the Government in February 2025. The draft envisages that the Council for the Administration and Development of Courts would be comprised of six judges from all levels, two members of Riigikogu (Parliament), one representative from each the Bar Association, the Chancellor of Justice and Minister of Justice and Digital Affairs. Judges to the council are currently and would according to the draft amendments also be elected by court en banc. The draft is available in the draft law information system.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Chancellor of Justice recommends committing in earnest to the implementation the European Courts' judgments and make the follow-up more easily and timely accessible to the wider society.

Estonia 2025

Information from: The Chancellor of Justice

Media freedom, pluralism and safety of journalists

With regards to the challenges affecting media freedom, as already mentioned above in the section on practices negatively affecting civil society space, access to public interest information and documents remains the biggest challenge for media outlets.

The recommendation to Estonia in the previous European Commission Rule of Law report on media freedom focused on advancing with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.

Ministry of Justice and Digital Affairs has been seeking input on potential revisions to the Public Information Act. In 2024, all key stakeholders were included in discussions, including representatives from the media, universities, and various interest groups. A working group has completed an analysis, based on which a decision will be made on whether and how the Act will be modified.

Estonia 2025

Information from: The Chancellor of Justice

Other challenges to the rule of law and human rights

Riigikogu is currently processing an amendment to the Constitution intending

to revoke the right to vote in local government council elections for permanent residents of Estonia who are not citizens of EU or NATO member states. The aim is claimed to be linked to national security.

The amendment may also affect the stateless persons living in Estonia and deprive them of the right to vote in local elections. There is a considerable number of stateless persons, who are residents in, but not citizens of, Estonia, nor are they citizens of any other country.

Initially, an attempt was made to suspend the local voting rights of Russian and Belarusian citizens permanently residing in Estonia with the electoral law. The Chancellor of Justice emphasized that § 156(2) of the Estonian Constitution extends the right to participate in local elections to persons permanently residing within the municipality's boundaries, and restricting this right through the electoral law is contrary to the Constitution. Also, the transcripts of the Constitutional Assembly's meetings reveal a clear position that as the local government is meant to solve local matters, all permanent residents should have the right to vote in local elections (see also news brief).

Hence, as Estonian local government council is meant to solve local problems, it is not part of the executive state power. The right to vote in these elections does not affect national security. The status of the permanent resident is granted only to those persons who have lawfully lived in Estonia for a long time, who are not a threat to public order or security, and have legal income here, and only people of that status have the right to vote in municipal council elections.

The Chancellor of Justice has also explained that most EU member states allow permanent residents to vote in local government elections or permit dual citizenship to expand and promote human rights. She has also noted that for the sake of social cohesion, it is reasonable to allow people to participate in decision-making rather than exclude them. It is important that as many permanent residents of Estonia as possible feel a sense of belonging to society.

With regards to persisting structural human rights issues identified which affect the national rule of law environment, the Chancellor of Justice has noticed an increasing tendency to shift significant value-based and content-related decisions - critical to safeguarding fundamental rights - away from the established frameworks of laws and government regulations. Instead, these decisions are being addressed through general administrative orders. These orders fall outside the Chancellor of Justice’s oversight and taking them to administrative court is time-consuming and resource-intensive. Additionally, first-instance administrative court decisions on the same issue or order may vary significantly. Using administrative acts to regulate broad fundamental rights issues could be a serious problem for protecting fundamental rights

effectively.

Furthermore, the principle of legality is also tested by official guidelines, recommendations and action plans, as well as, for example, by a coalition agreement. Although following these is not mandatory, and formally they should not play any role, at times real life tends to prove otherwise. In practice, guidelines sometimes have greater significance than a legal norm. Such guidelines are not subject to oversight and lack of control creates a risk of human rights violations.

The Chancellor's supervision of such guidelines and instructions of a general nature is limited to ombudsman proceedings. For example, the Chancellor of Justice can check whether guidelines comply with the principles of good administration. However, since guidelines are not formally a legislative act, it is not possible to initiate constitutional review proceedings.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- The Chancellor of Justice recommends to regard responsibly the principle of legality and regulate important human rights issues, including restrictions, obligations and prohibitions, in legislation with effective legal remedies.
- The Chancellor of Justice recommends avoiding securitisation to endanger the rule of law and protection of human rights.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

The report has been drafted by the Human Rights Centre and the views and observations presented in the report are those of the Human Rights Centre.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Finnish National Human Rights Institution (FINHRI) is comprised of the Human Rights Centre, its Human Rights Delegation, and the Parliamentary Ombudsman. All the three parts that together form the FINHRI have their own specific legal duties, whereby the role of the Human Rights Centre is to take part and represent the FINHRI in international and European human rights co-operation among its statutory tasks. It needs to be emphasized that despite the three-part structure of FINHRI, there is only one NHRI in Finland.

The FINHRI was last reaccredited with A-status in October 2019. First, the SCA recommended that adequate funding be made available to the FINHRI to perform its function as a National Preventive Mechanism under the OPCAT (only the Parliamentary Ombudsman) and National Monitoring Mechanism under the CRPD (the FINHRI joint task), and for the Human Rights Centre to work on business and human rights. The SCA encouraged the FINHRI to continue advocating for the necessary funding to ensure that it can effectively carry out its mandate.

Further, the SCA was of the view that due to the different procedures through which the annual reports of the FINHRI are submitted to the Parliament, the Parliament is not provided with a complete account of the work of the FINHRI. The SCA encouraged the FINHRI to continue to advocate for the Human Rights Centre to have the competence to table reports to the Parliament for discussion to align this procedure with that followed by the Parliamentary Ombudsman.

Finally, while recognising that the Government Bill establishing the three components of the NHRI is a source of law in Finland, the SCA encouraged FINHRI to advocate for legislative amendments that would clearly stipulate these structures as one NHRI by the Parliamentary Ombudsman Act.

The SCA considered the reaccreditation of the FINHRI in its first session in

March 2025. The outcome of the accreditation will be public at the end of April 2025.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In August 2024, the Human Rights Centre requested updates from the Ministry of Justice with a view to the SCA recommendations that would require legislative amendments to the Parliamentary Ombudsman Act. These changes include stipulating the structure of the NHRI and adding a mandate to submit Human Rights Centre's report to the Parliament. The Ministry of Justice confirmed that it continues to be cognisant of the amendments proposed by the FINHRI but clarified that as such they remain too minor to initiate a separate legislative project. The FINHRI carries on discussions on the matter.

Regulatory framework

Regulatory framework

There have been no changes in the regulatory framework of the Finnish NHRI since January 2024.

However, as recommended by the SCA, it should be explicitly stipulated in the Parliamentary Ombudsman Act that FINHRI is composed of the Parliamentary Ombudsman, the Human Rights Centre and its Human Rights Delegation. In addition, the Human Rights Centre should have a mandate to submit its report to the Parliament.

NHRI enabling and safe space

NHRI enabling and safe space

State authorities' awareness of the NHRI's mandate, independence and role

State authorities' awareness of the NHRI's independence and role still needs strengthening. According to the Human Rights Centre's experience, the authorities have difficulties in understanding the NHRI's position among other human rights actors, as the NHRI neither belongs to the category of state agencies nor NGOs and has a broad mandate with respect to human rights. This can occasionally be seen during consultations on draft laws that have

human rights implications or impact on human rights structures, and in discussions on the roles of the state and the NHRI in monitoring the realisation of human rights. Sometimes, the Human Rights Centre receives invitations to consultations or events in the category of NGOs.

Access to information

Moreover, as regards the NHRI's access to information, the Human Rights Centre notes that this is prescribed by law. Pursuant to section 111 of the Constitution, the Ombudsman has the right to receive from public authorities or others performing public duties the information needed for their supervision of legality. This right of access to information is in no way limited as regards the subject matter and it includes also the right to receive classified information. The Ombudsman cannot, however, supervise individuals outside the Ombudsman's mandate (e.g. in the private sector or private persons if they are not performing a public task), nor request information from them. As the Ombudsman has the right to request a police investigation to be carried out (also in other cases than suspected offences), there is a possibility for the Ombudsman to circumvent this limitation by proxy, i.e., to have the police hear individuals.

According to section 19 d (subsection 3) of the Parliamentary Ombudsman Act "In order to perform its tasks, the Human Rights Centre shall have the right to receive the necessary information and reports free of charge from the authorities". In connection to the national implementation of the EU AI Act, the Human Rights Centre has advocated that its access to documentation on matters related to AI would be easier if the FINHRI (as a whole institution), and not only the Ombudsman, would be included in the list of national authorities protecting fundamental rights under the AI Act article 77. The Parliamentary Ombudsman has stated that the inclusion of the FINHRI to the list could be possible but that this should not be understood as creating separate supervisory duties for the Human Rights Centre. The Human Rights Centre underlines that the division of tasks between the different parts of the FINHRI will, in any case, remain as before, as prescribed specifically by the law.

In addition, when it comes to the NHRI's involvement in different stages of legislation and policy making, the Human Rights Centre is of the view that short and sometimes overlapping consultation periods (in which several important draft laws and policies are consulted at the same time with the NHRI) increase the workload of the institution and may hamper meaningful engagement. This concerns also other actors such as the civil society representatives, as explained in the following sections.

Resources for the Human Rights Centre to carry out its mandate with increasing responsibilities

Despite additional resources received in the past years, the Human Rights

Centre's resources remain relatively small, considering its broad mandate and increasing responsibilities related to, e.g., monitoring the implementation of regional and international human rights conventions and the use of EU funds. For the years 2025-2027, small cuts are expected for the FINHRI's budgets but those are in line with the Government's general aim to produce savings in the State's economy. The FINHRI is not specifically targeted by these cuts and its functioning is not significantly impacted by them, even though some expenses will need to be cut down. Savings are made mostly from the costs of office IT services and in the Human Rights Centre on the use of external experts.

Ensuring responses to NHRI's recommendations

The follow-up of the Ombudsman's recommendation is not governed by law. There is no legal obligation for the subjects of the Ombudsman's oversight to obey the Ombudsman's recommendations or observations, either. However, in practice, the Ombudsman's recommendations are respected and well followed. When the Ombudsman finds, e.g., a shortcoming or a violation of human rights, the Ombudsman's decision normally contains a deadline for the authorities in question to report back to the Ombudsman about possible actions to remedy the situation. In the past few years, follow-up monitoring has been increased and a request to report the measures that the Ombudsman's opinions and proposals have given reason to has increasingly been added to decisions leading to measures. Based on the notification of the measures taken, it is possible to assess whether the measures have been adequate. In addition, the request alone may speed up and increase the effectiveness of the measures.

When the Parliamentary Ombudsman has intervened in observed shortcomings, the authorities have, in most cases, taken concrete measures to redress matters. If needed (following a negative response), the Ombudsman may follow-up the situation by undertaking its own initiative investigation about the failure to act upon the Ombudsman's recommendation, and to use media attention thus gained in order to reach a satisfactory outcome. In the most severe cases also prosecution might come into question as a measure.

The follow-up to the Human Rights Centre's recommendations is not governed by law, either. Based on its legislative tasks, the Human Rights Centre may use different means to encourage implementation, such as meetings or roundtable discussions with addressees of the recommendations, public statements, and trainings or other awareness raising activities.

Measures to protect and support the NHRI

According to the Constitution, there are no judicial immunities in Finland, except for the President of the Republic under certain conditions and the members of the parliament under certain conditions. However, there are sufficient legislative and policy measures in place to protect and support the NHRI, heads of institution and staff against threats and harassment and any

other forms of intimidation.

Pursuant to section 101, subsection 1 of the Constitution, it would be the High Court of Impeachment that would deal with charges brought against the Parliamentary Ombudsman for unlawful conduct in office. In practice, the Ombudsman or the Deputy-Ombudsmen have never been charged before the High Court of Impeachment.

Sections 114, 115 and 117 of the Constitution provide for an inquiry into the lawfulness of the official acts of the Ombudsman, the bringing of charges against them for unlawful conduct in office, and the procedure for the hearing of such charges. The process may be initiated only by the parliamentary committees or by a consensus of at least 10 members of the parliament. There exists no other possibility for challenging the lawfulness of the conduct of Ombudsman and it is the FINHRI's understanding that these provisions fully protect the Ombudsman and the Deputy-Ombudsmen alike from legal liability for acts undertaken in good faith in their official capacity.

Pursuant to section 118, subsection 1 of the Constitution, a civil servant is responsible for the lawfulness of their official actions. This applies to the civil servants of the Parliament, i.e. to the staff members of the NHRI, including the Director of the Human Rights Centre.

The FINHRI is content with this position concerning legal liability as it is in accordance with the general legislation regarding legal liability/immunity in Finland. This is also in line with the legal culture prevailing in Finland and the continental Europe.

In cases of threats and harassment towards the FINHRI representatives, the following offences included in the criminal law could come into question: resistance to a public official, violent resistance to a public official, obstructing a public official, harassing communications (disturbing another person by repeatedly sending messages or calling), dissemination of information violating personal privacy, defamation, illegal threat and stalking.

As indicated in the 2024 rule of law report concerning Finland, there has been discussion on whether the criminal law should be amended to improve tackling of targeting. Targeting refers to systemic harassment of a person in the form of mass actions on e.g. online platforms because of his or her work or social duties. The question of criminalising targeting divides the opinion of legal experts, and the current Government has decided not to proceed with further exploring this possibility.

The FINHRI has internal guidelines for dealing with situations of targeting. A working group has also been established in 2022 to plan and implement the Parliamentary Ombudsman's Office's continuity management and to ensure preparedness for different types of threats the institution might face.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The Human Rights Centre recommends to national authorities that:

1. the three components (Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman) should be explicitly stipulated as the Finnish NHRI in the Parliamentary Ombudsman Act,
2. the Human Rights Centre should have the mandate to table its reports to the Parliament for discussion,
3. the FINHRI (and not only the Parliamentary Ombudsman) should be included in the list of national authorities protecting fundamental rights under the EU AI Act article 77 while taking note of the division of tasks inside the NHRI by virtue of national legislation.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Human Rights Centre’s human rights monitoring has found evidence of laws, policies and/or state measures that negatively impact on freedom of association, freedom of assembly, create barriers in access to information and law and policymaking processes as well as limit access to funding.

Freedom of assembly and association

In 2024, legislative amendments restricting the right to strike were passed. According to the new law, compensatory fines for violating industrial peace will be increased, solidarity action limited, and the length of political strikes restricted to 24 hours. Previously, compensatory fines could only be ordered for trade unions, but now employees can also be fined 200 euros for participating in illegal strikes. The limit of the fines that can be ordered for trade unions was

significantly increased.

Access to information and law and policymaking processes

Many civil society actors perceive that it has become more difficult to access law and policy making processes. As reported previously, a concrete example of this is the reducing of deadlines for stakeholders to provide consultative input to government proposals and lacking or inadequate impact assessments. More generally, civil society representatives, including members of the Human Rights Delegation, have in different discussions raised concern for decision-makers being less open to dialogue and stakeholder consultations becoming a box-ticking exercise.

Access to funding

In Finland, the Government has traditionally had a significant role in funding civil society organisations (CSO). A central goal of the Finnish Government's CSO Strategy for 2023-2027 is to change this. The stated objective is to develop a culture of private donations, strengthen self-sufficiency of CSOs and ensure that their funding base is diversified. To achieve this, the Government plans to facilitate fundraising by reducing bureaucracy and loosening tax regulations concerning donations for certain sectors. In parallel, the Government has introduced several austerity measures in 2024, including radical cuts in the funding of CSOs. This has significantly impacted their ability to function, and many will be forced to reduce staff and cut down on activities.

The budget cuts by the Government for CSOs working in the social and health care sector have received much attention, as many of these organisations provide important services as an extension to the public sector (e.g. support for people struggling with mental health or addictions, victims of domestic violence etc.). If the organisations can no longer provide these services, it remains unclear if and how they will otherwise be covered.

There has, however, been less discussion about the effects of the cuts in CSO funding for democracy. When resources are reduced and alternative funding sources need to be sought, the ability of CSOs to engage in law and policymaking processes and fulfil their watchdog role is threatened. Also, as competition for funds increase, the independence of CSOs can be negatively affected, as they might focus more on activities favoured by their sponsors-to-be.

While the Government's plans to facilitate fundraising are welcome, the sudden and radical budget cuts give insufficient time for organisations to adjust and develop their fundraising practices. A culture of private donations, which is currently lacking in Finland, cannot be developed overnight. The cuts have thereby resulted in many organisations struggling, and no comprehensive assessments have been made of the broader impact on democracy.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Human Rights Centre's human rights monitoring has found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, mainly in the form of negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, as well as online and/or offline threats or harassment.

Negative attitudes towards and perceptions of civil society and/or human rights defenders

Overall, freedom of assembly is well respected in Finland. However, according to a recent report by Amnesty International, there are certain indications of hardening attitudes towards demonstrations. Stigmatising language about protesters is on the rise, and more restrictive practices and even excessive use of force by the police have been reported, especially concerning environmental protests and in cases of civil disobedience.

In 2024, Elokapina (Extinction Rebellion Finland) orchestrated a protest act in which red paint was sprayed on the parliament building. The aim was to draw attention to emissions caused by peat extraction. The protest act was provocative and illegal, but peaceful, with the authorities intervening after a few minutes.

The incident sparked outrage among the public as well as among politicians, with a citizens' initiative proposing to criminalise the organisation reaching more than 100 000 signatures in just a few days. The minister of interior and minister of justice (representatives of the right-wing populist Finns Party) both also publicly commented that they support investigating whether the organisation should be shut down. These types of comments are unusual and can be seen as problematic, as the case should be handled independently by the competent authorities, without political interference or pressure. Whereas shutting down the organisation is not legally realistic, the ministers' comments and public response reveal the negative attitudes towards the protesters.

Online and offline threats and harassment

Hate speech and harassment online is a growing problem in Finland, increasingly impacting the work of human rights defenders. Different human rights monitoring bodies have called on the Government to take action to tackle this issue (see e.g. recent recommendations by UN Human Rights Committee, incl. the report on follow-up to the concluding observations).

Despite this, the Government has failed to include sufficient measures to combat hate speech in legal or policy initiatives, such as its statement on promoting equality, gender equality and non-discrimination (adopted in 2023) and the action plan supporting its implementation (adopted in 2024). The Human Rights Centre raised this issue in its statement submitted during the drafting process of the action plan.

Public debate concerning the problems of racism and hate speech continued throughout 2024, with media reports on ministers planning to favour quota refugees from Christian-majority nations over Muslim-majority countries, the racist online abuse directed towards the first Black woman elected to represent Saint Lucia for the traditional light festival, and the political storm around the Government's newly launched anti-racism campaign.

The Human Rights Centre is concerned that the polarisation and rampant hate speech may have a chilling effect on participation in the public debate, especially for persons belonging to minorities. Hate crimes have also increased in the past years in Finland.

Frameworks and policies for the protection of human rights defenders

Frameworks and policies for the protection of human rights defenders

Frameworks or policies for the protection of human rights defenders exist at the national level, including specific protection mechanisms for foreign human rights defenders, as well as specific strategies to protect human rights defenders and/or inclusion of human rights defenders in human rights action plans.

Protection mechanisms for foreign human rights defenders (HRDs)

In 2024, a pilot programme for the temporary protection and support for human rights defenders was established in Finland. The programme aims to provide temporary relocation for foreign HRDs in need of rest and respite. The length of the stay in Finland would be a maximum of three months (90 days as per the Schengen C Visa). The visa can be renewed only in exceptional cases.

The programme provides an opportunity for HRDs to continue their work for the promotion of human rights, to network, to access training opportunities, and to rest. All costs of the participating HRD (incl. travel costs, accommodation, and monthly stipend) will be covered.

The pilot programme aims to start with the participation of two HRDs. Preparations for the programme started in 2024 and the participants will arrive in Finland during 2025. The Human Rights Centre has repeatedly advocated for

a national protection mechanism for HRDs and will continue to follow how the initiative proceeds.

Inclusion of foreign HRDs in human rights action plans

Support for activities of HRDs is one of the priorities in Finland's Government Report on Human Rights Policy adopted in 2022. In addition, the Ministry of Foreign Affairs updated their guidelines on supporting HRDs the same year. The guidelines are intended especially for Foreign Service employees in the Ministry for Foreign Affairs and in Finland's missions abroad. Moreover, the guidelines on supporting HRDs have a special focus on women human rights defenders.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The FINHRI has also taken several initiatives in 2024 to promote civil society space and human rights defenders.

Joint meetings and/or roundtables

A central task of the Human Rights Centre is to bring different human rights actors in Finland together to discuss and cooperate on human rights matters. This includes convening and chairing the meetings of the Human Rights Delegation consisting of around 40 independent experts representing different fields of human rights. The Human Rights Centre also has a representative in the Advisory Board for International Human Rights (IONK), an independent expert body operating in conjunction with the Ministry for Foreign Affairs. IONK monitors the implementation of Finland's international human rights policy and the support of HRDs is regularly discussed in its meetings.

Monitoring, recommendations and capacity-building

The Human Rights Centre continuously monitors the human rights situation in Finland, including the state of civil society space and the situation of HRDs, by gathering information and reporting to international human rights monitoring bodies. The Human Rights Centre also provides consultative input to Government proposals on these issues (in 2024, see e.g. statement on the Government's programme to promote democracy where concern was raised about the increasing hate speech and funding cuts on CSOs).

Furthermore, the Human Rights Centre has a statutory task to promote human rights education and training in Finland. Together with the Ministry for Foreign Affairs, it is developing training modules directed to CSO representatives on how to participate in the monitoring cycles of different human rights treaty

bodies.

Engagement with international and regional mechanisms in support of human rights defenders and civil society

The Human Rights Centre has advocated for the establishment of a national protection mechanism for HRDs for years, and this has also been recommended by e.g. the UN Special Rapporteur on the situation of human rights defenders.

The Human Rights Centre has actively provided consultation during the planning process of the pilot programme about to be implemented. This work has included international cooperation, and the Human Rights Centre has mapped existing protection models in Europe to receive input for the advocacy work.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Human Rights Centre recommends to national authorities to:

1. move forward with the pilot initiative to establish a protection mechanism for human rights defenders and assess and develop the mechanism so that it serves its function in the best possible way,
2. take action to tackle hate speech and harassment online, inter alia through implementing recommendations received from different human rights monitoring mechanisms,
3. conduct impact assessments of the cumulative effects of cuts in CSO funding and take measures to protect civic space, inter alia by ensuring that meaningful consultations with CSOs are conducted as part of decision-making processes.

The Human Rights Centre recommends to European actors to:

1. develop and strengthen protection of HRDs, especially through the European protection mechanism.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

Functioning of justice systems

Independence of judiciary in Finland

The independence of the Finnish judiciary remains an essential question, partly due to the debate that sprung from the process where the Parliament enacted the controversial act on combatting instrumentalised migration (discussed further down, in Section V). Already before the debate, and as pointed out in the FINHRI's 2024 rule of law report, a separate working group on constitutional guarantees for the independence of the judiciary was set up in connection to the Ministry of Justice's broader project for the development of the judicial system. The members of the working group include representatives of the Ministry of Justice, courts, national prosecution authority, Finnish Bar Association as well as permanent expert members from the academia. The working group may hear other experts, actors and stakeholders.

The working group examines the constitutional provisions concerning the number of judges in the highest courts, the right to remain in office, the procedure for appointing judges and offences in office. While the Finnish Constitution does prevail over these issues, a lot is relegated to regular legislation. The same concerns the noticeably wide-encompassing powers of the Prosecutor General. The working group's examination extends also to the prosecution service.

The mandate of the working group has been extended to the end of 2026. Also, contrary to the initial plans the working group will prepare its propositions in the form of a memorandum instead of a draft legislative proposal. The presidents of the highest courts had hoped for a swifter process but due to these changes, the final assessment on the need to proceed with strengthening independence of the judiciary will be done by the next government, not the current one.

Length and costs of proceedings

A continuous problem in Finland is the length of legal proceedings, both civil and criminal. This includes pre-trial investigations, prosecutions and court proceedings. The problem goes hand in hand with the considerable risks often associated with the costs of legal proceedings. Delays and costs associated with access to justice have repeatedly appeared on the list of ten central fundamental and human rights problems in Finland by the Parliamentary Ombudsman.

The Ministry of Justice's Working Group on Rule of Law Guarantees and Development of the Judicial System (Judicial System Working Group) provided, in October 2024, draft proposals for measures to tackle the persistent court

delays. Preliminary suggestions include enhancing the scope for summary procedures as well as the use of plea-bargaining. Such measures would require due consideration in terms of human rights impacts, which was also pointed out in stakeholder feedback received on the draft proposals. While procedural reforms could well prove useful, the Human Rights Centre points out that sufficient resourcing remains the primary way to alleviate the persistent problem of lengthy proceedings.

As considered in an extensive survey by the Institute of Criminology and Legal Policy (Krimo) on the state of the Finnish justice system in 2025, the rising risk for costs of the legal proceedings continue to have an adverse impact especially in civil cases. Losing one's court case usually makes one liable to pay for the costs of both parties, which acts as a clear deterrent against seeking legal redress even in cases where it would be warranted. In Krimo's survey, besides the duration of main hearings, the increasing legal counsel's fees are pointed out as principal reasons for the rise of costs. As one solution to the problem, the Ministry of Justice has started to prepare a proposal for simplified civil proceedings where the risk of costs would be low. It is to be noted that the procedure would be applied only to disputes regarding rent or eviction of a tenant.

Continuous challenges in processing cases relating to violence against women and domestic violence

Examination and prosecution of cases relating to violence against women and domestic violence face continuous challenges. There are significant delays in investigation, prosecution and court proceedings. Additionally, a great number of incidents remain hidden, despite the newly improved legislation on sexual offences. As of 2025, cases of domestic violence are no longer mediated.

In 2024, the Non-discrimination Ombudsman, in her role as rapporteur on violence against women, published a report examining the decisions made by prosecutors on close relationship violence and intimate partner violence to restrict a pre-trial investigation and waive charges (material from 2022). Usually, these decisions were taken because the prosecutor did not consider prosecuting for the crime as reasonable or appropriate. Out of the 200 decisions under examination 118 concerned limiting the pre-trial investigation and 82 non-prosecution.

The report shows that in the decision-making practices of the police and the prosecutors, the attempts to bring the perpetrators to justice are not enough in cases of violence in close and intimate relationships. According to the recommendations set out in the report, limiting pre-trial investigations and waiving charges should be considered with caution in the future. The intensification of the criminal process should be continued, and prosecution should be increased in close relationship violence and intimate partner

violence. The importance given to the victim's willingness to continue the process or to reaching an agreement between the parties involved in the offence should also be reduced in the decision-making practices of the police and the prosecutors.

Follow-up and implementation by state authorities of European Courts' judgments

During 2024, one of the six ECtHR decision pending in the execution was closed. The Court had given its judgment on the case, X v. Finland, in 2012 and it concerned insufficient legal remedies in situations of forced medication. Five decisions from 2014 and 2015 remain pending into 2025, namely those relating to ne bis in idem problematic. In September 2024, the Government submitted its latest detailed action report on the matter. The Government considers the cases closed, but one of the applicants unsuccessfully continues to demand compensation.

Furthermore, the implementation is pending in eight decisions of the European Social Rights Committee to collective complaints from 2012 to 2022. The Human Rights Centre will continue to monitor and participate in the implementation processes.

The NHRI's initiatives to support the implementation of the European Courts' judgments

The Human Rights Centre holds private discussions with the government agent/national coordinator and makes Rule 9 submissions to the Department of Execution of the Council of Europe and Committee of Ministers, when deemed useful. It has also used the possibility to provide its statement to authorities, such as the Ministry of Social Affairs and Health, on the legislative amendments needed to implement ECtHR judgments. General information on the judgments and their implementation status is provided for general public and various partners.

As an example, in January 2023 the Human Rights Centre submitted Rule 9 communication on the case of X v. Finland. In early 2023, the NHRI held discussions with the Department for Execution of Judgments of the ECtHR during their country visit, specifically on the case of X v. Finland. In May 2023, the Human Rights Centre prepared an extensive brief on the case of X v. Finland for a discussion organised by the International Department of the Parliament. Other participants included members of parliament and representatives of the Ministry for Foreign Affairs and Ministry of Social Affairs and Health.

NHRI's recommendations to national and regional

authorities

NHRI's recommendations to national and regional authorities
The Human Rights Centre recommends to national authorities to:

1. continue the work for the development of the justice system to tackle challenges related to the length and costs of proceedings and to ensure strong constitutional guarantees for the independence of judiciary,
2. concerning the implementation of ECtHR judgments, further strengthen the national mechanisms of overall examination and increase the knowledge of ECtHR judgments within all administration levels, and in particular within the Government.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

Media freedom, pluralism and safety of journalists

Based on its human rights monitoring, the Human Rights Centre has found challenges affecting media freedom, including a decline in media pluralism, harassment and threats against journalists and media outlets, independence and effectiveness of media regulatory bodies, misinformation and/ or disinformation, as well as access to public interest information/documents.

Media pluralism

A decline in media pluralism has been a concern in Finland since the beginning of the millennium (see e.g. Media Pluralism Monitor reports on Finland), with the market becoming more concentrated and a few big media groups dominating. This development continued in 2024. The media sector is struggling financially, and job opportunities in the sector are decreasing. This raises concerns that pressure from advertisers on journalism increase.

A research project concluded in 2024 studied the consequences of media concentration in Finland. The study found that recycling of journalistic content within papers that belong to the same media group is common, leading to less content diversity. On the other hand, ownership concentration can increase resources to produce quality content and ensure the survival of papers

struggling to survive.

Finnish legislation sets no restrictions to media ownership concentration specifically, but with the European Media Freedom Act being adopted in 2024, the Government is now preparing the required amendments to national legislation. These include introducing rules to assess how the media market concentration impacts media pluralism and editorial independence.

Harassment against journalists and media outlets

In 2024 court proceedings continued in the case where two journalists were found guilty of disclosing state secrets in an article published by the newspaper Helsingin Sanomat in 2017. The case has received much attention as well as concern for its potential chilling effect on journalists. One of the journalists was in 2023 sentenced to pay fines, but the ruling was appealed, and the prosecutor is still calling for conditional imprisonment. The court of appeal is expected to give its verdict in the spring of 2025.

Overall, Finland scores well in press freedom rankings and the situation is relatively good. The increase in hate speech and harassment is, however, a growing concern also among journalists. While big media companies often have mechanisms in place to support employees facing harassment, freelancers are in a more vulnerable position. According to a survey study conducted in 2024 (Hiltunen et al., 2025, manuscript in progress), levels of pressure, harassment, and intimidation among Finnish journalists have remained relatively stable or, in some cases, slightly decreased compared to those reported in the 2021 study. However, the impact of these phenomena on journalists' work—and, by extension, on journalism—has somewhat increased. For example, 34% of surveyed journalists reported being reluctant to address certain topics, while 20% admitted to avoiding specific topics altogether due to the threat of pressure, harassment, and intimidation.

Furthermore, political actors have become increasingly critical towards media, labelling journalists reporting inconveniently as “having a political agenda”. This type of discourse can reduce trust in media and increase polarisation, even if no evidence of politically biased reporting is presented.

Effectiveness of media regulatory bodies (budget cuts)

The Government’s austerity measures will also target the Council for Mass Media in Finland (CMM), a self-regulating committee established by publishers and journalists for the purpose of interpreting good professional practice and defending the freedom of speech and publication. The CMM processes complaints regarding breaches of good journalistic practice. Although it does not exercise legal jurisdiction or public authority, its decisions are closely followed and observed and cases regarding media publications rarely go to court.

In September 2024, the Government announced a 25 percent cut in the funding of the CMM (public funds have constituted one third of their budget). This was a step back from the initial announcement to cut the funding all together, but nevertheless significant, especially considering that the number of complaints submitted to the CMM have steadily increased in the past years.

Whereas the state of the public economy justifies budget cuts, the short timeframe in which they are implemented give little time to adapt. Furthermore, the need for a regulating body reviewing whether good journalistic practice is respected is increasingly important as misinformation is increasing in the society.

Funding of public service media

Politicians have expressed criticism towards the public service media (PSM) company YLE, and some parties, such as the Finns Party have advocated for reducing YLE's funding. In Finland, there is a long-standing tradition of parliamentary decision-making related to the PSM. Accordingly, in 2023, a parliamentary working group with all the parties represented in the parliament was appointed to draft a proposal for reducing YLE's funding as part of the Government's austerity measures.

Although the funding of YLE regularly becomes a matter of dispute, this time, negotiations were particularly difficult. As an agreement was difficult to reach, representatives of the Finns Party repeatedly proposed to ignore the tradition of parliamentary decision-making, demanding instead that the majority Government be able to decide on the funding alone. This raised the question of whether there are sufficient mechanisms in place to ensure that PSM funding is not subject to discretionary decisions.

In September 2024, the parliamentary working group finally reached an agreement that resulted in a 66-million-euro budget cut for 2027. YLE has announced that this will require significant restructuring and reduced content production.

Measures taken by state authorities to follow-up on the recommendations issued by European actors

The European Commission has recommended in its 2024 Rule of Law Report that Finland reform the Act on the Openness of Government Activities to ensure effective and wider access to documents. Currently, different authorities interpret the act in different ways and access to information is sometimes illegally refused, which has impacted the work of journalists. This problem has been raised in the annual report by the Parliamentary Ombudsman.

The Government started the process of reforming the law in 2021, and in 2024

the process continued with an open round of consultations. More recently, however, the Ministry of Justice announced that the legislative proposal cannot be finalised during the current government term. According to the Ministry, due to the changed national security environment, the process will now move to an additional assessment of the confidentiality criteria in the law. This will significantly delay the reform.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Human Rights Centre recommends to national authorities to:

1. recognize the crucial role local media outlets play in ensuring democracy and the rule of law, and accordingly to take action to prevent the emergence of news deserts (with limited access to credible and comprehensive news and information),
2. adopt mechanisms or practices to strengthen the protection of journalists, especially freelancers, facing online or offline harassment because of their work.

Finland 2025

Information from: Finnish National Human Rights Institution (FINHRI): Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman

Other challenges to the rule of law and human rights

Act on Temporary Measures to Combat Instrumentalised Migration (Border Act)

The securitisation discourse and the consequent juxtaposition of national security and human rights have continued to impact the rule of law environment in Finland. Relying on intelligence reports purportedly maintaining that Russian actors continue to facilitate the arrival of migrants to Finland's eastern border, the Government decided to introduce stronger legislative measures to counter the phenomenon. In May 2024, it submitted a proposal for an Act on Temporary Measures to Combat Instrumentalised Migration to the

Parliament. The act was proposed to be adopted by the Parliament as an exception to the Constitution. This was due to the fact that the act would, as prescribed in the proposal, be in “tension with” rights guaranteed by the Constitution, EU law and international human rights conventions alike, including the principle of non-refoulement and right to legal protection.

According to the proposed act, the Government could, in cooperation with the President, decide to restrict the reception of asylum applications in a limited area on Finland’s national border under certain situations of instrumentalised migration. (The limited area could, however, cover Finland’s eastern land border of 1300 kilometres in its entirety.) Migrants who, in the assessment of the border authorities, were used as a means of influence by a foreign state, would either be prevented from entering or removed from the country. The border authorities could accept applications in the rare occasion that the applicant was considered to be in a vulnerable position or could face a risk of death penalty, torture or other inhumane treatment in the state from which they had arrived at the Finnish border.

The government proposal was sent to the Parliament’s Constitutional Law Committee, whose principal function is to review the constitutionality of legislative proposals by recommending, when needed, that constitutional incompatibilities within law proposals be amended into conformity with the Constitution. In its statement, the Committee acknowledged that the contradiction between the proposed act and Finland’s human rights obligations could not be eliminated by adopting the act as an exception to the Constitution. Yet, the Committee stated that the exception could nevertheless be made as the act would not have an impact on “the ensemble” of constitutional rights and as restrictions to individual rights would remain limited. According to the Committee, measures to ensure a state’s sovereignty and national security are justified even if in contradiction with the state’s human rights obligations, where those obligations do not account for new types of threats, such as instrumentalised migration. It is to be noted here that in its proposal for the act, the Government emphasised that the non-derogable principle of non-refoulement could not be ensured in all circumstances.

While supporting the Government’s objectives for the act, the Committee insisted that there be a separate procedure for the legal protection of persons attempting to enter the country, as the proposal did not allow for the refouled to appeal the border authority’s decision. However, the Committee didn’t require that the procedure would lead to postponing one’s removal from the country. Following the Committee’s observations, the final act was amended so that the border authority may be requested to reassess the decision for removal from the country within 30 days.

The Parliament subsequently adopted the Border Act that came into force on 22 July 2024. The act will be in effect for one year. From the early drafting

phase onwards, the act sparked strong criticism from a great majority of legal experts (see statements by the experts). Contrary to the Constitutional Law Committee, the experts held that an exception to Finland's human rights obligations could not be deemed "limited" but a violation of the very core of the constitutional system into which these obligations have been integrated. The experts also expressed their concern about the border authorities' real-life possibilities to conduct adequate assessments of the migrants' vulnerability at the border. Many of them also pointed to the fact that in the legislative process, EU legislation and the primacy thereof was largely overlooked.

The Human Rights Centre raised similar concerns as the legal experts during the drafting of the act. It provided a statement to the Ministry of the Interior and was heard by the Administration Committee of the Parliament. The Director of the Human Rights Centre was also interviewed on television and radio, where she highlighted Finland's human rights obligations based on international and EU law.

Constitutional review of acts in the Finnish system

The legislative process leading to the Border Act has raised systemic rule-of-law concerns about constitutional review in Finland (see, e.g., here and here). Members of the Constitutional Law Committee, all elected parliamentarians, have historically and by custom been exempted from party discipline and politically motivated decision-making in conducting constitutional review. Consequently, the Committee has deferred to expert knowledge in its praxis, relying heavily upon statements provided by constitutional law experts. The decision in 2024 to disregard the overwhelming majority of expert statements criticising the act and to rely in their stead on the few statements more favourable to the proposal begs the question whether the apolitical nature of the Committee has now been rendered suspect.

Considering that the Committee's role in constitutional review is decidedly more prominent than that of Finnish courts of law, the case sets out a troubling precedent for the interpretation of human rights law in Finland. The Committee's praxis, while not de jure binding, is extensively relied upon in jurisprudence and legal doctrine.

A system for ex post constitutional review in courts of law does also exist in Finland, though the review is limited to individual court cases. Furthermore, the Constitution (section 106) limits the courts' capacity to disregard unconstitutional acts only when an act is in an "evident conflict" with the Constitution. Removing the "evident" prerequisite has been advocated as a way of strengthening the courts' independence and capacity to interpret the Constitution. Whilst looking into the issue was originally envisioned in the work plan of a Ministry of Justice working group, the Ministry of Justice opted, in 2024, not to advance it. At present, courts seldom invoke section 106 - it is not

inconceivable, however, that the Border Act could prompt them to do so in the near future.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Human Rights Centre recommends to the Finnish Government to:

- strive to make the judicial ex post framework for constitutional review more robust in Finland, through a transparent and participatory process, whilst endeavouring to retain the apolitical integrity of the Constitutional Law Committee and its ex-ante review.

The Human Rights Centre recommends to the EU actors to:

- strive for better legal clarity in the question of combatting instrumentalised migration, bearing in mind the principle of non-refoulement, human rights law and other relevant EU law.

France 2025

Information from: French National Consultative Commission on Human Rights (CNCDH)

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The National Consultative Commission on Human Rights (CNCDH) was last reaccredited with A-status by the Sub-Committee on Accreditation (SCA) in March 2019. The SCA noted with appreciation the continuous efforts by the institution to implement the previous recommendations made by the SCA.

Regarding the mandate of the CNCDH, the SCA encouraged the NHRI to continue to broaden its activities in relation to its protection mandate and to advocate for amendments to its enabling law to make its broad protection mandate explicit. The SCA also recommended the institution to continue to

strengthen its cooperation with the Défenseur des droits and with other national entities with responsibility for the promotion and protection of human rights.

In addition, the SCA was of the view that, in order to promote institutional independence, it would be preferable for the terms of all members of the CNCDH to be limited to one renewal and encouraged the institution to advocate for amendments to its Decree to address this issue.

Finally, the SCA reminded that, where an NHRI has been mandated with additional responsibilities, it must be provided with the adequate funding to effectively fulfil these duties. Thus, the SCA encouraged the institution to continue to advocate for adequate funding to effectively carry out the full extent of its mandate, especially in view of its expanding responsibilities.

The SCA will consider the reaccreditation of the CNCDH in its first session in March 2025.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The process of re-evaluation is underway. The examination of the CNCDH by the SCA will take place on March 17, 2025.

Regulatory framework

Regulatory framework

The CNCDH does not have a mandate to deal with individual complaints. When it receives some requests, they are analysed and oriented towards the competent services such the French Ombudsman.

The CNCDH can address, in the form of a third party intervention, observations to the judges, on issues raised by a dispute within the European Convention on Human Rights. With regard to the implementation of the Court's judgments, the CNCDH may also submit observations to the Committee of Ministers of the Council of Europe, drawing their attention to the inadequacy of the measures adopted by France.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities have good awareness of the CNCDH's mandate, independence and role. However, the CNCDH notes that it is not systematically informed by public authorities on the preparations of legislative and policy makings that are related to human rights and rule of law. The institution is sometimes seized by the government to adopt an opinion on a law in preparation.

Additionally, despite the increase in the number of employees, the means made available to the CNCDH, taking into account its missions and its mandates as an independent national rapporteur, remain insufficient. In a general context of reduction in public spending, the CNCDH is not spared and it lost 12% of its budget in 2025.

As concerns the measures to ensure timely and reasoned responses to the recommendations, the CNCDH observes that no legislation, state measures or practices have been put in place since 2022 to ensure timely and reasoned response to its recommendations.

As regards the functional immunity of the leadership and staff, the CNCDH notes that as functional immunity is being provided only for certain constitutional authorities, it does not cover the members of the CNCDH. The irrevocability of CNCDH members, as provided for by the authorization law, is a guarantee of sufficient independence, in the French legal context.

The CNCDH notes that functional immunity does not seem necessary, first due to the independence of justice and the principle of opportunity of the proceedings on which the French judicial system rests. Under the principle of opportunity for prosecution, the public prosecutor does not pursue the people who acted in good faith in the context of their functions.

Then, because the trend in France, for several years, has been that of a questioning of these immunities for the benefit of ordinary law.

Thus, the immunity of parliamentarians was relaxed by the constitutional reform of August 4, 1995. A draft constitutional revision had aimed to abolish the Court of Justice of the Republic (La Cour de justice de la République!), thus ending this exceptional jurisdiction for the acts that ministers commit in the exercise of their functions. The independence of justice, ensured by serious guarantees (in particular the ban for the Minister of Justice to send the Public Prosecutors instructions in individual affairs), constitutes an effective rampart against possible temptations to destabilize the institutions of defense of rights and freedoms by legal means. In particular, the French legal regime is attached to the guarantee of the freedom of expression of independent institutions in charge of promoting and protecting rights and freedoms, as evidenced by the

many public expressions of the members of the CNCDH, particularly critical vis-à-vis the government, including on the most sensitive subjects.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The French National Consultative Commission on Human Rights recommends to national authorities to:

1. provide the French CNCDH with the required financial resources so that it can effectively carry out all its missions on the national and international level, as well as its mandates as national independent rapporteur on its five thematic issues.
2. consult the CNCDH in advance, or at least to systematically inform the CNCDH, of the preparation of legislative texts and public policies, in particular those that are related and/or have impacts on human rights, as do climate policies.
3. enable the CNCDH to intervene before national courts by submitting written observations. This could be achieved by the modification of the 2007 decree relating to the composition and functioning of the National Consultative Human Rights Commission

France 2025

Information from: French National Consultative Commission on Human Rights (CNCDH)

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The CNCDH’s human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, freedom of assembly as well as freedom of expression.

Adoption of law on the Republican Commitment Agreement and broadening of the grounds for administrative dissolution of an association

In its opinions of February and March 2021 on the draft law about “republican principles”, the CNCDH alerted the government to the risks to freedom of association posed by the introduction of the “Republican Commitment Agreement” (Contrat d'engagement républicain) and the broadening of the grounds for administrative dissolution of an association. Nevertheless, the law was adopted in 2021. With regard to the new legislation, associations are obliged to sign a republican commitment agreement when they apply for a public subsidy. This agreement is drafted in imprecise terms (notably “respect the principles of freedom, equality, fraternity and human dignity”; “refrain from any action that undermines public order”) and exposes associations to a risk of arbitrariness.

Since the law was passed, a number of associations have had their grants withdrawn for this reason.

With regard to the administrative dissolution of associations, this was originally envisaged for associations that “provoke armed demonstrations in the street”, but the law about “republican principles” has added “or violent acts against persons or property”. Several associations were dissolved on this new ground since the entry into force of this law like La Défense Collective or Le Groupe union défense.

Finally, it has to be raised that an administrative mission to assess the implementation of the law about “republican principles” has been ordered by the Minister of the Interior. The CNCDH will be heard on 18 February. In the run-up to this hearing, it has asked its member associations for feedback.

Algorithmic video surveillance

In its opinion adopted in June 2024, the CNCDH expressed its concerns about the experimentation of algorithmic video surveillance during the Olympic Games. In the past, the CNCDH has already had on many occasions to draw the attention of public authorities to the use of new surveillance technologies (drones, facial recognition, automated video surveillance etc.). Not only is this an invasion of privacy, but it also has a dissuasive impact on the exercise of the freedom to come and go and the freedom to demonstrate.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The CNCDH’s human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders’ activities, in the form of intimidation, harassment or violence before, during or after protests, surveillance by state actors, negative

attitudes campaigns towards/perception of civil society and/or human rights defenders, their work and environment, as well as strategic lawsuits against public participation – SLAPPs.

Abuse of power by the police during demonstrations

The CNCDH is concerned about a number of police abuses committed in recent years against journalists and independent observers at public demonstrations.

The national law enforcement plan (SNMO), published in 2023, makes no mention of protections for independent observers at demonstrations, even though the Conseil d'Etat had criticized this absence in the previous edition of the SNMO. In a ruling handed down in 2023, the High Administrative Court once again annulled a passage in the SNMO protecting journalists “insofar as it excludes independent observers from the benefit of its provisions”. While this decision suggests that independent observers, like journalists, can now remain at the scene of a demonstration despite a dispersal order, the lack of reaction from the Ministry of the Interior - either through a reissue of the SNMO or a ministerial instruction - creates legal uncertainty for observers on this point.

The same applies to the Conseil d'Etat's decision on the practice of encirclement by enforcement officers. While the Conseil d'Etat accepts the exceptional and detailed use of such practices, it specifies that they “may not legally have the effect of enabling the competent authorities to carry out identity checks under conditions not provided for in article 78-2 of the Code of Criminal Procedure”. Once again, the Ministry has not amended the SNMO to include this clarification. The CNCDH notes, however, that numerous testimonies indicate that the “nasses” regularly lead to massive identity checks, followed by fines, particularly in the context of demonstrations on the situation in the Middle East, which endanger the freedom to demonstrate.

Growing climate of violence and repression against environmental defenders

In February 2024, the United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention, also member of the CNCDH, adopted a declaration on the methods of policing and evicting environmental activists - nicknamed ‘squirrels’ - peacefully occupying trees on a private site during protests against the A69 motorway project. In this declaration, it expressed its deep concerns about the testimonies he received regarding acts of sleep deprivation, burning of materials, lighting of fires and dumping of inflammable products by law enforcement, which may have endangered the lives of the activists installed in the trees.

Moreover, on 7 April 2023, the CNCDH questioned the French Prime Minister about “a tendency that has become systematic in the rhetoric of the Minister of the Interior to disparage human rights defenders and civil society

organisations, and to threaten to cut their grants" referring to the presentation by the Minister of the Interior of defenders "as agitators, delinquents, even terrorists". Then, in its opinion on human rights defenders adopted on 30 November 2023, the CNCDH observed the existence of stigmatisation and judicial harassment practices, particularly against defenders of migrants' rights and environmental rights. In this same opinion, the CNCDH noted that several United Nations Special Rapporteurs expressed concern about "a trend towards the stigmatisation and criminalisation of individuals and civil society organisations working to defend human rights and the environment, which seems to be increasing and justifying the excessive, repeated and amplified use of force against them".

Since then, the situation does not appear to have evolved favourably. For instance, on 22 March 2024, France Nature Environnement (the French federation of associations for the protection of nature and the environment) submitted two complaints to the UN Special Rapporteur on Environmental Defenders regarding the growing climate of violence and repression against environmental defenders.

Surveillance by state actors

As regards the surveillance by state actors, the CNCDH notes with concern in its aforementioned opinion on the surveillance of the public space, that generally, the proliferation of cameras on the public highway over the past twenty years, without sufficient safeguards.

Strategic lawsuits against public participation

The CNCDH adopted in February 2025 an opinion on SLAPPs in the context of the transposition of the EU Directive 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings. This opinion acknowledges the existence of SLAPPs in France and the various forms these abusive proceedings can take: defamation, disparagement but also business secrecy or stock market offences, in an attempt to circumvent existing protection of freedom of expression. In the absence of any official data available, the CNCDH relies on the work of the non-governmental organisation Coalition against SLAPPs in Europe (CASE), which identified 90 SLAPPs in France from 2010 to 2023. The CNCDH believes this number to be underestimated.

Moreover, as noted by the Committee of Ministers of the Council of Europe in its Recommendation CM/Rec(2024)2 to Member States on countering the use of strategic lawsuits against public participation, the CNCDH highlights the differentiated impact SLAPPS can have on "women and persons with diverse sexual orientation, gender identity and expression and sex characteristics".

Transnational repression of human rights defenders

In 2023, the CNCDH highlighted in its Report on Business and Human Rights that several joint communications of UN special procedures were sent to the French firm Total and to the French government regarding the harassment of some human rights defenders in the context of an extractive project on Uganda. In December 2024, several NGOs, including one member of the CNCDH, published a report revealing allegations of new human rights violations in Uganda while exacerbating existing ones.

Initiatives, frameworks, and policies for the protection of human rights defenders at the national level

Despite the fact that there is no specific legal framework for human rights defenders in France, Law no. 2016-1321 of 7 October 2016, since amended to transpose the 2019 directive on persons reporting violations of European Union law, has established a protective framework for whistleblowers. Nevertheless, numerous restrictions are also affixed to it (only natural persons are covered, associations and NGOs are excluded from the status; facts covered by “national defense secrecy, medical secrecy, the secrecy of relations between a lawyer and his client” are excluded and a very strict procedure is indicated in Article 8 for revealing the alert under penalty of non-protection).

Specific protection mechanisms for civil society and/or human rights defenders

The concept of protecting human rights defenders is present in some foreign affairs policies. In 2016, French diplomacy developed a booklet of actions to support human rights defenders at embassy and consulate level. Although there is no real institutionalised system for welcoming human rights defenders from abroad, a number of initiatives have been put in place. For instance, the Marianne initiative for human rights defenders is a programme that rewards around fifteen defenders around the world each year. The winners, selected by a committee, receive accommodation in France for six months, a grant (€2,000 per month) and training to enhance their capacity for action.

This initiative also includes an international component, in collaboration with the French Development Agency (AFD), aimed at supporting human rights defenders in their own countries.

Although the CNCDH welcomes these initiatives, it regrets that they are not complemented by real political strategy at the government level that would make it possible to respond to all the issues concerning human rights defenders and to achieve positive changes in the long term. In particular, there is currently no infrastructure or system for effectively welcoming defenders in emergency situations.

Moreover, these initiatives are only approached from the angle of foreign policy and thus no policies are designed to be applied for the protection of national human rights defenders.

It also has to be mentioned that associations such as the LDH (Ligue des droits de l'Homme) or the Committee to Protect Journalists (CPJ), for example, provide concrete support for human rights defenders. These mechanisms remain ad hoc and depend on the commitment of associations and non-governmental organizations.

In addition, the CNCDH also notes that gender-based violence and discrimination are central to the dangers faced by women human rights defenders, who are confronted with increased risks of harassment, sexual violence and marginalization.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The CNCDH has taken several initiatives in 2024 to promote civil society space and human rights defenders, particularly in the form of awards of prizes, organization of joint meetings and/or roundtables, as well as capacity building initiatives.

Every year, the CNCDH awards a human rights prize French Republic Human Rights Prize (Prix des droits de l'Homme de la République française « Liberté – Égalité – Fraternité ») to women and men, defenders who act daily in the field for the promotion and effective protection of human rights. The 2024 edition (37th), anniversary of the 75th anniversary of the Geneva Conventions adopted in 1949, decided to reward projects on the theme linked to the protection of the rights of civilians in situations of armed conflict. The winners were: Mandela Center International - Cameroon La Société des droits de l'homme Ezgulik (Uzbekistan); L'Organisation des Citoyens pour une Nouvelle Haïti (Haiti), Ludirlena Pérez Carvajal (Colombia) and Cesar (Syria).

Furthermore, as every year, the CNCDH held meetings with human rights defenders (Mali and Nicaragua) to discuss the situation in their country and the different modalities of action before international human rights protection bodies.

The CNCDH regularly organizes meetings with civil society in France to familiarize them with the United Nations bodies and the different existing options of interaction with them, particularly when France is examined. This year, the CNCDH held a seminar on Thursday July 11 intended for French NGOs so that they could intervene in the framework of the exam of France by the

Human Rights Committee which took place in October 2024.

Moreover, the CNCDH has also taken specific actions in 2024 to protect civil society space and human rights defenders (HRDs), including monitoring, as well as issuing recommendations & opinions. However, the CNCDH notes that it does not have a mandate to process individual requests such as the ones submitted by whistleblowers. This is the role of the French Ombudsman (Le Défenseur des droits).

Engagement with the Human Rights Committee

As part of its written contribution to the Human Rights Committee for France's exam, the CNCDH has devoted developments to the situation of human rights defenders in France. It noted several issues hampering their action: intimidation campaign, judicial harassment, criminalization of their activity or even stigmatization. She furthermore proposed to the experts a series of recommendations. In addition, during the oral intervention in Geneva, the CNCDH mentioned the obstacles against environmental defenders who are prosecuted and qualified as eco-terrorists

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The CNCDH recommends to national authorities to:

1. adopt legislation that guarantees the recognition and legal protection of defenders (definition of the term ‘human rights defender, establishment of a framework ensuring a safe and favourable environment, creation a mechanism to protect defenders),
2. adopt a national action plan to protect human rights defenders at risk be put in place to prioritise the protection and shelter in France of defenders who need it, including in the context of a possible application for asylum,
3. create, as a Member State of the European Union, a specific multiple-entry visa for defenders in the EU Visa Code, while taking care to provide for facilitated procedures, as soon as the applicant has been identified as a human rights defender by relevant NGOs or international or regional mechanisms.

France 2025

Information from: French National Consultative Commission

on Human Rights (CNCDH)

Functioning of justice systems

Based on the human rights monitoring and reporting, the CNCDH has identified significant challenges affecting access to justice and/or effective judicial protection, mainly in the areas concerning independence and impartiality of judiciary, delays in court proceedings, access to legal aid, professionalism, specialisation and training of judges, timely and effective execution of national courts' judgments.

A number of cases recently brought before the European Court of Human Rights concern the state authorities' failure to comply with court rulings. These failures are frequent in certain areas, such as the protection of unaccompanied minors, conditions of detention in places of deprivation of liberty, and the question of emergency housing.

Moreover, despite reforms aimed at speeding up judicial procedures, delays are still very long in some procedures.

CNCDH, as the National rapporteur on fight against racism, antisemitism and xenophobia, has also highlighted for several years a lack of training for judges in the area of discrimination and anti-racism litigation. This has an impact on the rate of judicial response, which is still too low given the scale of the problem and the number of victims.

Challenges in access to justice disproportionately impacting women or marginalised gender groups

France faces an enormous challenge regarding access to justice of women victims of rape and sexual assault. As justice doesn't give the proper answer, according to official data, less than 10% of victims denounce the crime and file a complaint. And when they do, only 1% of perpetrators are condemned: 73% are closed without further action.

The current criminal law doesn't protect them. There is an urgent need for a paradigm change. A first step would be to change the definition of rape in the criminal code and to refer specifically to consent in the legal definition of rape. This would place the perpetrator at the centre of the investigation, not the victim. This would bring France in line with its international commitments, such as the 2011 Istanbul Convention.

Follow-up and implementation by state authorities of European Courts' judgments

Judgments of the European Court of Human Rights

For several years, the CNCDH and the national preventive mechanism have closely followed the action plans/reports of the French government with regard to the execution of the ECtHR's judgment in the case of JMB v. France, 30 January 2020 (about unworthy detention conditions and lack of effective preventive recourse).

The measures adopted by France to deal with the problem of prison overpopulation - targeted by the ECtHR in its judgment - are insufficient, as evidenced by the growing incarceration rate in France. Furthermore, the law adopted to respond to the lack of effective remedy is not appropriate. In January 2024, the CNCDH and the CGLPL transmitted their observations to this effect to the Committee of Ministers (it is the third time they intervene about this case within the Rule 9 procedure).

Other problems targeted by the ECtHR in several judgments remain persistent and are still monitored by the Committee of Ministers. In particular, the lack of care of unaccompanied minors in the Calais region (Khan v. France, 28 February 2019, n° 12267/16) or the expulsion of foreign minors in Mayotte after having been arbitrarily attached to an adult (Moustahi v. France, 25 June 2020, n° 9347/14).

Judgments of the Court of Justice of the European Union

In a number of rulings handed down on July 12, 2022, the Criminal Division of the Court of cassation (Cour de cassation) has applied the case law of the Court of Justice of the European Union (CJEU) concerning the retention of and access to connection data in criminal investigations (CJEU, ruling H.K. /Prokuratuur, C-746/18), declaring articles 60-1, 60-2, 77-1-1 and 77-1-2 of the Code of Criminal Procedure, in their version prior to Law no. 2022-299 of March 2, 2022, to be contrary to Union law in that they do not provide for prior control by a court or independent body before access to connection data. In a decision dated February 27, 2024 (no. 23-81.061), the Court of cassation confirmed this position, ruling that French legislation, which allows the public prosecutor to order the geolocation of a telephone without prior judicial review, is contrary to European law. However, the legislator has not amended these articles to take into account the CJEU ruling. As a result, these processes are still used by law enforcement agencies in the absence of any amendment to the Code, despite the rulings of the Court of cassation.

In other CJEU rulings, French legislators have not yet taken the trouble to bring national rules into line with the principles laid down by the Court of Justice. This is the case, for example, with article 55-1 of the French Code of Criminal Procedure on the collection of biometric data, which, contrary to CJEU case law (C-205/21 of 26 January 2023), makes no provision for assessing the appropriateness and proportionality of the collection of biometric data in concrete terms. However, the legislators have not undertaken any steps to

amend this article.

The CNCDH's actions to support the implementation of the European Courts' judgments

In 2024, the CNCDH transmitted observations as part of monitoring the execution of the cases M.A. v France (n° 9373/15) and A.S. v. France (46240/15). The subject of these observations was to shed light on the Committee of Ministers on a certain number of declarations and non -performance by France of Court's interim measures in cases of removal of foreigners in a country where they risk torture.

Moreover, in order to support the implementation of the European Courts' judgments, whenever it is relevant, the CNCDH refers to these judgments as well as puts under the spotlight and informs about new cases concerning France on social networks.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The CNCDH recommends to national authorities to:

1. increase the resources and staffing of the judiciary,
2. improve the quality of justice and to make the courts resolve disputes in a fair manner, by reducing procedural delays and make the law less complex to understand and to apply,
3. bring the national legislation (including the French Criminal Code and Code of Criminal Procedure) in line with the EU law and jurisprudence of the CJEU and ECtHR.

France 2025

Information from: French National Consultative Commission on Human Rights (CNCDH)

Media freedom, pluralism and safety of journalists

Based on the human rights monitoring and reporting, the CNCDH has found

significant challenges affecting media freedom, mainly in the form of misinformation on the topic of migration, particularly when it comes to data.

For example, the narrative often represents migrant people mostly as men. Women in migration are not as visible, even if they represent of big part of the migrants. They are rarely mentioned in the political debates related to migration. This lack of consideration can lead to more difficult access to their rights or sometimes to a deprivation of their rights.

France 2025

Information from: French National Consultative Commission on Human Rights (CNCDH)

Other challenges to the rule of law and human rights

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

The CNCDH recommends that France should go beyond its obligation to protect human rights, and place these rights at the heart of the elaboration, implementation and monitoring related to public policies at both national and local levels.

Germany 2025

Information from: German Institute for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The German Institute for Human Rights was reaccredited with A-status in

October 2023.

The SCA acknowledged the extensive work carried out by the GIHR to strengthen its human rights protection mandate, including through increased funding for monitoring, including the establishment of national rapporteur mechanisms on the Council of Europe Conventions on Violence against Women and Domestic Violence and on Trafficking in Human Beings, the development of an advocacy strategy for amending the GIHR law, and making permanent the National CRC Monitoring Mechanism. It encouraged the GIHR to continue to advocate for appropriate amendments to its enabling law to strengthen its protection mandate, for making permanent the two rapporteur mechanisms, and to strengthen and seek formalization of its engagement with the Federal Parliament including participation in Parliamentary hearings.

Further, with regards to the institution's selection and appointment process, acknowledging the continued engagement of the GIHR with the Parliament, the SCA encouraged the GIHR to continue to advocate for the formalization and application of a consistent and uniform process that includes requirements to publicize vacancies broadly, including in the context of the Federal Parliament's ongoing process of revising its rules of procedures.

Finally, the SCA encouraged the GIHR to continue its advocacy for the necessary changes in its governance structure with regards to political representatives on the Board of Trustees, as well as in relation to the term of office of the Board of Directors and accordingly amend the law.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Broadening the human rights mandate

The German Institute for Human Rights ("GIHR") continued to advocate for an amendment to its enabling law that would formalise its powers to access information and data specifically under its National Rapporteur Mechanism mandates on trafficking in human beings (EU Directive on preventing and combating trafficking in human beings and protecting its victims, Directive (EU) 2024/1712 and CoE Convention on Action against Trafficking in Human Beings) and on gender-based violence (CoE Convention on preventing and combating violence against women and domestic violence). Together with the permanent establishment of both mandates (currently, they are project-based), the GIHR's protection mandate would be significantly strengthened.

The GIHR also, together with the German NPM, developed and submitted to the Federal Ministry of the Interior and Community a concept for the establishment of a joint (GIHR – NPM) monitoring mechanism under the EU Pact on Migration and Asylum. The GIHR had approached the NPM and the ministry to advocate for an EU regulation compliant mechanism. Currently, the GIHR and NPM are negotiating the details of the mechanism's mandate and funding. If successful, the new mechanism would significantly strengthen the GIHR's protection mandate (investigative function, powers to access information and data, complaints handling function). According to the CEAS-time frame, the monitoring mechanisms has to be established and working by June 2026.

Formalization of engagement with the Federal Parliament

The GIHR plans to take up this point in its advocacy efforts with the new parliament. The formalization of the engagement would require a change of the rules of procedure, something that might be more easily achieved at the beginning of the new term.

Selection and appointment of the members of the Board of Trustees

The new four-year-term of the Board of Trustees started on 1 June 2024. As for previous appointments, the Board of Directors sent letters and held meetings with all appointing bodies. The Board of Directors reiterated the need for every appointing body to follow Paris Principles compliant procedures and ensure that Board of Trustees has a pluralistic membership. It remains that with different appointing bodies a consistent and uniform appointing process is neither possible nor desirable. However, the GIHR takes the view that each appointing process itself fulfils ls the Paris Principles requirements, albeit differing in the details.

Recommendations concerning the National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings

The SCA recommended to make permanent the two National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings. Moreover, the CEDAW Committee in its Concluding Observations from 2023, encouraged Germany "to strengthen the mandate of the German Institute for Human Rights, granting it the authority to support and monitor the transparent, coherent and consistent implementation of the Convention throughout its territory." While the GIHR continues to advocate for full implementation of the recommendations concerning the two National Rapporteur Mechanisms, until now, no further progress has been made by the state authorities.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the GIHR has not changed since January 2024.

NHRI enabling and safe space

NHRI enabling and safe space

As regards the awareness of the NHRI's mandate, the GIHR notes that relevant state authorities have good awareness of the NHRI's mandate, independence and role.

Access to information and policy makers

Overall, access to information and policy makers is good. As recommended by the SCA, the engagement with the Federal Parliament should be formalized so that, e.g. any statement or recommendation submitted by the GIHR during the legislative process receives an item number and thus becomes part of the official documentation of a legislative process. Another possibility would be that the parliament extends a standing invitation to the GIHR.

The GIHR also advocated for a legal amendment that would strengthen the mandates of the two National Rapporteur Mechanisms, including guaranteeing access to data and information. Unfortunately, the government coalition ended before a legislative process regarding an amendment could start.

State authorities' follow-up to the NHRI recommendations

No measures or legislation have been put in place since 2022 to ensure timely and reasoned responses to NHRI recommendations. The addressees of the NHRI's recommendations are not legally obliged to provide a timely and reasoned reply.

Resources to carry out the mandate of the NHRI

After receiving a substantial increase of funding, the GIHR considers its resources currently to be adequate. However, the next government should quickly proceed to make the two National Rapporteur Mechanisms permanent (with the 2025 budget), in order to enable the GIHR to continue working on these issues (trafficking in human beings and gender-based violence). This is particularly necessary as the two bodies systematically collect data in order to monitor developments over time and evaluate the effects of laws and policies. In addition, project-based funding has the inherent weakness that the GIHR can only provide temporary contracts. This forces the GIHR to let go of the staff after six to eight years. This structurally weakens the work and permanently puts pressure on its staff. Project-based funding is also earmarked and often limited to a one to three years period. Ear-marked funding and short funding periods limit the GIHR‘s ability to react flexibly on emerging or pressing issues.

Functional immunity of the leadership and staff of the NHRI

The GIHR itself does not enjoy immunity. No employee of a German public body enjoys immunity, not even the Federal President or the Federal Chancellor. This is in line with German constitutional law, particularly human rights law, according to which the state is liable for violations of the rights of natural or legal persons.

With respect to personal liability for actions taken in their official capacity, the GIHR Statute provides that the Board of Directors is liable towards the association only for intent or gross negligence (sec. 31.5 GIHR Statutes). Pursuant to general labour law in Germany, staff members of GIHR are not liable for actions taken in their official capacity, unless they act grossly negligent or with intent. The limited liability of the Board of Directors is equivalent to the liability of public office holders, including that of the Chancellor or Federal President. This is equivalent to the liability of all civil servants.

So far there has not been any instance in which German law and jurisprudence did not provide sufficient measures to protect and support the NHRI, including its staff. However, with the global rise of right-wing and reactionary forces, threats, harassment, and other forms of intimidation will rise.

Threats faced by the NHRI

In 2023, the far-right AfD party introduced a bill in the Bundestag 'for the repeal of the law on the legal status and tasks of the German Institute for Human Rights,' which also aimed to withdraw its funding. In its reasoning, the bill claims that the DIMR has abandoned political neutrality and discredits voters, sympathisers, members and elected representatives of the AfD. The bill was referred to the competent committees by the Bundestag plenary. In January 2025, the AfD requested that the Committee on Human Rights and Humanitarian Aid reported on the status of the debate on the motion and asked for a report. The report showed that the committee cancelled the motion several times. With the collapse of the government and the new elections, the bill fell into abeyance.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities
The GIHR recommends that:

1. The federal parliament should make permanent the two National Rapporteur Mechanisms on trafficking in human beings and gender-based violence. It should also provide a legal basis for both mechanisms (see SCA recommendation).

2. The monitoring mechanism under the EU Pact on Migration and Asylum as proposed by the GIHR and the NPM should be established as soon as possible and sufficiently funded to make it fully functional by June 2026.
3. The federal parliament should change its rules of procedure to extend a standing invitation to the GIHR for parliamentary hearings and accept any written submission of the GIHR on draft laws as well as circulate them as official parliamentary documents (see SCA recommendation on formalisation of engagement).

Germany 2025

Information from: German Institute for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The GIHR's human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, negatively impact on freedom of assembly, negatively impact on freedom of expression, criminalise human rights defenders' work as well as limit access to funding.

Excessive use of police force

GIHR identified a number of state measures that contradict or endanger liberty rights. Of particular concern is the **excessive use of police force**, negatively impacting freedom of assembly. This applies in particular to actions against pro-Palestinian demonstrators, with the police being unable to strike a balance between appropriate measures against anti-Semitic extremism and the freedom to demonstrate. The GIHR has published a report on the consequences of October 7, 2023 in Germany, highlighting that antisemitic incidents in the form of discrimination as well as physical violence have increased significantly in Germany since October 7, 2023. Anti-Semitic slogans were also used at demonstrations resulting in police measures. GIHR criticised in its report that protest gatherings were often sweepingly described as 'pro-Palestinian', resulting in peaceful protesters against the Gaza war being equated with supporters of Hamas.

Media reports on protests in the context of the war reflect the polarised views

of society: The German public-service television network ARD reported on the increased police measures against the background of the offences committed during the demonstration. The article quoted voices from the government of the federal state Berlin justifying these measures. On the contrary, the newspaper Taz focuses on the excessive use of police force against the peaceful exercise of freedom of assembly.

Adoption of new assembly law in Saxony threatens to stifle freedom of assembly

Regarding a new assembly law passed by the German state of Saxony (Sächsisches Versammlungsgesetz vom 22. Juli 2024 (SächsGVBl. S. 724), experts find that some of the new provisions significantly curb or even threaten to stifle freedom of assembly (Statement by Prof. Dr Clemens Arzt, pp. 24/25). The excessively broad police powers over third parties are criticised, with some provisions designed to legalise the intimidation of assembly personnel ("Ordner") (ibid., pp. 18-20).

Criminal prosecutions against climate activist groups

The criminal prosecutions against the climate activist group Last Generation raise strong concerns regarding the right of association and the criminalisation of the work of human rights defenders. As part of an investigation, the initial suspicion that the Last Generation was a criminal organisation was confirmed by Regional Court (Landgericht) Munich (LG München, Beschl. v. 29.07.2024, Az. 2 Qs 33/23). Civil society organisations such as the Gesellschaft für Freiheitsrechte and Human Rights Watch are concerned that a final ruling with this outcome would pave the way for the criminal prosecution of anyone participating in or supporting the Last Generation, including administratively or financially. In March 2025, the Munich Public Prosecutor General's Office brought further charges against five climate activists. Here, too, the accusation is that the Last Generation formed a criminal organisation.

Countering hate speech, disinformation and extremism by the courts

German courts faced the challenge of countering hate speech, disinformation, extremism, including anti-Semitism, without unduly restricting the right to freedom of expression. The conviction of activist Ava Moayeri in August 2024 (Amtsgericht Tiergarten Berlin, judgment of 06.08.2024, Az. 261b Cs 1037/24) for chanting "From the river to the sea, Palestine will be free" during a Berlin rally reflects the restrictive approach to political slogans, which courts interpret as support for extremist organisations. In addition, Human Rights Watch expressed concern that a German parliament resolution on combating anti-Semitism may constrain civil society engagement and freedom of expression.

A delicate balance between the protection of democracy and freedom of expression and the press was brought to court in 2024 after the German

Ministry of the Interior and Community de facto banned the far-right magazine Compact by prohibiting the company that publishes the magazine. Companies can also be banned by the Ministry of Interior under certain conditions, if they are f. ex. directed against the constitutional order within the meaning of Article 9 of the Basic Law and Section 3 of the Associations Act. The ban prohibited any continuation of previous activities. Although the magazine is suspected of holding anti-constitutional views, Germany's highest court has suspended the ministry's decision in a procedure on interim measures of legal protection pending a decision on the merits.

Launch of an online platform to remove illegal content, hate speech and disinformation from online platforms

The German Federal Network Agency (Bundesnetzagentur) has launched the online platform 'Trusted Flagger' under the Digital Services Act, aiming to remove illegal content, hate speech and disinformation from online platforms. However, the platform's conformity with constitutional rights is not uncontroversial. For example, it is argued that it creates a structural risk to freedom of expression: The Trusted Flagger often lacks the legal expertise and time to accurately assess the legality of online speech, potentially leading to unlawful content removal and a precarious lack of transparency.

Adoption of the Draft of Tax Reform Act

In July 2024, the Federal Cabinet adopted the Draft of a Tax Reform Act. It provided for non-profit organisations to be allowed to occasionally express their views on day-to-day politics beyond their statutory purposes. In addition, the obligation to utilise funds in a timely manner was to be abolished. However, after the federal government´s break-up in December 2024, only a shortened version of the law was passed in Bundestag and Bundesrat - the clarifications regarding the permitted activities of non-profit organisations had been removed. The EU Commission had recommended reforming the **tax exemption for non-profit organisation**s in order to overcome practical challenges.

NHRI’s support to women human rights defenders and LGBTQ+ human rights defenders

In 2024, GIHR continued to support the Afghan Human Rights Defenders Scholarship of the Elisabeth-Selbert-Initiative initiated and funded by the Ministry of Foreign Affairs. The Institute also supported members of the former National Human Rights Institution of Afghanistan (Afghan Independent Human Rights Commission) and other human rights defenders, among them women human rights defenders. Three years after the take-over of the Taliban many human rights defenders in Afghanistan are still under a continuous threat to be exposed and persecuted by the Taliban regime. In 2022, the German government launched a Federal Admission Programme in order to facilitate the

admission of Afghans at risk. Since the beginning of the programme, the Institute participated in the programme as a so-called ‘reporting body’ with the mandate to suggest and submit human rights defenders at risk to the programme to be admitted to Germany. Having been suggested for the programme, some human rights defenders and other particularly vulnerable persons, including LGTBIQ, fled to Pakistan hoping to be accepted to Germany. Due to budget negotiations and the early elections in Germany, the Federal Admission Programme for Afghanistan was suspended in 2024, leaving many protection seekers in Afghanistan and neighbouring countries in a dire situation. The GIHR campaigned for the continued funding and continuation of the programme.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The GIHR notes several concerning developments that seriously impact civic space. The GIHR’s human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders’ activities, such as verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment, intimidation, harassment or violence before, during or after protests, surveillance by state actors as well as strategic lawsuits against public participation – SLAPPs.

Attacks on civil society and human rights defenders

Human rights organisation such as HRW and amnesty international as well as media reported on widespread violent attacks on civil society and human rights defenders, committed both by the police at climate and pro-Palestine demonstrations as well as by individuals. Striking cases include attacks on journalists, such as an attack by three unknown persons on a video journalist in Leipzig who was covering a pro-Palestine demonstration, and a journalist who was assaulted by security officers after interviewing a Syrian musician.

Also “Bürgerbewegung Pax Europe” faced a violent attack, a deadly knife attack during a protest in Mannheim. While the targeted group is known for its anti-Islam activism and is thus itself suspected of endangering civic space, the violent attacks may nevertheless illustrate a climate of fear for freedom of assembly.

Cutbacks in government funded programmes on promotion of democracy

Civic space is under pressure due to cutbacks in government funded programmes on the promotion of democracy. With regard to the 2025 budget, the government discussed major cutbacks for civil society projects in children's and youth work, political education and voluntary services across Germany. The government collapsed before the budget was finalised; it is still open which projects and which budget line will be cut in the future.

Rise in right-wing extremism and the polarisation of society putting pressure on CSOs

The umbrella organisation of mobile counselling teams against right-wing extremism warns that the rise in right-wing extremism and the polarisation of society is putting further pressure on civil society organisations. The right-wing extremist party AfD has improved its electoral success in state and federal elections. The party has established itself as the parliamentary arm of a large network that wants to overthrow democracy in Germany, with young people, in particular, becoming increasingly receptive to far-right ideas. Against this backdrop, many activists feel abandoned by politicians in their efforts for democracy. Especially in regions where decision-makers play down right-wing extremism, the number of activists is decreasing.

In January 2024, investigative research uncovered plans by high-ranking AfD politicians, neo-Nazis and financially strong entrepreneurs who had concrete plans to expel millions of people from Germany (called “remigration” by AfD). This was followed by many large demonstrations against right-wing extremism throughout Germany. However, civil society involvement was declining during 2024 amid the growing threat of right-wing extremism, requiring stronger safeguards.

Critical voices in the press towards civil society engagement

Another factor that may have affected civil society engagement was highly critical voices in press that criticised civil society engagement in the context of the debate on the Democracy Promotion Act. The funding program by the government for civil society engagement was portrayed by them as a purchase of loyalty by the state, non-governmental organisations were depicted as instruments of power for left-wing party politics - financed with taxpayers' money.

Strategic lawsuits against public participation (SLAPPs)

Strategic lawsuits against public participation (SLAPPs) were a cause for concern during the reporting period. The civil society organisation Ende Gelände criticised the lignite company Lausitz Energie AG (LEAG) for seeking a wide-ranging court injunction against two environmental activists, including a potential fine of €250,000 per violation, as an attempt to silence dissent. The court ruled in favour of the activists, holding that the 'humane earth climate' is

in principle a legal good that can give rise to a legal emergency (nothilfefähiges Rechtsgut) (Landgericht Cottbus, 26.09.2024 – 1 O 286/19).

In April 2024, a "No SLAPP" initiative was launched to provide legal assistance to those affected. The No SLAPP Alliance consists of several civil society organisations. It is a member of the Coalition Against SLAPPs in Europe (CASE), which is committed to the fight against SLAPP complaints at European level. The No SLAPP Contact Point project is funded by the Federal Government Commissioner for Culture and Media.

Federal Police Act under discussion

A restructuring of the Federal Police Act has been under discussion in the Bundestag since March 2024. While the revision is to be welcomed in principle, there are plans to extend the possibilities for monitoring telecommunications and traffic data, as well as the localisation of mobile phone cards and terminals and the use of drones. A reinforcement of the powers of the federal police - which still provides for the possibility of racial profiling - is likely to have a deterrent effect on civil society actors.

Threats or attacks specifically against human rights defenders

According to a representative survey conducted by Amnesty International in September 2024, 2,500 people have had the following experiences in the last 12 months in the context of their civil or social engagement: one in ten respondents said they had experienced threats of violence, and just under three percent said they had experienced physical attacks. More than a quarter of those affected have experienced insults. Around 10 percent report inadequate protection by the authorities, with the percentage in eastern Germany being significantly higher than in western Germany. Moreover, people who have experienced discrimination are more severely affected in all categories.

Transnational repression of human rights defenders

The GIHR is in regular contact with the CSO coalition on transnational repression, founded in August 2024. They report i.a. that a small number of Tajik opposition activists were surveilled, presumably by security officials working for the Tajikistan embassy, while protesting in Berlin in September 2023 on the occasion of the visit of President Rahmon. Within hours approximately 50 of their relatives and contacts in Tajikistan were questioned and harassed by security forces there.

In 2023 and 2024 three Tajik activists - Abdullohi Shamsiddin, Bilal Qurbanaliev and Dilmurod Ergashev – were deported from Germany to Tajikistan and in each case immediately jailed on arrival. In two cases – Shamsiddin and Qurbanaliev - they were given prison terms of seven years or more, with no

credible evidence presented to justify the prison terms. Ergashev remains in pre-trial detention.

In at least one case, of Shamsiddin, relatives report that he has been mistreated in jail. The German Foreign Office is also fully aware of the severity of the human rights situation in Tajikistan.

These Tajik citizens should not have been deported by German authorities due to the high risk of torture in Tajikistan. There is evidence that German and Tajik authorities work closely together to identify and process the Tajik citizens in Germany who are a priority for deportation, as indicated in a recent response to a set of parliamentary questions (also reported here).

Initiatives, frameworks or policies for the protection of human rights defenders at national level

Germany has no comprehensive laws to protect the rights of human rights defenders. Although the Federal Council (Bundesrat) has initiated a legislative draft to introduce the new criminal offence of 'political stalking', the scope of application only includes public officials and elected representatives. These individuals are thus specifically protected, including when they protect human rights, while private individuals or those acting in a civil society capacity are not. Germany has a whistleblower protection law protecting people who report legal violations in companies, authorities or other organisations. The law is intended to prevent retaliatory measures such as dismissals, warnings or harassment against whistleblowers and was extended in 2024 to cover organisations with at least 50 employees. (Gesetz für einen besseren Schutz hinweisgebender Personen (Hinweisgeberschutzgesetz – HinSchG).

Programs and initiatives for the protection and support of human rights defenders from abroad

The German government funds various programmes and initiatives for the protection and support of human rights defenders. However, these are programmes that support activists from abroad, not those operating within Germany. For example, the Elisabeth Selbert Initiative offers human rights defenders at risk a safe place that they can use for personal recovery, coping with trauma and for professional development and networking. The Martin Roth Initiative aims to protect artists and cultural workers whose work is restricted by state or non-state actors through temporary protection stays in Germany or third countries and to ensure their continued work. The Defending Voices Programme for the Safety of Journalists helps to create safe working environments in Syria, Mexico and Brazil and to combat impunity for crimes against media professionals and is funded by the Federal Ministry for Economic Cooperation and Development.

Lack of adequate research on protection of woman human rights

defenders

The GIHR has not identified any gender-specific aspects in existing protection legislation. However, it notes that gender-based violence and oppression is a major concern as right-wing extremism and other anti-feminist movements spread nationally and internationally. There is thus a gender dimension to the general lack of adequate research on and protection of human rights defenders.

Activities of NHRI to support civil society space and Human Rights Defenders

Activities of NHRI to support civil society space and Human Rights Defenders
The GIHR has taken several initiatives in 2024 to promote civil society space and human rights defenders.

The GIHR participated in roundtables. In June 2024, the GIHR organised an expert discussion with the CSO coalition on transnational repression. Moreover, the GIHR protects civil society space and human rights defenders (HRDs) also through capacity-building. For instance, in 2024, the GIHR continued to support the Afghan Human Rights Defenders Scholarship Program of the Elisabeth-Selbert-Initiative initiated through the Ministry of Foreign Affairs. The GIHR offered a fellow a two-month internship to gain insight into the work of the institute. The GIHR also organised a workshop for current fellows of the scholarship programme on the work of the Institute and on the European human rights system.

In the next legislative period, the GIHR will continue to communicate the importance of human rights defenders for democracy to the government and secure their funding.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The GIHR recommends to national authorities to:

1. strengthen civil society organisations structurally: by modernising the law on non-profit organisations and adopting the Democracy Promotion Act (a draft has been submitted to the Bundestag, but since a new legislative period started, it fell into abeyance),
2. introduce complaints offices to provide preventive and retroactive protection mechanisms for attacks on human rights defenders, conduct

research on better protection and causes for violence, provide legal assistance to victims, offer psychological support and ensure better visibility for the work and repression of human rights defenders,
3. counter threats against civil society groups and human rights defenders: Addressing the causes of the rise of the new right-wing extremism, as well as the question of the unconstitutionality of far-right groups and the consequences of prohibition.

The GIHR also recommends to European actors to:

1. adopt an EU directive to ensure better national protection of human rights defenders and create new narratives that valorise the work of civil society and the protection of people in vulnerable situations, especially in the area of migration and asylum,
2. strengthening EU programmes for political and human rights education, promoting democracy, strengthening civil society in order to counter right-wing extremist ideologies,
3. support awareness of transnational repression of HRDs / diaspora communities in member states.

Germany 2025

Information from: German Institute for Human Rights

Functioning of justice systems

Based on the human rights monitoring and reporting, the GIHR identified significant challenges affecting access to justice and/or effective judicial protection in the areas of independence and impartiality of judiciary, delays in court proceedings, access to legal aid, professionalism, as well as specialisation and training of judges.

Safeguarding the independence of the judiciary

The GIHR has not identified any current cases in which the independence of the courts has been compromised. However, given the right-wing extremist tendencies in society as reflected in election results, the executive, the legislature and the judiciary face the challenge of **preventively safeguarding the independence of the courts**. Against this backdrop, several initiatives have been launched to strengthen the resilience of the German judiciary. In December 2024, the Bundestag voted in favour of enshrining key structural features of the Federal Constitutional Court in the Basic Law (constitution).

Reforming the criteria for the right to issue instructions to the Public Prosecutor's Office

The Federal Ministry of Justice has presented a reform draft for the ministerial right to issue **instructions to the public prosecutor's office** in individual cases. This is not intended to abolish the right to issue instructions but instead aims to standardise the existing criteria according to which ministers may issue instructions. The draft also provides for an obligation to document instructions in writing. The German Federal Bar welcomes the specific draft law almost in its entirety, while the right-wing extremist AfD parliamentary group introduces its own bill to end the right to issue external instructions to public prosecutors in the Bundestag. Due to the end of the government, the abovementioned law was not passed by the cabinet and therefore not introduced into parliament.

Preventing the collapse of the civil justice system

A draft proposal by the CDU/CSU parliamentary group entitled '**Preventing the collapse of the civil justice system** - creating effective regulations to deal with mass proceedings' was under discussion in the Bundestag. The draft refers to mass proceedings in civil law, which have been increasing for years and jeopardise the functioning of the judiciary. The discussion is in line with the criticism of citizens who, in surveys, express basic trust in the judiciary but strongly criticise the fact that many proceedings take too long and the courts make inconsistent decisions. A **digitalisation reform** of the justice system in 2024 attempts to address these shortcomings.

Suspension of arms deliveries

Access to justice was criticised in connection with the suspension of arms deliveries to Israel before administrative courts. After courts had refused to rule on the export licences because the deliveries had already been carried out, an action for an injunction regarding future arms deliveries was rejected by Administrative Court of Berlin because the Federal Government had stated that no further deliveries were planned (Administrative Court of Berlin, 4 L 148/24 (2024) (no 136), para 8). Due to the lack of an transparency regarding the authorisation of arms exports in advance, this creates a situation in which legal recourse to the courts is de facto rendered impossible.

Challenges in access to justice disproportionately impacting women and marginalised gender groups

Victim protection in the context of legal proceedings is deficient. In July 2024, the CDU/CSU parliamentary group introduced a draft bill to amend the Criminal Code and other laws to improve victim protection, particularly for women and vulnerable people such as people with disabilities and senior persons. The bill aims at strengthening the protection of vulnerable persons by introducing 'taking advantage of physical superiority' as a qualifying feature in some

offences such as aggravated robbery and grievous bodily harm. The characteristic should also be taken into account as a criterion to qualify a homicide as murder. This means that acts of violence, especially against children, women, the elderly and people with disabilities, will be punished accordingly.

The bill was met with widespread criticism. Although experts shared the basic concerns of the bill, associations such as the German Women Lawyers' Association (djb) considered the proposals to be “largely ineffective, constitutionally questionable in parts and therefore symbolic.”

Moreover, also published in July 2024 was a draft bill by the Federal Ministry of Justice aimed at improving the protection of persons affected by violence in family court proceedings, strengthening legal aid and to amend other procedural regulations. The draft bill is intended to guarantee better protection for people affected by violence in family law court proceedings. The National Reporting Mechanisms on gender-based violence of the GIHR, civil society organisations and associations criticise that the protection provided by the current law falls short and that the draft bill does not fully implement the Istanbul Convention. (f.ex p. 17, p. 23, p. 24, p. 31). The risk of re-traumatisation when seeking court proceedings in connection with family court proceedings therefore remains a hurdle that disproportionately affects women and marginalised gender groups. The National Reporting Mechanisms on gender-based violence of the GIHR also criticises aspects of the regulation of an elective jurisdiction in the draft law.

In addition, in November 2024, the Federal Cabinet adopted the draft ‘Act for a reliable support system for gender-specific and domestic violence’ Violence Assistance Act (Gewalthilfegesetz). This was approved by the Bundestag and the Bundesrat in early 2025. It improves the provision of protection, counselling and support services for women affected by violence and their children. Through this structural improvement the law helps to reduce the barriers to access to justice for women. However, some regulations, especially those requiring extensive structural adjustments, such as the expansion of specialised advice centres and the establishment of new shelters, are subject to a long transitional period and will not become legally binding until 2032. The GIHR welcomes the law as a milestone for the protection and support of those affected, as it guarantees uniform quality standards for women's shelters nationwide, their funding and a legal right to protection and counselling. The figures from the **‘**Monitor Violence against Women’**,** published by the National Rapporteur Mechanism on gender-based violence of the GIHR in December 2024, show how urgently this legal regulation was needed: The figures reveal how a dramatic gap in the provision of protection centres. Although the Violence Assistance Act is meant to counteract this fatal shortcoming, the GIHR's National Rapporteur Mechanism on gender-based violence criticizes the fact that the legal rights do not apply to all victims of gender-based violence.

Trans men as well as intersex and non-binary persons are not covered, which contradicts the understanding of the Istanbul Convention, according to which 'gender' is not to be understood exclusively in the biological sense**.**

Activities of the GIHR to support implementation of the European Courts' judgment

The GIHR has also taken several initiatives to support implementation of the European Courts' judgments, such as Rule 9 submissions to the Council of Europe's Committee of Ministers, referring to the judgments of European Courts in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, engagement with courts, as well as awareness raising of the general public.

In particular, on the occasion of the review of the case *Basu v. Germany* (Application no. 215/19), judgment by the Committee of Ministers of the Council of Europe in December 2024, the GIHR commented on the implementation of the decision in accordance with Rule 9.2 of the Rules of the Committee of Ministers.

Measures to follow-up on recommendations issued by European actors

The EU Commission recommends that Germany aligns the remuneration of judges and public prosecutors in accordance with European standards. In July 2024, the Commission stated that although some progress had been made, remuneration was still considered inadequate. The German Association of Judges also shares this criticism.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The GIHR recommends to national and regional authorities to:

1. increase efforts to safeguard the independence of the Federal Constitutional Court,
2. introduce further structural reforms, focussing on constitutional courts on the federal level, but also court organisation and court personnel. These measures should aim at preventing power-accumulation and undermining of the constitutional justice system in the event of anti-democratic forces in government,
3. on the EU-level to strengthen initiatives that more closely link EU sanction mechanisms to rule of law requirements.

Germany 2025

Information from: German Institute for Human Rights

Media freedom, pluralism and safety of journalists

Based on the human rights monitoring and reporting, the GIHR identified significant challenges affecting media freedom, such as decline in media independence, harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs), misinformation and/ or disinformation as well as access to public interest information/documents.

Challenges to media freedom

In particular, the GIHR notes some concerning activities by both state and non-state actors seriously affecting the media freedom. Violent attacks on journalist have been reported during and in the aftermath of demonstrations. As mentioned in the section on “Negative practices against civil society and human rights defenders,” a video journalist in Leipzig who was covering a pro-Palestine demonstration was attacked by three unknown persons, and another journalist was assaulted by security officers after interviewing a Syrian musician.

Moreover, in the proceedings of the climate activist group ‘Letzte Generation’, which defended itself against interceptions of its press telephone by the police, the Munich Regional Court ruled against the activists (LG München, Beschl. v. 29.07.2024, Az. 2 Qs 33/23). According to the court, the police were allowed to take wiretapping measures because there was an initial suspicion that the ‘Last Generation’ had committed the offence of forming a criminal organisation. Civil society organisations such as the Gesellschaft für Freiheitsrechte (GFF) have classified the measure as a threat to freedom of media.

The freedom of media was also put to the test by a court judgment against the editor-in-chief of the information and research platform FragDenStaat ("AskTheState"), Arne Semsrott. He was convicted under criminal law for publishing court documents (in connection with the Letzte Generation and Radio Dreyeckland cases mentioned here - see above and below) in accordance with Section 353d of the German Criminal Code (Berlin Regional Court, judgement of 18 October 2024 - 536 Kls 1/24). The Gesellschaft für Freiheitsrechte considers the provision in Section 353d of the German Criminal Code to be unconstitutional because it prohibits the publication of documents from ongoing criminal proceedings without exception and therefore

disproportionately hinders free reporting and access to public interest information.

Freedom of the press was confirmed in a trial in June 2024, when the Karlsruhe Regional Court acquitted an editor of the radio station of the accusation that he had violated the prohibition of supporting a banned association by linking to an archive of the banned platform "linksunten.indymedia". The court emphasised that the linking was part of journalistic work and thus covered by the freedom of the press (Judgement of the 5th Criminal Chamber of 6 June 2024, ‘Radio Dreyeckland’ (Ref. 5 KLs 540 Js 44796/22).

Measures to follow-up on the recommendations issued by European actors

Germany has not taken measures in response to the EU Commission's recommendation to introduce a statutory right of access to information for the press to federal authorities, but merely referred to the Freedom of Information Act, in place since 1999.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The GIHR recommends to national and regional authorities to:

1. strengthen society's media literacy through education programmes to build trust in independent media and counter the decline in media consumption and the spread of fake news, disinformation and hate speech,
2. create a legal basis for a right to information of the press,
3. increasing financial support for civil society organisations supporting the freedom of media.

Germany 2025

Information from: German Institute for Human Rights

Other challenges to the rule of law and human rights

Reforms to the legislation on the lobbying register

Following recommendations from the EU Commission regarding better transparency in the German legislative process by disclosing all contributions from interest representatives, Germany has taken steps, in particular by reforming the **legislation on the lobbying register** (Gesetz zur Änderung des Lobbyregistergesetzes vom 15. Januar 2024). Lobbyists must now disclose whether they have held a political office or a high-ranking administrative position within the past five years. Former government members and senior officials are subject to a mandatory cooling-off period before engaging in lobbying activities. Additionally, members of parliament and government officials must provide more detailed disclosures of secondary income and corporate holdings to mitigate conflicts of interest. However, there is still a need for action regarding both the transparency of the legislative process during the parliamentary phase and revolving door effects between politics and business (https://www.dbb.de/artikel/deutschland-muss-nachsitzen.html).

Discrimination in employment, education and housing as persisting structural human rights issues

Despite existing legal regulations at constitutional and statutory level, discrimination in areas such as employment, education and housing remain a persistent problem. In her country report on Germany, issued in March 2024, by then Council of Europe's Commissioner for Human Rights, Dunja Mijatovic, "notes that the high levels of poverty and social exclusion in Germany are disproportionate to the wealth of the country as Europe's largest economy". She issued her concern regarding "the persistent narrative in political discourse and the media that poverty or homelessness are caused by the affected individuals themselves, due to their choice, indolence or negligence." According to the Commissioner, such a narrative "hinders progress in ensuring effective access to social rights." She further notes the growing levels of inequality in Germany which threatens social cohesion and leads to "serious concern among her interlocutors regarding the rise of the far-right in the political sphere, which, as many fear, threatens democracy in Germany."

In recent years, rising rents, food and energy prices have become a financial burden for a growing number of persons in Germany – an issue which was also prominently discussed by the Council of Europe Commissioner for Human Rights in the abovementioned report. She particularly addressed the lack of protection from poverty and the protection gaps regarding the right to adequate housing. Trade unions, environmental and social organisations have warned that the social situation might exacerbate social injustice and jeopardise solidarity and trust in democracy. Against the backdrop of the budget negotiations for 2025, such organisations were appealing to the German government in an open letter not to allow necessary investments in climate protection, social security, the promotion of democracy or the renewal of public infrastructure to be played off against each other.

The dismantling of the welfare state with severe austerity measures having been adopted in the reporting period primarily affects those already living in or at-risk of poverty. It threatens the realisation of economic, social and cultural human rights and, eventually, solidarity and trust in democracy. Coupled with the growing polarisation of society, with the far right offering simplistic solutions, this creates an increasingly anti-democratic climate.

The fear-inducing narrative of an overburdened state, particularly with regard to asylum and migration, but also with regard to social spending such as the provision of the minimum subsistence level, repeatedly overlays the human rights discourse. The instrumentalisation of emergency scenarios and crisis rhetoric promote extremist and populist as well as discriminatory narratives, jeopardise social cohesion and eventually weaken the rule of law.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The GIHR recommends to national and regional authorities to:

1. foster civic space by appreciating and recognising the specific function and the contribution of civil society organisations to democracy and the capacity of states to resist extremisms. In the German context that includes reforming the tax exemption for non-profit organisations and improve the possibilities for funding of civil society projects,
2. combat fear-induced narratives that fuel hatred and that pit social security and migration issues against each other, and invest in social infrastructure to create a climate in which people do not feel abandoned and thus rebuild trust in the rule of law,
3. take measures to ensure that the guarantees of the rule of law are firmly established, both through constitutional reforms that further protect the independence of the judiciary, the separation of powers and the freedom of the media, and at European level through sanctions mechanisms that are more closely linked to the implementation of the rule of law by states.

Greece 2025

Information from: Greek National Commission for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Greek National Commission for Human Rights (GNCHR) was last re-accredited with A-status in October 2024.

In relation to the selection and appointment process for members of the GNCHR, the SCA noted the current practice of sending a letter to all nominating authorities instructing adherence to the Paris Principles in the selection process. However, it recommended that the GNHCR advocate for the formalisation of a clear, transparent and participatory selection and appointment process of the NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. The SCA also encouraged the GNCHR to consider policy and/or administrative options which would allow it to provide guidance to nominating entities about their selection processes and the requirements of the Paris Principles.

Additionally, acknowledging that the Director is an ex officio member of the Board and participates in Board meetings, the SCA encouraged the GNCHR to advocate for an amendment in the enabling law to ensure that its Board includes full-time members with voting rights.

Further, the SCA recommended that the GNCHR advocates for amendments to its enabling legislation to provide a limit to the reappointment of members of the Commission to one additional mandate.

Finally, the SCA welcomed the increase in the annual budget, which reflected the expansion and adjustment of the institutions' operations and encouraged the GNCHR to continue to advocate for an adequate level of funding to effectively and progressively carry out its mandate and to enable the recruitment and retention of staff with salaries and benefits comparable to civil servants discharging similar functions.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Greek NHRI reformed its founding legislation (Law 2667/1998 as amended by Law 4780/2021), its Organisation (Presidential Decree 74/2023) and Rules of Procedure (2024), among others, to meet with the SCA's previous recommendations (2017). In 2024 the GNCHR was re-accredited with an A status in full compliance with the Paris Principles. In recognition of its work, the SCA in the preamble of its report stated that "the SCA welcomes the work carried out by the GNCHR to follow up on the SCA's previous recommendation and with regards to the rights of migrant workers, refugees, LGBTIQ+ persons, and monitoring places of detention". In fact, the SCA was satisfied with the progress made to comply with its previous recommendations on selection and appointment and adequate funding and recommended that the Greek NHRI be re-accredited with A status (see SCA report October 2024, p. 32).

The European Commission in its 2024 EU Rule of Law Report - Country Chapter on Greece refers to the Greek NHRI as an independent authority, part of checks and balances with a mandate to protect and safeguard human rights (p. 24) and uses its findings for the reporting on the situation of rule of law in Greece (explicit reference to GNCHR Statements and positions in footnotes).

Furthermore, Greece is receiving technical assistance by the OECD (2024-2026) on reforming the law governing all independent authorities in Greece with a view to improve their standing and operation. In this framework, the GNCHR was consulted at an early stage by the OECD project team. The Greek National Commission is indeed an independent administrative authority under national law. However, there are some particularities regarding its composition, mandate and status. First, the Greek NHRI is a commission-type NHRI with members being nominated, among other, by other independent authorities under the Greek law. The GNCHR itself has a broad mandate that encompasses all human rights (in comparison with other administrative authorities with specific human rights mandates). Finally, the GNCHR has been established and operates under the Paris Principles which form a set of international law rules directly applicable to its status and operation. What is more, the GNCHR is regularly being reviewed by the competent peer organ on its compliance with the UN Paris Principles (GANHRI Sub-Committee on Accreditation). Since 2000, the GNCHR holds an 'A' status.

Regulatory framework

Regulatory framework

The Greek NHRI, within its mission, is monitoring the technological evolution, the artificial intelligence evolution and the digital transformation, and draws the attention of the competent State authorities by highlighting the new challenges, their impact on human rights and the possible risks. In 2024, the GNCHR was designated by the Ministry of Digital Governance as one of the national authorities and bodies that enforce or supervise compliance with EU

obligations to protect citizens' fundamental rights within the framework of the Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act). More specifically, according to the announcement of the Greek Ministry of Digital Governance (12.11.2024), the Ministry of Digital Governance, within the framework of the Regulation on Artificial Intelligence (AI Act), published the list of national authorities and bodies that enforce or supervise compliance with EU obligations to protect citizens' fundamental rights. The GNCHR was included in this list along with the Hellenic Data Protection Authority, the Greek Ombudsman and the Hellenic Authority for Communication Security and Privacy. According to the announcement, the aforementioned Authorities will acquire additional powers, such as access to any documentation created or maintained by an organization for its compliance with the AI Regulation, when this is necessary for the effective fulfilment of the mission of these Authorities and within the limits of their jurisdiction. The additional powers will apply from 2 August 2026. The list has been notified to the European Commission and will be updated based on future needs and circumstances.

With regards to the possibility to contribute to access to justice for individuals, the Greek NHRI has no mandate on complaints handling or providing of legal services to individuals. However, it holds the power to intervene as amicus curiae before courts. It has exercised this power twice in 2024:

1. The GNCHR received a request for the first time by the European Court of Human Rights (ECtHR) to submit a written intervention as regards the case of G.R.J. v. Greece (15067/21) and A.R.E. v. Greece (15783/21). The cases were heard by a Chamber of seven judges on 4 June 2024 and were related to reported incidents of informal forced returns of people seeking international protection in 2019 and 2020. The ECtHR specifically asked the Commission whether "there has been a systematic practice of refoulement of foreign nationals by the Greek authorities to Türkiye at land and sea borders". The GNCHR reply was based on the findings of the Recording Mechanism of Informal Forced Returns operated by the Greek NHRI with the participation of non-governmental organisations and the technical assistance of the UNHCR Office in Greece. On 07.01.2025, the ECtHR published its judgments on A.R.E. v. Greece and G.R.J. v. Greece relying greatly, inter alia, to the intervention made by the Greek NHRI, proving that the Commission's repeated recommendations to the competent bodies of the Greek state on informal forced returns remain highly topical.
2. In November 2024, the GNCHR submitted a third party intervention before the Greek Council of State in favour of the retaining in force of a Ministerial Decision (nr.15786/20.2.2024) on the reform of the way the

information of parents and spouses are being mentioned on birth certificates, in line with new Law 5089/2024 on Civil Marriage Equality.

On another note, the GNCHR through the operation of the Racist Violence Recording Network and the Recording Mechanism of Informal Forced Returns by identifying the alleged victims and ensuring the safety of the recording, encourage and facilitate the access of the alleged victims to justice (see Recording Mechanism of Informal Forced Returns, Annual Report 2023, p. 46). Delivery of justice plays a crucial role in healing the trauma of citizens who endure unprovoked violence fuelled by prejudice, as well as in restoring their trust in the rule of law (see Racist Violence Recording Mechanism, Annual Report 2023, p. 6).

When it comes to strengthening the regulatory framework, the Greek NHRI informs that it has already submitted to the authorities a proposal for reform of its founding legislation in order to codify recent additional mandates given to the Institution, such as the compliance of EU funds with fundamental rights and protection of human rights under the EU AI Act. The explicit provision of these additional mandates in the NHRI law serves the purpose of security of law, good governance and better GNCHR planning. At the same time, the GNCHR requested additional human resources (number of employees and profiles) in order to adequately perform its new roles. For the time being, no additional resources were provided for the fulfilment of the additional mandates.

NHRI enabling and safe space

NHRI enabling and safe space

In relation to the State authorities' good awareness of the NHRI, since 2022 the same challenges persist on the awareness of the Greek NHRI's mandate by the relevant executive, parliamentarian, judicial and local authorities. There is partial compliance with their obligation to consult the NHRI prior to human rights law and policy drafting, which constituted also a specific recommendation by the EU Commission to Greece (see 2024 EU Rule of Law Report - Country Chapter Greece, p. 2). In particularly, it is recommended to Greece to "Step up the efforts to ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by observing the statutory timeframe for public consultation". In 2023, the GNCHR was consulted twice prior to the passing of a new law, at the invitation of the Parliament. At its own initiative, the GNCHR submitted its written views on the following bills with an impact on human rights: (1) anti-bullying law (5029/2023), (2) new Migration Code (5038/2023), (3) amendment of labour law (5053/2023). In 2024, similarly to 2023, none of the drafts laws introduced for voting in the Parliament were previously communicated to the Greek NHRI by the executive authorities for its expert opinion. The Parliament invited the GNCHR to present its views during the elaboration of two bills (e.g. on same

sex marriage and minor rights). Both of these bills were discussed at the Standing Committee on Public Administration, Public Order and Justice in which a GNCHR expert participated and briefed the Members of the Parliament (MPs). Furthermore, the Commission submitted an expert opinion on a labour rights bill (transposition of EU Directive 2022/2041 on minimum wages) discussed in Parliament in November 2024 without being invited to the discussions.

An exception to the above challenge has been the cooperation of the Commission with the newly established Ministry for Social Cohesion and Family regarding the transposition of EU Directive 2022/2381 on improving gender balance among directors of listed companies and related measures. The GNCHR convened an oral hearing with all stakeholders (public and private) to discuss the draft law prior to its finalization. The feedback received from the invited participants improved the draft text, which was subsequently put out for public consultation. Upon invitation by the Standing Parliamentary Committee on Social Affairs, the GNCHR participated in parliamentary discussions during the enactment of Law 5178/2025 in February 2025.

Drawing on the Commission's 25 years of experience, the GNCHR asserts that the NHRI's involvement in the legislative process should not be left to the discretion of governmental or parliamentary authorities. For the sake of better democratic lawmaking, the NHRI offers its expert opinion and advice to the authorities aiming to align national laws with international standards and obligations of the State. GNCHR reiterates its recommendation for a standing invitation to Parliament when bills with a human rights impact are tabled for debate. The GNCHR stands ready to launch such a discussion at the Parliament expressing its reasoned views.

With regards to the introduction of legislation, state measures or practices to ensure timely and reasoned responses to NHRI recommendations, no significant changes were made since 2022. The GNCHR law provides for annual reporting of relevant Ministries (i.e. Ministries maintaining a liaison officer with the GNCHR) on the measures taken in the previous year with respect to human rights in their field of responsibility as well as a follow-up to GNCHR recommendations (ENNHRI Rule of Law Report - Greece 2023 p. 21). The GNCHR, in its Annual Reports, dedicates a chapter on the implementation and follow-up on its recommendations by the state authorities (impact and efficiency of the NHRI work).

Regarding immunity, the GNCHR members enjoy personal and functional independence (immunity), as per Article 14 (6) of Law 4780/2021 for actions taken in their official capacity, protecting them from prosecution for opinions expressed or votes given in the exercise of their functions.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

Despite the GNCHR’s upgrade into an independent authority, its increased budget and staffing, there is still room for improvement in relation to the effective execution of its additional recent mandates. To this end, the GNCHR recommends the State to:

- engage in the reform of the law governing the Commission in order to strengthen its capacity (tools and resources) to adequately carry out its multiple mandates.

At the same time, the GNCHR would like to reiterate its previous recommendations (see ENNHRI Rule of Law Report – Greece, p. 16) not yet addressed by the State.

To the executive authorities, the GNCHR calls for:

- timely and meaningful consultation of the Greek NHRI on draft laws in line with EU recommendations;
- its involvement in reporting procedures before the EU Commission (rule of law) and the European Committee on Social Rights (Council of Europe) that are currently out of reach
- a follow-up procedure (reasoned reply) by respective Ministries to GNCHR’s recommendations in line with Council of Europe’s recommendations.

To the parliamentary authorities, the GNCHR invites them to discuss the possibility of:

- a standing invitation of the GNCHR to all sessions of parliamentary committees addressing human rights issues.

Greece 2025

Information from: Greek National Commission for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights

Defenders

Freedom of association

Since 2022, the EU Commission identified that the issue of multiple registration requirements for civil society organisations in Greece may not be proportionate in view of maintaining an open framework for them to operate. Henceforth, the EU Commission closely monitors this issue and has formulated respective recommendations to the Greek authorities in its 2022, 2023 and 2024 Rule of Law Reports. In 2024, the EU Commission recommended in particular to the Greek authorities to "strengthen efforts to evaluate the current legal framework for the registration system for civil society organisations and assess whether there is a need to amend it, while moving forward with a structured dialogue with CSOs." The GNCHR regrettably informs that there has been no progress in the implementation of this last recommendation. Civil society report on the rule of law in Greece confirms such conclusion (Struggle for Accountability – The state of the rule of law in Greece, January 2025, pp. 64-65). The Greek NHRI also monitors registration requirements and sanctions imposed by Law 4808/2021 related to the suspension of trade union rights in case of non-registration to the newly established Trade Unions General Registry (GEMISOE). As informed in the ENNHRI Rule of Law Report – Greece 2024 (p. 12), the Council of State declared them contrary to art. 8 of the EU Fundamental Rights Charter and the General Data Protection Regulation. The case was referred to the Plenary of the Council of State. The hearing took place in May 2023, and the issuance of the relevant judgment is currently pending.

The UN Human Rights Committee in its Concluding Observations on the 3rd periodic report of Greece expressed its concerns about the stringent registration and financial requirements imposed on civil society organizations, in particular those working in the areas of migration, asylum and social integration when assessing application of Article 22 of the ICCPR in Greece. To this end, the Committee recommended to Greece to "consider reviewing article 40 of Law 4825/2021 on the deportations and return procedures of third-country nationals with a view to removing unduly restrictive requirements regarding the registration and funding of such organizations".

Support to women and LGBTQ+ human rights defenders

The Greek NHRI is composed of 20 experts appointed by independent authorities, trade unions, bar associations, nongovernmental organisations, research institutions and academia. Among nominating entities are the oldest feminist organisation in Greece, i.e. the "Greek League for Women Rights" and four LGBTQ+ organisations, i.e. the "Greek Transgender Support Association", the "Athens Pride Festival – Athens Pride", the "Lesbian and Gay Community of Greece", the ''COLOUR YOUTH-Athens LGBTQ Youth Community (COLOUR YOUTH)" and the "Rainbow Families Greece". These entities have appointed 4 women in the current cohort (2 main members with their alternates). 47% of

the total membership are currently women. The GNCHR members are considered human rights defenders. Some of them are renowned activists in the Greek society, defending human rights.

In addition, the Racist Violence Recording Network (RVRN) operating under the auspices of the Greek NHRI and the UNHCR Office in Greece records criminal acts or violent activities or behaviours against HRDs, namely against people who promote and protect human rights and are targeted because of that. RVRN records, almost on an annual basis, incidents against HRDs since its establishment. Based on these recordings, the incidents concerned HRDs linked to refugee/migrant population and LGBTQI+ community, while in several cases RVRN members have also been targeted. In this framework, RVRN in its last Annual Report (2023) emphasized once again the need for a framework to protect human rights defenders. Its absence exacerbates their vulnerability, often resulting in harassment and even violence, particularly in contexts where racist violence is escalating. In the past years, the RVRN had observed the extension of this targeting also through defamation campaigns or by criminalizing human rights defenders' actions—a trend also recognized by international and European bodies (Report of the UN Special Rapporteur, Mary Lawlor, on the situation of human rights defenders, Preliminary observations and recommendations, Athens, 22 June 2022).

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
In 2024, Greece was under review by the UN Human Rights Committee as to the progress made in the implementation of the ICCCPR since 2016. The GNCHR in its Submission to the UN Human Rights Committee (2024) reported on restrictions to freedom of association linked to the registration requirements for NGOs involved in the protection of refugees and trade unions, the racist violence incidents against HRD recorded by the RVRN and practices of intimidation, harassment and SLAPPs against NGOs and journalists working in the refugee and migration context (see also GNHCR Statement on human rights defenders working in refugee and migration field, 2024). In its Concluding Observations (2024), the UN Committee expressed concerns at reports of an increasingly hostile environment towards human rights defenders, particularly those working with refugees, asylum-seekers and migrants, including reports of smear campaigns, intimidation, harassment, threats, legal harassment and criminal charges (para. 32). It formulated the following recommendations to Greece:

"33. The State party should take appropriate measures to ensure a safe and enabling environment for human rights defenders, including:

(a) Enhancing its efforts to combat and prevent all forms of violence and threats against, and the harassment and intimidation of, human rights defenders and other civil society actors, taking all measures necessary to guarantee their effective protection and ensuring that they can freely carry out their work without fear of violence or reprisals, including arbitrary detention, travel bans, asset freezing or prosecution;

(b) Ensuring that all human rights violations, including harassment and attacks, against human rights defenders are promptly and thoroughly investigated, that perpetrators brought to justice and, if found guilty, duly punished, and that victims receive sufficient reparations;

(c) Adopting legislation and policies to protect human rights defenders and guaranteeing their rights, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms."

The GNCHR is following up on the Human Rights Committee's recommendations (work in progress).

The Greek NHRI systematically reported, since the first rule of law report (ENNHRI Rule of Law Report – Greece), on the absence of a special protective legal framework for human rights defenders operating in Greece. The GNCHR would like to reiterate its standard recommendation (which is also a RVRN's recommendation and the UN Special Rapporteur's on the situation of human rights defenders) that a special national law on the recognition (definition) and protection of human rights defenders in Greece should be adopted. Even if human rights defenders are protected under constitutional or other general or per professional category provisions, a new special legal framework would add, according to the UN Special Rapporteur, "legal guarantees, visibility and recognition for individuals and groups dedicated to human rights, shielding them from attacks, including undue restrictions on their work".

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The GNCHR as a commission-type NHRI with broad representation of civil society in its membership has a unique relationship with civil society and human rights defenders. It promotes and supports the work of human rights defenders and civil society organizations active in Greece on all occasions either directly or indirectly. It relies on their findings for its advocacy and monitoring work, it collaborates with them on capacity building activities and promotes their involvement in consultation processes throughout policy making and legislative procedures. The GNCHR has built a strong, trusted

relationship with civil society, creating a mutually beneficial dynamic. For the Institution, this means access to reliable, on-the-ground information, while for the organizations, it ensures protection and amplification of their work.

The Greek NHRI, within its mandate as a bridge builder between civil society and the authorities, extended its scope of work into facilitating the dialogue not only between national authorities and civil society but also between EU authorities and civil society. A recent illustrative example is the Greek NHRI's facilitation of regular meetings between the European Commission and NGOs working in the refugee and migration sector, whenever the occasion arises—such as a country visit by the Head of DG Home (Working Meeting with the participation of Civil Society actors and the Director General of DG HOME at the premises of the GNCHR, GNCH Press Release in July 2024 and November 2024) or the Commissioner for Home Affairs (The GNCHR meets with the new EU Commissioner for Home Affairs and Migration M. Brunner, Press Release in January 2025).

In 2024 Greece was under review by the UN Human Rights Committee and the UN Committee against Racial Discrimination as to the progress made in the implementation of the ICCCPR and ICERD in Greece respectively. On both occasions, the GNCHR submitted its independent reports to the UN treaty bodies. On November 2024, the Greek NHRI engaged in an informal dialogue in Geneva with the UN CERD. The Racist Violence Recording Network (a network of 51 CSOs and NGOs operating under the auspices of the GNCHR and the UNHCR Office in Greece) is an important stakeholder in the fight against racial discrimination in Greece, acknowledged for its outstanding contribution by different national and international organisations and bodies. The GNCHR relies on the RVRN’s findings for its advocacy and monitoring work. For the first time, the Assistant Coordinator of the RVRN participated in the delegation representing the Greek NHRI in order to present the findings and conclusions from the Network’s work. The UN CERD in tis Concluding Observations to the Greek State (2024) acknowledged the RVRN’s role by advising the Government to “ensure effective and meaningful consultation with and the participation of civil society organizations and relevant stakeholders working on the rights of persons belonging to groups vulnerable to racial discrimination and hate crimes, in particular the National Commission for Human Rights, the Ombudsperson and the Racist Violence Recording Network, in relation to the development, monitoring and implementation of measures related access to justice for victims of racial discrimination and hate crimes” (para. 15).

Moreover, the establishment and operation of the Recording Mechanism of Informal Forced Returns which is comprised of 11 NGOs active in the field of migration and asylum provides a “protective shield” to its Members, given the general hostile environment currently in Greece (from state and non-state actors) towards civil society organisations active in the refugee and migration context. NGOs enjoying a membership status in the GNCHR’s Recording

Mechanism are able to carry on their relevant activities in the field (recording testimonies of informal forced returns in the name of the Greek NHRI) without any interference by the state authorities.

In January 2025 the GNCHR collaborated with the Office of the Council of Europe's Commissioner for Human Rights during their monitoring visit in Greece. A GNCHR delegation met with the Commissioner at the GNCHR premises and handed over an analytical memo on the current situation regarding the human rights of migrants/asylum seekers and Roma population in Greece. The Commissioner's country visit had a specific focus on the protection of human rights in the context of border control operations and on the human rights of Roma. In his preliminary remarks, the Commissioner noted, among others, "the worsening environment for legal professionals and civil society organisations supporting vulnerable people, as well as for investigative journalists" and recalled that "it is essential for strong rule of law-based states that the role and work of civil society and media be cherished and supported". The GNCHR concurs with the Commissioner's recommendations.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The GNCHR through its multilevel and long-time cooperation with civil society monitors closely the situation of human rights defenders in Greece. It has formulated, in its Reference Reports and ad hoc interventions different kind of recommendations in relation to the protection of their work, the promotion of their role and the non-violation of their rights. Currently, the GNCHR identifies the following recommendations to the state authorities as the most urgent to be addressed:

- Refrain from hate speech, intimidation, harassment, or the criminalization of civil society organizations working in the refugee and migration field. Ensure accountability for human rights violations against human rights defenders in relation to their work.
- Take proactive measures to create an enabling environment for human rights defenders in Greece, in accordance with international standards and specific recommendations from UN and Council of Europe monitoring bodies.
- Uphold their freedom of association by removing restrictive laws, measures, and policies.
- Ensure their sustainability through adequate funding from state-owned or state-managed financial resources.

Greece 2025

Information from: Greek National Commission for Human Rights

Functioning of justice systems

Based on its human rights monitoring and reporting, the GNCHR identified length of court proceedings, access to justice for women and the right of access to court and fair trial standards as the main areas where significant challenges persist, affecting access to justice and effective judicial protection.

Excessive length of court proceedings

As mentioned in the Greek NHRI previous Rule of Law Reports (2024, 2023) the delays and inefficiency of the justice system remain the main obstacles to the full enjoyment of the rule of law in Greece.

The national recovery and resilience plan entails a plethora of measures on the improvement of the efficiency of the justice system. In September 2024, the European Commission's preliminary assessment noted a satisfactory fulfilment of milestones and targets related to the fourth payment request submitted by Greece. The query revolves around a total of 17 milestones and 3 targets, concerning -among others- the training of judges and clerks, a set of actions so as to increase the justice system's IT capabilities with regard to the digitalisation of documents, the enhancement of the record-keeping system of the courts, the simplification, standardisation and acceleration of procedures through digitalisation, and the interoperability of IT systems of the courts with those of the Ministry of Justice, as well as other national and international authorities and databases. In December 2024, Greece submitted the fifth payment request, which entails reforms targeting to the acceleration of the administration of justice (see Greece 2.0 Press Release, 6.6.2024). According to the Digital Transformation Bible 2020-2025 28 projects are designated for the development, integration and improvement of digital tools related to the access and management of legal information, the operation of court proceedings and in general the improvement of the functioning of the judicial system. 19 projects are in progress, 3 are completed, 1 is aborted (Development of an Electronic Payment System in the Mortgage Offices), while the remaining ones are scheduled.

Improving the efficiency of the justice system involves foremost the acceleration of the administration of justice, which is a major drawback for the proper functioning of the justice system in Greece. Acceleration of the administration of justice constitutes a separate measure under the national

recovery and resilience plan. It is comprised by several elements, ranging from a revision of the judicial map across Greece (covering all branches of the judiciary), the introduction of an array of procedural and training measures and the introduction of digital tools and data.

In May 2024, the Greek Parliament adopted Law 5134/2024, which reformed the judicial map in civil and criminal justice. The reform is included in the Recovery and Resilience Plan (measure ID 16575) and is set to be fully implemented by the end of 2025.

The new provisions redefine the courts' jurisdiction and competences and consolidate the first degree of jurisdiction with the merging of the magistrate's courts and the courts of first instance, aspiring to rationalize the number of the judicial bodies. Measures are introduced to speed-up the adjudication process in first instance courts, whereas the use of electronic procedures for submitting applications and issuing decisions is encouraged, in order to increase the mechanism's efficiency. The procedure for filing appeals and other legal remedies is simplified, while stricter deadlines are in order, so as to avoid delays. Simultaneously, intensive focus is given on the alternative dispute resolution process and on the non-litigious cases (mortgage pre-notation, sworn statements and acts relating to inheritance), which are transferred from courts to lawyers, in order to reduce the courts' heavy workload.

The adoption and implementation of the new judicial map received severe criticism from the Plenary of the Bar Associations, highlighting the lack of staff training, the deficiencies in adaptation of technological systems to new developments, as well as the shortages as regards the preparedness of building infrastructures. No tangible progress has yet been made in relation to the changes brought about by the new judicial map and the changes in the procedures in the civil courts and the Council of State.

In July 2024, Law 5119/2024 pertaining to the administrative justice was launched, entailing the reformation of the preliminary procedure before the Council of State. The Plenary of the Bar Associations delivered a statement expressing its opposition to the new provisions, claiming that it restricts the right to be heard and to effective judicial protection. They also stressed that there was no prior consultation with lawyers.

The major challenges that the judicial system has to face can be better understood through the 2024 EU Justice Scoreboard [Quantitative data] and the statistics from CEPEJ, which display that the estimated time needed to resolve litigious civil and commercial cases at first instance is among the highest disposition times in EU (with an average of 746 days for civil cases and 223 days for criminal cases). When it comes to the administrative cases, the Greek average reaches the number of 464 days for the courts of first instance, whereas for the Council of State the number of days needed skyrockets to

1.239.

The Office for the Collection and Processing of Judicial Statistics, established in 2020, runs the project "Support for the office for the collection and processing of judicial statistics", which is part of the Recovery and Resilience Fund. The operation of the Office suffers from delays, while in October 2024, the Ministry of National Economy and Finance extended the project's end date.

Challenges of access to justice of women

In January 2025, the EU Directive 2024/1385 relating to lay down a comprehensive set of rules which address the persisting problem of violence against women was incorporated into national law. The GNCHR was invited to participate in the parliamentary proceedings. The GNCHR welcomed the provisions pertaining to genital mutilation and forced marriage but remained concerned as regards the insufficient adaptation of the article referring to the aggravating circumstances. The Greek NHRI also agreed with the article affording the prosecutor offices the discretion to reject or alter the terms of the mediation process, having as a criterion the protection of the victim. Moreover, it highlighted that mediation should only be applied to women victims of violence who are in a position to decide freely whether to accept or refuse the procedure, in line with the Council of Europe's GREVIO recommendations (see Baseline Evaluation Report Greece, 2023). Additionally, awareness has been raised with respect to the lack of co-operation protocols between prosecutors' offices, victims' support organisations and state-provided social services.

With respect to the access to justice, the CEDAW, in its Concluding Observations on the combined eighth and ninth periodic reports of Greece (para. 13), raised the issue of the legal illiteracy among rural women, women with disabilities and women belonging to ethnic minorities, including Roma women and women belonging to the Muslim minority in Thrace, and their reluctance to file complaints about gender-based violence and discrimination, because of the prevalence of judicial gender bias and gender stereotypes among law enforcement personnel. It also stated that refugee, asylum-seeking and migrant women continue to face barriers to access to justice, a phenomenon that deteriorates due to their lack of trust in the judiciary and law enforcement forces, as well as to the fear of retaliation. National stakeholders raise awareness with respect to the lengthy judicial proceedings and the deeply-rooted gender stereotypes and prejudices among the branch of the judiciary. These elements in conjunction with the low convictions' rate deter the victims from finding recourse to the judicial procedure.

Restrictions to the right of access to a court

In 2024, the ECtHR ruled against Greece in two cases referring to the excessive formalism by the Supreme Courts', especially at the stage of admissibility, impairing, thus, the fair trial right.

In the case of Tsiolis v. Greece concerning the Council of State's dismissal of an application for non-compliance with the admissibility requirements, the ECtHR held that an excessive formalistic approach was taken in implementation of the procedural requirements impairing with the very essence of the right of access to a court, thus Article 6 para. 1 ECHR had been violated. Relevant to the above, the Athens Bar Association underlined that the number of cases that the Council of State has launched through the years displays a substantial decrease; it released 10.250 in 2012, whereas in 2024 the number plummeted to 2.604.

The case of Zouboulidis v. Greece (no 3) concerned the formalistic interpretation by the Council of State of its scope of jurisdiction on compensation claims from the State for the alleged errors of the civil courts until the eventual adoption of new legislation. The ECtHR held that the restriction on applicant's right for an undetermined period creating legal uncertainty to his detriment constituted a disproportionate burden that impaired the very essence of the right of access to a court (violation of Article 6 para 1 ECHR). In November 2024, a legislative drafting committee was established with the task to handle and regulate the action for damages occurred by the acts or omissions of the judicial organs, in compliance with the Zouboulidis judgement.

Room for improvement on fair trial standards

In October 2024, the European Commission notified Greece that it failed to properly incorporate and transpose the Directive 2016/343/EU pertaining to the strengthening of the presumption of innocence and the right to be present at criminal trials. It is unequivocal that these elements are inextricably connected to the right to a fair trial. Thus, it released a formal notice initiating an infringement procedure.

Implementation of European Courts' Judgments

Implementation of European Courts' Judgments

European Court of Human Rights

The Greek NHRI informs that Greece continues to maintain a satisfactory track record regarding the payment of just satisfaction ordered by the Court. The adoption of both individual and general measures varies, with frequent legislative amendments enacted in response to ECtHR judgments finding violations. GNCHR notes that particularities of the Greek legal system substantially hinder the reopening of cases both in law and in practice, thus impeding access to restitutio in integrum. In the specific context of Greece, it is proven that the imperative of restitutio in integrum in the implementation of judgments carries significant weight. Even in cases where proceedings can be

reopened, there is often little to no substantive prospect of success in rectifying the consequences of the violation and ensuring a Convention-compliant outcome for the applicant. Domestic courts demonstrate reluctance to deviate from their initial findings, as exemplified in the Bekir-Ousta group. Furthermore, normative constraints, such as the prohibition of reopening proceedings at the expense of the accused, hinder efforts to achieve restitutio in integrum, as demonstrated in cases like Sidiropoulos and Papakostas group. Similarly, the newly introduced remedy on poor detention conditions in response to the Nisiotis group, is sparingly employed and applications are rejected at an overwhelming rate.

In 2024, the Committee of Ministers received from the European Court 29 cases against Greece for supervision of their execution (compared to 35 in 2023 and 25 in 2022). Of the new violations found by the Court in 2024, some of them concerned the detention and reception conditions of asylum seekers, and one concerned the failure of the investigative and judicial authorities to adequately respond to allegations of rape. Another concerned the authorities' failure to demonstrate that the use of force by coastguards during an operation to intercept a boat illegally transporting people to Greece had been "absolutely necessary" and the lack of an effective investigation thereof. The Committee closed 31 cases against Greece, including four leading cases under standard supervision (Council of Europe/Committee of Ministers, Supervision of the execution of judgments and decisions of the European Court of Human Rights, Annual Report 2024, pp. 73-74).

There are nine groups of leading cases pending before the Committee of Ministers, most under enhanced supervision due to the important structural and/or complex problems revealed therein:

- Sidiropoulos and Papakostas group (33349/10+) concerns the ill-treatment by law enforcement and the lack of effective investigations into death or ill-treatment in the context of law enforcement;
- Nisiotis group (34704/08+) relates to inhuman and/or degrading treatment based on poor detention conditions (overcrowded prisons, no ventilation, no personal space, lack of medical care, etc);
- M.S.S. group (30696/09+) relates to shortcomings in the examination of asylum requests, poor detention conditions, absence of adequate support upon release and absence of an effective remedy.
- Beka-Koulocheri group (38878/03) relates to the non-compliance or significantly delayed compliance of the authorities with final judgments of the domestic courts;
- Bekir-Ousta and others group (35151/05+) relates to the refusal to register two associations and the dissolution of one association asserting that their aim was to promote the existence of an ethnic minority in Greece (as opposed to a religious one);
- House of Macedonian Civilization and others (1295/10) relates to the

refusal to register an association due to the use of the word "Macedonian" and based on an alleged contravention of public order.

Notwithstanding the enhanced supervision by the ECtHR with respect to detention centres' or police and border guard stations' conditions (Nisiotis group and M.S.S. group), the situation cannot be deemed as improved. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in its 2024 Report, observed that foreign nationals continue to be held in poor facilities and receive inhuman and degrading treatment (see also Special Report of the Greek Ombudsman, 2023). The CPT criticized heavily the new EU-funded Closed Controlled Access Centres on the Aegean Islands, stating that they do not provide for decent living conditions.

Additionally, following the GNCHR's visit to the Ritsona centre, it was witnessed that the facilities do not provide for a female-friendly safe space, as they did during the previous years. Also, deficiencies as regards the employees, professional experts and interpreters create difficulties to the procedure of reporting, when it comes to violent incidents and ill-treatment. Moreover, despite the agreement signed between the IOM and the Ministry of Migration and Asylum concerning the project 'Hippocrates I', which foresees the provision of primary medical care and psychosocial support to those residing in such centres, the ratio between the staff members and the people residing is disproportional. A positive step made is the recruitment of 405 employees under the Asylum Migration and Integration Fund, in order to strengthen the human resources of the Asylum Service and enhance its operational capacity. The project started in January 2024 and is expected to last until 2027.

As it has been reiterated in the ENNHRI 2023 Rule of Law Report, the introduction of a new remedy in the Penitentiary Code (article 6A by virtue of article 8 of Law 4985/2022) to address poor detention conditions yielded little to no practical result. Its application remains thin on the ground and the rejection rate exceeds 99.5%. In Circular 3/2023, the Deputy Prosecutor of the Supreme Court emphasizes the importance of applying the new Article 6A of Law 4985/2022 in line with ECtHR rulings. He revisits the issue with Circular 05/2024, highlighting that by the end of 2023, Greece faced 139 convictions by the ECtHR for violating Article 3 ECHR, which prohibits torture and inhuman or degrading treatment. Additionally, 567 inmate cases were settled through friendly agreements, with Greece ranking fifth among Council of Europe countries for pending cases, mainly related to detention conditions.

The GNCHR is of the view that given the fact that only four out of 197 appeals have been accepted, combined with the absence of any appeals in nearly 44% of correctional facilities and in light of the recent findings by the CPT suggest that the implementation of the law requires significant improvement to ensure compliance with both national and international standards. The Greek NHRI, in

its Note before the Greek Parliament, has already pointed out that since the conditions in Greek correctional facilities have been repeatedly deemed equivalent to inhuman and degrading treatment by the ECtHR, as confirmed by CPT and CAT, there are serious reservations regarding the effectiveness of the relevant legislative provision. Penitentiary facilities - despite the recent reforms in the Penal Code to facilitate the exit from the system (see ENNHRI Rule of Law Report - Greece 2023 p. 31) still remain overcrowded and prison conditions are below international human rights standards. The Greek National Commission recommends the removal of obstacles faced by inmates wishing to complain about their detention conditions and the strengthening of their procedural rights, particularly their rights to access information, to legal representation, and to free legal aid. This is crucial given the unknown (not officially published) proportion of inmates with mental health disorders and the significant number of foreign inmates who are often unable to effectively utilize the available legal remedies. The Greek NHRI has prioritized this issue and is using all available tools to monitor the situation in Greece. Soon, a comprehensive report on the human rights situation in correctional facilities will be published.

In brief, the GNCHR recommends the following to the authorities:

- Hearing of detainees' appeals shall be encouraged, and the evidence regarding detention conditions shall be thoroughly investigated, extending beyond the claims of the prison administration.
- Protection measures shall be implemented to ensure that detainees who submit appeals do not face retaliation.
- Regular, detailed statistics on detention condition appeals (e.g., number of appeals, number accepted, reasons for refusal) shall be published.
- Free legal aid shall be encouraged and facilitated, particularly for vulnerable groups (e.g., foreign nationals and individuals with mental health disorders).
- Clear and comprehensible information (including in multiple languages) concerning the process for filing an appeal and the necessary supporting evidence shall be made readily available.

The Greek Ombudsman in its reports highlights systemic faults and shortcomings recorded in the internal process of investigating disciplinary offenses and, therefore, their durability over time, despite the recommendations and repeated interventions of the Ombudsman.

A large group of cases pending for examination before the Court is related to alleged informal forced returns from Greece to Türkiye. Rule 39 provisional measures have been issued by the Court in a number of these cases. According to the official ECtHR statistics, 61 out of 69 interim orders in 2024 are related to border issues. In 2024, the GNCHR continued its practice (ENNHRI Rule of

Law Report – Greece, p. 33) to intervene for every case communicated by civil society to the competent Greek authorities recommending them to comply with the Court's respective interim orders (relevant information are included in the Annual Report for 2024 of the Recording Mechanism for Informal Forced Returns, to be published). On 07/01/2025, the ECtHR published two judgments against Greece on complaints by third-country nationals that they had suffered violations of ECHR rights as a result of informal forced returns (IFR) from Greece to Türkiye (Decision G.R.J. v. Greece - Alleged "pushback" of an Afghan from Greece to Türkiye; A.R.E. c. GRÈCE). The Court of Strasbourg, based on official reports of international organisations and national human rights structures, like the GNCHR, describing a rather stable and uniform modus operandi, held that at the time of the events relied on by the applicant, there was a systematic practice of pushbacks by the Greek authorities. In A.R.E. v. Greece, the Court acknowledged that the applicant suffered an IFR incident, found an infringement of Article 3 of the ECHR and pointed out that the applicant had been irregularly deported to Turkey, without any assessment of the risk she was running in Turkey, in breach of the principle of non-refoulement. Moreover, the Court found an infringement of Article 5 of the ECHR, with regard to the right to liberty and security, as the applicant was subjected to arbitrary detention without legal justification or access to remedies to challenge its lawfulness. In addition, the Court found infringements of Article 13 of the ECHR, as the applicant had no access to an effective remedy to protect her rights. In the same case, the Court, taking into account the cases of IRF incidents already investigated by the competent authorities and the fact that the proceedings regarding the applicant's complaint were closed without an effective investigation, found that the domestic remedies alleged by the Greek Government to be available to the applicant, were not effective in complaints concerning "pushbacks" or other violations that occur during "pushbacks".

It is recalled that the GNCHR has repeatedly issued relevant recommendations, calling, inter alia, on the competent authorities to ensure that all the institutions of the Greek State strictly observe the principle of non-refoulement and the Greek judiciary to effectively investigate the relevant complaints. Taking into account the recent judgments of the ECtHR, the Greek NHRI underlines that its repeated recommendations to the competent bodies of the Greek state are currently highly topical. The consolidation of the IFR operations characteristics and their repeated methodology (modus operandi) have already been recorded and highlighted in the 2022 and 2023 Annual Reports of the Recording Mechanism of Informal Forced Returns which operates under the auspices of the GNCHR since January 2022.

Finally, with respect to freedom of association group of cases that are pending for 16 years before the Committee of Ministers for execution, some progress was made following the deadlock created by the Court of Cassation's negative decisions in 2021 and 2022. More particularly, based on bilateral discussions

between the Greek authorities and the Committee of Ministers, a Committee of Experts was established in 2024, comprised of Greek legal experts that would study the matter of general measures and advise the authorities on the next steps. The Committee of Experts intends to finalise its work and deliver its proposal to the authorities by June 2025.

Court of Justice of the European Union

Following a preliminary reference submitted by the Council of State, the CJEU, in October 2024, delivered its ruling stating that the Member States cannot launch a decision rejecting an asylum application as inadmissible on the basis of the concept of a "safe third country" in cases where they have established that the asylum seeker will not be able to enter the territory of a state described as safe. The ruling is deemed of great significance, since it contradicts the long-standing pattern of the Greek forces, that is, to horizontally dismiss asylum applications as inadmissible under the safe third country principle. Thus, the rejection should be considered as prohibited when it is not plausible for the applicants to re-enter to Türkiye, while the precondition should be examined not at the time of the decision's execution, but during the launching of the latter (GCR, 'safe third country'; CJEU, Request for a preliminary ruling under Article 267 TFEU from the Council of State (Council of State, Greece)). By a subsequent decision of the Plenary of the Council of State on 27 March 2025, the Joint Ministerial Decision designating Turkey as a safe third country for asylum seekers originating from Syria, Afghanistan, Somalia, Pakistan, and Bangladesh has been annulled.

Greek NHRI's activities to support the implementation of the European Courts' judgments

With regards to the actions taken by the NHRI to support implementation of European Courts' judgments, the GNCHR maintains a long standing, multi-level cooperation with the European Court of Human Rights, promoting the work of the Court and contributing to the effective implementation of its judgments in Greece. In 2024, the GNCHR translated into Greek two of the Court's thematic factsheets on interim measures and the protection of minors, aiming to facilitate the dissemination of ECtHR case-law in Greece.

The GNCHR is also active on engaging the Greek Parliamentarians in discussions about substantial implementation of the ECtHR's jurisprudence in cases against Greece as well as GNCHR's recommendations on specific cases under enhanced supervision by the Committee of Ministers. In 2024, the GNCHR was invited to offer relevant insight before the Special Permanent Committee on monitoring the decisions of the European Court of Human Rights in the Hellenic Parliament. The Greek NHRI continues to promote the engagement of the Parliamentarians in the implementation of European Courts' judgments.

The GNCHR uses the Court's jurisprudence to help the authorities align their national practice with international standards. In its advisory opinions to draft laws or policies, the GNCHR always makes reference to relevant ECtHR caselaw. In 2024, the Greek National Commission participated in different national inter-ministerial or administrative policy-making or monitoring bodies on Roma rights, migrant rights, children rights and other.

Follow-up to the recommendations concerning justice systems, issued by European actors

Follow-up to the recommendations concerning justice systems, issued by European actors

European Commission (European Union)

Following the recommendations of the European Commission in previous years' Rule of Law Reports (2022, 2023, 2024) pertaining to the involvement of the judiciary in the appointment of the highest positions of the Council of State, the Supreme Court and the Court of Audit, the Greek Parliament moved on to the adoption of art. 27 Law 5123/2024. The latter engages the administrative Plenaries of the three highest courts in the procedure leading to the appointment of their Presidents and Vice-Presidents. More particularly, the plenary of the aforementioned courts delivers its opinion (vote by secret ballot), after the formation of a query by the Minister of Justice. It has to be noted, though, that the opinion is not binding. After consulting the Conference of Presidents of Parliament and upon a proposal from the Minister for Justice, the Council of Ministers has to choose the candidates. The appointments are made by Presidential Decree, following the recommendation by the Council of Ministers.

The new provision is in alignment with the Greek Constitution (art. 90 para. 5), as well as with the European standards, which stipulate that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary should be authorized to make recommendations or express opinions which the relevant appointing authority follows in practice (see Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras 46-48).

As the explanatory memorandum of Law 5123/2024 sets out, the amendment in question consolidates judicial independence and boosts the foundations of the rule of law. In its 2024 Rule of Law Report, the EU Commission acknowledged that its previous standing recommendation on the need for involvement of the judiciary in the appointment of the above positions has been fully implemented.

The Greek judicial system is facing several systematic issues in the provision of legal aid and interpretation in the last years (especially after the economic crisis of the 2010s). The Legal Aid Law 3226/2004 has been found insufficient in practice, with limited resources allocated to providing quality legal representation. Based on research by the Hellenic League for Human Rights, the majority of beneficiaries of legal aid are foreigners. In half of the cases, there is no timely appointment of an interpreter by the Court. In two-thirds of cases studied, an interpreter was not available for the preparatory meeting between the defendant and their lawyer.

In 2023 the European Commission, in the context of infringement proceedings under Article 258 TFEU, sent a letter of formal notice to Greece due to late payments to lawyers under the legal aid scheme and the consequent incorrect application of the rules laid down in the Late Payments Directive (2011/7/EU). In March 2024 Article 25 Law 5095/2024 was passed to settle the payments due to lawyers from 2018 under the legal aid scheme (from 2018 to 2022 42.000 applications for payment of legal fees were pending). The European Commission, in light of the new law provisions, decided to close the infringement case in July 2024. However, in September 2024, no payment had yet been made; therefore, the Bar Associations decided to abstain from their duties.

European Committee for the Prevention of Torture (Council of Europe) and Human Rights Committee (UN)

The GNCHR had multiple times recommended to the State to ensure the necessary adequate interpretation for any administrative or judicial proceedings involving third-country nationals; the exercise of the right to interpretation constitutes a basic prerequisite and guarantee for the enjoyment of foreigners' fundamental rights. The Greek NHRI published a comprehensive report on "the right to interpretation and translation in the criminal proceedings and the right to information in the context of criminal procedures" with concrete substantiated detailed recommendations on how to establish an interpretation system in line with international and regionals standards. In 2024, the European Committee for the Prevention of Torture documented cases where foreign nationals deprived of their liberty under the migration legislation were not informed of their rights and for the reasons of their detention in a language that they can understand and signed several official documents in Greek without the assistance of an official interpreter (see CPT Report). Moreover, the UN Human Rights Committee in its Concluding Observations on the 3rd periodic report of Greece recommended Greece to ensure effective access to legal aid to victims of discrimination based on sexual orientation and gender identity and asylum seekers and migrants.

Greece 2025

Information from: Greek National Commission for Human Rights

Media freedom, pluralism and safety of journalists

Greece's press freedom index improved, rising 19 places in 2024, but remains last among EU countries. The country has risen to the 88th place from 107th last year out of 180 countries, in Reporters Without Borders' (RSF) 2024 World Press Freedom, Index. Greece's overall score increased at 57.15 out of 100, from 55.2 in 2023.

In its 2024 Rule of Law Report, the European Commission recommended to Greece to "further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists".

SLAPPs cases

According to the MRFF's latest report, the Strategic Lawsuits against Public Participation (SLAPPs) remain one of the most challenging threats in respect of the media freedom in Greece. Notwithstanding the establishment of the Task Force, the Observatory, as well as the support and training provided by the International Training Centre for the Safety of Journalists and other ME Professionals, the issues have not been resolved.

In 2024, the Greek government introduced the amendment of Criminal Code under Law 5090/2024, setting as the main target the protection of freedom of expression and the protection of journalists from abusive lawsuits. The reform brought about the facilitation of the dismissal of manifestly unfounded claims (paragraph 3 of article 43 of the CCP). Also, the new law decriminalized the offence of simple defamation (Article 362 of the Criminal Code), while it retained the slanderous defamation, increasing the minimum sentence and making even more difficult to achieve the suspension of sentences stemming from a court of first instance, when they are appealed. The new provisions foresee the repeal of article 367 of the Code, which amounted to a justifying basis for removing the offence in favour of journalists, while they exercise their duties, on the ground of the justified interest in covering issues of public interest. Associations and scholars have raised their objection as to the effectiveness of these amendments, supporting that from now on the

interested parties could only invoke the articles of the Constitution and ECHR. The GNCHR is of the view that an Anti-SLAPP legislation, which would entail the dismissal of SLAPPs at an early stage of the procedure and the simultaneous transfer of the burden of proof to the applicants, would be a positive measure, assisting in the preservation of time and resources.

At a European level, the 7.2.2024 Resolution of the European Parliament on the state of Rule of Law in Greece encapsulates the concerns of the body, as regards the status of journalists in Greece and their ineffective protection against systematic lawsuits. The Greek Government in its extensive response to the Resolution of the Parliament supported, among others, that 'the Greek State is already considering transposing the content of the anti-SLAPP Directive to regulate all, without exception, abusive actions to silence journalists, and not only those actions of a cross-border nature'. On 27/02/2024, the Parliament voted in favour of a new Directive (EU) 2024/1069, which aims to protect persons who engage in public participation from manifestly unfounded claims or abusive court proceedings in cross-border disputes. The European body highlights that it is of significant importance for journalists to exercise their duties effectively and without the fear of punishment for their research. Therefore, it provides safeguards for the alleged defendants, including early dismissal of unfounded claims, remedies against abusive lawsuits and security for costs. The member states have to incorporate the Directive by May 2026. To fully implement the act, Greece has to move on to some legal reforms in order to deter comprehensively the phenomenon designated above.

Additionally, the UN Human Rights Committee in its Concluding Observations on the 3rd periodic report of Greece (2024) stated that 'it remains concerned about reports that local officials file strategic lawsuits against public participation (SLAPPs) to suppress critical news reporting and put financial and psychological pressure on journalists'. The Greek NHRI in its Submission to the UN Human Rights Committee (September 2024, p. 23) reiterated its recommendation on ensuring the unhindered exercise of the journalistic function, urging the Greek State to take measures to protect and compensate victims of "strategic lawsuits against public participation (SLAPPs).

The GNCHR, based on information from publicly available sources, recorded the following SLAPP cases in the past year:

- According to the European Centre for Press and Media Freedom, in 2025, there is one lawsuit against two journalists, Konstantinos Poulis and Anna Nini, submitted by the convicted for the fatal bodily harm of activist Zak Kostopoulos. The applicant accused the respondents of defamation and misuse of sensitive personal data, mainly concerning the footage and reports from the court sessions.
- After being acquitted, the businessman Aristidis Floros, demanded the deletion of 182 posts related to his cases, including a cartoon, from the

news outlet Tvxs. The Journalists' Union of Athens Daily Newspapers (ESIEA) expressed its concern for these practices, highlighting that 'they directly threaten the principles of freedom of the press and urged the government 'to take a stand, institutionally shielding the media from similar threats and SLAPP practices in cases of public interest'.

- On 25 January 2024, a case against two journalists of Reporters United was heard in Athens Court of First Instance. This case was initiated in 2022 by Grigoris Dimitriadis, who was allegedly involved in the illegal surveillance scandal against newspaper EFSYN and online investigative portal Reporters United and their reporters Nikolas Leontopoulos and Thodoris Chondrogiannos, plus freelance journalist Thanasis Koukakis for compensation. In 2023 Dimitriadis filed a second lawsuit against many of the same plaintiffs for the same reasons. Journalists' associations denounce the above lawsuits as SLAPPs (e.g. Media Freedom Rapid Response, Mission Report Greece 2024, pp. 18-19). Many press organizations and groups came to the support of the journalists, requesting the implementation of effective anti-SLAPP legislation. The Athens Court of First Instance held its ruling on 10/10/2024, dismissing Dimitriadis allegations regarding the first of the lawsuits. As the judges concluded, the reports were not false, abusive or libelous, while they recognized the public interest element of the reporting. The decision was welcomed by the relevant associations, which highlighted the vindication of the investigative journalism against the increasing trend of SLAPPs and the meaning behind the reference of the court to the Constitution and ECHR (Human Rights Watch, Victory for Greek journalists in Surveillance case, 16/10/2024).
- On 19 September 2024, the Appeal Court heard the appeal of the journalist Stavroula Poulimeni and media outlet Alterthess against their partial conviction by the First Instance Court for violating the right to privacy by publicizing the names of two Hellas Gold executives, who were involved in a water pollution case. The partner organisations of the Media Freedom Rapid Response (MFRR) and the Panhellenic Federation of Editors' Unions expressed their support to Poulimeni condemning and reporting the weaponization of GDPR against press freedom in Greece.
- The judgment nr. 123/2024 of the Court of First Instance in Larissa was positively received by the Panhellenic Federation of Editors' Unions. The Court dismissed a lawsuit filed by Giorgos Mihalopoulos against five journalists, with which the former demanded an excessively high amount of compensation.
- With the judgement nr. 3487/2024 held by the Athens Court of First Instance, a lawsuit filed against NAFTEMPORIKI was rejected. The applicant had requested compensation for alleged abuse of his personality (POESI, SLAPPs Observatory).

POESY has created a form on its website where SLAPPs can be recorded. Journalists, victims of SLAPPs can submit in full confidentiality information on their cases. However, the cases will be processed only for information purposes. In addition to the form, POESY also provides information on SLAPP cases and other SLAPP-related news, and it collects relevant information on legislative developments related to SLAPPs. While this initiative is a welcome tool to gather information and at the same time to raise awareness on SLAPPS, at the moment it appears to be the only one aimed at countering SLAPPs. It is also significant that many journalists didn't seem to be aware of it as they also seemed to be unaware of the government's Task Force. More initiatives will have to be developed to provide support for journalists and tackle the problems of SLAPPs.

Journalists' safety

In 2024, the Mapping Media Freedom platform recorded 19 alerts pertaining to the safety of journalists (physical assaults, fines blocked access, obstruction, surveillance etc.), while, from the beginning of the year up until today, the incidents enumerated are 6. Accordingly, the Council of Europe's Platform displays 3 active alerts in 2024 and 1 in 2025, whereas, in general, there are two cases of impunity and one active systemic alert. Some illustrative cases of these reports concern physical assaults resulting in journalists' injury by riot police, when the former were covering demonstrations and protests. For instance, on 26 January 2025, Marios Lolos, a photojournalist, reported his attack by the riot police, during a protest that took place in Athens commemorating the Tempi train collision (Council of Europe, Safety of Journalists' Platform, Greece, Alert No. 28/2025). Another case involving the photojournalist Orestis Panagiotou, who was injured while covering a strike by water shooting by the police forces was heard before the First Instance Administrative Court of Athens, which ruled in favour of the victim in October 2024. The Court made an explicit reference to the Greek Constitution, as well as to article 10 of the ECHR, which establishes the freedom of the press.

As it has been highlighted by the partner organisations of the Media Freedom Rapid Response (MFRR), along with Reporters Without Borders and the Committee to Protect Journalists, in their latest report , the bill on suspending the confidentiality of communications, cybersecurity and the protection of citizens' personal data continues to fall short of what is foreseen by the European standards. Consequently, the journalists remain unprotected when it comes to the right to protect the confidentiality of their sources.

Additionally, the OECD does not oversee state's efforts to establish a safe environment for investigative journalism, but it highlights that some concerns are still present.

Cases of impunity

With respect to the case of Giorgos Karaivaz that is monitored by the EU Commission and European Parliament within the rule of law cycle, the Greek NHRI informs that the crime and police reporter who was shot and killed by two men outside his home, the Athens mixed jury court, on 31 July 2024, did not manage to find beyond reasonable doubt that the suspects were guilty. Therefore, although the Prosecutor had requested their conviction, the two hitmen were acquitted.

In respect of the murder of the reporter and broadcaster Sokratis Giolias that took place in 2010, the Ministry of Citizen Protection released its response stating that the investigation remains at the Athens Public Prosecutor's Office, since there was no sufficient evidence and, thus, no active lines of inquiry.

Transparency and media ownership

During 2024, the registration of websites on the Registry for Electronic Press (MHT) was completed securing, thus, more information as regards the media owners. The National Council for Radio and Television (NCRTV) and its Transparency Department do not provide updated data, mainly due to limited financial and human resources. Consequently, changes in media concentrations or ownership cannot be monitored on time. The Euromedia Ownership Monitor has pointed out the problem set out above, highlighting the lack of transparency in the broadcasting sector. The Media Capture Monitoring Report stipulates that many points of articles 6 and 22 of EMFA are encapsulated in the Greek law, but their compliance remains contested.

According to 2024 MPM, the indicator of Transparency of Media Ownership witnessed a significant reduction reaching the percentage of 25%, mainly due to the adoption of Law 5005/2022. The Plurality of Media Providers area adheres to a medium risk, whereas the score of Plurality in Digital Markets remains high, at 86% (it might have its cause to the delays emerged in the registration of websites). With respect to the state funding, the UNHRC in the 2024 assessment underscored that 'remains concerned that the law (L 5005/2022) may be misused to exclude media that are critical of the government from receiving state advertising revenue'. Moreover, Media Capture Monitoring Report underpins that a high percentage of state funding is allocated via several subsidies, whose distribution requirements remain obscure. The upgrade of the e-Pasithea information system and the implementation of the EC Directive 2022-2523 (concerning a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the Union) are noted as positive steps for the enhancement of the media sector. The UN Human Rights Committee took note of the adoption of Law No. 5005/2022 on strengthening the publicity and transparency of print and electronic media, which provided for the establishment of an independent committee in charge of overseeing the compliance of print and online media with journalistic ethics. Nevertheless, the HRC is concerned that the law may

be misused to exclude media that are critical of the Government from receiving State advertising revenue.

National Council for Radio and Television

In May 2024, the Athens Bar Association filed an application to the Council of State requesting the annulment of the ministerial decision with which members of the NCRTV had been appointed. The Court dismissed the case claiming that the Association lacked the legal interest required. Additionally, the NCRTV faces challenges as regards the financial and human resources. In its annual report for 2023 the latter highlights the reduction that it has undergone in respect of the budget required since 2010 (i.e. salaries, personnel, equipment, information systems), which creates impediments to the exercise of its task. The NCRTV's activity is supervised by the Special Permanent Committee on Institutions and Transparency of the Greek Parliament. According to the Media Pluralism Monitor (MPM) indicators, the independence and effectiveness of the media authority shows a significantly high risk, reaching the percentage of 83%. The number might have its roots in the opaque and highly contested procedures that took place during the appointment of the new board, culminating in the application for annulment before the Council of State.

Access to documents

Journalists covering migration and refugee issues have shared information with the GNCHR, reporting increasing difficulties in accessing information and sources in recent years. They attribute these challenges to ministries' refusals to provide information, often citing privacy or confidentiality concerns as justification. Similarly, they report that they do not have free access to the refugee population hosted in reception and accommodation facilities. The GNCHR recalls that in Szurovecz v. Hungary, the ECtHR found that denial of access to a journalist on privacy and security grounds was not a sufficient basis for this restriction and found a violation of Article 10 of the ECHR, again underlining the 'watchdog' role of the media and the fact that their presence is a guarantee to ensure the accountability of the authorities.

As the Greco's 2024 fifth evaluation report states, 'GRECO recommended undertaking an independent assessment on access to information requirements in order to adopt regulation, and the necessary implementation measures, that fully meet the standards of the Council of Europe Convention on Access to Official Documents'. Notwithstanding the initiation of a reformation of the Administrative Procedure Code conducted by the Greek government, Greco insists that, still, there is no dedicated freedom of information act, since the scope of the recommendation is much broader than a mere code amendment. As a result, the latter does not consider the recommendation as implemented, since the state did not take into account the challenges emerged from the current legislation.

Under Law 5143/2024 (article 57), article 5 of the Code of Administrative Procedure was amended. In alignment with the reform, the current title makes a reference to public documents, while the private ones held by public authorities fall –officially- within this category. Additionally, the special legitimate interest is not, principally, a prerequisite for having access to private documents, facilitating in that way the process. As it was supported during the public consultation 'the proposed regulation incorporates the implementation of the Council of Europe's Tromsø Convention on Access to Public Document. The results of the amendment remain to be seen.

Restrictions on trial coverage

Article 8(1) L 3090/2002, as replaced by Article 31 L 5119/2024, prohibits full or partial broadcast of trials. The restriction of the coverage received severe criticism by journalists' organisations and scholars, as to its compatibility with the Greek Constitution.

European Court of Human Rights

In 2024 three cases that were brought before the ECtHR against Greece are of particular interest to journalistic freedom:

1. Ilias Kanellis and Andreas Pappas v. Greece & Maria Vasilaki and Emmanouil Vasilakis v. Greece (2024): The case concerned civil defamation proceedings against the applicants, in their capacities as co-directors, journalist and editor of the magazine "The Athens Review of Books". The ECtHR confirmed the domestic courts' assessment, holding that the boundaries of responsible journalism had been overstepped.
2. Thomaidis v. Greece (2024): The case concerned civil liability damages imposed on the applicant, a journalist and main presenter of a television programme for revelation of witness statements in a match fixing case pending before justice. The ECHR ruled that 'it is legitimate for special protection to be afforded to the secrecy of judicial investigation in criminal proceedings in view of what is at stake, both for the administration of justice and for the right of persons under investigation to be presumed innocent' and that 'the punishment of a journalist for assisting in the dissemination of statements made by another person in an interview would seriously hamper the contribution of the press to discussion of matters of public interest and should not be envisaged unless there are particularly strong reasons for doing so'. In the particular case, the Court found that the domestic courts adduced standards which were in conformity with the principles embodied in Article 10 of the ECHR.
3. Vouliwatch v. Greece (communicated in August 2024): The case involves a request by the applicant association for access to documents pertaining to the contract signed between the General Secretariat of

Information and Communication of the Greek Government and a private company on creating information material for the public on combatting Covid-19. National instances (the National Transparency Authority and Administrative Courts) have dismissed its request due to lack of special interest according to the national law. The applicant invokes Article 10 of the ECHR complaining that the denial of access to the requested information is in breach of its right to receive and impart information, underscoring its role as its role as 'public watchdog'.

Follow-up to the 2024 European Commission's recommendation to Greece

In order to fully implement the recommendation issued by the European Commission, Greece adopted some legislative and non-legislative safeguards, so as to afford a better environment to journalists and investigative journalism, especially as regards the threats stemming from SLAPPs.

In February 2024, the amended Criminal Code abolished the criminal offence of simple defamation, while the slanderous defamation was retained. As it was underscored previously, the amendment of Criminal Code under Law 5090/2024 aimed to the protection of freedom of expression and the protection of journalists from abusive lawsuits. Nonetheless, the Greek NHRI informs that many associations and scholars do not concur and have raised reservations as to the effectiveness of the new provisions and relevant reforms.

In May 2024, a collective labour agreement was established between the state and the unions, pertaining to the public sector journalists. This movement was welcomed by the trade unions (practical improvements for better working conditions, protection in war zones and areas of natural disasters, financial-social protection). It entails provisions which solidify gender equality and secure the protection for women journalists against harassment (inclusion, equal opportunities, and harassment policies, financial and social support to new spouses and mothers, creation of a Committee with the task to monitor the effective implementation of the gender equality provisions, phenomena of harassment and violence).

Law 5085/2024 on "Urgent Measures for the Prevention of Violence at Sporting Events". Following an initiative of Task Force, these provisions were welcomed by journalists' unions as reinforcing their protection while covering sport events.

The European Media Freedom Act (EMFA, May 2024), obliges member states to amend domestic media bills, so as to tackle the issue of media capture. The reforms in question entail securing media regulator independence, transparency in media ownership, safeguarding media pluralism, and delimiting state influence on editorial policies. The level of Greece's compliance with the provisions of the act is deemed partial.

Greece 2025

Information from: Greek National Commission for Human Rights

Other challenges to the rule of law and human rights

Effective and timely investigations of incidents of alleged misconduct involving state official

The GNCHR received a request for the first time by the European Court of Human Rights to submit a written intervention as regards the cases of G.R.J. v. Greece (15067/21) and A.E. v. Greece (15783/21). These cases were related to two applications against the Greek Authorities, lodged with the ECtHR by persons requesting international protection, on reported incidents of informal forced returns for the period 2019 – 2020 both at land and at sea. The Strasbourg Court requested from the GNCHR an answer to the general question whether there is a systematic practice of pushbacks of third-country nationals from Greece to Türkiye at the land and sea borders. GNCHR's intervention was based on the findings of the Recording Mechanism of Incidents of Informal Forced Returns. On 07.01.2025, the ECtHR published its judgments on A.R.E. v. Greece and G.R.J. v. Greece acknowledging that at the time of the events and based on the reports of international organizations and national institutions, there was a systematic practice of pushbacks by the Greek authorities. The Recording Mechanism of Informal Forced Returns, operated under the GNCHR recommended in its Annual Report 2023 to the Greek Authorities to "investigate in an independent and efficient manner, all complaints lodged by persons alleging to have been subjected to IFR incidents and other incidents of serious human rights violations at the borders, by applying, mutatis mutandis, the provisions laid down in the Circulars of the Prosecutor of the Supreme Court No 1/2023 and No 18/2023,56 underlining that any failure to act in this regard is not only contrary to the obligations of the Greek Authorities pursuant to international human rights law and the ECHR, but risks to put the country on an embarrassing spot and ends up to new convictions by the ECtHR [see for example ECtHR (5418/15) Safi & Others v. Greece]".

On 21.01.2025 the ECtHR published its judgement on Panayotopoulos and others v. Greece which acknowledged a violation of Article 3 of the ECHR (ill-treatment by the police). The case concerned a police violence incident that occurred in October 2016, involving three Roma people. While in custody, they

were allegedly subjected to racist abuse and violence, including being beaten, in an attempt to extract information and confessions. One of the applicants ended up in hospital two days later complaining of chest pains, with wounds to his genitals. The Strasbourg Court found the violation of Article 3 in conjunction with Article 14 based on racial motivation. Based on the findings of the Racist Violence Recording Network, in the last six years 40-60% of the racial incidents involve targeting by officers in uniform. The Racist Violence Recording Network for 2023 recorded incidents against Greek Roma citizens who were targeted by other citizens and Police representatives because of their different ethnic origin, including a pregnant woman and minors. At the same time, the Network is closely following the developments on the murders of young Roma involving officers in uniform, highlighting the importance and need for the investigation of the incidents in light of the existence of a racist motive. The Network notes that the context of targeting experienced by the Roma community is broader and permeates all its aspects racism, highlighting their treatment as "less" Greeks (RVRN Annual Report 2023, p. 17). In 2025, a bill was passed by the Parliament on the reform of the Police Corps (Law 5187/2025). Among other provisions, a Directorate for Social Policing is established to cover domestic violence, racist violence and gender violence. The Greek NHRI supported the reform given that there are many common elements in both investigation and victim support in these fields.

Checks and balances (independence of independent authorities)

In the GNCHR Rule of Law Report for 2024 (p. 16), the Greek National Commission denounced the unconstitutional selection and appointment of new members of the National Council for Radio and Television (NCRT) and the ADAE and the serious impediments that ADAE faced in the execution of its mission. The Greek Council of State dismissed the appeal of the Bar Association of Athens on the unconstitutionality of the election of NCRT and ADAE members due to a lack of sufficient interest of the applicant. Article 90(g) of the Lawyers Code (L 4194/2023) which explicitly foresees that bar associations may intervene before the courts and any authority “on any matter of national, social, cultural, economic nature or content that is of interest to their members or to the legal profession in general, as well as on any matter of national, social, cultural or economic interest.” The ECtHR has already convicted Greece for its Supreme Courts’ excessive formalism, especially at the stage of admissibility, impairing, thus, the fair trial right (see ECtHR, Tsiolis v. Greece, Judgment, 19.11.2024, and Zouboulidis v. Greece (No 3), Judgment, 4.6.2024).

The Greek NHRI depicts that there is still a worrying trend for governmental authority to interfere in the exercise of the independent authorities’ oversight and investigatory powers as enshrined in the Constitution and its executive laws. On 19 February 2025, the GNCHR published a Statement on the need to respect the constitutionally enshrined supervisory role of the Independent

Authorities on the occasion of the issuance of a Press Release by the Ministry of Maritime Affairs and Insular Policy. The latter responded to the publication of the findings of the Greek Ombudsman on the Pylos shipwreck by claiming that the investigation was politically motivated, questioning also the Greek Ombudsman's competence to investigate these incidents since his term has already expired (contrary to the provisions of Article 101 of the Greek Constitution).

Hungary 2025

Information from: Office of the Commissioner for Fundamental Rights of Hungary

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Hungarian National Human Rights Institution (NHRI) currently holds a B-status after being downgraded in March 2022. In October 2019, the SCA had decided to defer its decision on the re-accreditation of the NHRI. In June 2021, the SCA recommended that the Hungarian NHRI be downgraded to B-status, with recommendations on 'addressing human rights violations', 'selection and appointment', 'interaction with the international human rights system' and 'cooperation with civil society'. The Hungarian NHRI had one year to provide the documentary evidence necessary to establish its continued conformity with the UN Paris Principles and maintained its A-status during this period. However, in March 2022, the SCA confirmed its recommendation for the Hungarian NHRI to be downgraded to B-status. The NHRI challenged this recommendation before the GANHRI Bureau, in accordance with Article 12 of the GANHRI Statute. This challenge was not successful, and the decision became final on 17 May 2022.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The SCA recommendations have been reviewed by the Commissioner for Fundamental Rights of Hungary (CFR) and they are used in his practical work. While his primary responsibility lies in protecting the rights ensured in the Fundamental Law of Hungary and in a broader sense, the values enshrined therein, during his proceedings, he pays special attention to the standards formulated in international treaties and the recommendations made by international organisations as well. The Commissioner for Fundamental Rights of Hungary continues to be open to dialogues with both national and international organisations with a view to sharing and getting familiar with their useful experience.

The European Commission 2024 Rule of Law Report on Hungary explains that the competence of the Commissioner for Fundamental Rights of Hungary (CFR) was significantly extended in 2023, i.e., to the protection of the rights of persons with disabilities and whistle-blowers. It should be stressed that the wide range of investigations conducted in 2024, the number of issued reports, as well as the broad range of fundamental rights concerned all prove that the extension of the competences of the Commissioner for Fundamental Rights of Hungary has in fact strengthened the efficiency of rights protection.

The legal institution of the CFR, which is an organ with administrative powers that is also responsible for the enforcement of the principle of equal treatment from 1 January 2021, meets the requirement of independence from the aspects of legal regulation, personal conditions and organisational structure alike.

The CFR pays special attention to ensuring that his activity extends to the broadest possible spectrum of the protection of fundamental rights, furthermore, he strives to give detailed, professionally informed answers to all international inquiries. In the course of this activity, the CFR regularly participates in personal meetings and professional events and receives experts in his Office. In those areas of fundamental rights protection that are especially sensitive, the work of the CFR is supported by two internationally esteemed deputy commissioners (one responsible for the protection of the rights of national minorities living in Hungary, and another one in charge of the interests of future generations) elected by the National Assembly, furthermore, his professional decisions are supported by senior experts and staff members with special knowledge, who are working for the organisational units with responsibilities clearly defined in the internal regulations (OPCAT, principle of equal treatment, police complaints, CRPD Independent Monitoring Mechanism, whistle-blower protection).

Two directives of the European Union adopted in 2024, included gender-specific issues i.e.,

- Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU,
- Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC.

The Commissioner for Fundamental Rights of Hungary places particular emphasis on ensuring compliance with relevant legal directives, for example within penitentiary institutions. In fulfilment of this mandate, the CFR conducts on-site visits to personally assess the implementation of these directives.

Regulatory framework

Regulatory framework

The regulations defining the procedure of the Commissioner for Fundamental Rights of Hungary that are set out in Act CXI of 2011 on the Commissioner for Fundamental Rights of Hungary (hereinafter referred to as: the CFR Act) were not modified in their substance in 2024.

The rules for access to classified data were modified and the respective provisions of the CFR Act were adjusted to these with effect of 1 March 2024. All this does not meaningfully affect the exercise of the Ombudsman’s powers, this is merely about an amendment serving legal harmonisation purposes.

The Hungarian NHRI's mandate to contribute to access to justice for individuals has been overall strengthened since 2022 in relation to complaints handling, strategic litigation before courts, providing legal assistance to individuals, awareness-raising.

One of the content criteria of the rule of law is the establishment and operation of a system of safeguards that guarantee fundamental rights. These safeguards include the establishment of the institution of the Commissioner for Fundamental Rights of Hungary (CFR) that is meant to protect fundamental rights, which is only accountable to the National Assembly. The Fundamental Law of Hungary created an Ombudsman system that ensures the uniform, efficient and comprehensive protection of fundamental rights. The CFR is a public function regulated on the constitutional level, which is elected by the

National Assembly by a two-third majority for a six-year period, thus ensuring a high level of legitimation.

It is his responsibility to protect fundamental rights and to ensure that the activity of the authorities does not violate the constitutional rights of the citizens. Pursuant to Article 30 of the Fundamental Law of Hungary, the Ombudsman carries out fundamental rights protection activities, his proceedings may be launched by anyone. He investigates into or gets expert to investigate into any improprieties regarding fundamental rights and he initiates general or individual measures in order to remedy them.

The operation of the Office is established by Hungary's highest-level legal source, the Fundamental Law of Hungary, which defines the mandate and procedural framework of the Ombudsman. The detailed regulations governing its functions are further specified in Act CXI of 2011 on the Commissioner for Fundamental Rights of Hungary. The Office of the Ombudsman is independent from the executive power and the courts, and it serves to supplement the self-controlling mechanisms of state power, to ensure the protection of fundamental rights and to work as an efficient tool of the control function of the Parliament.

In the course of his activities, the CFR pays special attention to the interests of future generations, the rights of national minorities living in Hungary, the rights of children, and the protection of the rights of the most vulnerable social groups. Anyone is free to initiate his proceedings.

The CFR is not eligible to launch judicial proceedings for remedying the disclosed impropriety in his general Ombudsman's competence. However, he may interfere with the already launched judicial proceedings, i.e., he may support the successful litigation of the claimant or the defendant:

- in lawsuits for the review of a police decision on a police complaint that he has investigated into;
- in administrative cases launched against administrative decisions related to the condition of the environment.

The Commissioner for Fundamental Rights of Hungary may conduct an administrative procedure in order to enforce equal treatment and the administrative decision adopted by him may be subjected to judicial review.

In any cases that cannot be reviewed due to the lack of competence, the Commissioner for Fundamental Rights of Hungary pays special attention to informing the petitioners of the possible legal remedies, including the option of going to court.

Extension of Mandate

One of the key elements of the changes of the past five years was the extension of the mandate of the Commissioner for Fundamental Rights of Hungary, which included four priority areas: the handling of police complaints (2020), the protection of the principle of equal treatment (2021), the protection of the rights of persons with disabilities (2023), as well as whistle-blowers protection (2023). These new responsibilities have led to the establishment of a uniquely integrated fundamental rights protection system in Hungary, combining administrative and Ombudsman-type mechanisms. With the extension of its mandates, the CFR now has the authority not only to issue non-binding recommendations for remedying identified improprieties but also to make administrative decisions through a separate procedure. In cases where a violation of the principle of equal treatment is established through an Ombudsman-type procedure, the CFR may impose sanctions, including ordering the enforceable termination of the infringement, prohibiting similar conduct in the future, or levying fines ranging from HUF 50,000 to HUF 6,000,000.

In connection with this, 2023 saw yet another addition to the mandates of the NHRI covering an important international aspect. In 2023, in compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD), a CRPD Independent Monitoring Mechanism was set up within the Office, which promotes, protects and monitors the national-level implementation of the Convention with regard to persons with disabilities.

Among the newly introduced authorizations, a key development is the legislator’s provision allowing whistle-blowers to request anonymity, a safeguard that has been ensured through a secure electronic system since 24 July 2023. This system enhances the security and confidentiality of whistle-blowers reports, fostering greater trust and encouraging the disclosure of public interest concerns. Additionally, the regulation reinforces oversight by ensuring that fundamental rights-related inquiries extend to the procedures of state bodies that receive and assess public interest disclosures, including those operating independent whistleblowing systems.

To effectively fulfil these new responsibilities, the establishment of a dedicated, well-trained staff and specialized organizational units became essential. The gradual expansion of the Commissioner for Fundamental Rights of Hungary’s competences has contributed to the development of a highly efficient Ombudsman system, further strengthening fundamental rights protection.

Regional Offices and Temporary Regional Office

Between 40-44% of individuals initiating Ombudsman procedures in Hungary over the past five years were residents of Budapest or Pest County. To enhance nationwide accessibility, particularly for disadvantaged groups facing financial and digital barriers, the CFR established six regional offices in 2022 in

Debrecen, Szeged, Győr, Székesfehérvár, Miskolc, and Pécs. This initiative has significantly improved access to rights protection services.

The CFR's regional office model is recognized as exemplary in Europe, attracting international delegations. The Ombudsman also played a key role in global rights protection efforts, particularly in response to the Ukrainian-Russian conflict. Within two days of the war's outbreak, he visited border areas and set up temporary regional offices in Záhony and Beregsurány to provide legal and humanitarian support. Additionally, since March 2022, the CFR's website has offered critical information in Hungarian, Ukrainian, and English.

The regional and temporary offices ensure nationwide legal aid and rapid humanitarian response. In autumn 2024, the NHRI shared information on these activities with the International Rescue Committee NGO.

Mobile Ombudsman's Office (Educational Initiative)

On the occasion of World Children's Day in 2024, the National Human Rights Institution (NHRI) launched the Mobile Ombudsman's Office Programme, an innovative initiative designed to enhance accessibility to fundamental rights protection services across the country. The programme operates through a specially equipped mobile office, housed within a converted bus, which functions as a regional office in any location, ensuring broader outreach and engagement with communities nationwide.

At present, the programme primarily focuses on promoting awareness of children's rights. As part of this initiative, the mobile office visits children's homes and educational institutions to strengthen children's legal knowledge and foster their understanding of their rights. The educational programme consists of a structured, interactive learning experience: children first watch an age-appropriate short film, followed by an opportunity to assess their knowledge through an online quiz. Additionally, they are given the chance to engage directly with children's rights experts, enabling them to ask questions and gain deeper insights into their rights and legal protections.

Exemplary Client Service

The Office of the Commissioner for Fundamental Rights of Hungary underwent considerable infrastructural development in the period between 2019 and 2024. In August 2020, the Office moved to new headquarters, which are in a revamped building at Falk Miksa utca 9–11 in Budapest's 5. district. The new, modern facility provides a state-of-the-art working environment, in line with the requirements of the 21st century, whose level of professional and technical equipment, availability, accessibility, as well as the staff's high-level professional qualifications all serve the purpose of ensuring the protection and practical enforcement of fundamental rights even to the most vulnerable groups of society, especially to persons with disabilities.

With a view to the professional and comprehensive management of complaints, the staff members of the complaint office, both at the Budapest headquarters and at the regional offices, receive continuous further training on the changes in the effective laws and they take part in sensitisation training sessions several times a year. In 2024, it was the experts of the Directorate-General for Equal Treatment (DGET) who provided the sensitisation training sessions for the staff.

The NHRI would like to present its practice in which the staff members of DGET hold the hearings and meetings in a specifically designed conference hall of the Office. This room is free of barriers both physically and from an info-communication perspective, and it is also equipped with an induction loop.

The delegations visiting the Office always praise the facilities and practices of the complaint office, as well as the reception hall for the complainants, which is not only barrier-free but also, child-friendly.

The Fundamental Law of Hungary provides a modern legal framework that upholds fundamental rights and effectively addresses contemporary challenges. The CFR operates with full independence, safeguarded by constitutional and statutory guarantees against political or economic influence. As a supervisory body of the National Assembly, the Ombudsman enjoys institutional autonomy, with strong democratic legitimacy ensured by an election process requiring nomination by the President of the Republic and election by a two-thirds parliamentary majority. The six-year mandate is renewable once, promoting stability and continuity.

Candidates must be highly qualified legal professionals with significant expertise or at least ten years of experience in fundamental rights-related proceedings or legal scholarship. The Ombudsman holds personal immunity equivalent to Members of Parliament, reinforcing independence. The Ombudsman’s work is guided solely by law, with reports being final and not subject to appeal. Transparency and accountability are maintained through public reporting and open procedures.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities have good awareness of the Hungarian NHRI’s mandate, independence and role. The NHRI fulfils a widely acknowledged and accepted role in the area of rights protection, which is confirmed by continuous and constructive cooperation with the partners concerned.

Partnerships and Cooperation

The Commissioner for Fundamental Rights of Hungary (CFR) has achieved

significant progress in fostering constructive and results-oriented partnerships with state institutions. Ombudsman investigations serve not only as a means of oversight but also as a platform for promoting long-term, cooperative engagement aimed at enhancing the protection of fundamental rights. The National Human Rights Institution (NHRI) maintains close collaboration with key Hungarian institutions, particularly those involved in child protection and social services, the Hungarian Police, the Hungarian Prison Service, and state forestry companies. Through joint professional meetings and active participation in legislative and regulatory processes, the NHRI has further strengthened its role and recognition within the national institutional framework, reinforcing its commitment to ensuring effective rights protection.

Acceptance of recommendations

Approximately 90% of the recommendations outlined in the reports issued by the NHRI are accepted and incorporated into the operations of the relevant institutions. This high rate of implementation underscores the credibility and effectiveness of the Ombudsman’s inquiries, demonstrating that the findings not only merit attention but also serve as valuable guidance for improving institutional practices and strengthening the protection of fundamental rights.

The organisational and operational rules kept in effect or issued by the Government formed as a result of the 2022 elections (e.g. BM (Ministry of Interior) instruction No. 12/2022 (VI. 28.) on the Organisational and Operational Rules of the Ministry of Interior, or IM (Ministry of Justice) instruction No. 5/2024 (VI.20.) on the Organisational and Operational Rules of the Ministry of Justice) define which senior manager or organisational unit of the ministry is responsible for the crafting of a position statement and the preparation of a response to the measure proposed by the Commissioner for Fundamental Rights of Hungary.

Significant Changes since 2022

Under the leadership of the Ombudsman, the Office has established cooperation with numerous new partners, with a particular focus on safeguarding the rights of society’s most vulnerable groups, including children, persons with disabilities, and the elderly. The NHRI remains steadfast in its commitment to reducing social inequalities and upholding respect for human dignity, reinforcing its role as a key advocate for fundamental rights and inclusive societal development.

The Hungarian NHRI has adequate access to information and to policy makers and is it involved in all stages of legislation and policy making with human rights implications. Based on his mandate, the Commissioner for Fundamental Rights of Hungary is fully authorised to, and capable of participating in each phase of human rights-related legislation and policy-making.

Legislative Consultation and Cooperation

In accordance with Section 20 (2) of the CFR Act, the Commissioner for Fundamental Rights of Hungary (CFR) is entitled to provide comments on draft legislation falling within the scope of his competencies. The CFR actively exercises this mandate and consistently emphasizes the importance of this consultation obligation in its annual reports.

The experience of the National Human Rights Institution (NHRI) indicates that the relevant authorities and institutions demonstrate a cooperative approach, ensuring compliance with consultation requirements and providing the necessary information within the prescribed deadlines. This collaborative framework contributes to the effective integration of fundamental rights considerations into the legislative process.

Investigative Powers and On-Site Inspections

The NHRI possesses broad investigative powers, which it exercises in full compliance with statutory requirements. In 2024, the NHRI conducted numerous on-site inspections at various institutions, including children's homes, retirement homes, residential care facilities for persons with disabilities, and penitentiary institutions.

The findings from these visits informed a series of recommendations aimed at improving conditions and ensuring compliance with fundamental rights standards. The majority of these recommendations were accepted by the relevant institutions, reflecting the effectiveness of the NHRI’s oversight and its role in fostering positive institutional reforms.

Cooperation with Policymakers

The NHRI takes part in legislative decision-making and policy-making on an ongoing basis, for example, in its report No. AJB-1262-29/2023, in which he drew attention to the issues concerning the detainees’ rights of contact. In their response, BVOP, i.e., the Hungarian Prison Service Headquarters accepted the measures taken by the CFR and took measures to ensure the practical implementation of the proposals made in the report. In the wake of the report, the organ concerned amended BVOP instruction No. 12/2020 (IV. 24.) on the procedural rules of conducting visits in its own competence with effect from 1 July 2024. On the other hand, the legislator amended the respective sections of Act CCXL of 2013 on the execution of punishments, criminal measures, certain coercive measures and confinement for administrative offences in line with the recommendations with effect from 1 March 2025.

Participation in the Legislative Process

In 2024, the NHRI played an increasingly significant role in legislative

preparation, including contributions to the amendment of law enforcement regulations. This growing level of cooperation and recognition further reinforces the NHRI's professional credibility and influence in shaping human rights-related policies.

The NHRI has appropriate access to both the necessary information and key policymakers, enabling it to actively participate in all stages of the legislative and policy-making process concerning fundamental rights. Notably, 2024 saw an expansion of opportunities for the NHRI to be involved in the drafting of legislation, further solidifying its role as a key stakeholder in promoting human rights-based governance.

Budget of the Hungarian NHRI

The budgetary resources required for the comprehensive performance of the tasks by the Hungarian NHRI were available in 2024.

The protection of the NHRI's leadership and staff

The independence of the Commissioner for Fundamental Rights of Hungary (CFR) is ensured by legal guarantees that exclude political or economic influence. The Ombudsman and his two deputies enjoy the same immunity as members of the National Assembly, ensuring that they cannot be held accountable for facts or opinions expressed in the course or performance of their duties. However, this immunity does not extend to certain criminal offences, such as incitement against a community or the desecration of a national symbol, nor does it exempt them from civil liability. The staff of the Office of the Commissioner for Fundamental Rights of Hungary are considered public officials and therefore benefit from enhanced legal protection, which covers crimes committed against them in their official capacity.

The physical protection of customer service employees is provided by security personnel during consultations and hearings. Additionally, internal regulations ensure equal opportunity support for employees, with particular attention to those with young children, single parents, individuals with illnesses or disabilities, and employees over the age of 50, such as through flexible working hours. The transparency of the Ombudsman's operations is maintained through clear procedures and publicly accessible reports, further reinforcing its independence and institutional safeguards.

The Office of the Commissioner for Fundamental Rights of Hungary has not faced any external threats during the discussed period. In a statement issued in December of the year preceding the parliamentary elections, the Commissioner for Fundamental Rights of Hungary emphasized the importance of a society-wide commitment to constitutional fundamental values.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

To strengthen the independence and effectiveness of human rights institutions, the NHRI formulates three key recommendations that remain relevant as of today in line with the recommendations of its 2022 baseline report. These recommendations focus on promoting accessibility, enhancing the protection of the rights of homeless individuals, and ensuring the enforcement of human dignity.

Regarding accessibility, the NHRI places special emphasis on ensuring equal access to rights, particularly for persons with disabilities. A notable example is the operation of the regional customer service office of the Directorate-General for Disability Affairs, which, thanks to modern infrastructure, ensures the practical realization of fundamental rights. The Debrecen-based office serves as a model of best practices for both domestic and international delegations. A report detailing the challenges and recommendations related to accessibility further explores the difficulties persons with disabilities face when accessing public services.

To protect the rights of homeless individuals, the NHRI considers combating the criminalization of homelessness one of its key priorities. The protection of human dignity is a fundamental priority for the most vulnerable groups. The NHRI recommends strengthening appropriate policy measures to ensure that all individuals have access to the conditions necessary for a dignified life.

Ensuring the enforcement of human dignity is a core objective for the NHRI, serving to uphold the rights of every individual. According to the NHRI, continuously updating human rights protection measures and a particular focus on the situation of the most vulnerable groups are essential for increasing effectiveness.

These recommendations align with those outlined in the previous baseline report and offer appropriate responses to contemporary social challenges.

Hungary 2025

Information from: Office of the Commissioner for Fundamental Rights of Hungary

Human rights defenders and civil society space

Practices negatively impacting civil society and

human rights defenders

Practices negatively impacting civil society and human rights defenders
There is no known case of a member of a civil society organization being subjected to a violent attack or retaliatory measures.

Since 1 January 2014, the Office has been receiving public interest disclosures and has been engaged in whistle-blowers protection by ensuring the possibility of anonymous reporting. Based on nearly a decade of experience, a significant number of whistle-blowers choose to utilize the anonymity provided by the secure electronic system. This allows them to report unlawful or suspected unlawful acts and omissions without fear of retaliation. During the drafting of Act XXV of 2023 on complaints, public interest disclosures, and whistleblowing regulations, a key legislative principle was to build upon and complement existing, well-functioning legal mechanisms while establishing new legal institutions.

The Hungarian NHRI confirms that the following initiatives, frameworks, and policies are in place at the national level:

- Presence of specific laws protecting the rights of human rights defenders;
- Specific strategies to protect human rights defenders and/or inclusion of human rights defenders in human rights action plans.

Government Decree no. 1291/2023 (VII. 19.) on the National Crime Prevention Strategy (2024–2034) and its Action Plan for 2024–2025, as well as Government Decree 1619/2021 on the Government Action Plan for the Implementation of the Hungarian National Social Inclusion Strategy 2030 (2021–2024), emphasize cooperation with civil society organizations as a fundamental element. Both strategies define the main areas and organizational frameworks of this cooperation, ensuring structured collaboration between governmental and non-governmental actors.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
In 2024, the Hungarian NHRI took actions to promote civil society space and human rights defenders, including:

- Award of prizes;
- Promotion campaigns;
- Joint meetings.

The Commissioner for Fundamental Rights of Hungary has the constitutional

task to engage and cooperate with civil society. Some of these collaborations take place informally, while others are conducted within organized frameworks. The **Civil Consultative Body** supports the implementation of the tasks associated with the National Preventive Mechanism. The previous three-year mandate of the previous Civil Consultative Body expired in the Autumn of 2024. Following a call for applications initiated by the Commissioner for Fundamental Rights of Hungary, the new Civil Consultative Body was expanded, making it the largest to date, with 16 members. For the next three-year cycle, its members can also make proposals regarding the content of the annual visit plan of the National Preventive Mechanism, set investigative priorities, and recommend performing visits to specific detention facilities or closed institutions. During the meeting on 11 November 2024, participants summarized past experiences, reviewed the results of institutional visits, and discussed future plans. The successful collaboration between the stakeholders is demonstrated by the continuation of their work with an expanded membership in 2024. The Commissioner for Fundamental Rights of Hungary conducts institutional visits either personally or through the staff of the office. The jurisdiction of the National Preventive Mechanism now covers nearly 3 000 facilities. The Commissioner for Fundamental Rights of Hungary also highlighted that several investigations were launched based on reports issued by the members of the Civil Consultative Body. In addition to the two formal meetings held in 2024, the National Preventive Mechanism also organizes professional roundtable discussions involving members of the Civil Consultative Body and representatives of legislative bodies and law enforcement agencies. These discussions focus on broader, systemic issues – such as irregularities in misdemeanour proceedings – and seek to explore possible solutions.

In the context of the responsibilities of the Commissioner for Fundamental Rights of Hungary as the Independent Disability Mechanism, the work is supported by the **Disability Advisory Board**. This board consists of delegates from 28 organizations, including national advocacy groups for people with disabilities, other organizations working for the rights of people with disabilities, representatives from the scientific community, and the great historical churches. During the board's meeting on 19 November 2024, participants first visited the Immanuel Home of the Debrecen Great Reformed Church Congregation, where the institution's director presented the facility at the behest of the Commissioner for Fundamental Rights of Hungary. The institution provides exemplary solutions in Europe for the care of individuals with severe and multiple disabilities. The members of the Disability Advisory Board were introduced to the results achieved in the fields of special education and social services, with several civil partners highlighting the usefulness and lessons of the professional program. The meeting’s agenda focused on comprehensive issues related to the deinstitutionalization of residential placements and the implementation of supported housing – topics that were also suggested by the Board members in writing to the NHRI. At the

Ombudsman’s request, civil partners – such as the Máltai Szeretetszolgálat (Hungarian Charity Service of the Order of Malta) and TASZ (Hungarian Civil Liberties Union) – and speakers from the relevant professional fields – such as the delegate from the Hungarian Reformed Church – presented the process of implementing supported housing. They illustrated its outcomes through practical examples.

In 2024, the Ombudsman’s institution participated in civil initiatives aimed at recognizing the work of human rights defenders and helpers. In addition to the Varázsceruza Award ceremony, the NHRI actively contributed to the “Odaadó Award” ceremony, where it acted as a jury, evaluating submissions and participating in the award decision process. The event provided an opportunity for the community to recognize those who, through dedicated work, support their fellow human beings facing challenges. Such initiatives serve as exemplary models and contribute to the social appreciation of civil society and human rights values.

In 2024, the Hungarian NHRI took actions and conducted initiatives to protect civil society space and human rights defenders. These included:

- Monitoring;
- Complaints-handling;
- Legal assistance;
- Recommendations and opinions;
- Capacity building;
- Additional mandates (protection of whistleblowers).

The Commissioner for Fundamental Rights of Hungary regularly collaborates with civil organizations, which often approach the Office regarding their own matters or to protect the rights of individuals they represent. In 2024, numerous initiatives and investigations were launched with the participation of civil society. The Commissioner for Fundamental Rights of Hungary, as the National Preventive Mechanism, played a particularly important role in this work. In his report no. AJB-1114/2024, the Commissioner for Fundamental Rights of Hungary presented the findings of a visit to the Tengerszem Integrated Social Institution at the Öregtorony Home in Borsod-Abaúj-Zemplén County. The visit was carried out at the suggestion of a member of the Civil Consultative Board and revealed significant infrastructural and staffing deficiencies in the institution, which threatened the basic rights of those in care. The report made detailed recommendations for the renovation of the institution, improvement of healthcare services, enhancement of hygiene conditions, and an increase in the number of staff. Similarly, report no. AJB-1182/2024 was also prepared with the same objective and details the Ombudsman's visit to the MMSZ Care House – “Domb” Home in Zalaapáti and the Napsugár Service Center. During the unannounced visit, the Commissioner for Fundamental Rights of Hungary assessed the living conditions and

treatment of the residents, as well as the shortcomings in the operation of the institutions. Based on the findings, the report proposed several corrective measures to the institution's maintainer.

The problems and issues initiated by civil partners were often discussed in professional forums or roundtable discussions, where the NHRI, representatives from the relevant state ministries, and civil society members collaboratively sought solutions. A noteworthy example of such a practice is the session held in Debrecen, where, upon the suggestion of the Disability Advisory Board, the issues of institutional replacement and supported housing were placed on the agenda.

In 2024, the Ombudsman demonstrated its support for the work of human rights defenders in several significant cases, including monitoring, complaint handling, legal assistance, and the formulation of professional recommendations. The NHRI continues this work to strengthen the protection of human rights and promote the active participation of civil society in the enforcement of fundamental rights.

In 2024, the Commissioner for Fundamental Rights of Hungary continued to collaborate actively with international and regional mechanisms to support human rights defenders and civil society. This work is well-reflected in the activities of the Disability Advisory Board and the Civil Consultative Body, which were detailed earlier by the NHRI. In addition, the Commissioner for Fundamental Rights of Hungary received a delegation from the International Rescue Committee, providing them with detailed information on the situation of those fleeing the Ukrainian-Russian conflict and presenting the swift and exemplary initiatives that have been taken to assist refugees since the outbreak of the war.

Furthermore, the Commissioner for Fundamental Rights of Hungary hosted high-level diplomatic meetings, as part of which he met with the new rapporteur from the European Parliament's Committee on Civil Liberties, Justice, and Home Affairs (LIBE), during which they discussed issues related to the protection of human rights and the situation in Hungary. The UN Special Rapporteur on freedom of religion or belief also visited, during which the Commissioner for Fundamental Rights of Hungary gave a comprehensive overview of the domestic situation concerning freedom of religion and the institution's work in this area.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The key recommended steps for national authorities are:

1. Consultative Committees

Implement the practice of Consultative Committees, as successfully introduced by the Hungarian NHRI (the Civil Consultative Body and the Disability Advisory Board), to enhance the role of Ombudsman institutions as intermediaries between civil society and public authorities. This mechanism fosters constructive dialogue and strengthens collaboration on human rights matters. Notably, several successful cases and reports have originated from civil society organizations participating in the Consultative Body operated by the Commissioner for Fundamental Rights of Hungary, demonstrating the effectiveness of this approach.

2. Enhancing Client Service

- The NHRI of Hungary recommends enhancing client services to ensure comprehensive accessibility and support for complainants, particularly for vulnerable groups. The NHRI highlights its best practices in improving infrastructural and procedural frameworks to serve as a model for national authorities.
- The NHRI recommends the development of modern, fully accessible facilities for human rights defenders and complainants, ensuring physical and info-communication accessibility. The Hungarian NHRI’s headquarters and regional offices provide barrier-free access and are equipped with induction loops and child-friendly reception areas, creating an inclusive and supportive environment for all individuals seeking assistance.
- National authorities should implement continuous legal and sensitivity training for personnel handling complaints, similar to the NHRI’s practice of regular sensitization sessions conducted by the Directorate-General for Equal Treatment (DGET). Such training ensures that staff remain up-to-date with legislative changes and develop a greater awareness of the needs of marginalized communities.
- Dedicated Hearing and Consultation Spaces – The NHRI recommends the allocation of specially designed conference halls for hearings and meetings, ensuring both physical and digital accessibility. The Hungarian NHRI’s practice of holding hearings in an adapted, barrier-free room equipped with an induction loop serves as a model for creating inclusive and professional environments that facilitate effective engagement with civil society actors and human rights defenders.

These recommendations aim to ensure that civil society representatives and human rights defenders receive the necessary institutional support, accessibility, and professional assistance in their work, ultimately strengthening the protection and promotion of fundamental rights at the national level.

Hungary 2025

Information from: Office of the Commissioner for Fundamental Rights of Hungary

Functioning of justice systems

The NHRI cannot examine the activities of the courts, which means it does not have direct access to information regarding the exercise of the right to a fair trial within the judicial framework. In accordance with the principle of separation of powers, as enshrined in the Fundamental Law of Hungary and relevant legislative provisions, the Commissioner for Fundamental Rights of Hungary does not have authority to examine the activities of the courts. This limitation stems from the requirement of judicial independence, which guarantees that the judiciary functions autonomously, free from interference by the legislative and executive branches, as well as from other state institutions, including the Ombudsman. This safeguard ensures the impartiality and integrity of the judicial system, in line with international standards on the independence of the judiciary.

Submissions pertain to requests for the further expansion of the already existing systems of free legal aid (1, 2, 3).

In the preceding years, following the adoption of the new civil procedure code, several opinions and inquiries issued have emphasized the justification for extending legal assistance. This is particularly relevant in light of the expansion of mandatory legal representation, leading to an increased demand for court-appointed lawyers, and the stricter, more professional approach required for legal proceedings, especially regarding the drafting of legal submissions compared to previous regulations.

The Hungarian NHRI undertakes activities to support implementation of the European Courts' judgments. The Commissioner for Fundamental Rights of Hungary, within the framework of the OPCAT National Preventive Mechanism, regularly monitors the conditions of detention facilities. In evaluating these conditions, the Ombudsman also takes into account the requirements set forth in the judgments of the European Court of Human Rights (ECtHR).

The NHRI also monitors European recommendations related to judicial systems, including those found in the European Commission's Rule of Law Reports, and suggestions made by the Council of Europe and other relevant stakeholders.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

To improve the efficiency and accessibility of judicial proceedings, national and European actors should prioritize the expansion of digital solutions within the justice system. Implementing advanced case management technologies, digital filing systems, and virtual court procedures can significantly contribute to reducing case backlogs, streamlining judicial processes, and increasing transparency. Furthermore, ensuring equal access to digital justice tools, particularly for vulnerable groups, is essential to safeguarding fair and timely legal proceedings, thereby strengthening the overall effectiveness of the justice system.

Hungary 2025

Information from: Office of the Commissioner for Fundamental Rights of Hungary

Media freedom, pluralism and safety of journalists

In December 2024, the National Assembly has adopted a law that threatens individuals with up to one year of imprisonment for committing online aggression, meaning expressing a desire or intention to commit a violent crime against specific individuals on public online platforms. In Hungary, the National Media and Infocommunications Authority and the Media Council, which operates under it, are responsible for ensuring the independence of the media and overseeing media services. The tasks of the NMHH include promoting press freedom, protecting media pluralism, and regulating the media market to uphold democratic principles.

The Media Council operates as an independent body and is responsible for tasks such as issuing media service licenses, monitoring balanced information, and investigating and sanctioning any potential violations. The activities of the National Media and Infocommunications Authority and the Media Council are regulated by the media law adopted in 2010 (Act CLXXXV of 2010 on Media Services and Mass Media).

The linked chart provides a comprehensive overview on Hungarian media statistics as of 2024.

Access to information of public interest and documents of this nature is closely linked to Act CXII of 2011 on the Right to Informational Self-Determination and the Freedom of Information, as the fundamental aim of the Act is to ensure freedom of information and protect citizens' right to access information. The Act establishes that public interest data and data made public in the interest of the public must be accessible, and it sets out the rules under which access to such data must be provided.

The NHRI, in most cases, transfers complaints regarding such matters to the National Authority for Data Protection and Freedom of Information for further information. The National Authority for Data Protection and Freedom of Information supports the freedom of mass media by ensuring access to public interest information and protecting freedom of information, while strictly enforcing data protection regulations.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

- Establishing Educational Points: Develop nationwide educational programs modelled on the Mobile Ombudsman’s Office, aimed at bringing citizens closer. These initiatives would enhance public awareness, fostering a more informed and rights-conscious society.
- Organizing University Lectures: Holding regular awareness-raising and informational lectures at universities and other higher education institutions, involving experts and decision-makers. In 2024, the NHRI participated in numerous professional events where it presented its activities and delivered professional lectures. It also organized legal awareness programs for students in higher education.
- Encouraging National and European Cooperation: Promoting the exchange of experiences and sharing best practices within the European NHRI network.

Hungary 2025

Information from: Office of the Commissioner for Fundamental Rights of Hungary

Other challenges to the rule of law and human rights

A significant advancement in anti-corruption measures was the introduction of the whistleblowing system in 2023, which provides special protection for public interest whistle-blowers. The Office of the Commissioner for Fundamental Rights of Hungary actively participates in this process by operating a protected electronic system, which serves as an effective tool in the fight against corruption. The Office continued this activity in 2024, in line with previous practices and the recommendations outlined in last year’s report. The NHRI does not have further information on the outcomes of the subsequent proceedings or the substantiation of the reports, as these fall under the jurisdiction of the respective authorities.

In 2024, the Commissioner for Fundamental Rights of Hungary conducted several investigations aimed at enforcing the principles of the rule of law. These investigations primarily focused on access to education, healthcare, and social services, while also monitoring the practical implementation of recommendations made by European actors.

One report concerned the operation of a so-called "preschool" group in a primary school. The investigation revealed that the practice hindered the lawful progression of students through grade levels and violated their right to education and legal certainty. The Commissioner for Fundamental Rights of Hungary recommended reviewing the relevant documentation and taking the necessary actions to enforce the legal provisions.

In the report regarding the obligation of healthcare providers to investigate complaints, the Commissioner for Fundamental Rights of Hungary found that in many cases, healthcare providers and their administrators had failed to fulfil their obligation to investigate complaints, which violated patients' right to a fair process. The CFR emphasized that local-level solutions could be more effective during complaint handling procedures and could contribute to preventing further issues.

Two additional reports (1, 2) examined the operations of nursing homes, during which the Commissioner for Fundamental Rights of Hungary pointed out areas for improvement in care and services. The investigations highlighted the need for greater attention to the specific needs of patients with dementia and identified opportunities to improve documentation related to care. The Commissioner for Fundamental Rights of Hungary emphasized that strict adherence to the principle of the rule of law is crucial for ensuring human dignity, as well as the right to physical and mental health, particularly in the field of social services.

In 2024, the Commissioner for Fundamental Rights of Hungary launched an inspection to uncover human rights issues, with a particular focus on political-based discrimination in the field of higher education. In this context, the aim is to ensure the non-discriminatory nature of state-run universities and promote

compliance with the requirements of the rule of law.

Further details and the results of the investigations can be found in the following sources: 1, 2, 3.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
National and European stakeholders are advised to pay increased attention to structural human rights considerations during the legislative and implementation processes, particularly in the fight against discrimination. The exchange of experiences and sharing of best practices in the protection of human rights can contribute to the harmonization and strengthening of European-level protective frameworks.

Ireland 2025

Information from: Irish Human Rights and Equality Commission

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Irish Human Rights and Equality Commission was re-accredited as an “A” status NHRI by GANHRI’s Sub-Committee on Accreditation at its June 2021 session. The SCA commended the efforts of the Commission to promote and protect human rights in the Republic of Ireland and encouraged the Commission to continue these efforts. The SCA made a number of recommendations in relation to the Commission’s human rights mandate; the process for the selection and appointment of members of the Commission; the provision of adequate funding; and term of appointment of members of the Commission.

The SCA encouraged the Commission to continue to advocate for changes to its enabling law to ensure that all the full range of civil, political, economic, social

and cultural rights are covered by the Commission's mandate. At the same time, the SCA has acknowledged that the Commission has argued that a wider definition of human rights should apply to all of its powers but that the government has argued that a wider definition would attract constitutional difficulties and legal challenge.

Further, the SCA noted that the Commission does not have the explicit mandate to encourage ratification or accession to international human rights instruments; however, it acknowledged that the Commission interprets its mandate broadly to include actions in this regard. The SCA encouraged the Commission to advocate for changes to its enabling law to mandate it with the explicit responsibility to encourage ratification and accession to international instruments.

Acknowledging that the Commission has engaged with policy-makers, society, and government departments on the ratification of the UN OPCAT and provided views on 3 the establishments of an NPM in the country, the SCA noted that the Commission does not have the explicit mandate to monitor places of deprivation of liberty. Therefore, the SCA encouraged the Commission to continue advocating for an explicit mandate to conduct unannounced visits to all places of deprivation of liberty.

The SCA noted that while Section 13 of the enabling law provides certain requirements for the selection and appointment process, including on diversity, pluralism, and publicising of vacancies, the law is silent on a permanent selection criteria and process. The SCA encouraged the Commission to advocate for the formalisation and application of a uniform process that ensures the broad participation of civil society in the selection and appointment process, and the assessment of applicants on the basis of predetermined and objective criteria.

Additionally, the Commission reported that its mandate has expanded, that its responsibilities are increasing and that it would benefit from additional funding for its existing mandate as well as all expanded powers. The SCA encouraged the Commission to continue to advocate for additional funding to ensure that it can effectively carry out the full breadth of its mandate.

Finally, while acknowledging that in practice, all members of the Commission appointed after its establishment were appointed for five-year terms, the SCA encouraged the Commission to advocate for amendment to its enabling law to provide for a fixed minimum term of appointment for members of the Commission.

Regulatory framework

Regulatory framework
The Commission has been designated an Article 77 body under the EU Artificial Intelligence (AI) Act by the Irish State. With regard to this designation, the Irish State provided that the Commission is not a competent authority for the Act, nor are any obligations, responsibilities or tasks assigned to them under the AI Act. Rather, the Commission will get additional powers to facilitate them in carrying out their current mandates in circumstances involving the use of AI systems. These powers will apply from 2 August 2026.

The Irish Government published the General Scheme of the Inspection of Places of Detention Bill in June 2022. The purpose of this legislation is to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and to designate National Preventative Mechanisms (NPMs) that will act as national inspecting bodies for places of detention within Ireland. Under the proposed legislation, the Commission will be mandated as the coordinating National Preventative Mechanism. However, the Bill has not yet been published, although the Government Legislation Programme Autumn 2024 listed the legislation as tabled for 'Priority Drafting' in the autumn session 2024. The Commission previously issued legislative observations in relation to the General Scheme calling for, inter alia, amendments to the legislation to strengthen the Commission's role as the co-ordinating NPM. In preparation for this new mandate, the Commission has established a new Monitoring and Compliance Team that will have responsibility for this area of work.

The EU Directives on Standards for Equality Bodies entered into force in June 2024 and must be transposed into national law by 19 June 2026. The Directives establish the minimum standards and requirements for equality bodies in terms of their mandates, resources, powers and independence. In anticipation of the widened mandate and increased responsibilities that it will have under these Directives, the Commission wrote to the Minister for Finance in June 2024 highlighting that if the Commission, as Ireland's National Equality Body, is to carry out its mandate with the resources and independence that is required under the new Directives, it is essential that it receive adequate funding to do so, without impacting its ability to carry out its existing statutory functions.

The Commission continues to hold its roles as:

- Ireland's Independent National Rapporteur on the Trafficking of Human Beings (as per Article 19 of the European Union (EU) Anti-Trafficking Directive which legally requires all EU Member States to have National Rapporteurs or equivalent mechanisms).
- The Independent Monitoring Mechanism for Ireland under the Convention on the Rights of Persons with Disabilities (as per Article 33 of the UNCRPD).

Mandate strengthened to contribute to access to justice

Strategic litigation before the courts

The Commission brought proceedings before the High Court in its own name for the first time under the legal power set out in section 41 of the Irish Human Rights and Equality Commission Act 2014. The judgment of the High Court contained a helpful analysis of the section 41 power providing clarity on the nature and scope of the power.

In the proceedings, the Commission sought to address the State's failure to provide for the basic needs, including shelter, of people recently arrived in Ireland and seeking asylum in circumstances where, since 04 December 2023, not all applicants for international protection arriving in Ireland have been offered State accommodation despite being entitled to receive material reception conditions under EU and Irish law.

Section 41 of the 2014 Act provides:

- The Commission may institute proceedings in any court of competent jurisdiction for the purpose of obtaining relief of a declaratory or other nature in respect of any matter concerning the human rights of any person or class of persons.
- The declaratory relief the Commission may seek to obtain in such proceedings includes relief by way of a declaration that an enactment or a provision thereof is invalid having regard to the provisions of the Constitution or was not continued in force by Article 50 of the Constitution.

The High Court considered the scope and meaning of the Commission's power under section 41 and in its judgment found, inter alia, that the Commission has an express statutory entitlement to commence proceedings in its own name to seek relief relating to the human rights of a class of persons. It held that there was no requirement to identify the individual members of the class of persons so long as the class is capable of precise description. It held that it is not a prerequisite to obtain the consent of the individuals of the class of persons to bring the proceedings. The State has appealed the decision of the High Court to the Court of Appeal. The appeal was heard on 6 and 7 March 2025 and the decision of the Court of Appeal is awaited. It is expected that the Court of Appeal decision will also contain detailed analysis of the Commission's power under section 41.

NHRI regulatory framework should be strengthened

As mentioned previously, the Irish Government published the General Scheme of the Inspection of Places of Detention Bill in June 2022. The purpose of this legislation is to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and to designate National Preventative Mechanisms (NPMs) that will act as national inspecting bodies for places of detention within Ireland.

Under the proposed legislation, the Commission will be mandated as the coordinating National Preventative Mechanism. The Commission made a submission to the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ('CPT') on their eighth visit to Ireland. In this submission, the Commission highlighted again that the Inspection of Places of Detention Bill has been subject to repeated delays and that in its current form, the General Scheme will not satisfy the requirements for OPCAT, adding further delays to ratification. The Commission also recommended that the State provide the NPMs and the co-ordinating body with adequate, multiannual and costed funding to discharge their functions effectively, including to enable long-term planning and specialist staff recruitment and training (see pps. 6-7). The Commission has consistently called for this legislation to be progressed as a matter of urgency.

NHRI enabling and safe space

NHRI enabling and safe space

NHRI's mandate, independence and role

Relevant state authorities do not have good awareness of the NHRI's mandate, independence and role.

The Commission wishes to highlight that it has had a significantly expanded mandate since 2014, which has not been matched by annual budgetary increases from the State. The EU Directives on Standards for Equality Bodies provide that multi-mandate bodies must be given the necessary human, technical and financial resources to perform their tasks effectively. Where new mandates are given to equality bodies, it is the view of the Commission that the State should provide the financial and other resources required to effectively exercise its mandates. Such budgetary allocation should be stable and multi-annual, to facilitate covering unanticipated costs; linked to the rising costs of inflation; account for public sector pay agreements and salary increments; and allow a margin of budgetary contingency for responding to emerging human rights issues. (See, Mid-Term Report to the UN Human Rights Council for the Third Cycle of the Universal Periodic Review of Ireland (September 2024), p. 2)

Access to information and involvement in law- and policy-making and state's follow-up to NHRI recommendations

The Commission, as both the National Human Rights Institution and the National Equality Body for Ireland, plays an important role in promoting and protecting human rights and equality at a national level, including having a statutory mandate to keep under review the adequacy and effectiveness of law and practice in the State (Section 10(2)(c) of the Irish Human Rights and

Equality Commission Act 2014). As part of this mandate, the Commission engages with the Oireachtas' legislative process. The Commission does this by making 'Legislative Observations' on draft legislation and submitting them to the relevant Oireachtas Committee and/or relevant Minister for consideration.

There are a number of examples in which recommendations have not been implemented and there has been little engagement from the State with the Commission during the legislative process. In addition, the Commission has raised a number of concerns with the State's approach to the legislative process in the context of its status as Ireland's NHRI being recognised as "an indispensable element in the system of checks and balances in a healthy democracy" (European Commission, 2022 Rule of Law Report, COM (2022) 500 final, para 2.4).

Criminal Justice (Hate Offences) Act 2024

The Criminal Justice (Hate Offences) Act was signed into law in October 2024. This is an area the Commission has been regularly engaged with the State on and has previously flagged a number of human rights and equality issues arising in connection with the legislative and policy responses to incitement to hatred and hate crime. In February 2022, the Commission published its Legislative Observations to the Oireachtas Joint Committee on Justice on the General Scheme of the Criminal Justice (Hate Crime) Bill. In this submission, the Commission welcomed the legislation but made a range of recommendations on the proposed offences of incitement to hatred and hate-aggravated offences, to better align the legislation with human rights and equality standards.

When the renamed Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 was published, the Commission conducted an analysis of the Bill to determine how its recommendations had been reflected. In November 2023, the Commission wrote to the then Minister for Justice setting out the substantive issues which remained outstanding in the legislation which should be addressed through amendments to the Bill. In September 2024, the Commission wrote again to the then Minister for Justice regarding comments made by the Taoiseach on the progress of this legislation. In this correspondence, the NHRI noted that its recommendations and submissions had been brought to the attention of senior legislative officials within the Department for consideration and asked for confirmation that these recommendations had been incorporated.

The legislation has since progressed and as stated above, was signed into law in October 2024. The Commission received no substantive response to its recommendations and correspondence.

Garda Síochána (Recording Devices) Bill

The Garda Síochána (Recording Devices) Act was signed into Irish law in December 2023.

Prior to its enactment, the Commission published its Legislative Observations to the Minister for Justice on the General Scheme of the Garda Síochána (Digital Recording) Bill in April 2022. In this submission, the Commission highlighted a number of specific concerns with the proposals to provide a legislative basis for the deployment and use of body-worn cameras and other recording devices and the extension of the circumstances in which CCTV and Automatic Number Plate Recognition devices may be used.

The renamed Garda Síochána (Recording Devices) Bill was published on 4 August 2022. The Commission conducted an analysis of the Bill and identified that a number of new provisions were introduced to the legislation (that had not been set out in the General Scheme) and noted that recommendations made in its legislative observations had not been adopted. The Commission continued to monitor the legislation as it advanced through the legislative process to analyse the extent to which our recommendations to improve the compliance of the legislation with human rights and equality standards were addressed, up to its passing in December 2023.

In February 2024, the Commission wrote official correspondence to the Minister for Justice and, separately, to the Chair of the Joint Committee on Justice outlining a number of substantive issues that raise human rights and equality concerns, which the Commission considers remain outstanding in the legislation. The Commission outlined a number of concerns in the correspondence including, inter alia: Safeguards in the use of technology; Proportionality assessments; Powers provided to members of An Garda Síochána; Covert recording; Notification of recording in a public setting; Recording in a private dwelling; Recording of victims of domestic violence; Access and retention of data; The rights of data subjects; Guarantee of a fair trial and procedural fairness; Transparency; Judicial authorisation; Independent oversight.

The Commission received no substantive response to its recommendations and correspondence.

Concerns with the Legislative Process

The Commission was highly critical of the Government's plans to amend legislation to revoke Irish citizenship via the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Bill 2024 without proper scrutiny. In July 2024, the Commission wrote to the then Minister for Justice Helen McEntee on three occasions to express our significant concerns with the unacceptable haste, right before the summer recess, with which it was proposed to enact the legislation, including the severe limit on the time available for appropriate pre-legislative scrutiny of the proposed amending legislation to ensure that

constitutionally compliant safeguards are built into it.

In September 2024, the Commission wrote to the then Minister for Justice Helen McEntee to seek clarity on comments made by An Taoiseach Simon Harris during a press briefing on the advancement of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill. An Taoiseach stated that he wanted to "see hate crime legislation passed in the lifetime of this Government", adding that the Minister for Justice would be bringing forward amendments to the legislation in the autumn term. Given the uncertainty regarding the date of the forthcoming election, the Commission expressed its concern that that this important legislation may be rushed through the Oireachtas during the autumn term and emphasised to the Minister for Justice that, although the NHRI is eager for this legislation to be passed by the Oireachtas, there must be regard for rule of law requirements and the Government must ensure adequate time and opportunity for appropriate scrutiny of the legislation.

The Commission wrote to the Minister for Health Stephen Donnelly on two occasions in January and April 2024 regarding the Committee Stage Amendments to the Health (Assisted Human Reproduction) Bill 2022 (See 'Letter to the Minister for Health, regarding the proposal to regulate international surrogacy amid EU-wide concerns for reproductive exploitation and trafficking' (January 2024) and 'Letter to the Minister for Health, regarding revised EU Anti-Trafficking Directive obligations to prevent and combat exploitation of surrogacy and Part 8 of the (Amended) Assisted Human Reproduction Bill – International Surrogacy' (April 2024)). In these correspondences, the Commission commented on the substantial amendments being proposed at Committee Stage, which it noted had the scale and complexity of a stand-alone Bill. The Commission expressed concern that tabling amendments of this scale and complexity at this stage of the legislative process left limited time for adequate analysis and scrutiny of the amendments and the Bill. The Commission also made reference to this in its recently published Third Evaluation of the Implementation of the EU Anti-Trafficking Directive.

Adequate resources

The NHRI does not have adequate resources to carry out the full breath of its mandate.

Budgetary Needs - 2025 Onwards

Despite receiving an overall increase of 13% in our Budget for 2025, IHREC still does not have the level of funding required to meet its mandate in full on behalf of the State. While it is normal for a budgetary negotiation process to result in an allocation of a lower amount than requested, IHREC received significantly less budget than was sought to adequately carry out the full

breadth of its mandate. For 2026, IHREC will be making the case again that IHREC is not adequately funded, with potential implications on the future delivery of mandates. IHREC does not want to be in a position whereby it has to refuse taking on new mandates, but this risk is growing as it becomes increasingly unfeasible to continue to deliver its work in the context of lack of funding. There is a reputational risk to IHREC, Government and the State if IHREC cannot accept new mandates or deliver to the necessary standards on its current mandates.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

1. The Commission recommends that the State proceed with the immediate ratification of the OPCAT and that it progresses without further delay the Inspection of Places of Detention Bill which is intended to deliver ratification of the OPCAT in Ireland and make its requirements binding in this jurisdiction. In particular, given the gaps in domestic inspection arrangements, the delay in ratifying OPCAT impacts on the effective, independent oversight of police custody, prison transit, court detention, military detention, and for certain types of de facto detention in voluntary settings, such as mental health establishments, and healthcare and residential settings. The Commission further recommends that the State provide the NPMs and the co-ordinating body with adequate, multiannual and costed funding to discharge their functions effectively, including to enable long-term planning and specialist staff recruitment and training.
2. The Commission recommends that the State establish a dedicated Oireachtas Committee on human rights, equality and diversity. A dedicated Oireachtas Committee would have a mandate to examine closely the human rights and equality implications of legislation and policies.
3. The Commission has a significantly expanded mandate since 2014, which has not been matched by annual budgetary increases. Where new mandates are given to equality and human rights bodies, they should receive the financial and other resources to effectively exercise their mandates. Such budgetary allocation should be stable and multi-annual, to facilitate covering unanticipated costs; linked to the rising costs of inflation; account for public sector pay agreements and salary increments; and, allow a margin of budgetary contingency for responding to emerging human rights issues (See, Mid-Term Report to the UN Human Rights Council for the Third Cycle of the Universal Periodic Review of Ireland (September 2024), p. 2)

Ireland 2025

Information from: Irish Human Rights and Equality Commission

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The institution's human rights monitoring and reporting has found evidence of state measures that limit access to funding. The Commission has raised concerns in terms of civil society funding.

Civil Society Funding

In its submission to the Committee on Economic, Social and Cultural Rights as part of Ireland's fourth periodic report, the Commission highlighted concerns with State withdrawing funding support for Irish civil society organisations to attend UN State reviews .

NHRIs providing specific support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders:

As part of the Human Rights and Equality Grant Scheme, the following relevant project was awarded a grant:

National LGBT Federation - NXF Activist Academy

The aim of this project is to deliver training to empower a new generation of LGBT+ activists by learning from the experiences of those who have fought for LGBT+ rights in recent decades. Through this intergenerational training programme, participants will gain advocacy skills, increase their understanding of human rights and equality legislation and develop plans for future activism. This will ultimately culminate in the development of strong, supportive networks among activists to advocate for their rights.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders

To promote civil society space and human rights defenders, the Commission took the initiative of organising promotion campaigns, joint meetings and/or roundtables and the HREC Grants Scheme; Provision of Event Space for Civil Society; Consultations; Disability Advisory Committee.

The Commission has a strong and consistent level of engagement with civil society including rights-holder groups. These are as follows:

- Human Rights and Equality Grants Scheme

The Commission continued to give support to civil society under its Human Rights and Equality Grants Scheme (established in 2016) with a fund of €350,000. This funding supported capacity building, carrying out research, campaigns and actions to advocate for change. In 2024, the themes of funding were: Advancing Economic Equality; Promoting Access to Rights and Access to Justice; and, Promoting Climate Justice, Environmental Justice and a Just Transition. 24 projects were funded.

- Consultation on the Commission's new Strategy Statement 2025-2027 - Invitation for Submissions

The Commission invited civil society organisations to make submissions to its consultation to inform its new Strategy Statement 2025-27. Of the 64 submissions received, 33 were from a diversity of civil society and rights-holder groups.

Thought Forums

The Commission organised three Thought Forums (half-day seminars) on areas of strategic interest. These Thought Forums were on the themes of 'Keeping Hate out of Communities' in response to rising extremism; 'AI and Digital Transformation' and Climate Justice, Environmental Justice and Just Transition'. These events brought together expertise from civil society (including at a European level), academia and other NHRIs on panel. The civil society participants (40-50 at each event) indicated what they felt the Commission and the State needed to achieve in support of civil society. These events also informed civil society's work and encouraged greater co-operation between organisations across civil society.

Conversations with Specific Groups

The Commission organised two online conversations with specific groups to inform the strategy statement. The first was with the National Roma Network and the second was with a diverse group of young people supported by their youth organisations/youth workers.

- Conference on Equality at Work: Promoting Socio-Economic Equality in Employment

The Commission held a major conference in May 2024, targeting public and private sector employers regarding socio-economic equality in employment. Two-thirds of the 50 plus speakers were rights-holders and representatives of civil society organisations who had the opportunity via panels and to pass on expertise and insights to employers.

- IHREC at 10 – Marking a Milestone

The Commission marked its 10th Anniversary in December 2024. The programme included panels of diverse rights holders and civil society organisations that the Commission had worked with over the 10 years to advance their human rights and equality. The three cultural moments showcased human rights messages through music, song and theatre from civil society groups representing the Roma Community, young people of African descent and women who had experience of addiction.

- Civil Society Events Space

The Commission has a multi-purpose events space in its building that facilitates in-person and hybrid events. The space is free of charge to civil society organisations promoting human rights and equality to use for building capacity events, seminars or launches of publications. The Commission encourages its grantees to use the space. There were 45 civil society events held in this space in 2024, as well as a range of other joint Commission and Civil Society events.

NHRI actions to protect civil society space and human rights defenders (HRDs)

The NHRI has organised consultations, participated in reporting, participated in advisory Committees and was active in public sector duty.

The most important needs for the NHRI to advance the protection of HRDs nationally

- Letter to the Minister of Justice on provisions relating to Strategic Litigation Against Public Participation in the General Scheme of the Defamation (Amendment) Bill 2023 - IHREC - Irish Human Rights and Equality Commission

In February 2024, the Commission wrote to the Minister for Justice regarding provisions relating to Strategic Litigation Against Public Participation in the General Scheme of the Defamation (Amendment) Bill 2023. In this correspondence, the Commission highlighted that robust measures on a legislative, regulatory and policy basis are required at a national level to counter the threat of SLAPPs in order to protect human rights defenders. The Commission recommended that national legislation on SLAPPs should incorporate the measures contained in the EU anti-SLAPP directive, as

proposed by the European Commission, going beyond the minimum requirements of the Directive where possible and appropriate in order to provide stronger safeguards against SLAPPs and protect human rights defenders. The Commission further recommended that national legislation incorporate the Council of Europe Draft Recommendation on countering the use of SLAPPs as proposed by the Committee of Experts on Strategic Lawsuits against Public Participation.

- Submission to the Minister for Justice on the General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill

In May 2024, the Commission made a submission to the Minister for Justice on the General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill. This draft legislation proposes the use of facial recognition technologies for use by An Garda Síochána. In this submission, the Commission highlighted that this new type of technology would impact on privacy rights, freedom of peaceful assembly and association, freedom of expression and freedom of movement. The Commission recommended that the Government note the European Data Protection Board and the European Data Protection Supervisor calls for a ban on any use of artificial intelligence for automated recognition of human features, such as faces, in publicly accessible spaces, and a ban on artificial intelligence systems using biometrics to categorize individuals into clusters based on ethnicity, gender, political or sexual orientation, or other grounds on which discrimination is prohibited under Article 21 of the Charter of Fundamental Rights. The Commission also highlighted the High Commissioner for Human Rights' recommendation that states impose a moratorium on the use of remote biometric recognition technologies in public spaces, at least until the authorities responsible can demonstrate compliance with privacy and data protection standards and the absence of significant accuracy issues and discriminatory impacts, and until certain stated recommendations are implemented.

The Commission further highlighted that there is inevitably a tension between meaningfully vindicating individual rights and permitting law enforcement authorities to use and access technology to address the commission of serious crime. Therefore, any interference with the rights engaged under this legislation must comply with the principles of legality, necessity and proportionality.

- Anti-Human Trafficking Civil Society Consultations

The Commission as the independent National Rapporteur on Human Trafficking convened three consultations with Anti-Trafficking specialist civil society organisations in 2024 to share knowledge and discuss key issues in the sector. Civil Society Organisations also inform the Commission's Evaluation Reports of the Implementation of the EU Anti-Trafficking Directive.

The involvement of survivors of human trafficking is a cornerstone to the NHRI's work and it engaged extensively with victim-survivors through a series of survivor consultations. Survivors inform its Evaluation Reports of the Implementation of the EU Anti-Trafficking Directive, including in 2024, and in the high-level launch of the reports as expert speakers.

With the support of key civil society organisations that provide direct assistance to victims of human trafficking, the Anti-Human Trafficking team engages and consults with Survivors who have received assistance, support and protection in Ireland, for the development of the annual evaluation reports. The information obtained is anonymised and incorporated to the reports in the form of direct quotes and informing the analysis.

Consultant-Survivors are also invited to participate as speakers in the conferences to launch the evaluation reports, which aim to increase understanding of the lived experiences of victims of human trafficking in Ireland- and key issues. They are free to participate in the launch anonymously or named via recording, online or live, and are accompanied by CSO caseworkers during the occasion. Survivors can at any time of the consultation process withdraw their consent to participate. Survivor engagement and survivor-informed research remains a central tenet of the Commission's work as National Rapporteur on Trafficking in Human Beings.

- National Rapporteur on Combating Trafficking in Human Beings

In September 2024, the Commission published its report 'Trafficking of Human Beings in Ireland: Third Evaluation of the Implementation of the EU Anti-Trafficking Directive in Ireland'. The Commission engages with civil society organisations working in this space to inform its work on a regular basis and seeks its insights when reporting and making recommendations to the State. In this report the Commission made a number of recommendations regarding the protection of civil society space who provide services in the area trafficking of human beings. These are as follows: The Commission recommends that the State provides sustainable funding to specialist Civil Society Organisations providing services for victims of trafficking and that that dedicated multiannual funding is made available to Civil Society Organisations to develop awareness raising campaigns in their areas of expertise that highlight the specificities of each form of exploitation and/or encourage the utilisation of their expertise in the development of such campaigns.

- The International Covenant on Economic, Social and Cultural Rights

In January 2024, the Commission published its submission to the Committee on Economic, Social and Cultural Rights as part of Ireland's fourth periodic report. In this submission, the Commission made a number of recommendations regarding civil society participation.

- Advisory Committees

The Worker and Employer Advisory Committee ('WEAC') and the Disability Advisory Committee ('DAC') have been established in line with Section 18 of the Irish Human Rights and Equality Act 2014, which provides that the Commission shall establish advisory committees "for the purpose of establishing and maintaining effective co-operation with representatives of relevant agencies and civil society".

WEAC: The WEAC was established to advise the Commission on issues in relation to human rights and equality in the workplace and in service provision. The Advisory Committee is made up of worker and employer representatives nominated by the Irish Congress of Trade Unions (ICTU) and by the Irish Business and Employers' Confederation (IBEC) advise the Commission on fighting discrimination and vindicating rights and establishing a strong collaboration with workers and employers groups to drive equality and human rights.

DAC: The Commission established the DAC to support its statutory function of monitoring Ireland's implementation of the UN Convention on the Rights of Persons with Disabilities. DAC is made up of disabled people who have significant personal and professional experience, and wide expertise in relation to the rights of disabled people in Ireland. The DAC advises the Commission on its work and on how the Commission is fulfilling its mandate to hold the State to account on the rights of disabled people.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Commission recommends that the State ensure that no barrier under the framework of the Charities Act 2009 (as amended) would prevent charities from conducting relevant political advocacy as part of their work. (See: Ireland and the International Covenant on Economic, Social and Cultural Rights, Submission to the Committee on Economic, Social and Cultural Rights on Ireland's fourth periodic report, Irish Human Rights and Equality Commission, January 2024, p. 17.
2. As the Independent Monitoring Mechanism for the UNCRPD, the NHRI note that the State has specific obligations under Article 4.3 on the participation of disabled people, including through their representative organisations, in the implementation and monitoring of their rights. (See: United Nations Convention on the Rights of Persons with Disabilities, General comment no. 7 on the participation of persons with disabilities, including children with disabilities, through their

representative organizations, in the implementation and monitoring of the Convention (2018)). The Commission recommends that the State support the establishment and work of local and national DPOs, including through increasing and reorienting funding to allow for the genuine inclusion of disabled people. (See: Ireland and the International Covenant on Economic, Social and Cultural Rights, Submission to the Committee on Economic, Social and Cultural Rights on Ireland's fourth periodic report, Irish Human Rights and Equality Commission, January 2024, p. 17.

3. As Ireland's National Rapporteur, the Commission recommends that the State ensure that specialist civil society organisations with expertise of trafficking are fully supported, and their role formalised within the reformed National Referral Mechanism. This includes the State providing sustainable funding to specialist civil society organisations providing services and support to victims of trafficking. (See: Trafficking in Human Beings in Ireland – Third Evaluation of the Implementation of the EU Anti-Trafficking Directive, Irish Human Rights and Equality Commission, September 2024, p. 27).

Ireland 2025

Information from: Irish Human Rights and Equality Commission

Functioning of justice systems

Access to legal aid and timely and effective execution of national courts' judgments are reported to be significant challenges affecting access to justice and/or effective judicial protection.

Delays in court proceedings

The Commission has experience from its casework of delays before the equality tribunals (Workplace Relations Commission, Labour Court, etc) – some cases obtain hearing dates quite quickly while in other cases it can take a long time to be allocated a hearing date. Also, these bodies do not tend to schedule cases for a number of days (e.g., a three-day hearing will usually not take place across the three consecutive days and instead further days need new scheduling dates resulting in cases taking a year or more to be heard).

Access to legal aid

The Commission is concerned that the blanket exclusion of some areas of law, and the preclusion of legal representation before quasi-judicial tribunals, from the remit of the Scheme will deny some individuals their right of access to justice. The Commission has also noted issues with delays in being granted legal aid where this is available and raised concerns regarding the financial eligibility and merits tests associated with the Civil Legal Aid Scheme which could result in people of insufficient means being unfairly excluded from the Scheme and from accessing justice. (See Submission to the Independent Review of Civil Legal Aid Scheme at pp. 17, 33, 62.)

In its submission to the International Covenant on Economic, Social and Cultural Rights the Commission highlighted that the operation of the *Intoxicating Liquor Act 2003* has significant implications for the Traveller community as they are frequently refused admission to licenced premises, including for family events, and are more likely to require redress. Section 19 of the 2023 Act requires people claiming discrimination against licensed premises to apply to the District Court rather than the informal, more accessible Workplace Relations Commission. The transfer of jurisdiction to the District Court creates more adversarial conditions and imposes onerous obligations on claimants. In particular, formal rules, burden of proof requirements and technical documentation create a procedurally complex system which is more costly than the Workplace Relations Commission, with negative impacts for access to justice. The Commission recommended that jurisdiction for discrimination cases against licensed premises is returned to the Workplace Relations Commission by repealing section 19 of the Intoxicating Liquor Act 2003. At p.46.

- Irish government breaches Article 1 of the CFREU by failing to provide accommodation to International Protection applicants.

On 1 August 2024 the Irish High Court ruled that the Irish government had failed in its duty to provide for basic needs of international protection applicants (“IPAs”), breaching their right to dignity under the EU Charter of Fundamental Rights.

These judicial review proceedings were brought by the Commission, in its own name, against the State. They were brought in respect of a class of persons, in this case IPAs who were not offered accommodation when they made their asylum claim. When the Commission began these proceedings, in December 2023, 259 IPAs were unaccommodated by the State. The hearing took place in May 2024. At that stage, between December 2023 and 10 May 2024, 2,807 IPAs had not received an offer of accommodation and 1,715 IPAs remained unaccommodated by the State.

The Commission sought declarations from the High Court that the failure to provide for the basic needs of IPAs breached their human rights. The

Commission also sought mandatory orders from the High Court to compel the State to fulfil its legal obligations to provide for the basic needs of IPAs. This includes the provision of accommodation, food and access to basic hygiene facilities.

The High Court ruled that the State's response to the needs of IPAs who were acknowledged to be without accommodation was inadequate to the point that the rights of the class of person concerned in the proceedings under Article 1 of the EU Charter of Fundamental Rights (the right to human dignity) had been breached by the State.

The High Court accepted that the evidence provided to it from a sample of unaccommodated IPAs, taken with the general evidence from the Commission and NGO witnesses, established that the consequences of an inability to access basic needs, particularly housing and hygiene services, was that those persons were left in a deeply vulnerable and frightening position that undermined their human dignity.

The High Court was satisfied by the grant of the declaration was sufficient to remedy the human rights breaches and considered that it was not necessary to grant the mandatory order.

The State has appealed this judgment to the Court of Appeal and the appeal is scheduled for early March 2025. As of 14 January 2025, 3220 IPAs are awaiting an offer of accommodation from the State.

Impact on women and marginalised groups

In its submission to the International Covenant on Economic, Social and Cultural Rights the Commission also highlighted that at present, victims and survivors of domestic, sexual and gender based violence ('DSGBV') who require legal assistance in areas such as housing, eviction, social welfare and workplace sexual harassment are not entitled to legal aid under the Civil Legal Aid Scheme. Similarly, the current Scheme does not extend to facilitate participation of victims in all relevant criminal proceedings. For proceedings within the scope of the Scheme, there is an inconsistent approach to contribution charges, with contributions of between €30 and €150 payable in some cases. There are also issues with delays due to under-resourcing of legal aid boards throughout Ireland, which have a particularly negative impact on those involved in family law proceedings. The Commission recommended that review of the Civil Legal Aid Scheme is progressed as a matter of priority, to address pressing issues relating to scope, affordability and delay for victims and survivors of DSGBV. At p.100

Implementation by state authorities of European Courts' judgments

The Commission has continued its work on Ireland's failure to implement the

ECtHR judgment in O'Keeffe v. Ireland [GC 35810/09], which was handed down by the Grand Chamber 11 years ago. The case relates to the State's failure to protect Louise O'Keeffe from sexual abuse by her teacher, while she was a pupil in a State-funded national school in the 1970s. The Irish government had successfully denied responsibility in the Irish courts, on the basis that it was not the employer of the teacher/abuser, even though it paid his salary, set the national curriculum and inspected his work.

The ECtHR ruled that Ireland violated Article 3 of the ECHR as regards the State's failure to fulfil its obligation to protect Ms O'Keeffe. It further ruled that there was a violation of Article 13, taken together with the substantive aspect of Article 3 of the Convention, on account of the lack of an effective remedy as regards the State's failure to fulfil its obligation to protect her.

In the intervening 11 years, the State has persistently failed to implement this judgment, due to its failure to introduce a fair and accessible redress scheme for survivors of historical sexual abuse in schools.

The Commission continues to call on the State to introduce, without any further delay, a fair and accessible scheme that provides redress to survivors in accordance with the Grand Chamber judgment, that is to say: a new redress scheme that:

1. Respects the O'Keeffe v. Ireland Grand Chamber judgment;
2. Does not include unreasonable or arbitrary conditions to admission;
3. Avoids further re-traumatising of survivors;
4. Is made available immediately; and
5. Recognises the stand-alone responsibility of the State to survivors.

The Commission has now made eight rule 9 submissions on this case to the Committee of Ministers, including two such submissions in 2024.

Furthermore, representatives from the Commission, together with Louise O'Keeffe, made a presentation to the Member States' Permanent Representations to the Council of Europe in May 2024, requesting their support to have this case transferred from ordinary to enhanced supervision, due to Ireland's ongoing failure to implement the ECtHR judgment. This meeting was facilitated by the European Implementation Network. The Commission representatives also met with the European Commission on Human Rights and Council of Europe's Department for Execution of Judgments.

In April 2024, the Commission was also granted leave by the High Court to intervene as *amicus curiae* in litigation taken by a survivor of historical sexual abuse, who challenged his exclusion from State redress. This was a lead case. with a further 9 cases pending before the High Court. In June 2024, the State conceded all ten cases and paid a total of €840,000 to the ten survivors, which is the equivalent of the total of the sum that each would have received had

they been admitted to the State redress scheme.

Separately, the Commission is currently providing legal representation to approximately two dozen survivors of historical sexual abuse in schools, who have not been able to access redress from the State (including some survivors who attended the same school as Louise O'Keeffe).

NHRI actions to support implementation of the European Courts' judgments

Rule 9 Submissions

Between 2022 - 2024, the Commission has prepared four Rule 9 submissions. On 31 May 2024, the Commission, represented by Commissioner Noeline Blackwell, presented a briefing at the Council of Europe on the ongoing failure by Ireland to fully implement the *O'Keeffe v. Ireland* judgment, which was delivered by the European Court of Human Rights (ECtHR) 10 years ago.

This briefing was hosted by the European Implementation Network ('EIN'), based in Strasbourg, who also arranged for Louise O'Keeffe to attend and speak to delegates. EIN advocates for the full and timely implementation of judgments of the European Court of Human Rights and facilitates engagement with the Council of Europe's structures. At this exceptional hearing, consisting of Permanent Representations of the Council of Europe, Commissioner Noeline Blackwell briefed delegates on the State's failure to implement this judgment. She advocated again for the Committee of Ministers to increase its supervision of the implementation of the *O'Keeffe* judgment (to what is known as the 'enhanced' supervision procedure).

Engagement with a national coordinator of the execution of judgments

The Commission met with the national coordinator of the execution of judgments of the European Court of Human Rights in May 2024. The Commission also briefed the Permanent Representative to the Council of Europe in 2024 regarding the continued failure of State to implement the *O'Keeffe v. Ireland* judgment.

Awareness raising of the general public

In December 2024, the Commission hosted a public webinar on the *O'Keeffe v. Ireland* judgment.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Commission recommends that the Irish State commit to a clear time bound implementation plan for the O'Keeffe judgement to ensure the provisions of an adequate and effective redress scheme. The Commission further requests the Committee of Ministers to transfer the O'Keeffe case to enhanced supervision so that that the process of execution may be more closely followed by the Committee of Ministers, with such supportive interventions for domestic execution process as may be deemed appropriate.
2. Civil Legal Aid: In June 2022 the Minister for Justice established an Independent Review Group to review the Civil Legal Aid Scheme. The Commission made a submission to the review in 2023. The Commission's 2022-2024 Strategy Statement specifically highlights the need to broaden access to Legal Aid in order to fulfil our human rights obligations and this submission reiterated that equal access to justice is a cornerstone of a fair democracy. The Commission outlined key recommendations required to bring the current system into line with best human rights and equality policy. However, the report of the Independent Review Group has not yet been published. The Commission recommends that review of the Civil Legal Aid Scheme is progressed as a matter of priority.
3. The Commission recommends that jurisdiction for discrimination cases against licensed premises is returned to the Workplace Relations Commission by repealing section 19 of the Intoxicating Liquor Act 2003.

Ireland 2025

Information from: Irish Human Rights and Equality Commission

Media freedom, pluralism and safety of journalists

The NHRI reports misinformation and/or disinformation as the significant challenges affecting media freedom in Ireland.

The Commission made a submission to the European Commission against Racism and Intolerance as part of Ireland's 6th Monitoring Cycle. In this submission, the Commission highlighted the rise in racism, discrimination and intolerance, unfolding both online and in communities. The growth of far-right

ideology, leading to events like the Dublin riots, has been facilitated by systemic gaps in the protection against racism and intolerance in Ireland, including due to the absence of adequate regulation, online misinformation and disinformation driven by far-right groups (see p. 7).

In addition, the Commission highlighted that countering hateful narratives and misinformation is especially vital in times of political uncertainty and that public and private sector regulation of election-related misinformation, disinformation and conspiracy, as well as strict enforcement of community guidelines on political and other fundraising, will be critical safeguards to limit the spread of hateful ideas (see pps. 9-10).

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Commission recommends that the Department of the Taoiseach develops and implements an action plan to prevent the spread of hate and intolerance in election campaigns, which recognises the role of the Electoral Commission, Coimisiún na Meán, the Standards in Public Office Commission, mainstream political parties, digital platforms and community development organisations.

Ireland 2025

Information from: Irish Human Rights and Equality Commission

Other challenges to the rule of law and human rights

The Commission would like to reiterate its concerns with the Government's approach to the legislative process. The European Commission has stated that "the rule of law is an essential safeguard for the well-functioning of our democracies, the protection of individual rights, and hence for the vitality and prosperity of our societies and economies" (see, European Commission, 2024 Rule of Law Report, p.1). It is in this context that the Commission echoes the European Commission's statement that "an open legislative process and attention to the quality of law-making has a long-term effect on the ability to ensure the rule of law." (see, European Commission, 2024 Rule of Law Report, p. 30).

The Commission has repeatedly highlighted the shortfalls in equality data in Ireland, including the difficulties in measuring outcomes for minority ethnic groups, the impact of State polices and schemes, and the overall extent to which the State is meeting its human rights commitments. The Commission welcomes the State's work to develop an Equality Data Strategy, which would be the first in Europe. However, it is concerned about the failure to complete, publish and implement the Equality Data Strategy.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Commission recommends that the State prioritise the immediate publication, promotion and implementation of the National Equality Data Strategy, including through the adequate resourcing of Government Departments and public bodies to deliver on its strategic approach and actions.

The Commission recommends that the State proceed with the immediate ratification of the OPCAT and that it progresses without further delay the Inspection of Places of Detention Bill which is intended to deliver ratification of the OPCAT in Ireland and make its requirements binding in this jurisdiction.

The Commission reiterates that equal access to justice is a cornerstone of a fair democracy and recommends that review of the Civil Legal Aid Scheme is progressed as a matter of priority.

Italy 2025

Independence, effectiveness and establishment of NHRIs

Despite several initiatives over many years, a National Human Rights Institution has not yet been established in Italy. Other state bodies, such as the National Authority (Garante nazionale) for the rights of persons deprived of liberty carry out important human rights work in the country. However, they do not have a broad human rights mandate and do not fulfil other criteria under the UN Paris Principles to be considered an NHRI.

In November 2019, at the occasion of the Universal Periodic Review (UPR) of Italy, delegations from over 40 countries included in their recommendations

the establishment of an NHRI in Italy, in compliance with the UN Paris Principles. As a result, the Italian government reaffirmed its commitment to establish an NHRI.

Multiple actors, including ENNHRI, have been calling for the establishment of an Italian NHRI in compliance with the UN Paris Principles. In January 2019, ENNHRI addressed the Italian Chamber of Deputies to underline the importance of establishing an NHRI in Italy and how it would differ from other existing national mechanisms. This message was reiterated later that year during a roundtable in Italy, organized by ENNHRI with Amnesty International, which brought together representatives from Italian civil society, European NHRIs and regional organisations.

In October 2020, the Committee on Constitutional Affairs of the Italian Chamber of Deputies adopted a unified text version based on three draft proposals for the establishment of an Italian NHRI. The unified proposal aimed to serve as a basis for the discussions on the establishment of an Italian Commission on human rights an anti-discrimination. As far as ENNHRI is aware, after a governmental crisis in February 2021, the draft bill has not been rescheduled for discussion in the Chamber of Deputies.

In January 2021, ENNHRI intervened in a conference organised by the EU's Fundamental Rights Agency and a group of leading academics on the establishment of an Italian NHRI. ENNHRI highlighted that an Italian NHRI, in compliance with the UN Paris Principles, will contribute to greater promotion and protection of human rights in Italy.

In 2023, ENNHRI was informed that there are several legislative proposals for discussion at the level of the Chamber of Deputies.

As of 2025, ENNHRI is aware of the several legislative proposals under discussion, including the one that considers extending the mandate of the NHRI to the Italian Data Protection Authority (DPA), and has engaged in public events organised by academia and civil society in Italy to support the debate. However, these proposals have been pending for years and there continues to be no clear indication of a legislative proposal establishing an NHRI being close to adoption.

ENNHRI is closely monitoring developments in the country and stands ready to provide its expertise on the establishment and accreditation of NHRIs to relevant stakeholders in Italy, including the legislature, government, academics and civil society organisations.

Latvia 2025

Information from: Ombudsman’s Office of the Republic of Latvia

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Ombudsman of the Republic of Latvia was reaccredited with A-status in December 2020. Among the recommendations, the Sub-Committee on Accreditation (SCA) was of the view that the selection and appointment process enshrined in the Ombudsman Law was not sufficiently broad and transparent. It noted that the Latvian NHRI has proposed amendments to its enabling law to provide for the advertisement of vacancies and the ability for all interested candidates to submit their application prior to the proposal being made by the members of Parliament. The SCA encouraged the NHRI to advocate for the formalisation and application of a broad and transparent process.

With regard to the provisions on dismissal of the Ombudsman, the SCA took the view that the process does not provide sufficient procedural safeguards to ensure that it could not be undertaken for political reasons. It encouraged the Latvian NHRI to advocate for appropriate amendments to its Law to ensure an independent and objective dismissal process. Further, the SCA noted that the enabling Law is silent on the number of times the Ombudsman can be re-appointed. It encouraged the Latvian NHRI to advocate for amendments to its enabling law to provide for limits on the term of office.

Finally, the SCA encouraged the NHRI to advocate for the inclusion in its founding legislation of express provisions that clearly establish the functional immunity of the Ombudsman for actions taken in his or her official capacity in good faith.

The SCA will consider the reaccreditation of the Latvian NHRI in its second session in October 2025.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the Ombudsman’s Office has changed since January 2024. Amendments to the Ombudsman Law were adopted on 6 March 2025 and entered into force on 2 April 2025. The

amendments include two main issues: including the function of the National Preventive Mechanisms in the Ombudsman Law and formalizing the procedure of accessing information and data included in the Court Information System, particularly with regard to rights and obligations for data security for the employees of the Ombudsman's Office.

NHRI enabling and safe space

NHRI enabling and safe space

Relevant state and local authorities have good awareness of the mandate, independence and role of the NHRI. Regarding steps taken to ensure prompt implementation of the Ombudsman's recommendations by public authorities: on average, implementation of Ombudsman's recommendations constitutes to 72% and above, which is also included in Ombudsman's Annual Report to the Parliament and the President as one of the most characteristic performance indicators.

Access to information and policy makers

The Ombudsman, in carrying out the tasks and functions assigned by the Law, needs access to information and data of the Court Information System. Thus, a draft law on the amendments to the Ombudsman Law is now open to formalize the procedure of accessing the information (including rights and obligations for data security for the employees of the Ombudsman's Office).

Resources to carry out the full breath of the NHRI's mandate

The Ombudsman's Office of Latvia has adequate resources, including for the performance of tasks of the national preventive mechanism, discrimination prevention and foreseeable monitoring of the implementation of the AI legislation.

Measures to ensure timely and reasoned responses to NHRI recommendations

As reported previously, on average, implementation of Ombudsman's recommendations constitutes to 72% and above.

Since 2022, there have been two cases initiated before the Constitutional Court following the applications of the Ombudsman: one regarding provision for the enrolment of six-year-olds to 1st Grade in Riga municipal schools only in the event of free places; the other – on the right of Latvian students studying abroad to receive the social scholarship.

Measures to protect and support the NHRI

As regards measures to protect and support the NHRI, heads of institution and staff against threats and harassment, Criminal Procedure Law states that only the Prosecutor General shall initiate criminal proceedings against the Ombudsman. The ombudsman may be held criminally liable or arrested only with the consent of the Parliament. A decision on placing the Ombudsman under arrest, conveyance by force, detention, or subjection to a search shall be taken by a specially authorised Supreme Court judge. If the Ombudsman has been apprehended in the committing of a serious or especially serious crime, a decision on conveyance by force, detention, or subjection to a search shall not be necessary, but the specially authorised Supreme Court judge and the Prosecutor General shall be informed within 24 hours.

Latvia 2025

Information from: Ombudsman's Office of the Republic of Latvia

Human rights defenders and civil society space

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
In December 2024, a working group coordinated by the Ministry of Justice started working on draft legislation to transpose the EU's Anti-SLAPP directive.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
Initiatives to promote civil society space and human rights defenders

The Ombudsman has taken several initiatives in 2024 to promote civil society space and human rights defenders.

On 7 March 2024, the Ombudsman in collaboration with the Riga Graduate School of Law and the Nordic Council of Ministers' Office in Latvia organised a conference on business and human rights "Human Rights as the New Fuel for Business". Speakers of the conference shared their experience in integration of human rights principles in the everyday work and life of business, experts explained the meaning and role of the human rights due diligence and its

realisation into practice.

On 5-6 July 2024, the Ombudsman's Office organised a discussion on the rights of inhabitants to favourable environment and the impact of environmental noise; as well as participated in discussions on violence in the workplace (mobbing and bossing) and problems of small schools in the rural regions and their role within the local community in the conversation festival "LAMPA" in Cēsis.

On 27 November 2024, the Ombudsman's Office organised a discussion on aggressive behaviour towards recognizable women (including journalists) in Latvia. With an analysis of practical examples, it looked at the negative impact of aggressive behaviour on the internet on respect for human rights, as well as how available and appropriate the existing redress mechanisms are.

On 4 December 2024, the Ombudsman, in cooperation with the Association of Disabled People and their Friends "Apeirons" and the National Library of Latvia (LNB), organised an inspirational conference, "Human and Value", an event for CSOs representing people with disabilities to share their experience and challenges and held the 10th consecutive ceremony of the "Annual Award for Supporting People with Disabilities".

On 10 December 2024, the Ombudsman presented research results and organised a discussion on the temporary protection of victims from violence in civil proceedings with the participation of representatives from courts, police, local governments, including Social Services, Orphan and Custody courts, lawyers and attorneys, and civil society organisations.

In October, the Ombudsman had an info campaign on patient rights explaining different situations in healthcare as myths and reality.

Initiatives to protect civil society space and human rights defenders

The Ombudsman has also taken several initiatives in 2024 to protect civil society space and human rights defenders.

For example, in June 2024, representatives of the Ombudsman's Office participated in observation of the elections to the European Parliament by visiting the state social care centres and polling stations visited by the clients of the care centres (accessibility of the polling stations, access to information).

Within the framework of the National Preventive Mechanism, the Ombudsman performed monitoring visits to out-family care institutions for children, social care centres, day-care centres and group home for people with mental health difficulties, psychiatric hospitals, prisons, etc.

A new separate Discrimination Prevention Division within the Ombudsman's Office started operating since the beginning of 2024. Its main tasks set for the

previous year were not only examining submissions but also doing base-line research on different aspect of possible discrimination in Latvia, as well as cooperation with the media answering their requests and participating in various broadcasts.

In 2024, the Ombudsman in cooperation with survey companies did research on topics like carer's leave, accessibility on websites and mobile applications of public institutions, accessibility of banking services for people with restricted capacity, on rights of persons with disabilities – a survey of general public and people with disabilities; term 'discrimination' in Latvian media; accessibility of taxi services for people with disabilities and parents of young children; AI systems and discrimination aspects; survey of employees and employers on requirement to know a foreign language; compliance with the principle of non-discrimination in employment of parents of young children; survey of students, employees and academic staff of Latvian higher education institutions on sexual harassment in higher education institutions, and the experience of higher education institutions with artificial intelligence in the study process.

The Ombudsman also did several public opinion polls to get an insight into topics under examination: an online survey of parents of school children (pupils) about the start time of classes and how students get to school; an online survey of students and employees of higher education institutions (universities and colleges) on sexual harassment in close cooperation with the Student Union of Latvia.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

On 27 January 2025 the Constitutional Court has initiated a case based on the Ombudsman's application regarding the right of Latvian students studying abroad to receive a social scholarship. The Ombudsman has previously called on the Parliament to eliminate this deficiency. Currently, the social scholarship for large families is awarded only to those studying at universities in Latvia, but not for those studying abroad. The Ombudsman considers this to be violating the principle of legal equality.

The Ombudsman recommends to the Parliament of Latvia:

1. To eliminate the deficiency created regarding the right of Latvian students studying abroad to receive a social scholarship.

Latvia 2025

Information from: Ombudsman's Office of the Republic of Latvia

Functioning of justice systems

Based on the Ombudsman's human rights monitoring and reporting, the Ombudsman identified significant challenges affecting access to justice and/or effective judicial protection in several areas.

Shortage of judges in the judicial system and challenges concerning the remuneration of the court staff

There is an alarming tendency regarding the judicial system as there may be a shortage of judges in the coming years. State Audit Office audited the development of human resources in the courts of Latvia and, inter alia, concluded that each year, a number of judge vacancies increases. At the end of 2023, 54 or 10% of the approved judge positions were vacant. Moreover, the number of judges over the age of 61 is increasing, thus more than 28% of the current judges may retire in the coming years. Court employees, including assistants of judges, are underutilized and undervalued, resulting in unacceptably high turnover. Also, the President of the Supreme Court has indicated that shortage of judges is an increasing concern.

On 4 February, President Edgars Rinkēvičs met with the President of the Supreme Court Aigars Strupišs and discussed the work of the Latvian judiciary in 2024 and addressed current priorities, including the quality and remuneration of court staff.

Changes to the legal aid system

On 8 January 2025 judges of the Constitutional Court met with the Minister of Justice and discussed possible solutions to make the state legal aid in the preparation of a constitutional complaint more available to those socially less protected persons, whose possible violation of fundamental rights would be seen as a perspective of a favourable judgment of the Constitutional Court. The discussion on this solution will be continued with the Council of Sworn Advocates of Latvia, the Ministry of Justice and the Judicial Administration.

Election of a Latvian judge to the European Court of Human Rights

On 16 April 2024, the Parliamentary Assembly of the Council of Europe, by an absolute majority of votes cast, elected Artūrs Kučs as Judge to the European Court of Human Rights in respect of Latvia.

Ombudsman's actions to support the implementation of the European

Courts' judgments

The Ombudsman initiates translation of the ECtHR rulings, especially those regarding Latvia, into Latvian, and informs relevant stakeholders on Court's argumentation, e.g., in the CASE OF E.K. v. LATVIA regarding contact rights of parents and children.

Latvia 2025

Information from: Ombudsman's Office of the Republic of Latvia

Media freedom, pluralism and safety of journalists

There are positive policy developments regarding protection of journalists. During 2024, several interdisciplinary working groups took place to discuss and improve the measures concerning the media space. Ministry of Culture coordinated a working group focusing on journalist safety and additionally concluded the work on Media Policy Guidelines for 2024-2027. Representative of the Ombudsman's Office participates in this working group.

In Summer 2024, the Public Electronic Mass Media Council approved the new Public Media Ombudsman. Soon after his approval he initiated a meeting with the Ombudsman's Office, and we have been collaborating on several occasions and topics.

On 27 September 2024, the Annual Public Media Ombudsman's conference "Latvian Public Media and Society 2024: Listen, See, Understand" took place. As part of the conference, an expert conversation was held on the most vivid examples of content in public media in 2024 and their impact on trust in public media in general. Representative from Ombudsman's Office took part in this Conference and spoke about the use of personal data and the presumption of innocence when journalists discuss sensitive events.

Moreover, representative of the Ombudsman's Office participated with legal expertise in the conference on development of a stronger and more modern public media enterprise with wider reachability organised by the Public Electronic Mass Media Council.

On 27 November 2024, the Ombudsman's Office also organised a discussion on aggressive behaviour towards recognizable women (including journalists) in

Latvia. With an analysis of practical examples, it looked at the negative impact of aggressive behaviour on the internet on respect for human rights, as well as how available and appropriate the existing redress mechanisms are.

In December 2024, a working group coordinated by the Ministry of Justice started working on draft legislation to transpose the EU's Anti-SLAPP directive. A representative from the Ombudsman's Office is also a member of the working group. Additionally, Latvian Public Media has positively referred to an increase in their budget.

Lithuania 2025

Information from: The Parliamentary Ombudspersons' Office of the Republic of Lithuania

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Parliamentary Ombudsperson's Office of the Republic of Lithuania was last reaccredited A-status by the Sub-Committee on Accreditation in May 2024.

The SCA noted that despite the recent increase of the Lithuanian NHRI's budget, it is not sufficient to properly carry out its broad mandate. Therefore, the SCA recommended further advocacy for an adequate level of funding to effectively carry out the full breadth of its current and additional mandates effectively, especially the mandate to promote human rights.

Additionally, the SCA noted that the participation of civil society in the selection & appointment process is not formalized. In this regard, the SCA recommended that the NHRI continues to advocate for the formalization and application of a process which includes requirements to publicize vacancies broadly and to promote broad consultation and/or participation of civil society organizations in the application, screening, selection and appointment process.

Further, the SCA noted that the grounds for Parliament to initiate a no-confidence vote are not explicit in the enabling law. It recommended the NHRI to advocate for amendments to the enabling law to provide for an independent and objective dismissal process, including by providing express criteria on the

no-confidence vote against the Ombudsperson or to remove this ground for dismissal.

Finally, the SCA encourages the NHRI to continue interpreting its mandate in a broad manner and to advocate for amendments to its enabling law to have an explicit mandate encouraging the ratification or accession to regional and international human rights instruments.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

There are no relevant updates concerning the SCA recommendations since the Parliamentary Ombudspersons' Office's (hereinafter referred to as "the NHRI") reaccreditation with "A" status in 2024. The NHRI observes that the SCA recommendations were submitted in June 2024, and the parliamentary elections were held in October 2024, so this issue was not a priority for politicians. In addition, it was reasonable to wait until the new composition of the parliament was clear. However, the SCA recommendations were presented during the meeting of the Parliamentary Human Rights Committee on 11 December 2024.

As regards the follow-up on the recommendation concerning the NHRI, the NHRI notes that the 2024 EU Rule of Law report concluded that there has been significant progress in providing adequate financial resources for the NHRI, taking into account European standards on resources for Ombuds institutions and the UN Paris Principles. No new recommendations directly related to the Office were submitted.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI has changed since January 2024.

On 7 November 2024, the Parliament adopted the Law on the Parliamentary Ombudspersons No VIII-950 amending Articles 1, 3, 4, 24 and Section III of the Law on the Parliamentary Ombudspersons and supplementing the Law with Article 19-3, which provides that from 1 January 2025 the NHRI will take on the role of National Rapporteur on trafficking in human beings. The 2025 budget allocates funding for two additional positions to support the implementation of

the new mandate.

Otherwise, the NHRI's mandate to contribute to access to justice for individuals has not been strengthened since 2022 (see 2022 national baseline report).

However, the NHRI highlights that the SCA recommendations should be implemented. In the 2024 Report, the SCA noted that the formal participation of civil society organizations in the application, screening and selection of Ombudsperson is not enshrined in the Law on the Parliamentary Ombudspersons nor in any other binding administrative documents. Considering this, the SCA recommended that involvement of civil society organizations should be formalized, for example by directly soliciting proposals from civil society; or allowing civil society to directly participate in the evaluation process.

As it was mentioned, the grounds for Parliament to initiate a vote of no-confidence in the Parliamentary Ombudspersons are not explicit in Article 9 (1) of the Law on the Parliamentary Ombudspersons nor is such ground specified in the Parliament (Seimas) Statute. The SCA highlighted that the grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the members to fulfil the institution's mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law and it should not be based solely on the discretion of the appointing authorities.

It is also important to mention that the NHRI carries out activities relating to encouraging ratification of human rights instruments. However, the Law on the Parliamentary Ombudspersons does not explicitly vest the Parliamentary Ombudspersons with this function. The SCA encouraged the Parliamentary Ombudspersons to continue interpreting its mandate in a broad manner and to advocate for the appropriate amendments to its enabling law to have an explicit mandate to encourage ratification or accession to regional and international human rights instruments.

NHRI enabling and safe space

NHRI enabling and safe space

According to the NHRI, the relevant state authorities do not have good awareness of the NHRI's mandate, independence and role. Members of the Parliament and politicians confuse the NHRI with the National Audit Office of Lithuania, and the title "Parliamentary Ombudsperson" in Lithuanian is misleading ("Controller of the Parliament", whereas the Lithuanian name for National Audit Office is "State Controller"). Executive authorities are often

unaware of the specifics of the Parliamentary Ombudspersons' Office's status and do not understand that it is not an executive authority, but, as the Constitutional Court has clarified, a body that is neither the legislative, executive nor judicial. The NHRI is formed based on civil service, and the same rules and requirements apply to it as to the executive authority institutions. State authorities are often unaware that the Parliamentary Ombudspersons' Office is also an NHRI, this function is believed to be held by non-governmental organizations (the Lithuanian Human Rights Centre and the Human Rights Monitoring Institute). Therefore, the NHRI experiences difficulties in obtaining information about relevant human rights related initiatives. To improve the situation, awareness-raising campaigns could be organized, but funding is never allocated for this.

Furthermore, the NHRI does not have adequate access to information and to policy makers and is not involved in all stages of legislation and policymaking with human rights implications. The NHRI notes that in general, it is necessary to take a proactive interest, asking for information about ongoing reforms, working groups, etc. As regards participation in the legislative process, the NHRI can obtain information on the consideration of draft legislative acts from the social partners working in specific areas, and it is also possible to find this information on the Internet. Only very occasionally is the Office notified about the prepared draft laws by the parliamentarian committees. The Office can then issue an opinion, commenting on the draft legislation under consideration. These comments are discussed in parliamentary committees. Involvement in the decision-making process largely depends on the personal relations that have been established with the decision-makers; since the composition of the Parliament has changed, all contacts have to be renewed. The national regulation (Seimas Statute) currently does not provide for the mandatory opinion of the Parliamentary ombudspersons (or NHRI) when considering issues related to human rights. Article 138 (3) of the Statute only provides for the non-binding general possibility, after registering the draft law to request that other institutions (not specifying which institutions might be addressed) present to the Seimas their conclusions on the draft under consideration. According to Article 147 (7) of the Statute, the appointed responsible committee to consider a draft law forwards the draft law to interested state institutions and, where necessary, to public organisations, local authorities, and political parties to send their evaluations. However, there is no provision obliging such a committee to take into account the opinions provided.

Moreover, the NHRI does not have adequate resources to carry out the full breath of its mandate, as there are no resources allocated to NHRI's promotion mandate, as state authorities do not fully understand its significance and necessity. However, from 2025, additional funding has been allocated for the mandate of the national rapporteur on combating trafficking in human beings (2 new positions covered).

The NHRI notes that there were no changes in legislation, state measures or practices to ensure timely and reasoned responses to NHRI recommendations. However, the NHRI also notes that such legislative changes are not necessary, as the NHRI almost always receives replies from the bodies to which recommendations have been made, following the obligation enshrined in the article 20, par. 3 of the Law on Seimas Ombudspersons, stating that “Seimas Ombudsperson shall be informed forthwith upon the adoption of the decisions on measures to be taken in the light of the proposal (recommendation) of the Seimas Ombudsperson, but not later than within 30 days from the receipt of the proposal (recommendation)”. If necessary, information on the implementation of specific recommendations can be requested again, follow-up actions are carried out and meetings are initiated.

As regards the issue of functional immunity, the NHRI notes that the leadership and staff do not enjoy functional immunity, however, there are sufficient measures to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation in place.

Neither the Constitution nor the Law on the Parliamentary Ombudspersons provide for functional immunity for Parliamentary Ombudspersons or the employees of the NHRI. At the same time, it is important to emphasize that since the beginning of the activities of the Parliamentary Ombudspersons in 1995, and even more since the accreditation of the Parliamentary Ombudspersons’ Office as a NHRI in 2017, there were no attempts to interfere in the activities of the Ombudspersons nor in any other ways the independence of Ombudspersons was jeopardized. Regular procedural guarantees enshrined in the Constitution and the laws are considered to be sufficient in order to protect the independence of the Ombudspersons. It should also be noted that immunity is also not applicable to specialised Ombudspersons, i. e. Equal Opportunities Ombudsperson, Ombudsperson for Children’s Rights and Intelligence Ombudsperson, nor to other independent control or supervisor institutions or state officials, for instance, to the Auditor General, members of Central Electoral Commission, etc.

The NHRI also highlights that it has not faced threats in the form of intimidation or harassment. The only threats faced by the NHRI were related to inadequate resources. However, this threat was addressed by the Government after strong recommendations on the issue were included in the European Commission’s 2023 EU Rule of Law Report.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

1. The NHRI highlights that it remains important to follow up on the

recommendations to allocate adequate financial and other resources, especially for the mandate of human rights promotion and awareness raising, also to allocate adequate resources if the new functions are attributed to the Office.
2. The NHRI recommends formalising the involvement of civil society organisations in the application, examination and selection of the Ombudspersons, and to clearly establish in law the grounds for Parliament to initiate a vote of no confidence in the Parliamentary Ombudsperson, or to abolish the no confidence procedure as such.
3. The NHRI recommends that the NHRI should always be informed about amendments to legislation related to human rights being considered in the Parliament.

Lithuania 2025

Information from: The Parliamentary Ombudspersons' Office of the Republic of Lithuania

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

While the NHRI's human rights monitoring and reporting found no evidence of laws, policies and/or state measures that negatively impact freedom of association, freedom of assembly or freedom of expression, or challenges faced by women human rights defenders (WHRDs) or LGBTQ+ human rights defenders, the NHRI notes that should any unique challenges faced by WHRDs or LGBTQ+ human rights defenders be identified, the NHRI is ready take appropriate measures, e. g. bringing the issues to the attention of competent authorities and institutions including the Parliamentary Human Rights Committee, as well as raising these issues in public. The NHRI maintains close ties with NGOs operating in the relevant areas, e. g. in 2024 the Office has carried out a project on implementation of LGBTQ+ rights by Lithuanian municipalities in partnership with Lithuanian Gay League ("Lietuvos gėjų lyga") – a nongovernmental organization in Lithuania representing the interests of the local LGBTQ+ community. The Office also participates in relevant events and actively supports all initiatives aimed at improving the situation of the mentioned groups.

Participation of NGOs in decision-making

The Seimas Ombudspersons' Office initiated a rapid survey of non-governmental organizations regarding their participation in decision-making processes. The survey revealed that, in some cases, Lithuanian non-governmental organizations are insufficiently involved in decision-making processes, particularly at the local government level. Municipalities are not always inclined to consult with the public and non-governmental organizations when making important decisions, regarding, for instance, decisions related to the rights of people with disabilities and ethnic minorities. Moreover, there are cases where non-governmental organizations are only formally included in the decision-making processes at the government level, such as being given an extremely short deadline to submit comments on draft legislation or where the comments are completely disregarded. As indicated by some survey participants, the reason for this could be that the law does not provide for an obligation to proactively consult with non-governmental organizations operating in the relevant field when considering legislation, nor does it require providing reasons when submitted comments are not taken into account.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The NHRI's human rights monitoring and reporting found no evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, such as negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment, as well as intimidation, harassment or violence before, during or after protests.

On 29 March 2024, the Ombudsperson issued conclusions in the investigation into the incident when counter-protesters disrupted a peaceful assembly organised by an LGBTQ+ rights organisation and the police did not intervene in September 2023 (incident reported in the 2024 ENNHRI Rule of Law Report). The Ombudsperson found that police officers failed to ensure the right of the LGBTQ+ community to hold a peaceful protest in front of the Parliament building in Vilnius. The inadequate reaction of the police officers did not guarantee the right to peaceful assembly of the participants of the gathering organised by the Lithuanian Gay League. The Ombudsperson issued a recommendation to the Police Commissioner General to take measures to ensure that in all cases the participants who have obtained a permit to organise an assembly are guaranteed a practical and effective exercise of their right to peaceful assembly, especially when the actions of provocateurs or hostile persons threaten the full enjoyment of this right.

Incidents have also occurred during the 2024 LGBTQ+ Pride event which took place on 8 June 2024 in Vilnius. A pre-trial investigation was launched into the incident when an individual set on fire a flag representing the LGBTQ+ community during the LGBTQ+ march. The pre-trial investigation was closed due to the absence of sufficient evidence to establish a criminal offence of incitement to hatred against any national, racial, ethnic, religious or other group of people, however, it was considered to hold the individual administratively liable. The same individual burnt an LGBTQ+ community flag again in front of the building of the Parliament on 18 July 2024.

Negative attitudes towards LGBTIQ+ community were also expressed by a public official. In July 2024, a mayor of the Širvintos municipality circulated a public video in which she tore a letter asking for information about services provided to LGBTIQ+ people, sent by researchers of the project implemented by Kaunas Technological University in partnership with the Lithuanian Gay League, the NHRI and Vilnius city municipality. In the publicly circulated video, the mayor of Širvintos, before tearing the letter, read out the names of the organisations participating in the project and made comments alleging that LGBTQI+ community demands some kind of exceptional privileges, asked 'why LGBTQI+ people cannot be like other people', and said that 'the municipality will not participate in the project'. Eventually, after repeatedly requested by the NHRI in September 2024, the municipality submitted the answers to the questionnaire.

In February 2024 a prominent HRD and politician Tomas Vytautas Raskevičius announced a submission of a complaint to the Prosecutor's General Office based on a comment calling for violence against LGBTQI+ people. While the exact scale of online threats is unknown there have been at least several instances when HRDs have publicly announced a submission of a complaint to Prosecutor's General Office in reaction to online comments inciting violence.

Intimidation was observed not only in the context of LGBTQI+ rights. In October 2024 around 100 people marched in the centre of Vilnius in support of Palestinians and Lebanon and against the actions of the Israeli military in Gaza. The march was initially blocked by several pro-Israel protesters who were repeatedly asked to leave by the police but eventually continued to walk in front of the participants of the march while making hostile replicas and chants. No pre-trial investigation was initiated.

In June 2024, the exhibition RESONANCE BEYOND ESCAPE: QWORKAHOLICS ANONYMOUS III, curated by Party Office (Vidisha-Fadescha), opened at the Nida Art Colony (NAC) of the Vilnius Academy of Arts (VDA). The exhibition included statements such as "From the River to the Sea, Palestine will be Free" and "Pro BDS Only," as well as the flag of Palestine. Following pressure from the Embassy of Israel in Lithuania and the Jewish (Litvak) Community of Lithuania, who accused the organizers of anti-Semitism and complained to the Ministry of

Foreign Affairs, who involved the Ministry of Culture that had provided the funding for the exhibition, these statements and the flag of Palestine were removed in August 2024. During the pressure campaign, the director of NAC was questioned by the police due to complaint that the exhibition incites hatred, but the investigation was discontinued.

The NHRI notes that threats or attacks specifically against human rights defenders are usually categorized as hate crimes and/or hate speech and carried out by non-state actors. However, the problem of hate speech towards vulnerable groups remains a pressing one. Victims of hate crimes or hate speech often lack adequate assistance and representation, do not trust law enforcement, and do not know where and how to seek help. The personal attitudes of law enforcement officers can hinder the recognition of hate crimes, influence decisions to refuse to classify an act as a hate crime, discontinue an investigation and increase the risk of secondary victimization.

Moreover, the NHRI's monitoring also found evidence of transnational repression of human rights defenders. On 12 March 2024 a prominent Russian political activist and outspoken critic of the current regime in Russia, Leonid Volkov, was attacked near his home in Vilnius by an unknown person with a hammer and briefly hospitalised. Lithuanian and Polish authorities subsequently made statements alleging that the attack was 'organised by Russia'. In April 2024, Lithuanian Prosecutor General's Office confirmed that several Polish citizens had been detained in connection to the attack by the Polish authorities and added that the attack was fuelled by Mr Volkov's 'beliefs and his views. In the immediate aftermath of the attack, the State Security Department, Lithuanian politicians and experts blamed it on the Kremlin regime and the Russian special services.

According to the NHRI, the most important gap in the protection of HRDs nationally is that there are no specific initiatives, frameworks, or policies namely aiming for the protection of HRDs. In the case of HRDs, only general provisions apply, including anti-SLAPP (Strategic Lawsuit Against Public Participation) rules (which are also not targeting HRDs specifically) provisions, introduced by the amendment of the Lithuanian Code of Civil Procedure on 22 December 2022 (with the amendments coming into force on 31 December 2022) in article 95.

The NHRI is ready to advocate for the improvement of the current legal framework and adoption of HRDs-oriented protections in cooperation with ENNHRI, in case relevant best-practices would be identified and published.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The NHRI has taken several initiatives in 2024 to promote civil society space and human rights defenders, particularly in the form of organization of joint meetings and roundtables. The NHRI regularly organizes and (or) participates in meetings and roundtable discussions with civil society and representatives of NGOs operating in relevant fields. For example, in August 2024 the NHRI organised a discussion on LGBTQ+ rights protection, while in December 2024 - a meeting with the organisations fighting against human trafficking and providing support to the victims. During such meetings the objective is to address both relevant issues and developments in the field as well as issues and obstacles the NGOs and civil society representatives encounter while carrying out their activities. The NHRI also contributed (by providing funding and human resources) to the organisation of the National Human Rights Forum 2024 – the biggest annual event gathering academic, governmental and non-governmental sectors including HRDs and civil society to discuss selected human rights topics in Lithuania. Within the framework of the forum, Parliamentary Ombudspersons participated in panel discussions titled “Is there a place for LGBTI+ people in municipalities?” and “Lithuania in international organisations. What have we done in the field of human rights?”

In addition, the NHRI also protects civil society space and human rights defenders (HRDs) by monitoring, complaints handling, issuing recommendations & opinions and capacity-building.

The NHRI conducts regular monitoring of the human rights situation in Lithuania and issues annual reports on selected topics. In 2024 the Parliamentary Ombudspersons issued a Report on monitoring the human rights situation in Lithuania 2023.

The Parliamentary Ombudspersons also investigate complaints falling within the scope of the right to good public administration and related to actions or inaction by public state and municipal institutions. The NHRI encourages civil society organizations and HRDs to submit complaints if, for example, they are not included in public decision making, are prevented from accessing information or face other issues, also to inform Parliamentary Ombudspersons on the issues requiring attention and intervention.

Recommendations are issued by the Parliamentary Ombudspersons when it is identified that draft laws under consideration in the Parliament of the Republic of Lithuania may have an impact on civil society space, as well as in connection to the investigated complaints or investigations carried out on the initiative of the Parliamentary Ombudspersons.

In September 2024 the Parliamentary Ombudspersons in cooperation with UNHCR office in Lithuania organized a training event on the European Migration Pact, aimed at capacity building and better understanding of ongoing

legislative and policy changes related to the implementation of the Pact. The event gathered representatives of NGOs and civil society operating in the field of migration in Lithuania.

Moreover, the NHRI notes that it does not engage very actively with international or regional mechanisms in support of human rights defenders and civil society due to the lack of resources devoted to such activities.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The NHRI recommends to national authorities to create opportunities for the civil society, NGOs, and HRDs to be involved in the decision-making. In that context it would be useful to conduct surveys gathering information on the main challenges and needs faced by the civil society, NGOs and HRDs. The involvement of non-governmental organizations should be formalized - the law should provide for an obligation to actively consult with non-governmental organizations when making relevant decisions and considering legal acts, as well as to provide reasons when the submitted comments are not considered.
2. The NHRI further recommends to national authorities to respond effectively to threats, harassment and crimes against civils society and HRDs, including through legal recourse and creation of a climate of intolerance against HRD harassment.
3. The NHRI also recommends to European actors to issue guidelines or recommendations on the design of national measures aimed at HRD protection.

Lithuania 2025

Information from: The Parliamentary Ombudspersons' Office of the Republic of Lithuania

Functioning of justice systems

Challenges affecting access to justice

Based on the NHRI's human rights monitoring and reporting, the NHRI

identified significant challenges affecting access to justice and/or effective judicial protection in the area of access to legal aid. In general, the NHRI does not monitor access to justice in Lithuania. However, on 30 May 2024 the Parliament of the Republic of Lithuania passed Law No XIV-2673 (coming into force on 1 January 2025) amending, among other provisions, section 71 § 1 (4) of the Law on the Legal Status of Foreigners and providing that asylum seekers no longer have a right to state-guaranteed legal aid when appealing against a decision of a court of first instance on asylum application, thus restricting access to justice for the asylum seekers.

An additional challenge to the administration of justice that has been consistently raised by the courts themselves is a serious lack of resources for judicial assistants and court staff (who are not judges), as it undermines both expeditiousness and the quality of the decisions. The issue of low and uncompetitive wages of the court staff was most recently raised by Dr. Danguolė Bublienė, President of the Judicial Council in December 2024.

Follow-up and implementation by state authorities of European Court's judgments

On 12 December 2024, the Parliament of the Republic of Lithuania passed a Decision No. XV-58 on granting state recognition to the Ancient Baltic Religious Community "Romuva" thereby implementing ECtHR judgment of 8 June 2021 in the case of Ancient Baltic religious association Romuva v. Lithuania (Application no. 48329/19).

On 18 December 2024, The Constitutional Court of the Republic of Lithuania issued a judgment No. KT101-N15/2024 on the compliance of section 4 § 2 (16) of the Law of the Republic of Lithuania on the Protection of Minors against Negative Effects of Public Information (version of 22 December 2009) with the Constitution of the Republic of Lithuania. The Constitutional Court found that the mentioned provision is unconstitutional thus depriving it of any legal effect. The constitutional decision contributed to the implementation of ECtHR judgment of 23 January 2023 in the case of Macatė v. Lithuania (Application no. 61435/19) where measures taken on the basis of section 4 § 2 (16) of the Law of the Republic of Lithuania on the Protection of Minors against Negative Effects of Public Information were found to be in violation of Article 10 of the European Convention on Human Rights.

The Lithuanian authorities took actions in implementing the decisions of Abu Zubaydah v. Lithuania (Application no. 46454/11) and al-Hawsawi v. Lithuania (Application no. 6383/17). In particular, Lithuanian authorities continued bilateral consultations with the U. S. authorities and requested information from the U. S. Department of State regarding the situation and humanitarian concerns over Mr Abu Zubaydah and sought clarifications from the U. S. Department of State concerning the plea deal in the military commission

proceedings in respect of Mr al-Hawsawi. Concerning an obligation to conduct an effective domestic investigation, Lithuanian prosecuting authorities have sought assistance from EUROJUST, which enabled a coordination meeting with their Polish counterparts to take place. Nevertheless, the pre-trial investigation, previously found by ECtHR to be ineffective, is still ongoing. The just satisfaction awarded by the Court in the al-Hawsawi case has been paid, respectively, on 30 April 2024 to the applicant's representatives. In October 2024 Lithuania submitted an Action plan regarding the execution of the judgment in al-Hawsawi v. Lithuania and updated information regarding the execution of the judgment in Abu Zubaydah v. Lithuania.

The full implementation of judgments by the ECtHR, especially concerning issues perceived as "sensitive" by conservative politicians and requiring legislative actions, usually is very complicated. This is a persisting rule of law issue. It is worth mentioning that, in the previous parliamentary term, the Parliament explicitly voted against draft laws that were introduced with the aim of implementing Court judgments in the cases of the Ancient Baltic Religious Community "Romuva" v. Lithuania (refusal by the Parliament to grant state recognition to a religious community despite a positive conclusion by the Ministry of Justice, violation of Article 9) and Macatė v. Lithuania (censorship of a book with fairy tales including same-sex couples, based on the Law on Protection of Minors against Negative Effects of Public Information, violation of Article 10).

Taking this into consideration, the NHRI also undertakes actions to support the implementation of the European Courts' judgments, namely through referring to the judgments of European Courts' in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, awareness raising of the general public, human rights education. In October 2024 the Parliamentary Ombudspersons met with the delegation of ECtHR visiting Lithuania to discuss the measures of implementation of ECtHR judgments.

The NHRI regularly references relevant ECtHR judgements in its publications including reports on the human rights situation, reports issued under OPCAT mandate and findings of conducted investigations (for instance, concerning the duty if the institution to provide all relevant information requested by the lawyer).

The NHRI communicated with the Department for the Execution of Judgments of the European Court of Human Rights during the visits, also the NHRI has expressed its readiness to provide information related to the implementation of the ECtHR decisions in Lithuania.

The NHRI raised awareness through publishing reports on human rights situation and repeatedly emphasising the importance and necessity of

implementing the ECtHR decisions which the Ombudspersons have also mentioned during the National Human Rights Forum 2024.

In addition, the NHRI held two training sessions for staff of social care homes in 2024, emphasising the importance of the State's obligations under the ECHR and addressing the risks of discrimination and ill-treatment of care home residents, as well as measures to prevent such violations in places of deprivation of liberty.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. The NHRI recommends to national authorities to provide adequate financial resources to the wages of the court staff (who are not judges) such as judicial assistants and other court employees as this has a significant impact on the efficiency and quality of the judicial system.
2. The NHRI also recommends to national authorities to take necessary steps to implement ECtHR judgments more effectively.

Lithuania 2025

Information from: The Parliamentary Ombudspersons’ Office of the Republic of Lithuania

Other challenges to the rule of law and human rights

Pushbacks of migrants

In 2024 the provisions to the law on State border and its protection that legalised the pushbacks of migrants at the border during a state of emergency and state of national emergency were still in force and the pushback policy continued despite the flow of migrants from the Belarusian border decreased. Consequently, pushbacks of migrants pose a risk of denying the right to seek asylum and violating the principle of non-refoulement.

In 2024 the NHRI requested a leave to submit a third-party intervention in the ECtHR case C.O.C.G. vs Lithuania (app. no. 17764/22), related to the situation

of migrants at the Lithuanian – Belarus border, concerning the conditions in the places of detention of foreigners. The ECtHR decision in that case is anticipated in 2025.

NHRI’s recommendation to national and regional authorities

NHRI’s recommendation to national and regional authorities
The NHRI recommends to national authorities to reconsider the legislation in force concerning the push-back of migrants.

Luxembourg 2025

Information from: Consultative Human Rights Commission of Luxembourg

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Luxembourgish NHRI was last reaccredited with A-status by the Subcommittee on Accreditation (SCA) in March 2022. In its latest review, the SCA recommended that the NHRI advocate for amendments to relevant legislation to limit the number of times that members of the Commission may be reappointed and the President may be re-elected. Moreover, the SCA encouraged the NHRI to advocate for changes to its enabling law to provide for remunerated full-time members in its decision-making body. Further, the SCA encouraged the NHRI to advocate for relevant changes to provide the explicit power to table reports directly in the legislature, rather than through the Executive, and in doing so to promote action on them. It also recommended the institution to advocate for its reports to be discussed by Parliament. Additionally, the SCA called on the institution to continue to conduct systematic follow-up activities to ensure that its recommendations are implemented by the relevant authorities, in order to fulfil its protection mandate. While acknowledging that the Luxembourgish NHRI has received increases in its budget in recent years, the SCA also encouraged the institution to continue to advocate for an appropriate level of funding to carry out its mandate

effectively and independently.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Legislative reform regarding the NHRI

The work regarding the administrative attachment of the Consultative Human Rights Commission of Luxembourg (hereafter "CCDH") to the Parliament is still ongoing. In June 2024, the Prime Minister confirmed this attachment in its State of the Nation address. On 14 February 2025, the Government submitted a legislative proposal consisting of a single article providing only for the administrative attachment of the CCDH to Parliament: "A Consultative Commission on Human Rights of the Grand Duchy of Luxembourg is hereby established (…). The Commission is attached to the Chamber of Deputies". However, the administrative attachment is part of a broader effort to undertake a more thorough reform of the CCDH, with several other issues still to be addressed. It is therefore highly likely that Parliament will complete the rest of the reform. In the light of the above, it is not yet known what aspects of the current functioning of the CCDH will be reformed, nor to what extent the reform will enhance the CCDH's compliance with the Paris Principles. The CCDH is collaborating with the Government and the Parliament, however it is unclear to what extent the authorities will take the CCDH's recommendations into account. The CCDH will very likely issue an opinion on the legislative proposal.

Follow-up on NHRI recommendations

Furthermore, the CCDH is also considering requesting lawmakers to introduce a requirement for the authorities to respond to its recommendations in a timely manner. While the follow-up of its opinions by policymakers remains very limited, the CCDH is aiming to improve its own assessment of this follow-up. Regarding the recommendation to table the annual reports directly before Parliament, this will take effect as soon as the CCDH is formally attached to Parliament.

Adequate funding

Finally, the CCDH sincerely hopes that the last recommendation, i.e. that of adequate funding, will be respected in order to effectively carry out its mandate. The CCDH will advocate for it in the context of the reform and is currently already asking for more funding (i.e. human resources) whenever possible.

Follow-up on European actors' recommendations

In terms of measures taken to follow-up on the recommendations concerning the CCDH, issued by European actors, the EC recommended in its country chapter on Luxembourg that the latter should "improve the legislative decision-making process notably at the level of Parliament by increasing the transparency and involvement of stakeholders in the public consultations". The CCDH has not observed any improvements in this regard.

Since 2023, the CCDH systematically offers to meet with public officials and Ministers and since 2024, it sends questionnaires to the government asking for explanations on the extent to which its recommendations have been or are going to be taken into account in the legislative process. It is planning to publish information about the follow-up in its future annual reports. As mentioned, the CCDH is also considering requesting lawmakers to introduce a requirement for the authorities to respond to its recommendations in a timely manner, as recommended by GANHRI's Sub-Committee on Accreditation (SCA).

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI has not changed since January 2024.

Human rights expertise in the field of AI

In 2024, the CCDH was approached by the Ministry of Justice which intended to confer a new mission upon the CCDH in the context of the EU AI Act (national authority to oversee fundamental rights). This could have allowed the CCDH to provide human rights expertise in the field of AI while, ideally, increasing its capacities and powers. However, following an interpretive note issued by the European Commission, the government ultimately decided not to confer this task to the CCDH. The reason for this change in position is that the European Commission's interpretative note specifies the types of bodies that can be appointed under Article 77 and that the CCDH only has advisory functions. The CCDH regrets that the designated authoritie(s) do not have specific expertise in the field of human rights, which is a key element of Article 77 under the AI Act. It is worth noting that ENNHRI addressed a letter to the European Commission in order to clarify and highlight the importance of NHRIs in the context of the AI Act. It is unclear whether the European Commission has taken into account the information provided by ENNHRI. It is also unclear whether the possibility of conferring the required additional powers and means to the CCDH was taken into consideration by the government, and if so, why it was rejected. The CCDH contacted the government to seek further explanations.

CCDH's staff nationality requirement

In June 2023, the CCDH sent a letter to the Minister of Public Service regarding the current regulatory requirement of Luxembourgish nationality for all the employees of the Secretariat of the CCDH. According to the Ministry of State, this requirement originates from the grand-ducal regulation of 12 May 2010, which specifies which administrations/jobs/positions involve direct or indirect participation in the exercise of public authority, and are therefore reserved exclusively to persons of Luxembourgish nationality. The CCDH underlined the principle of free movement of workers inside the EU (also see the report of the CET and the University of Luxembourg, p. 34) and argued that the provisions were in any case inapplicable to the CCDH, especially considering its particular status as a NHRI, which cannot be compared to a public administration. In May 2024, the Minister of Public Service responded by stating that the Luxembourgish nationality is a requirement for every person recruited by the CCDH. The Minister only referred to national legislation and did not address the question of its compatibility with relevant EU law or the CCDH's particular status as a NHRI.

NHRI regulatory framework

The work on the reform of the CCDH is still ongoing and an internal working group has been tasked to suggest modifications that will strengthen the CCDH's conformity with the Paris Principles. As a result, it is still too early to present concrete proposals to improve the regulatory framework of the CCDH.

However, some ideas to consider in the reform process include changes to the appointment procedure to strengthen the CCDH's independence, an increase in the allowances granted to members, a limit on the number of times a member's mandate can be renewed, the introduction of jurisdictional immunity, the granting of amicus curiae competence, the obligation for the Government and the Parliament to respond and justify their (in)actions (at the very least give a timely and reasoned response), and ensuring that the CCDH is granted access to data and information required to fulfil its mandate.

NHRI enabling and safe space

NHRI enabling and safe space

Presentation on CCDH reports in Parliament

It might be worth mentioning that in December 2024, Parliament unanimously adopted a resolution to invite the CCDH to present its reports on human trafficking to all the relevant parliamentary committees. Currently the report is only presented to the legal committee, in presence of the president of the Parliament. The resolution also calls for a presentation and debate on the

CCDH's report on trafficking in human beings (which is published every two years) in a similar way to the debate on the Ombudsman's activity report. A second motion however, calling for the implementation of the CCDH's recommendations from said report, was rejected by the members of Parliament from the governing political parties and the members of a far-right political party.

CCDH access to disaggregated data

The problem raised in last year's ENNHRI rule of law report persists – the CCDH still faces challenges in relation to access to disaggregated data, for instance in the justice area. This impacts the work of the CCDH as a limitation to relevant data hampers its abilities to assess human rights impacts and state (in)actions. It also renders evidence-based decision making by public authorities quite difficult.. The CCDH continues to raise this issue with relevant state authorities but no progress was made to address it by state actors.

Functional immunity for CCDH staff

The NHRI's leadership and staff do not enjoy functional immunity nor are there specific measures in place to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation.

Until now, additional measures were not needed in practice as there have not been any or very few attempts to threaten or intimidate the CCDH. However, it might be useful to consider additional measures as verbal attacks from a far-right political party, occasionally challenging the CCDH's independence and impartiality, are on the rise. In this context, and in accordance with the SCA's recommendation to provide jurisdictional immunity for NHRIs, the CCDH will likely advocate for this immunity for its members and the staff of the Secretariat as part of its ongoing reform.

Threats against NHRI

The CCDH has not received threats of violence. However, a member of Parliament of the far-right political party "ADR" called the President of the CCDH an "enemy of real freedom of opinion and direct democracy", claimed that its members are "clearly left ideologists," and that the CCDH was not needed. Some political parties subsequently condemned these remarks. During a parliamentary debate, this issue was addressed, but the members of Parliament from the governing political parties largely remained silent. However, Parliament unanimously adopted a motion defending the importance of the CCDH. Commissioner Didier Reynders addressed this topic (28:00 and 33:00) during his visit related to the rule of law report. He encouraged politicians to "refrain from any personal criticism of representatives [of the CCDH, Ombudsman, judicial authorities, etc]. Of course, we can have a debate on the substance (...) but we really need to make a strong appeal to politicians

to refrain from entering into personal debates and personal attacks on people who are trying to carry out their duties". The Prime Minister also intervened in support of the CCDH. There were no consequences for the member of Parliament in question.

In a subsequent public intervention on a major national radio station, the same member of Parliament suggested that political parties should be represented in the CCDH. This would however constitute a violation of the CCDH's independence and political neutrality. It is therefore of utmost importance to provide safeguards in the current negotiations regarding the CCDH's attachment to Parliament.

The political party of the abovementioned member of Parliament systematically attempts to weaken the independence of public institutions (Equality body, public schools, museums, ...) by accusing them of violating their "obligation of neutrality" whenever they intervene publicly in order to promote or defend human rights. The party becomes particularly vocal regarding LGBTIQA+ related topics. It frequently misconstrues the concept of "freedom of speech" for its own political goals and attempts to silence those with opposing views.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

- Attach the CCDH to the Parliament, while making sure that it remains in line with the Paris Principles, especially concerning the nomination procedure which needs to guarantee the independence of the CCDH. An overhaul of the CCDH's resources and functioning could further improve its ability to carry out its mandate effectively and independently.
- Legally oblige the Government and the Parliament to respond to the CCDH's recommendations or requests, and justify their (in)actions (at the very least give a timely and reasoned response).
- Improve data collection and access to information requested by the CCDH.

Luxembourg 2025

Information from: Consultative Human Rights Commission of Luxembourg

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and human rights defenders

Laws and measures negatively impacting civil society and human rights defenders

The NHRI's human rights monitoring and reporting has found evidence of **laws, policies and/or state measures** that may negatively impact on freedom of assembly and freedom of expression as well as create barriers in access to information and law and policymaking processes.

Access to information

Recent refusals by public authorities to disclose documents illustrate the obstacles that stakeholders such as NGOs or journalists may face when trying to access information. In a case opposing the municipality of Luxembourg City and an NGO, the administrative tribunal held that the documents requested by the NGO should be disclosed. The municipality appealed the first instance ruling. The administrative court's ruling is still pending at the time of writing.

Journalists have faced similar obstacles when asking for official documents held by Ministries. The Ministry of internal affairs' refusal to communicate information about the cooperation between Luxembourg and Frontex prompted the « association luxembourgeoise des journalistes professionnels » and the journalist who asked for the disclosure of the documents, to refer the case to the administrative tribunal. The case is still pending at the time of writing.

Freedom of speech and NGO independence

Obstacles to the freedom of speech and the independence of NGOs cooperating with public authorities have recently been highlighted by journalists. The municipality of Luxembourg City appears to contractually oblige an NGO it is collaborating with that "any communication of the association with the press about [their project] must be done in consultation with the City of Luxembourg".

Freedom of assembly

The government is currently drafting an "avant-projet de loi" aimed at creating a legislative framework for public assemblies such as protests. While the CCDH commends the Ministry in charge for its participative approach – it has repeatedly sought the CCDH's input on previous drafts – the tightness of the deadlines imposed on the CCDH rendered its work quite difficult. It also remains to be seen whether or not the final version of the draft law will be in line with international and European human rights law. The CCDH remains vigilant and keeps reminding the government that it should first and foremost strengthen the right to protest, instead of creating unnecessary barriers and sanctions.

Enabling framework for civil society

The recent developments related to one of Luxembourg's largest civil society organization (Caritas Luxembourg) are seen by other NGOs as a blow to the enabling framework for civil society. Criminal proceedings for misappropriation of funds are ongoing. The NGO's activities have stopped and been taken over by a newly created NGO (HUT - "Hëllef um terrain"). It remains to be seen how this new NGO will position itself in the Luxembourgish civil society landscape. The Government's and Parliament's handling of this case was subject to criticism (also see this statement of a collective of NGOs). This case might have negative impacts on the public's perception of civil society in Luxembourg and impact their financial independence. There are also fears that more and more critical civil society voices might disappear. A collective of NGOs are attempting to fill the void left by the disappearance of one of the critical voices/political advocacy in Luxembourg.

The CCDH is concerned that the current developments/framework might discourage NGOs collaborating with the government to criticize the latter. In a press release published in October 2024, a collective of NGOs "noted a growing lack of listening and dialogue on the part of the government, which is increasingly inclined to reduce civil society players, their critical voices and their experience to mere service providers". For instance, access to a program offering shelter to people during the winter months has recently been limited to people who can prove that they have been in Luxembourg for at least 3 months (except if the temperatures are below 0°C). The NGOs in charge of this project (Croix-Rouge, the newly created HUT and Inter-actions) do not seem to question this highly problematic decision announced by the government. In addition, the responses of the competent Minister to 4 parliamentary questions on this decision (QP1554 ; QP1535 ; QP1522 ; QP1555) do not answer all of the questions raised, especially regarding its conformity with relevant European law. The decision-making process lacks transparency and seems to be rather arbitrary and discriminatory.

Support for HRDs from minority groups

The far-right political party "ADR" attempts to silence HRDs, especially when they are addressing LGBTIQA+ rights.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

Important gaps in the protection of HRDs nationally

The gaps remain largely the same as in previous years. Access to justice and

protection programs needs to be improved (for instance, there is still no legal framework for a witness protection program). The “Shelter cities” project for foreign human rights defenders, which aims to set up a procedure for the reception of individual human rights defenders in Luxembourg for a predetermined rest period, has still not been put in place.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
In 2024, the CCDH participated in joint meetings and/or roundtables to promote civil society space and human rights defenders.

The CCDH has met with human rights defenders and NGOs, helped organise meetings and/or roundtables with ministries and NGOs and supported NGOs wherever it could.

For instance, it met with HRDs from Mexico, Brazil and South Africa who reported serious violence committed against human rights defenders, environmental degradation, and adverse effects on local communities, including indigenous people that took place in the value chain of Luxembourg based companies. The CCDH raised this topic in a meeting with public officials and repeatedly urged the government to improve its business and human rights policies as fast as possible – including improving access to justice and improving the protection of victims and witnesses (see the CCDH’s 4th report on human trafficking, pp. 117-131).

It also organised a roundtable on the topic of freedom of speech and hate speech.

The CCDH publishes reports done by GANHRI and ENNHRI on its website.More generally, the CCDH issued recommendations and options as a way to protect civil society space and human rights defenders.

The CCDH refers to the protection of civil society space and HRDs in its opinions and recommendations. For instance, it criticised the “avant-projets de loi” related to the government’s decision to, first, widen the possibility to issue removal orders (e.g. persons that the authorities see as a “nuisance” for public safety or tranquillity), and second, to limit the freedom of assembly. The opinions of the CCDH are not publicly available yet because the “avant-projets de loi” are unofficial documents of the Ministry in charge until the official legislative proposal is submitted.

The CCDH believes there should be better follow-up on its’s recommendations and opinions.

Furthermore, the legal framework for civil society space and HRDs needs to be improved, especially regarding access to justice, in particular in cases of transnational human rights violations committed within the value chains of businesses.

The lack of resources and the NHRI's mandate limitations prevented it from engagement in this area with international and regional mechanisms in support of human rights defenders and civil society.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- Improve access to justice (e.g. create a legal framework for an effective witness protection programme, empower NGOs to support victims before the courts, invest human rights institutions such as the equality body with the power to go to courts, strengthen the training of justice professionals such as lawyers, judges and public prosecution, improve remediation and reparation);
- The "Shelter cities" project for foreign human rights defenders, which aims to set up a procedure for the reception of individual human rights defenders in Luxembourg for a predetermined rest period, should be developed;
- Make sure that securitisation laws are based on human rights and in line with the State's positive obligations. For instance, regulatory measures on freedom of assembly should first and foremost be focussed on the promotion of this human right, instead of primarily restricting and criminalising it.

Luxembourg 2025

Information from: Consultative Human Rights Commission of Luxembourg

Functioning of justice systems

There have not been any notable improvements since the CCDH's contribution to last year's ENNHRI rule of law report and CCDH recommendations issued therein. The CCDH continues to identify the same challenges affecting access

to justice and/or effective judicial protection in of the areas of professionalism, specialisation and training of judges, respect for fair trial standards and delays in and/or a lack of publication of judgments.

In terms of undertaking actions to support implementation of the European Courts' judgments, the CCDH referred to the judgments of European Courts' in the reports and recommendations to state authorities, raised awareness to the general public. The CCDH regularly refers to judgments of the CJEU and ECtHR, in all of its work (legal opinions, reports, position papers, etc). Its recommendations are addressed to Parliament, the government and specific ministries or administrations. The CCDH also organises press conferences aimed at raising awareness within the general public.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
Authorities should improve access to justice. For instance, they can:

- Create a legal framework for an effective witness protection programme.
- Empower NGOs to support victims before the courts.
- Invest human rights institutions such as the equality body with the power to go to courts.
- Strengthen the training of justice professionals such as lawyers, judges and public prosecution and improve their resources.

Luxembourg 2025

Information from: Consultative Human Rights Commission of Luxembourg

Media freedom

The CCDH reports on issues concerning the independence and effectiveness of media regulatory bodies, harassment, threats and attacks against journalists and media outlets, as well as access to public interest information/documents, which may amount to significant challenges affecting media freedom.

A media outlet has reported a rise in SLAPP suits, see for instance this article of reporter.lu.

Recently, the press council voiced criticism about a decision of the court of appeal forbidding journalists to mention the name of a person who was convicted in 2007 because he embezzled approximately 14 million euros. The journalists consider this as an unjustified restriction of freedom of expression. The judges found that “the public must be primarily interested in the event in question, while the addition of the name (...) does nothing to inform the public, but aims to discredit his person and causes him disproportionate suffering, even though he has served his sentence”. The press council argues that “cases in which the ECHR has prioritized freedom of expression over the protection of privacy were not even considered by Luxembourgish judges.” At the time of writing, the ruling is not legally binding yet.

Follow-up of European actors' recommendations on media freedom

The EC recommended that Luxembourg should “take forward the reform of the legal framework for the disclosure of official documents, taking into account European standards on access to official documents.” In July 2024, draft legislation 8421 on the promotion of professional journalism and democratic debate was tabled by the Ministry of Justice. While the CCDH has not done a full assessment of this legislative proposal yet, it has reservations regarding its potential to genuinely improve access to official documents, as an initial analysis suggests that the proposed changes may be rather superficial or cosmetic in nature. It is worth mentioning that the association of professional journalists voiced concerns regarding the effectiveness of the access to official documents.

Following the government’s decision to change the selection procedure for the director of the “Autorité luxembourgeoise indépendante de l’audiovisuel” (ALIA), the president of its managing board at the time, also President of the “Cour supérieure de justice”, resigned his position. His decision was, among others, linked to disagreements over the selection process for a new director of ALIA. Concerns about political meddling in the selection process were raised. The Ministry for Justice was summoned by the Parliament and denied any meddling and defended their decision.

NHRI’s recommendation to national and regional authorities

NHRI’s recommendation to national and regional authorities

- Improve the legal right to access to information for journalists

Malta 2025

Information from: Office of the Parliamentary Ombudsman

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

In the past years, national, regional and international stakeholders have called on Malta to establish a NHRI. This recommendation has featured prominently during the Universal Periodic Review of Malta. On July 2019, the Bill on the Human Rights and Equality Commission was presented to the Maltese Parliament, which would establish an NHRI. ENNHRI, alongside civil society organisations and other actors, has supported the establishment of a Maltese NHRI and advised national actors in their efforts. Prior to the submission of the bill to Parliament, the Council of Europe's Venice Commission published its Opinion on the draft bill.

On the 20 February 2022, Parliament was dissolved, and Malta went to a General Election. This fact had the legal consequence that all bills that were pending before Parliament prior to the General Election, including the Equality Bill and the Human Rights and Equality Commission Bill, lapsed. Before the current Parliament, there are to date no bills relating to equality and human rights.

In February 2024, the Office of the Parliamentary Ombudsman of Malta joined ENNHRI. In doing so the institution is committed to taking proactive steps towards accreditation as an NHRI compliant with the Paris Principles. In the following months, the Office of the Ombudsman significantly intensified its efforts to establish a fully-fledged NHRI in Malta. The Office of the Ombudsman proposed to the Malta Government how to integrate NHRI functions within its existing framework, regulated by the Ombudsman Act 1995, suggesting an extension of its current mandate to encompass a broader spectrum of human rights responsibilities. ENNHRI provided technical support to the Office of the Ombudsman on the institution's founding legislation and compliance with the Paris Principles.

To streamline the legislative process, in October 2024, the Office of the Ombudsman drafted a new, comprehensive Ombudsman Bill aimed at expanding its existing mandate, in compliance with the UN Paris Principles. The Bill was subsequently presented to the Prime Minister of Malta for consideration

in November 2024.

Further detail on the proposal by the Office of the Ombudsman is included below.

ENNHRI is closely monitoring developments in the country and stands ready to support its member institution as well as to provide its expertise on the establishment and accreditation of NHRIs to relevant stakeholders in Malta.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The establishment of the National Human Rights Institution in Malta

The 2024 Rule of Law Report by the European Commission highlighted the fact that there was no progress in the establishment of a National Human Rights Institution (NHRI) in Malta. The 2023 report had already stressed on the need for Malta to establish such an institution in line with the UN Paris Principles.

The Office of the Ombudsman has long advocated in favour of the establishment of an NHRI in Malta. The Office has also made its position clear in the sense that its house is in order to become the NHRI for Malta should its present mandate be extended by legislation.

In November 2023, the Office of the Ombudsman submitted a clear proposal to the Prime Minister with its credentials. The proposal outlined the benefits of using the existing institutional framework, thereby avoiding the need for a separate institution to serve as the NHRI for Malta.

The existing infrastructure, experienced staff, and established procedures of the Office already provide a solid foundation for a broader human rights mandate. This reachable approach would enable the swift implementation of NHRI functions while reinforcing public trust through the Ombudsman's already proven and respected role.

The Prime Minister was quick to refer the proposal for further discussion to the Parliamentary Secretary for Reforms and Equality.

A meeting was held in February 2024, where the Ombudsman explained the rationale behind the proposal.

Unfortunately, the meeting was completely inconclusive in the sense that the Parliamentary Secretary stated that the Government was still exploring the

best way forward and had not adopted a definitive position.

To date, no developments have been made public from the side of the Executive on this matter.

European Network of National Human Rights Institutions (ENNHRI) Associate Membership

In February 2024, the Office of the Ombudsman submitted a formal application for Associate Member Status of the European Network of National Human Rights Institutions (ENNHRI).

In the application, the Office stated that, given the lack of progress on establishing a standalone NHRI after the dissolution of Parliament in 2022, it had again proposed integrating NHRI functions within the already functionally present Ombudsman structure.

The ENNHRI board officially accepted the application, and the Office of the Ombudsman became an Associate Member of ENNHRI.

Following its acceptance as an Associate Member of ENNHRI, the Office sought assistance from ENNHRI itself, in an effort to review the Ombudsman Act to ensure full alignment with the Paris Principles.

Between April and May 2024, ENNHRI conducted a detailed review, identifying key areas for improvement, including:

- Expanding the mandate to include promoting and protecting human rights.
- Strengthening the selection and appointment process to ensure transparency and pluralism.
- Enhancing the Office’s independence and securing adequate resources.
- Engaging more actively with civil society.

A proposal for a new Ombudsman Bill

In response to these findings, the Ombudsman drafted a new fully-fledged Ombudsman Bill rather than resort to fragmented and piecemeal amendments to the present law.

In October 2024, the draft Bill was forwarded to ENNHRI for further review. In that same month, during the ENNHRI General Assembly, the Ombudsman participated in a parallel meeting with ENNHRI representatives to discuss the proposed Bill and explore potential improvements.

ENNHRI commended the efforts of the Office to align with the Paris Principles its wish for an extended mandate as an NHRI and noted that significant amendments to the draft proposal had been introduced to support this

mandate, including:

- A broad human rights remit, covering the protection and promotion of human rights through awareness-raising, education, advising on national legislation, and reporting on the national human rights situation.
- A comprehensive definition of human rights, incorporating rights set out in international, regional, and domestic instruments, as well as those recognised by national and international courts.
- Strengthening the Ombudsman's authority to follow up on recommendations made to national authorities.
- Reinforcing the Ombudsman's independence by expressly stating that the Ombudsman shall not be subject to direction from any other person or authority.

ENNHRI provided additional technical advice, which the Ombudsman reviewed and adopted where appropriate. These measures are included in the proposed new Ombudsman Bill.

The new Ombudsman Bill was formally presented to the Prime Minister of Malta for his consideration and of the Cabinet of Ministers on the 19 November 2024. The Bill offers a resource-efficient solution for establishing a National Human Rights Institution in Malta. By expanding the existing framework of the Office of the Ombudsman, it seeks to ensure compliance with the Paris Principles while addressing the pressing need for a strong and independent NHRI. This proactive initiative reflects a clear commitment to safeguarding and promoting fundamental human rights and freedoms in Malta. For the record, to date, there has not been an official response from the Prime Minister of Malta. Since no feedback was forthcoming by government by 31 January 2025, the Office of the Ombudsman published the new Ombudsman Bill on its website on the 1 February 2025.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the Office of the Parliamentary Ombudsman has not changed since January 2024 but it should be strengthened.

Malta remains without a National Human Rights Institution (NHRI). Since 2022, no substantive steps have been taken by the Government to strengthen the mandate of any institution to contribute to access to justice for individuals, nor has there been any consultation on the best model to adopt for establishing an NHRI. Furthermore, no bills related to the establishment of an NHRI have been presented in Parliament.

As stated, in November 2024, the Parliamentary Ombudsman, following an extensive review and consultation process, proposed a new Ombudsman Bill to the Government. This proposed legislation seeks to expand the mandate of the Ombudsman to include the promotion and protection of human rights, in alignment with the Paris Principles. The proposal aims to address Malta's long-standing gap in NHRI compliance by leveraging the existing framework of the Office of the Ombudsman, ensuring a resource-efficient and practical approach to safeguarding human rights and access to justice. To date, the Government has not provided feedback on this proposal.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Office of the Ombudsman in the 2024 and 2025 made the following key recommendations to strengthen the independence and effectiveness of the institution:

1. **Expand its mandate to include Human Rights promotion and protection**: Introduce a broader human rights remit for the Ombudsman, enabling activities such as awareness-raising, education, advising on national legislation, and reporting on the state of human rights at the national level.
2. **Parliamentary oversight of unimplemented Ombudsman recommendations**: Establish an ad hoc Select Committee of Parliament to debate final reports and recommendations submitted by the Ombudsman that remain unimplemented. This mechanism would ensure greater accountability and facilitate the improvement of public administration services by addressing systemic issues highlighted in the Ombudsman's reports.
3. **Address prescription-related issues and concurrent proceedings**: In the Ombudsplans 2024 and 2025 highlight critical issues concerning the six-month non-renewable time-bar for judicial review of administrative actions against the Government. Unlike other civil actions, these time limits are not subject to legal interruption. Moreover, Maltese law prevents concurrent proceedings before the Ombudsman and judicial or quasi-judicial bodies, with the latter taking precedence. The Office has proposed that these prescription periods be suspended during ongoing Ombudsman investigations. Implementing this reform would improve access to justice, ensuring individuals are not disadvantaged by the time needed to complete investigations and promoting fairness and accountability in public administration.

Malta 2025

Information from: Office of the Parliamentary Ombudsman

Functioning of justice systems

Based on the Office of the Ombudsman's human rights monitoring and reporting, the areas in which significant challenges affecting access to justice and/or effective judicial protection are identified are delays in court proceedings, timely and effective execution of national courts' judgments and the transposition of Protocol No. 12 to the European Convention on Human Rights into National Legislation.

The inclusion of Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the European Convention Act (Chapter 319 of the Laws of Malta)

The Protocol 12 of the European Convention on Human Rights introduces a general prohibition of discrimination. In the Ombudsplan for 2025, tabled in Parliament on 4 October 2024, the Ombudsman reaffirmed his concern that Protocol No. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms was not transposed into the European Convention Act (Chapter 319 of the Laws of Malta) despite that Malta ratified Protocol No. 12 on 8 December 2015, and came into effect on 1 April 2016. This means that although Malta is bound by the Protocol, persons are still unable to seek redress before the Maltese courts and have to proceed directly to the Strasbourg Court.

The failure to incorporate Protocol No. 12 into Chapter 319 is a serious matter. The anomaly was highlighted by the Constitutional Court in May 2023, where it was stated that although Malta had ratified the Protocol, it could not be enforced before the Maltese Courts because it was not included in Chapter 319.

The Office is committed to urging the Government to address this matter without further delay. It is not enough for Malta to ratify Protocol No. 12 without allowing Maltese Courts to hear and rule on lawsuits. The Office reiterates its call for an amendment to Chapter 319 of the Laws of Malta for the inclusion of Protocol No. 12 in the Schedule to the European Convention Act.

Through the appropriate amendment to the European Convention Act persons would have wider access to justice where non-discrimination and equality are concerned.

Malta 2025

Information from: Office of the Parliamentary Ombudsman

Media freedom

The Ombudsman's current mandate does not include the monitoring or reporting of media-related matters. However, if the Ombudsman is requested to investigate an administrative act or omission by Government and determines that the decision, recommendation, act, or omission under review:

"(a) appears to have been contrary to law;
(b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was based on a law or practice that may be unreasonable, unjust, oppressive, or improperly discriminatory;
(c) was based wholly or partly on a mistake of law or fact; or
(d) was wrong,"

then the Ombudsman may issue recommendations accordingly.

Netherlands 2025

Information from: Netherlands Institute for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Netherlands Institute for Human Rights was re-accredited with A-status in December 2020. The SCA understood that the NHRI's jurisdiction includes the Caribbean territories of the Netherlands; however, as the Dutch Equal Treatment Act is not applicable in these territories, the Netherlands Institute for Human Rights, which is also an equality body, cannot discharge the full breath of its mandate in these territories. The SCA encouraged the NHRI to advocate for the extension of the Equal Treatment Act to the Caribbean territories of the Netherlands, which the NHRI has consistently done. On the issue of possible conflicts of interest, the SCA acknowledged that where part time members of

the governing body or staff of the Dutch NHRI wish to engage in other paid or unpaid activities, an internal discussion occurs, and a decision is made by the governing body. The NHRI makes relevant details relating to other activities publicly available on its website. However, the SCA noted that there did not appear to be further guidance on what types of activities would constitute a conflict of interest, in legislation, regulations or other binding administrative guidelines. The SCA encouraged the NHRI to advocate for the development of further binding guidance with respect to what constitutes a conflict of interest and the process by which the existence of such a conflict can be determined. The NHRI reported that its budget was the minimum necessary to carry out its mandate and that it can therefore prioritize a limited number of issues. The SCA encouraged the NHRI to continue to advocate for adequate funding necessary to allow it to address a broad range of priorities, including, for example, the rights of migrants and of the LGBTI community.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In its first SCA recommendation, the SCA 'encourages the Netherlands Institute for Human Rights (NIHR) to advocate for the extension of the applicability of the Equal Treatment Act to the Caribbean territories of the Netherlands.' The Institute has continued to promote the applicability of the Equal Treatment Act in the Caribbean territories of the Netherlands. The legislator has taken significant steps to apply the equal treatment legislation in the Caribbean territories of the Netherlands. On 3 May 2024, the draft 'Act to protect against discrimination in the Caribbean territories' was submitted to the House of Representatives, where it is currently pending. On the basis of the act, the equal treatment legislation will be applied in its entirety. After entry into force of the act, the Institute will be competent to examine individual complaints on discrimination.

In the second recommendation, the SCA 'encourages the NIHR to advocate for further binding guidance with respect to what constitutes a conflict of interest and the process by which a determination would be made about the existence of such a conflict.' The Institute is currently in the process of drafting administrative regulations for the functioning of the governing body. These regulations will set out how the Institute will deal with paid and unpaid activities. These rules are additional to the rules laid down in the Code of conduct integrity of civil servants (Gedragscode integriteit Rijk) and the Code of conduct judiciary (Gedragscode rechtspraak).

The third recommendation concerns adequate funding. Since the 2019 reaccreditation, the Institute was charged with additional tasks. As from 1 April 2024, it is the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture; it is in preparation to adequately fulfil its additional mandate with respect to the Caribbean territories of the Netherlands and it has been appointed as the public authority protecting fundamental rights under article 77 of the AI directive. In order to fulfil its traditional mandate as well as these additional mandates adequately, the Institute continues to advocate for adequate funding.

No recommendations concerning our institution were made by the European Commission in the 2024 EU Rule of Law Report. However, in the 2022 national baseline report concerning the implementation of the Council of Europe CM Recommendation on National Human Rights Institutions (NHRIs) (2021), some recommendations were made regarding our institution considering principle 11, 3.6. and 3.7.

Regarding principle 3.6, in 2023 the Institute called upon the government to expand the scope of the Equal Treatment Act to include unilateral governmental action. At present, the minister of the Interior and Kingdom Relations is carrying out an investigation into the Equal Treatment Act, which includes the question of the effectiveness of remedies in cases of discrimination by public authorities. The results of this investigation are expected in 2025.

As regards the ratification of human rights treaties and the promotion thereof, the Institute continues its efforts to call upon the government to ratify all human rights treaties, and to apply all treaties to which it is a party also in the Caribbean parts of the Netherlands. In 2023, the government committed itself to the ratification of the Optional Protocol to the CRPD and the CRC. The process of ratification of these instruments has not yet been completed. The government has announced that, at this stage, it does not intend to ratify the Optional Protocol to the ICESCR.

No SCA recommendations or reports from international institutions provided to our institution included gender-specific issues or highlighted the need for gender-sensitive approaches in our work have been made. Upon completion of the multi-year programme on gender equality, the Institute has taken steps to integrate a gender perspective in its work.

Regulatory framework

Regulatory framework

From 1 April 2024 onwards, the Netherlands Institute for Human Rights is the National Preventive Mechanism under the Optional Protocol to the Convention

Against Torture. The government is in the process of amending the Act on the Netherlands Institute for Human Rights to incorporate this task. The Institute expects that the amendments will not enter into force before 2026.

The current provisions cover most tasks under the new NPM mandate. However, some amendments are necessary to guarantee that the NPM has the mandate to perform all its tasks. The act should provide for, inter alia, the mandate to access homes without the resident's permission and access to medical files without permission by the person concerned. Steps need also be taken to lift the exception to the obligation to provide information when it concerns official secrets, and access to secret state locations in cases of deprivation of liberty.

The Institute observes that the NPM mandate covers the European part of the Netherlands only, since the Optional Protocol to the Convention Against Torture does not apply to the Caribbean part of the Netherlands. The Institutes holds the position that the government of the Netherlands should guarantee equal protection of human rights throughout the Kingdom.

The Institute recommends the following measures:

- Amendments to the Act on the Netherlands Institute for Human Rights to guarantee the full implementation of the NPM mandate);
- Adoption of the Act to protect against discrimination in the Caribbean territories;
- Amendment of the Equal Treatment Act to the effect that the Institute can examine complaints on discrimination resulting from unilateral government action. This will strengthen the Institute's mandate to issue rulings on discrimination by public authorities. Amendment is necessary to perform the new mandate as a public authority protecting fundamental rights under Article 77 of the AI directive.

NHRI enabling and safe space

NHRI enabling and safe space

In general, relevant state authorities have good awareness of the NHRI's mandate, independence and role. Various government departments have invited the Institute to inform them on issues of human rights, including the right to equal treatment. Further, in general, government departments respond positively to invitations from our part to discuss human rights issues. However, authorities with which the Institute is less frequently in touch are not always fully aware of the relevance of human rights for their work, nor of the Institute's mandate, independence and role. The Institute considers it part of its responsibility to increase awareness of their human rights responsibilities.

Furthermore, the Institute would like to share that on 3 December 2024, the annual monitoring report on the implementation of the CRPD was presented to ten members of parliament from a wide range of political parties. This led to an interesting discussion on digital accessibility and the human rights of persons with disabilities.

Further, in the past three years the Institute has participated in a number of round table discussions organized by parliaments, on issues such as non-discrimination and sexual violence.

In general, the Dutch NHRI has adequate access to information and to policy makers and is it involved in all stages of legislation and policy making with human rights implications. As regards policy making, the Institute maintains contacts with policy officers at various ministries. It is consulted quite regularly on policies concerning human rights and equal treatment, though not on each and every policy document and not at all stages.

The Institute has the mandate to comment to draft legislation on its own initiative or at the request of the government or parliament. In the latter case, the Institute is held to provide input. In general, it can provide our input to draft legislation through the public consultation procedure. However, in December 2024 the government submitted two draft acts on asylum with serious human rights implications to the House of Representatives. It had not provided for the possibility for consultation by all relevant advisory bodies. Only a limited number of bodies received the draft texts and were given limited time (one week) to give their views. The Institute was not among them. It has expressed its concern in a letter to the minister of Asylum and Migration about this procedure, pointing to the importance of a thorough, transparent and inclusive procedure for adopting legislation, as required by the principles of human rights and the rule of law.

As concluded by the SCA, the current budget of the Institute is the minimum necessary to perform its mandate. The Institute is required to prioritize only a limited number of issues. Compared to 2022, the mandate was broadened, for which the Institute receives additional funding. The Institute will evaluate whether this is adequate to cover all aspects of the mandate effectively.

No specific measures have been adopted to ensure timely and reasoned responses by the authorities. The Institute generally receives responses to its recommendations included in annual status reports, which are, however, not always timely and thorough. It does not always receive responses to our recommendations on (draft) legislation.

The leadership and staff in the institution enjoy functional immunity. Sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place. Moreover, the government is drafting

legislation to implement the EU Directive to protect persons against SLAPP actions. The Institute commented on the draft act in November 2024 and formulated a number of recommendations for further improvement in this area. The Institute recommended that the government to extend protection against SLAPP actions to domestic as well as cross-border SLAPPs, as recommended by the European Commission and the Council of Europe. Further, it recommended not to restrict the Act to civil proceedings, but also to proceedings under administrative law, criminal law and trade law. The Institute also recommended to appoint a focal point on SLAPP actions as soon as possible.

While the Institute overall has not faced threats, the Institute receives hostile emails and comments to posts on social media. A significant portion originates from individuals who oppose its position on the human rights of transgender persons.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

- The Netherlands Institute for Human Rights recommends to national authorities to allocate an adequate budget for the NHRI so that it can address a broad range of human rights priorities.
- The Institute recommends providing additional resources to expand its activities in the Caribbean Netherlands.
- The Institute recommends the national authorities to respond swiftly to the recommendations made on its governance structure.

Netherlands 2025

Information from: Netherlands Institute for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Dutch NHRI's human rights monitoring and reporting found indications of developments that negatively impact on freedom of association, freedom of assembly, freedom of expression, create barriers in access to information and

law and policymaking processes, limit access to funding – including from foreign sources.

The institution has preliminary findings in this regard and not all above challenges pertain to existing laws, policies, or measures, but mostly to recent developments with regards to stated intentions by the current government. Such intentions include:

- Article 3:305a of the Dutch Civil Code provides for the possibility for public interest organisations to initiate court proceedings to defend the interests of individuals. The government is investigating whether and how additional requirements could be imposed on such organisations. This could negatively impact their access to court and the right to freedom of association, as this measure complicates and restricts litigation by civil society organizations.
- The government has the intention to introduce a ban on unwanted foreign financing of, among others, Dutch associations, foundations, religious communities or informal organisations. This is linked to the legislative proposal 'Transparency of Social Organisations Act (Wet transparantie maatschappelijke organisaties). This law potentially limits the access to funding of civil society. Many civil society organisations have criticized this initiative as it could hinder the functioning of legitimate civil society organisations and leads to unnecessary recording of personal data of donors.
- The government has the intention to make a firmer distinction between (peaceful) demonstrations and disruptive actions. This can have an effect on freedom of assembly, as this proposed distinction could lead to arbitrary decision making on the lawfulness of demonstrations, legal uncertainty and discourage demonstrations. In this connection, in January 2025, the Research and Data Centre commenced a research to establish whether the current regulation of the right to demonstration in national law are adequate. The outcome of the research is expected in August 2025.
- The government is researching the possibility of a possible extension of police powers in the event of (or threats of) public order disturbances. This could have a negative effect on freedom of assembly, as it could discourage future demonstrations due to privacy considerations.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The Dutch NHRI's human rights monitoring and reporting found indications of the practices that could negatively impact on civil society space and/or reduce

human rights defenders' activities in relation to negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public; intimidation, harassment or violence before, during or after protests; surveillance by state actors.

The Institute has taken note of reports of intimidation, harassment, and violence before, during, and after protests by the police, including the mobile police unit. For instance, reports were made on police violence after a pro-Palestine demonstration on the Dam Square in Amsterdam on 13 November 2024. A large group of protesters had gathered on locations where demonstrations had been prohibited on the ground of an emergency ordinance. This had been issued by the mayor of Amsterdam in response to the unrest that erupted in Amsterdam in connection with a football match between Amsterdam's Ajax and Maccabi Tel Aviv on 7 November 2024. The violence was allegedly committed in the Western Harbour area in Amsterdam, where participants in the pro-Palestine demonstration on the Dam Square on 13 November were put on buses by order of the mayor. This type of transport is also known as 'administrative displacement' and has previously been declared unlawful by the Dutch Court. The police and the office of the public prosecutor investigate the incidents, in order to establish the facts and whether the police acted in accordance with their instructions on the use of force in the exercise of their tasks.

Similarly, concerns have been raised regarding the use of surveillance technologies, such as the use of facial recognition during protests, which may discourage participation and infringe on privacy rights. Lastly, the enforcement of emergency ordinances, including demonstration bans, while aimed at maintaining public order, has also raised questions about proportionality and the potential restriction of peaceful civic engagement.

The Dutch NHRI also reports on initiatives, frameworks, or policies for the protection of human rights defenders that exist at the national level.

The Dutch NHRI reports on the existence of specific protection mechanisms for human rights defenders includes: Shelter City is a project for human rights defenders which is initiated by the NGO Justice and Peace and is supported by the Dutch government. Shelter City supports seriously threatened human rights defenders with visa applications and temporary protection - providing safe places in the Netherlands where they can spend 3 months, during which they can recover and expand their knowledge and network.

The Dutch NHRI also notes the inclusion of human rights defenders in human rights action plans through the inclusion in the development of the National Action Plan on Human Rights. Key stakeholders such as civil society organisations were involved in the process of developing the National Action Plan on Human Rights 2020. This included the setting up of a focus group with

civil society representatives which contributed during all the stages of the development process. The National Action Plan on Human Rights 2020 clearly states that the work and commitment of civil society is vital for the realisation of human rights (p. 7), therefore the views of civil society representatives were taken into account in the development of the NAP. An important gap is however that the National Action Plan does not include a strategy to protect human rights defenders/ civil society organisations, or to generally protect the space for civil society actors to operate.

A gap in the protection of HRDs are the upcoming large funding cuts which have an effect both nationally and internationally on HRDs and civil society. As of 2025, the new Dutch government has planned major cuts in the Dutch commitment to human rights, democracy and the rule of law. For the period up until 2028 this includes a nearly 40% cut in the funding for the protection and promotion of human rights, including the Human Rights Fund (a decrease of 24% - 16.99 EUR – in 2025, up until 38.9% in 2028). Through the Human Rights Fund the Netherlands provides financial support to human rights defenders and non-governmental organisations that promote human rights worldwide. Moreover, there will be cuts in the budget for the MATRA and SHIRAKA programmes, as well as in the Official Development Assistance (ODA) – which includes working on strategic partnerships and strengthening civil society worldwide. A coalition of civil society organisations has called on the government that funding for the protection of human rights and the space for civil society needs to be guaranteed, and stressed that the mayor budget cuts undermine the credibility of The Netherlands as an advocate of human rights.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
In 2024, the Dutch NHRI took initiatives to promote civil society space and human rights defenders. More specifically, in 2024, the Institute adopted its policy plan 2025. Civic space in the Netherlands is one of the themes on which the Institute will focus. This will include awareness raising on the issue, as well as the formulation of recommendations to the government.

The Dutch NHRI also took several initiatives to protect civil society space and human rights defenders, including monitoring, issuing recommendations and opinions. In 2024, the Institute started its work on its annual status report 2024. For this year, the theme is civic space in the Netherlands. The project will result in the publication of a report in September 2025, with recommendations to the government. In the meantime, the Institute informs the public and advises parliament and government on the right to demonstration. Further, it has published recommendations with regard to SLAPPs, and has emphasized

the importance for civic society to start lawsuits in the public interest, for example in climate cases.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Institute will expand and specify our recommendations to national authorities in 2025, based on our upcoming report. At this stage, it has the following recommendations pre-empting this report:

Use a human rights-based approach to the protection of civil society and human rights defenders

The Netherlands should apply a human rights based approach by solidifying knowledge on human rights and civil society within the government and applying this knowledge while creating laws and policies. The Netherlands should ensure that laws and regulations safeguarding civic space and human rights defenders are robust and applied consistently. Restrictions on rights such as the right to assembly and expression should meet proportionality and necessity tests. Recent challenges, such as the proposed sharper distinction between peaceful protests and order-disrupting actions underline the importance of avoiding vague definitions that could lead to arbitrary restrictions.

Promote engagement with civil society

National authorities should engage in sustained and meaningful dialogue with civil society, including human rights defenders, particularly on issues affecting civic space. This will ensure that policies are informed by those most directly impacted, fostering transparency, shared responsibility and a sense of ownership over decisions that affect civic space.

Ensure access to financial resources for civil society based on the right of association, and in order to effectively implement human rights policies

Maintain an enabling environment in which associations can freely seek, receive and use resources, without discrimination and undue interference. Ensure associations’ right to access resources from domestic, foreign or international sources is explicitly recognized, protected and facilitated in national legislation, regulations and policies, in line with international human rights norms and standards. Respect and facilitate associations’ right to generate resources through their own activities.

The Dutch NHRI also recommends to European actors to:

- Ensure that EU transparency obligations do not negatively impact civic space nationally.
- Ensure that when EU law (e.g. on securitisation, immigration, smuggling) is transposed into national law, this does not allow for the criminalisation of HRDs, civil society organisations or civilians for assisting migrants based on human rights.

Netherlands 2025

Information from: Netherlands Institute for Human Rights

Functioning of justice systems

The Dutch NHRI's human rights monitoring and reporting identifies significant challenges affecting access to justice and/or effective judicial protection in your country in the area of access to legal aid and respect for fair trial standards.

In recent years, there have been significant budget cuts with regard to subsidised legal aid, creating serious obstacles in access to justice for large groups of people. As of yet, the national government has not presented any concrete plans to address this structural problem.

Fair trial standards are under pressure in multiple ways. One example is that courts rarely and only reluctantly impose a sanction when law enforcement officers overstep their authority. A second example is that the procedurals safeguards in asylum proceedings are being restricted, creating a risk that such procedures may fall short of the requirements of an effective remedy.

In relation to the progress regarding follow-up and implementation by state authorities of European Courts' judgements (namely the European Court of Human Rights in Strasbourg – ECtHR, and the Court of Justice of the European Union in Luxembourg - CJEU), the Dutch NHRI reports that following the judgements by the European Court of Human Rights in the cases of Hasselbaink 73329/16), Maassen 10982/15) and Zohlandt (69491/16), in which the Court found a violation of article 5 ECHR in relation to a lack of proper reasoning underpinning remand orders, the Netherlands has been under supervision by the Council of Europe's Committee of Ministers to improve its legal practice. The Institute is currently conducting an investigation into the current practice of motivating remand orders by domestic courts.

The Dutch NHRI supports the implementation of the European Courts' judgements by referring to the judgements of European Courts in the reports and recommendations to state authorities, engaging with a national

coordinator of the execution of judgements of the European Court of Human Rights, engaging with courts, carrying out awareness raising of the general public and human rights education. The Institute endeavours to employ these means listed above to support implementation of ECtHR judgements, whenever circumstances necessitate this.

In the Netherlands, procedures for the selection of judges for the European Court of Justice and the European Court of Human Rights are in place (Procedure voor de voordracht van kandidaten voor benoeming bij Europese rechterlijke colleges.). The procedure is adequate and the vacancies in the respective courts are made public. At the same time, transparency of the procedure and the level of independence and experience with European judicial systems in the national advisory commissions warrants attention. It is important that the members of these commissions have thorough knowledge of the law, the case-law and the proceedings.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

- Underline the importance of subsidised legal aid, as an important pillar of the right to an effective remedy and the principle of access to justice.
- Ensure accountability in law and in practice of government officials overstepping their legal competences.
- Maintain proper procedures for the selection of judges, including those serving at the European level (ECHR, ECJ).

Netherlands 2025

Information from: Netherlands Institute for Human Rights

Media freedom, pluralism and safety of journalists

The Dutch NHRI’s human rights monitoring and reporting identified a decline in media pluralism as well as misinformation and/or disinformation as the significant challenges affecting media freedom at the national level. There is an increasing market share held by fewer media companies. The Authority Consumers & Markets (ACM) is currently researching whether one of the

biggest Media enterprises in the Netherlands is allowed to take over another party, which will result in them owning an even larger share of the Dutch media.

The use of social media and streaming services continues to grow. This results in the use of international media platforms, instead of Dutch ones, and is a potential threat of misinformation or disinformation.

There is no decline in media independence, the situation seems to be stable. There is tradition of independent media. The media have, however, been criticized by the new government, but thus far there have not been any sanctions or actions restricting the media.

In 2024, journalists reported 249 incidents to PersVeilig (Press Safety). This organisation aims to strengthen the position of journalists against violence and aggression on the street, on social media and against legal claims. Of the 218 incidents in 2023, 147 came from women, as opposed to 51 cases by men. Numbers for 2024 are not available yet, but PersVeilig has announced that one of its key points in 2025 will be the position of women. The Institute has paid attention to this issue in the annual status report 2021 on a safe environment for public debate.

Currently, SLAPPs are not frequent in the Netherlands, but it is to be expected that more of these cases will come to light now that Dutch legislation will be in compliance with the EU Directive against SLAPPs.

The Dutch NHRI reports on the measures taken in the country to follow up on the recommendations concerning media freedom, issued by the European Commission in its 2024 EU Rule of Law Report, namely to: ‘Enhance the governance of public service media and its ability to uphold journalistic standards, taking into account European standards on public service media.’

According to the government programme 2024, public service media will be reformed. The government considers that more clarity is needed on roles and responsibilities of various media actors. Since this constitutes a thorough reform that requires time, the government has extended the current licences for another two years. The minister for Education, Culture and Science announced that a letter with the reform proposal will be submitted to parliament early 2025.

NHRI’s recommendation to national and regional authorities

NHRI’s recommendation to national and regional authorities

- Develop a comprehensive approach to aggression and intimidation against journalists and other media actors, with a specific focus on high-risk groups, including women, people with a migration background, and LGBTQI+ persons.

Netherlands 2025

Information from: Netherlands Institute for Human Rights

Other challenges to the rule of law and human rights

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- Guarantee the right of individuals to safely and freely participate in public debate.
- Guarantee equal protection of human rights throughout the Kingdom.
- Guarantee access to court in case of alleged infringements on human rights.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Polish Commissioner for Human Rights (CHRP) was last re-accredited in March 2023. The SCA acknowledged the efforts of the CHRP in discharging its mandate effectively, despite the challenging context in which it operates.

The SCA noted that the CHRP has engaged in a wide range of activities to promote human rights, including the establishment of the Centre of Societal Projects. At the same time, the SCA reiterated its 2017 recommendation for the CHRP to continue interpreting its mandate in a broad manner and to advocate for amendments to its enabling legislation to give it a more comprehensive mandate to promote human rights.

Moreover, the SCA recommended that the CHRP continues its efforts to conduct follow-up activities to ensure that the State responds to its recommendations and upholds its protection obligations.

Additionally, with regards to the selection and appointment of the Commissioner, the SCA advised that the CHRP advocates for changes to its enabling law to ensure that the position of the Commissioner for Human Rights does not remain vacant after the mandate of a Commissioner expires and that the selection and appointment process is launched in a timely manner. Further, the SCA recommended that the NHRI advocates for the formalisation and application of a selection process for the Commissioner, which would fulfil the requirement to publicise vacancies broadly, maximise the number of candidates from a wide range of society groups; promote broad participation; and assess applicants based on objective, publicly available criteria.

The SCA recommended that the NHRI takes further steps to ensure pluralism in its staff composition, and further notes that ensuring pluralism through staff that are representative of the diverse segments of society is particularly relevant for single member NHRIs, such as Ombuds institutions.

Finally, the SCA recommended that the CHRP advocates for the funding necessary to ensure it can effectively carry out its mandate.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Commissioner for Human Rights (CHR) continues to actively engage with the OHCHR, GANHRI, ENNHRI, and other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods, similarly as reported in previous years (see for example, ENNHRI 2023 Rule of law report and ENNHRI 2024 Rule of law report).

The Commissioner publishes information on its activities, especially on submitted general motions to the authorities or legal opinions presented within

the framework of the legislative process. The CHR publicizes on its website information on measures taken, or not taken, by public authorities in implementing specific recommendations.

Additionally, the Commissioner advocates for an increase in its budget to allow for the effective fulfilment of its mandate.

Furthermore, the SCA recommended that the CHR take further steps to ensure pluralism in its staff composition. The information gathered during the reaccreditation procedure remains generally accurate. While the CHR informed the SCA of the gender balance among its staff and the presence of more than six percent of persons with disabilities in its staff composition in line with relevant national legislation, the Commissioner also underlined that it is prohibited by law to process sensitive personal data such as ethnic background. At the same time, the Labor Code provides for equal treatment of all candidates and applicants to the Office of the Commissioner for Human Rights.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the Commissioner for Human Rights has changed since January 2024. In December 2024, the Act on the Protection of Whistleblowers entered into force, which included a new role for the Commissioner for Human Rights as an intermediary between whistleblowers and public authorities. The primary responsibility of the Whistleblower Team at the Office of the Commissioner for Human Rights is to receive, initially verify, and forward reports from external whistleblowers regarding violations of the law in the areas covered by the Act to the appropriate public authorities. This is done in accordance with the procedure for receiving external reports established by the Commissioner for Human Rights.

The Commissioner’s mandate, which is relatively strong, allows, among other things, for joining court proceedings, and challenging laws before the Constitutional Tribunal, remains unchanged.

As reported in 2022, according to Art. 7 (2) and (4) of the Act of 15 July 1987 on the Commissioner for Human Rights, the Sejm may dismiss the Commissioner by a 3/5 majority of votes in the event of "betrayal of the oath". Since the oath of office refers to extremely general, undefined concepts such as “respect for rules of justice” or “respect for principles of community life”, in practice the Sejm may arbitrarily assess the significance of this premise for dismissal. In the Commissioner’s opinion, there is a need to repeal the above-mentioned regulation.

NHRI enabling and safe space

NHRI enabling and safe space

Most state authorities have a good understanding of the CHR mandate and respect its independence and role. However, there are still cases where some authorities ignore the Commissioner's questions or provide vague answers. Nevertheless, the Commissioner follows up on its recommendations and publishes replies to general motions on its website.

As regards the access to law and policy making, despite the structural problems with the legislative procedure in Poland reported in previous years (see for example, 2024 Rule of law report or 2023 Rule of law report), the Commissioner can participate in all stages of the legislative process without any serious complications. Recommendations and opinions submitted by the Commissioner are at least considered during the legislative process, and some of them have a direct impact on the proposed regulations.

Lack of adequate resources

However, the Commissioner notes that it lacks adequate resources to carry out the full breadth of its mandate. Despite an increase in the CHR's budget, the Commissioner's staff and budget remain insufficient in comparison to his vast responsibilities, which include handling citizens' complaints and requests for intervention, a number that increases each year (e.g. in 2023 – over 80 000), monitoring conditions in over 3,000 prisons, psychiatric hospitals and detention centres, and intervening in judicial proceedings in civil, criminal and administrative cases.

In 2024, the Commissioner for Human Rights informed Parliament that the financial situation of the CHR Office "is inadequate in relation to the tasks facing the office, the number of complaints received by the office and the competence and dedication of the employees".

Practical difficulties in implementation existing measures to ensure timely and reasoned responses to the Commissioner's recommendations

Furthermore, there have been no relevant measures or practices implemented to ensure timely and reasoned responses to the Commissioner's recommendation. There is a legal obligation for state authorities to provide a reasoned reply to the Commissioner's motions within a prescribed time limit. However, in practice, this obligation is not always properly fulfilled.

Functional immunity and measures to protect and support the NHRI

As regards the functional immunity of the leadership and staff of the NHRI, the

Commissioner and staff enjoy protection as public officials. Moreover, without the prior consent of the Sejm, the Commissioner may not be held criminally liable and may not be deprived of liberty (Article 7a of the Act on the Commissioner for Human Rights). The Commissioner may not be arrested or detained, except when caught in the act of committing an offense, and if his/her arrest is necessary to ensure the proper course of the proceedings. Such an arrest shall be immediately notified to the Marshal of the Sejm, who may demand the immediate release of the arrested Commissioner.

As reported in 2023, there were incidents where public authorities hindered on-site interventions carried out by representatives of the Commissioner, despite the fact that they presented an official ID card authorizing them to carry out activities on-site (e.g., during the immigration crisis on the Polish-Belarusian border or during an inspection at one of the prisons). Moreover, there have been incidents in 2023 and 2024 where citizens threatened the Commissioner itself or the staff in written complaints directed to the Commissioner. Each of these cases is assessed by the Commissioner in the context of the need to take further steps, such as notifying the police.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The recommendations of the Commissioner for Human Rights in Poland remain unchanged since 2023 and include the following:

1. Increasing the number of field offices of the Commissioner for Human Rights to allow citizens direct contact with a lawyer to whom they can file complaints about violations of their civil rights. It is particularly necessary to increase the number of offices in the eastern part of Poland. Currently, the Commissioner is based in Warsaw, with field plenipotentiaries only in three locations: Katowice, Wrocław, and Gdańsk.
2. Increasing the budget of the Office of the Commissioner for Human Rights to strengthen staff and provide necessary raises to employees who, in many cases, are underpaid despite their high qualifications.
3. Repealing Article 7(2) and (4) of the Act of 15 July 1987 on the Commissioner for Human Rights.
4. Focusing on the NHRIs’ independence and NHRIs’ enabling space to the greater extent in their actions, for instance, in the regional actors’ rule of law reporting.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Commissioner's human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, freedom of assembly, freedom of expression, create barriers in access to information and law and policymaking processes and limit access to funding - including from foreign sources.

Humanitarian crises on the Polish-Belarusian border and the regulation on a temporary ban on staying in a specific area in the border zone

In June 2024, the Minister of Internal Affairs and Administration issued a regulation on a temporary ban on staying in a specific area in the border zone with Belarus. The Commissioner - while not denying the need to take measures to increase the level of security - pointed to the possible risk of human rights violations and a deepening of the humanitarian crisis on the Polish-Belarusian border as an effect of the introduction of this regulation. The ban introduced by this regulation on entering a specific area in the border zone, in accordance with the Law of October 12, 1990 on the Protection of the State Border, also applies to journalists, who can only submit an application to the commander of the Border Guard post, who "in justified cases" may "allow them to stay, for a specified period of time and under specified rules" (art. 12b p. 2) in the area covered by the entry ban. The Commissioner has already drawn attention to this problem with the amendment of this law in 2021. The Commissioner recently asked the Ministry for information on how many such permits have been issued in recent months. In response, the Minister explained that between 11 September 2024 and 9 December 2024, 155 applications were submitted for permits to stay in the restricted border zone. Out of these, 135 permits were issued for the restricted buffer zone. Permits were issued to journalists, representatives of humanitarian organisations, MEPs, employees carrying out surveying work, employees of the Białowieża National Park, people working on the forest inventory and people visiting residents of the prohibited area.

Legislation prohibiting photographing, filming or otherwise capturing the image or likeness of facilities related to the military or the administration of the Ministry of Defence

The amendment to the Law on Defence of the Fatherland from August 17, 2023 prohibits, without authorization, photographing, filming or otherwise capturing the image or likeness of numerous facilities related to the military or the administration of the Ministry of Defence and critical infrastructure, if they are marked with a graphic sign expressing this prohibition, as well as persons or movable property located in these facilities. Those who fail to comply with the prohibition are liable to be punished by arrest or a fine. The court may order the confiscation of objects derived from the offense or used to commit it - even if they are not the property of the offender. The prohibition unreasonably restricts the freedom to receive and spread information. As a result, in March 2024, the Commissioner has submitted a proposal to amend the legislation to the Deputy Prime Minister, the Minister of Defence.

Restricted freedom of expression for members of sports associations

The Commissioner monitors issues related to the protection of freedom of expression for members of sports associations. In practice, individuals accused of criticizing sports association members are not guaranteed the right to a defence, and those who receive disciplinary punishment do not have the right to appeal to court. The definition of criticism is often not clearly outlined in these associations, leading to potential discretion. Disciplining players, coaches, members of the training staff, or club representatives for such "criticism" of sports association members, referees, or coaches represents a significant infringement on freedom of speech.

Policies and practices restricting access to documentation discriminating against persons with disabilities

The Commissioner receives numerous complaints regarding policies and practices adopted by associations that restrict access of their members to relevant documentation, discriminate against persons with disabilities, or involve incidents of mobbing. The Commissioner intervenes in these individual cases by addressing the board of the association or supervisory body.

Regulation on police officers' uniforms

The Commissioner also reiterates its recommendation to amend the provisions of a regulation on police officers uniforms. The Commissioner emphasizes that all uniformed police officers must display individual identification, which is crucial during police interventions at peaceful assemblies to identify officers who may be abusing their power. The CHR acknowledged the attempt to amend regulations in line with the Commissioner's proposal, but the changes made do not fully address all of the Commissioner's concerns. The Commissioner believes that the proposed police officer identification form (a six-digit number sequence) might be challenging for witnesses of police interventions to read and remember, especially in dynamic situations like public gatherings with fast and large crowds. Even if the intervention is

captured in photos or videos, the long character sequence may be hard to identify as it can become blurred and unreadable due to motion.

NHRI's support to LGBTQ+ human rights defenders facing unique challenges

Simultaneously with countering 'LGBTQ+ ideology' resolutions, some local authorities decided to adopt resolutions called Local Government Charter of Family Rights (pl. Samorządowe Karty Praw Rodziny, hereinafter: the Charters). Although the Charters do not raise such concerns as the anti-LGBTQ+ resolutions, some of their provisions go beyond the scope of the tasks of local governments.

In the letter to local authorities the Commissioner emphasized that the concept of "family" used in the Charters should be understood in a manner consistent with the Constitution and the European Convention on Human Rights, as also including relationships that are not based on marriage. The provisions of the Charters may lead to the exclusion of single parents from protection and to inadmissible differentiation of access to financing for non-governmental organizations. The Charters provide for the appointment of family rights ombudsmen in local government, which exceeds the statutory competences of these entities.

In November 2024, the Commissioner requested 4 local authorities (i.e. where such Charters remain in force) to eliminate the criticized provisions of the Charters. In response, the Commissioner has received letters from authorities in Dębica and Łańcut indicating that the local governments intend to start working on changes to the Charter. The Commissioner also welcomed the resolution of Odrzywół authorities, which repealed the Charter in November 2024.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The Commissioner's human rights monitoring and reporting found also evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, particularly in the form of intimidation, harassment or violence before, during or after protests.

On the 6th of March 2024, the police employed direct coercive measures against farmers protesting in front of the Sejm of the Republic of Poland, including physical force, handcuffs, and chemical incapacitating agents. Additionally, one policeman was accused of throwing an unidentified object into a group of protesters. The Commissioner for Human Rights expressed concern

over the use of such measures in a particularly violent manner or without adequate justification and requested explanations from the Chief of the Metropolitan Police Department. Subsequent analysis of the cases indicated that the police conducted an internal investigation, which confirmed some minor violations. In a response dated 26 March, the CHR was informed that disciplinary proceedings had been initiated in relation to the incident involving the police officer throwing the unidentified object. The officer was found guilty of the disciplinary offense and received a disciplinary reprimand. The decision was not binding at that time, as per the information provided in the letter dated March 2024. Additionally, investigations were launched into cases involving the performance of police duties on 6 March 2024. These cases required clarification of the circumstances, specifically regarding the legitimacy and correctness of the officers' use of direct coercive measures. As of the response date, the investigations were still ongoing. The issue of excessive violence by police officers against participants in legally organized assemblies remains a key area of interest for the Commissioner.

Moreover, while the CHR has not joined any SLAPP proceeding, yet he has received complaints from local activists claiming that their activities were being hindered by actions of public authorities. The CHR initiated a procedure to examine the complaints.

In addition, as regards online and/or offline threats or harassment, as well as surveillance by state authorities, the CHR continues to monitor these issues. For example, the CHR monitors legislative proposals concerning online content moderation which may be of great importance in the context of online harassment. The legislative work is still in progress (the Ministry of Digital Affairs presented a proposed act on online moderation. The Commissioner presented its opinion on the act, indicating, among other things, an insufficient judicial review procedure with regard to blocking online content).. The CHR also continues to monitor the legal framework for the use of secret surveillance tools, such as the Pegasus spying system. Moreover, the Commissioner monitored proposed legal changes and/or practices related to hate speech and hate crimes. The Commissioner also recommended to relevant state authorities to undertake effective anti-disinformation actions.

Protection of human rights defenders at the national level

There are no specific regulations aimed at protecting human rights defenders, although they can invoke more general guarantees prescribed by law. For example, in the context of SLAPPs, the Polish code on civil procedure provides mechanisms to limit bringing actions that are manifestly unfounded.

Human rights defenders under threat can access all forms of support (e.g., legal aid) offered by the government to all citizens. However, this kind of support is not directly targeted to HRDs. Additionally, CSOs offer specific

support programs for HRDs.

Moreover, the Ministry of Justice is currently working on implementing the EU anti-SLAPP Directive and the Council of Europe recommendations, which are designed to protect freedom of speech and media independence.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The Commissioner for Human Rights has also taken several initiatives in 2024 to promote civil society space and human rights defenders, such as in the form of award of prizes or organization or participation at joint meetings and/or roundtables.

Award of prizes and organization of joint meetings

In particular, the Commissioner promotes CSO activists and human rights defenders by rewarding and funding awards, including the RPO's Badge of Honor "For Merits for the Protection of Human Rights," RPO's Pawel Wlodkowic Award, and RPO's Dr. Maciej Lis Award.

Moreover, the Commissioner also organizes and participates in numerous meetings with CSOs and human rights activists providing them with a platform to address their causes. The Commissioner often supports groups whose rights are not the focus of mainstream public discourse. Many of the Commissioner's meetings with CSO's representatives and HRDs are held within the framework of the "Our Commissioner" initiative established in 2022 by a group of civil society organizations, human rights defenders and social initiatives supporting the Commissioner's independence (see ENNHRI 2023 Rule of law report). Examples include a meeting with social organizations on the situation of refugees from vulnerable groups evacuated from Ukraine to Poland, a meeting with the Environmental Protection/Climate Team of the "Our Commissioner" Initiative, an ODIHR consultation meeting on gender equality problems in Poland, a meeting with the Women's Rights Team of the "Our Commissioner" Initiative at the Commissioner's Office, and a meeting with activists working on the Polish-Belarusian border.

Activities and initiatives to support civil society space and human rights defenders

The Commissioner for Human Rights also supports civil society actors, including human rights defenders, through various activities, such as issuing relevant opinions and recommendations to state authorities as well as by intervening before the courts in cases relevant to a thriving civic space.

An especially valuable source of information on the state of civic space in Poland is the annual “Information on the Activities of the Commissioner and the State of Respect for Human and Civil Liberties and Rights.” This multi-page document contains a description of problems in areas such as freedom of expression, freedom of assembly or freedom of association, among others, along with suggestions on how to address them (see: Report on the activities of the Commissioner and the state of observance of human and civil rights and freedoms in 2023, and its summary available in English).

Complaints from HRDs and CSOs

The Commissioner has been handling tens of thousands of complaints annually in recent years, including many complaints from HRDs and CSOs. For example, in 2024, the Commissioner made numerous interventions in public administration bodies and other entities obligated to provide public information, demanding explanations as to why public information was not made available to applicants. An interesting example was an intervention on behalf of an applicant who submitted numerous requests for public information to the mayor of his commune and was repeatedly told that his actions constituted an abuse of the right to access public information. The Commissioner for Human Rights disagreed with the notion that frequent use of the right of access to public information could disqualify an applicant's applications in advance based solely on that premise, as the Polish legal system does not impose quantitative restrictions on access to public information.

Providing legal assistance

The Commissioner also provides appropriate legal assistance to individual citizens within the limits of his competence by pointing out opportunities for independent action or directly involving himself in the case. While the Commissioner implements the principle of subsidiarity in his activities, meaning he does not replace citizens in handling their cases and does not provide typical advocacy services, he intervenes when the assistance provided by a professional attorney is insufficient or when the case is of strategic importance. For instance, the Commissioner filed a cassation to the Supreme Court in the case of a journalist who was sentenced to a fine for defaming an MP who had filed a private indictment against him over a critical article on how MPs spent their funds on foreign trips.

Issuing recommendations and opinions to state authorities

The Commissioner also provides recommendations and opinions to state authorities on the protection of civic space, civil society organizations and human rights defenders. For example, the Commissioner submitted a negative opinion on a bill that aimed to restrict freedom of assembly and freedom of expression for LGBTQ+ persons. The Commissioner assessed the bill's

assumptions as contrary to current scientific knowledge: medical, psychiatric and psychological, and based on prejudice against LGBTQ+ persons, as well as violating the Polish Constitution and international obligations.

Protection of whistleblowers and establishment of the Whistleblower team

The Law on the Protection of Whistleblowers was enacted on June 14, 2024, granting the Commissioner the authority to receive external reports. Among other responsibilities, the Commissioner conducts preliminary verifications of reports and forwards them to the relevant public body for further action, providing whistleblowers and related individuals with information and advice on their rights and protections against retaliation. The Commissioner has issued an order on the procedure for external reporting of whistleblowers in his Office and established a dedicated organizational unit - the Whistleblower Team.

Follow-up on the relevant recommendations issued by European actors

The CHR reports (e.g., to ENNHRI) on the situation of human rights defenders in Poland and monitors the implementation of relevant recommendations from international and regional actors. Additionally, the CHR conducts meetings with representatives of these actors and other interested parties to discuss HRDs' issues. As part of international cooperation, the staff of the Office of the CHR participate in workshops to exchange experiences in this area.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Commissioner recommends to national authorities:

1. ensure equal press access to information presented by public officials at press conferences in public offices;
2. amend statutory solutions that limit the right to receive and spread information, without which freedom of expression is incomplete, in accordance with the Commissioner's recommendations (see interventions on journalists' access to the zone near the border with Belarus and the ban on photographing certain objects, mentioned above).
3. amend legal regulations on displaying individual identification of uniformed police officers to make it easier to identify officers who may be abusing their power.

The Commissioner also recommends to European actors to actively monitor the

implementation and enforcement of the Digital Service Act, and to take into account HRDs' recommendations concerning the protection of their rights in the processing digitalization era.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Functioning of justice systems

The Commissioner’s human rights monitoring and reporting identified significant challenges affecting access to justice and/or effective judicial protection in areas including: independence and impartiality of judiciary, delays in court proceedings, professionalism, specialisation and training of judges, timely and effective execution of national courts’ judgments, and delay in and/or a lack of publication of judgments.

The constitutional crisis in the judiciary

The most pressing problem remains the constitutional crisis in the judiciary, where the legality of the status of 30% of the judicial corps and the entire composition of the Constitutional Tribunal is being questioned. Judgments issued with the participation of judges appointed between 2018 and 2024 are sometimes implemented and sometimes ignored. Since March 2024, the government has suspended, without clear legal basis, the publication of judgments of the Constitutional Tribunal - not only those issued by incorrect panels but also those issued by correct panels. The ongoing crisis has deepened the problem of delayed court proceedings and disarray within the judicial community. The Polish judiciary faced efficiency problems even before 2018, but now citizens are often uncertain about the legality of the appointment of the judge hearing their case.

Challenges in access to justice disproportionately impacting marginalised gender groups

The Commissioner observes that transgender individuals in Poland continue to face numerous challenges in accessing justice, stemming from legal, social, and institutional barriers. These obstacles not only impede their ability to seek legal gender recognition but also perpetuate discrimination and marginalization within the judicial system.

The primary barriers that transgender plaintiffs encounter in Poland stem from the lack of a specific legal framework on gender reassignment. The absence of

clear, rapid, and transparent legal procedures for amending gender markers on official documents creates significant hurdles for transgender plaintiffs.

The Commissioner notes with concern that the current legal framework, which relies on a general provision, namely art. 189 of the civil proceedings code, creates significant difficulties not only for plaintiffs but also for judges reviewing the cases.

In particular, the law does not stipulate what evidence is required in legal recognition cases, leaving it at the judge's discretion. This lack of guidance often leads to the mishandling of cases involving transgender plaintiffs, forcing them to undergo involuntary medical assessments and/or submit excessive evidence. As a result, the duration of legal gender recognition varies greatly from a couple of months to several years, depending on the judge. In this context, the Commissioner welcomed the recent (2024) amendment to the resolution of the Minister of Justice, previously recommended by the Commissioner, to streamline these legal proceedings by categorizing them as "urgent," which is intended to mitigate to some extent the risk of delays. In 2024, the Commissioner has received several complaints from individuals seeking legal gender recognition. The Commissioner systematically monitors these cases and, if necessary, joins the plaintiffs. In order to align legal gender recognition proceedings with international legal standards, the Commissioner published a guide for judges, which contains a review of case law and practical guidance based on the current legislation applicable to the gender reassignment procedure. Nevertheless, the Commissioner highlights the need for urgent legislative changes in this area.

Progress regarding follow-up and implementation by state authorities of European Courts' judgments

In order to implement the ECtHR judgment in the Xero Flor v. Poland case, the parliament passed laws iintroducing profound changes to the Constitutional Tribunal. However, these laws have not yet entered into force because the president challenged them before the Constitutional Tribunal. In the opinion of the Commissioner for Human Rights, these laws not only fail to implement the Xero Flor judgment but also raise new problems that could deepen the constitutional crisis and potentially lead to violations of Article 6 of the Convention. For example, the ex lege invalidation of approximately 100 judgments of the Constitutional Tribunal or ex lege removal from office of the current President of the Constitutional Tribunal raises serious concerns about its legality. The Commissioner has presented three opinions on this matter: (1) regarding the invalidation of 100 judgments and other problems with the current Tribunal, (2) regarding organisation of the future Tribunal, and (3) regarding supplementary opinions.

The Senate proposed a solution to the problems related to the Constitutional

Tribunal by submitting a bill to amend the Constitution. The bill provides the ex lege termination of the mandates of all current judges of the Constitutional Tribunal. The Sejm would then elect a new composition of the Constitutional Tribunal by a 3/5 majority vote. If this majority is not reached, they could be elected by an absolute majority vote (50%+1). In his opinion, the Commissioner for Human Rights indicated that while the proposal falls within the parliament's margin of appreciation, it may not effectively solve the problem. The amendment would require a 2/3 majority in the Sejm, which would likely need support from the opposition. However, the proposed procedure could allow all 15 judges of the Constitutional Tribunal to be appointed by an absolute majority without attempting to reach a political compromise with the opposition.

Moreover, in order to implement the ECtHR judgments from the Reczkowicz group and Wałęsa v. Poland (and similar judgments of the CJEU), the Ministry of Justice and the Codification Commission for the Judiciary are working on bills addressing the status of over 3,000 judges and judicial assessors appointed at the request of the defectively formed National Council of the Judiciary between 2018-2024. The final versions of the bills have not been presented yet (with one exception of a bill on ex lege termination of the constitutional term of the National Council of the Judiciary and the election of a new one with the participation of judicial communities.

In the opinion of the Commissioner for Human Rights, the premises of propositions that involve ex lege removal from office of some judges by declaring their appointments as "non-existent", as well as ex lege confirmation of the constitutionality of the status of the remaining judges, are unconstitutional, as it is not within the parliament's authority to decide on the legality of judicial appointments. While the appointments were made in violation of the law, the judges are still judges, albeit with a legal defect that needs to be addressed. The Commissioner for Human Rights supports the opinion of the Venice Commission, stating that there is no basis for considering the NCJ resolutions of 2018-2024 as ex tunc invalid and the appointments made based on them as non-existent. Each case should be evaluated individually, respecting the constitutional guarantee of a judge's irremovability, which can only be revoked by a court decision (Article 180 (2) of the Constitution). The Minister of Justice has promised to consider the Venice Commission's opinion, but no specific proposal has been presented yet.

On the other hand, the proposal regarding the NCJ is a step in the right direction, with minor caveats. The act was adopted by the parliament, but has not come into force as the president challenged it before the Constitutional Tribunal.

Further actions taken by the Commissioner to support the implementation of the European Courts' judgments

The Commissioner for Human Rights refers to the judgments of European Courts' in the reports and recommendations to state authorities, especially in legislative opinions and speeches presented in both chambers of the parliament, for example: opinion 1, opinion 2, interview with the Commissioner), in letters to the Prime Minister).

Moreover, as it was reported in previous reports, the CHR is invited to participate in working team dealing with execution of judgments of ECtHR set up by Minister for Foreign Affairs.

Additionally, the Commissioner also presents his views on implementation of the European Courts' judgments on scientific conferences and interviews for press – for example: interview 1, or interview 2).

The Commissioner for Human Rights also notes that the non-binding recommendations and opinions issued by European actors (such as the European Commission – 2024 EU Rule of Law Report, Enlargement Package, Eastern Partnership, the Council of Europe, the OSCE) serve as a point of reference in the Polish public debate on this issue. However, the discussions mostly focus on the rulings of the European Court of Human Rights and the Court of Justice of the EU.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Commissioner recommends to national authorities to:

1. Address the status of over 3000 judges and judicial assessors appointed between 2018-2024 at the request of the National Council of the Judiciary, which is dominated by representatives of the legislative and executive branches, by:
    1. setting up a temporary mechanism to assess each deficient appointment individually and make a final decision regarding its validation or invalidation;
    2. reforming the National Council of the Judiciary to ensure its independence from the legislative and executive branches;
    3. setting up a temporary mechanism that would allow concerned parties to reopen proceedings in cases handled by irregular panels.
2. Reform the Constitutional Tribunal, by:
    1. addressing the status of 3 judges appointed in violation of Article 194 (1) of the Constitution;
    2. setting up a temporary mechanism to reopen proceedings in cases handled by irregular panels

3. establishing a procedure for judicial review of the legality of appointments to the Constitutional Tribunal.

3. Reform the extraordinary appeal to the Supreme Court in accordance with the requirements of the ECtHR judgment in Wałęsa v. Poland.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Media freedom, pluralism and safety of journalists

The Commissioner's human rights monitoring and reporting has identified significant challenges affecting media freedom, in the form of continuous decline in media independence and in media pluralism, independence and effectiveness of media regulatory bodies, misinformation and/ or disinformation as well as access to public interest information/documents. In relation to harassment, threats and attacks against against journalists and media outlets (including legal harassment, SLAPPs), the Commissioner for Human Rights has not joined any SLAPP proceedings, yet he has received complaints from local journalists claiming that actions of public authorities were hindering their activities. The CHR started a procedure to examine the complaints.

The legitimacy of the appointment of members of management and supervisory boards of the public broadcasters and the independence of public media

In recent years, Polish public media have failed to ensure pluralism, impartiality, balance, and independence in their messaging. It is important to note that the model for appointing members of management and supervisory boards of the public broadcasters, as outlined in the Act of 30 December 2015 amending the Broadcasting Act, does not ensure the independence of public media from political authorities. This Act was reviewed by the Constitutional Tribunal, which found that its provisions were inconsistent with the Constitution since it deprived the National Broadcasting Council of the powers necessary for that body to carry out its function of "upholding freedom of expression, the right to information and the public interest in broadcasting" (Article 213 of the Constitution) and transferred them to the newly established National Media Council (judgment of the Constitutional Tribunal of 13 December 2016, case no. K 13/16). Therefore, it must be acknowledged that the legitimacy of the management and supervisory boards appointed after the Constitutional Tribunal's judgment by the National Media Council was based on an

unconstitutional legal norm, as the National Broadcasting Council did not participate in the appointment procedure. However, according to the Commissioner for Human Rights, the way these changes were introduced in December 2023 may raise questions about their legality. In 2024 the Commissioner has continued his correspondence with the Minister of Culture on this matter and with the Chairman of the National Broadcasting Council.

Threats to pluralism of media and journalists' activity in the form of publication of own press by local government units

Another significant threat in the context of pluralism of media and journalists' activity is the publication by local government units of their own press, which, due to public funding, has more influence than the press published by private entities, limiting the reach of the latter. The qualitative difference between materials on the actions of local politicians published by independent journalists and by the "local government press" becomes apparent during the election campaign (eg., in the 2024 local elections), when the materials of the press published by local governments praise the incumbent authorities and criticize or omit counter-candidates. This phenomenon has been repeatedly addressed by the Commissioner since 2016, the last time in 2022, and this year was recognized by the government, which is working on a law to ban the press publishing by local authorities. Therefore, the Commissioner notes that the government undertook initial steps in order to address the issue of the press publishing by local authorities.

Lack of regulation for moderating content and access to information on the social media profiles of public institutions

In the context of the role of public interest information and manipulating information, the Commissioner would like to point out the problem of the lack of regulation of rules for moderating content and access to information on the social media profiles of public institutions. Citizens have pointed out to the Commissioner that these profiles often involve unjustified blocking of access to information on public affairs and removal of critical comments. This issue is particularly relevant in the context of local elections, as a significant number of local authorities use social media accounts. By removing content and blocking access to some users, the image of reality can be manipulated, including distorting the image of real support for the actions of the authorities. For this reason, the Commissioner has asked the Minister of Digitization to prepare a regulation that would respond to this problem.

In response, the Minister informed the CHR that public administration activities must, above all, comply with applicable laws, including regulations governing the protection of personal data (including cookies), copyright, or EU Regulation 2022/2065 (Digital Services Act). The provisions of the Digital Services Act aim to enhance transparency in decision-making processes that impact portal

users, such as removing their published content or restricting access to the service. Furthermore, it is important to note that public institutions using social networking sites must adhere to the rules and internal regulations of these platforms. Every entity, including public institutions, utilizing social networking sites is obligated to comply with these rules. This is especially crucial for public institutions, which should lead by example in appropriate online behaviour by following the regulations of the respective service.

The Minister also suggested that requiring employees responsible for social media to undergo regular training to enhance their skills and update their knowledge, particularly in legal regulations, could be beneficial. Additionally, public administration bodies should monitor the content posted under their entries and take appropriate action against comments that violate the law or contain offensive content, as well as against their authors.

The Minister declared its openness to further discussion on this issue.

Restrictions specifically targeting journalists

In recent months, the Commissioner has also noticed the concerning practice of the Prime Minister's Office and other government administration offices not allowing some journalists working for media affiliated with the opposition to attend official press conferences. Such actions deprive some journalists of the opportunity to confront representatives of public authorities with difficult issues of importance to public opinion. It should be noted that journalists have struggled with similar obstacles in the past (see also: Commissioner’s intervention).

Measures taken to follow-up on the recommendations concerning media freedom issued by European actors

The European Commission, in its 2024 Rule of Law Report, recommended to pursue efforts to ensure an effective legislative framework for the independent governance and editorial independence of public service media, in line with European standards. The Ministry of Culture is currently working on a legislative proposal to establish a new regulatory framework for public service media. A relevant open public consultation was conducted and summarized.

The Commissioner also reminds that the European Commission called on Poland, among others, to comply with the Digital Services Act. Poland has so far failed to designate and empower national Digital Service Coordinators and to establish rules of penalties under the DSA, which the Commissioner has brought to the government's attention. However, progress is being made on enacting the law implementing the DSA.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Commissioner recommends to:

1. restore the powers of the National Broadcasting Council to appoint and dismiss supervisory boards and management boards of State media, as well as creating additional guarantees of the fairness of the selection of appropriate candidates;
2. establish rules for moderating access and content in profiles used by public institutions on major social media platforms to ensure freedom of expression and access to public information;
3. continue legislative efforts to regulate press publishing by local governments and implement the Digital Services Act while considering the standards for exercising freedom of expression and accessing information.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Other challenges to the rule of law and human rights

In addition, the Standing Committee of the Council of Ministers has adopted a bill that separates the functions of the Prosecutor General and the Minister of Justice.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
The Commissioner recommends to national authorities to:

1. review the recommendations of monitoring bodies in order to assess the possibility of changing the legislation applicable to the issues raised by these bodies, in close cooperation with professional association bodies and civil society;
2. give due account to the standards and recommendations of monitoring

bodies when drafting relevant legislative acts, strategies, policies, guidelines and regulations.

Portugal 2025

Information from: Office of the Portuguese Ombudsman (Provedor de Justiça)

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Provedor de Justica of Portugal was last re-accredited with A-status by the Sub Committee on Accreditation (SCA) in May 2024.

The SCA acknowledged the Institution's work and engagement in addressing its recommendations, identifying a few areas for improvement. Noting the considerable media coverage prior to the parliamentary hearing, which enables civil society and the wider public to give their input on candidates for Ombudsperson, the SCA encouraged the NHRI to advocate for amendments to its enabling law regarding the selection and appointment of the Provedor.

Moreover, acknowledging the work done by the NHRI in practice, the SCA encouraged the NHRI to further advocate for an explicit mandate to encourage ratification or accession to international human rights instruments. Finally, the SCA encouraged the NHRI to continue to ensure pluralism and diversity in its staff composition and to continue to develop and formalise cooperation with civil society.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments
Since the reaccreditation took place only recently, there are no relevant updates to report.

Still, concerning the SCA recommendation on Cooperation with civil society, it should be noted that the NHRI has been developing constructive and systematic working relationships with civil society groups at different levels within its scope of action.

In 2024, regular dialogue was held with civil society organizations, particularly in areas of activity that deserved special attention from the Ombudsman.

Several meetings were conducted with civil society as part of the ongoing monitoring process on the restructuring of Portugal’s border control system. It is worth highlighting the collaboration with a specific NGO that provides support to applicants for international protection and refugees in Portugal. This collaboration included meetings and visits to the reception centers managed by the organization.

Additionally, meetings were held with other CSOs representing migrant communities with the largest presence in the country, focusing on defending immigrants' rights and addressing issues related to reception and integration within the asylum system.

The NHRI consulted several CSOs working on the rights of persons with disabilities as part of its monitoring activities. These consultations informed the preparation of recent special reports, such as the report on assistive products. Another report is being concluded on public transport accessibility. This engagement provided a vital outreach mechanism to connect with this vulnerable group.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the institution hasn’t changed since January 2024. There is no need to strengthen it.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities have good awareness of the NHRI’s mandate, independence and role.

Access to information and to policy makers and policy making

The Ombudsman grants several powers to access information, including: i) all authorities within the Ombudsman’s scope of action are required to cooperate, providing any clarifications and information requested; ii) these entities must grant access to documents and procedures and allow inspections as requested

by the Ombudsman; iii) the Ombudsman may set deadlines for urgent requests and order the presence of individuals in specific locations to ensure cooperation, under penalty of disobedience; v) the Ombudsman has the authority to summon any citizen to provide depositions, under penalty of disobedience; vi) a minimum time frame of 10 days may be established for urgent requests; vii) the Ombudsman may summon any employee or representative of the addressed entities, through the competent hierarchical authority, to appear in person at the Ombudsman's office or any other designated location to provide the required cooperation; viii) the Ombudsman is granted access to all relevant premises with or without prior notice; ix) the Head of the Institution, the Deputies, the coordinators and all advisors working at the Office of the Ombudsman carry an official identity card with special clearance granting unfettered access to all mentioned premises. an official identity card with special clearance granting unfettered access to all mentioned premises.

The Ombudsman plays an active role in legislation and policymaking. This includes the competence to point out shortcomings in legislation, issue recommendations regarding its interpretation, amendment, or revocation, and propose the drafting of new laws (legislative recommendations). Such recommendations or suggestions shall be forwarded to the President of the Parliament, to the Prime Minister and to the Ministers directly involved and, should it be the case, to the Presidents of the Regional Legislative Assemblies and the Presidents of the Governments of the Autonomous Regions.

The Ombudsman may also be invited to participate in parliamentary committee sessions to address specific topics, such as draft legislation, reports on fundamental rights violations, or issues related to the malfunctioning of public services. Additionally, the Ombudsman may attend such sessions at her/his discretion. The Ombudsman's insights are highly valued and often taken into consideration.

Lastly, the Ombudsman has the competence to initiate an abstract review of constitutionality and legality as well as review of unconstitutionally by omission before the Constitutional Court.

Adequate resources

In terms of resources, the NHRI states it has adequate resources to carry out the full breath of its mandate.

Timely and reasoned responses to NHRI recommendations

The enabling legislation of the Provedor de Justiça includes strong provisions to ensure that national authorities are required to cooperate with and respond to the requests of the NHRI. Further, it enshrines an obligation for addressees of the PDJ's recommendations to provide a reasoned and timely response. The

Ombudsman may, at any time, by her/his own initiative, address the parliament, on the grounds that public administration authorities are failing to implement recommendations or refuse to cooperate with the Office of the Ombudsman.

Since 2022, no important changes have occurred.

Functional immunity / Measures to protect NHRI staff

The NHRI's leadership and staff enjoy functional immunity and sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) in place.

The enabling legislation of the Provedor de Justiça provides strong safeguards for the NHRI's independence, including that the institution cannot receive instructions from other bodies, as well as guarantees of functional immunity for the Ombudsman.

There have been no threats, harassment or forms of intimidation to the leadership of the institution and staff.

Portugal 2025

Information from: Office of the Portuguese Ombudsman (Provedor de Justiça)

Human rights defenders and civil society space

The NHRI does not report any laws and measures negatively impacting civil society and Human Rights Defenders nor has it found any evidence of transnational repression of human rights defenders.

Initiatives, frameworks, or policies for the protection of human rights defenders exist at the national level.

Portugal has a well-established democracy, and it is safe to affirm that the political context does not pose particular risks to the autonomy and security of NGOs operating in the country or to human rights defenders.

Human rights defenders are protected within the constitutional framework. Fundamental rights such as freedom of expression (Art. 37), freedom of association (Art. 46), the right to assemble and demonstrate (Art. 45), and the

right to participate in public life (Art. 48) are enshrined as rights, freedoms, and guarantees in the Portuguese Constitution.

Citizens have the right to form associations freely and without the requirement for any authorisation, on condition that such associations are not intended to promote violence and their purposes are not contrary to the criminal law. Associations shall pursue their purposes freely and without interference from the public authorities, and may not be dissolved by the state or have their activities suspended other than in cases provided for by law and then only by judicial decision.

The State has acknowledged the crucial role of NGOs in the design, development, and implementation of policies aimed at promoting and protecting human rights.

This recognition is particularly evident in the significant role assigned to NGOs in the design of sector-specific national action plans, which outline concrete measures to fulfil the State's obligations under the Constitution, international agreements, and domestic law.

For instance, Law no. 35/98, from July 18th, established the legal framework under which the Environmental NGOs operate. These NGOs are granted the right to participate in shaping policies and key legislative guidelines related to environmental matters (Article 6).

Similarly, the legal framework for Development NGOs is provided by Law no. 66/98, of October 14th. This law ensures that Development NGOs have the right to participate in defining national policies.

Finally, another example, NGOs focused on the rights of persons with disabilities operate under Decree-Law no. 106/2013, from July 30th. These NGOs are entitled to participate in defining policies and key legislative guidelines concerning the rehabilitation and integration of individuals with disabilities (Article 5).

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The NHRI reports the organisation of joints meeting and roundtables as initiatives taken to promote civil society space and human rights defenders.

The relationship of the institution with civil society may be carried out on several levels:

1. Institutional relationships - the Advisory Board of the National

Prevention Mechanism includes two members representing NGOs, namely the Portuguese Association for Victim Support and the Jesuit Refugee Service;
2. Ongoing engagement - the Ombudsman regularly meets with groups of citizens, associations, and other civil society structures;
3. Complainant relationship - Civil society actors, including NGOs, frequently exercise their constitutional right to submit complaints to the Ombudsman. These complaints often highlight concerns about actions or omissions by public authorities that are perceived as illegal, unjust, or in violation of fundamental and human rights.
4. Collaborations for human rights studies: The NHRI collaborates with civil society organizations and other stakeholders to produce studies and gather data on human rights issues. For example, in 2024, several civil society organizations specializing in the rights of persons with disabilities were consulted to contribute to special reports on assistive products and public transport accessibility (to be published). This collaboration not only facilitated outreach to a vulnerable group but also ensured their input was reflected in the Ombudsman's work, which will be publicized in the reports.
5. Participation in civil society events: The Ombudsman actively participates in events and initiatives organized by civil society and NGOs, often delivering interventions and contributing to discussion.

Whenever necessary, NGOs and human rights defenders can exercise their constitutional right to file complaints with the Ombudsman, allowing them to raise concerns about actions or omissions by public authorities that they perceive as unlawful, unjust, or breaches of the fundamental and human rights of human rights defenders.

Portugal 2025

Information from: Office of the Portuguese Ombudsman (Provedor de Justiça)

Functioning of justice systems

Based on the NHRI's human rights monitoring and reporting, significant challenges affecting access to justice and/or effective judicial protection can be identified in terms of delays court proceedings.

Although it does not have significant statistical relevance within the set of complaints handled by the Ombudsman, the Institution monitors the issue of

judicial delays due to the administrative judicial system, with special consideration given to the broad protection, at both the national and international levels, to the right to obtain a judicial decision within a reasonable time.

1. The Ombudsman identifies as particularly concerning situations where the Administration's lack of action leads to an intense recourse to the courts, creating further strain on the system.

In this context, there was an exponential increase in 2024 in the number of judicial proceedings, of an urgent procedural nature, filed by foreign citizens to compel the Administration to decide on pending residence permit requests beyond the legal deadline.

It was observed that recourse to judicial proceedings in this matter, through an urgent procedural mechanism, put additional pressure on the already overburdened administrative jurisdiction and also on the new administrative entity (AIMA) responsible for processing the documentation of foreign citizens, given the weight of the accumulated backlog. The need for AIMA to prioritize cases with judicial rulings ends up disrupting the chronological order of processing pending cases, leaving even more vulnerable those migrants without regularized documentation who lack the means to resort to judicial proceedings.

2. The Ombudsman also intervened regarding the protection of personal data within the judicial system. The analysis of complaints revealed that requests for the concealment of data related to insolvency cases, published on the electronic portal of the Portuguese judicial system (Portal Citius), were not being adequately addressed.

Under Portuguese law, the publication of such data should cease once the cases are archived and have already been used for statistical purposes. In this context, the Ombudsman found that the entity to which citizens directed their data concealment requests—the managing entity of Portal Citius — did not clarify that it was not the competent authority to decide on the concealment nor did it forward such requests to the responsible entities. Additionally, it disseminated an incorrect interpretation of the law (claiming that there was a mandatory 10-year data publication period).

The Ombudsman recommended the adoption of adequate practices to ensure the right to informational self-determination and the right to be forgotten, thereby helping affected citizens resume their economic and social lives. This recommendation was addressed to the Minister of Justice who promptly acknowledged and implemented it.

Follow-up and implementation by state authorities of European Courts' judgments

There has been some progress regarding the number of implemented cases by Portugal. In 2023, the number of implemented cases was 503 and now is 537 (this number includes all judgments and decisions from the European Court of Human Rights, including friendly settlements, concerning which the Council of Europe's Committee of Ministers has decided that all necessary follow-up measures have been taken).

On 6 December 2024, Portugal had 19 pending cases in the ECHR (and 16 in the previous year).

The average time leading judgments have been pending implementation was 5 years and 9 months (compared to 5 years and 1 month in 2023).

Referral to judgments of European Courts

The judgments of European Courts are referred to in the activity and Annual Reports to the Parliament of the Ombudsman (Annual Report) and NPM.

For instance, the case Petrescu v. Portugal was invoked, at the end of 2023, regarding the situation of exposure to extreme temperatures affecting a significant portion of the incarcerated population, aiming for greater proactivity and planning by the Prison Administration. The situation was monitored and given public visibility in the respective Annual Report of the Ombudsperson, published in 2024.

In the NPM Report, several references are made to the case law of the European Court of Human Rights. It is mentioned, for example, that the convictions of the Portuguese State by the same Court, in cases brought by persons experiencing incarceration, were based on the inadequate material conditions of the prison system.

In November 2024, the Department for the Execution of Judgments of the Council of Europe visited Portugal to discuss the process of implementing judgments, with a focus on cooperation and the challenges associated with enforcing certain Portuguese cases. As part of this visit, the Ombudsman was one of the entities consulted, particularly in light of its mandate as the NHRI and NPM.

Follow-up on justice systems recommendations from European actors

Regarding the measures adopted to follow up on the recommendations related to justice systems in the European Commission's 2024 EU Rule of Law Report, efforts have been intensified to ensure the availability of adequate human resources within the justice system, particularly concerning judicial clerks. As part of these efforts, 570 judicial clerks have been hired to strengthen court offices nationwide.

In 2023, the Supreme Council of the Judiciary established a working group,

consisting of judges and a prosecutor from the Public Prosecutor's Office, with the mandate to identify the main challenges delaying complex criminal proceedings and to propose amendments to the Code of Criminal Procedure aimed at promoting a faster, more effective, and accessible criminal justice system.

This working group recently presented its conclusions on the challenges and solutions for handling highly complex criminal cases. The final report will be submitted to the Minister of Justice, parliamentary groups, and the President of the Assembly of the Republic, contributing to a broader discussion on the modernization of criminal justice.

Portugal 2025

Information from: Office of the Portuguese Ombudsman (Provedor de Justiça)

Other challenges to the rule of law and human rights

Corruption

Regarding the measures adopted to follow up on the recommendations issued in the 2024 EU Rule of Law Report, the State Budget Law for 2024 includes initiatives aimed at strengthening the fight against corruption under the National Anti-Corruption Strategy.

This includes enhancing cooperation between sectoral administrative inspections and criminal police bodies specialized in preventing and combating fraud that undermines the financial interests of the State, namely through bolstering resources for investigative bodies.

Additionally, a working group is expected to be established to draft a proposal for the National Anti-Corruption Strategy for 2025-2028.

The State Budget Law for 2024 allocated €2.55 million to the National Anti-Corruption Mechanism, representing an increase compared to the €2.1 million allocated for 2023. On June 20, the Council of Ministers approved an Anti-Corruption Agenda, a set of 32 measures developed by the Ministry of Justice. The primary goal of these measures is to increase the effectiveness of the justice system in the prevention, repression, and prosecution of corruption.

The restructuring and enhancement of resources for the National Anti-Corruption Mechanism are planned, specifically through a redefinition of its internal structure and governance model and overcoming challenges in recruitment for its staffing framework.

Other persisting structural human rights issues

The Office of the Ombudsman submitted a report in April 2024 as part of Portugal's fourth cycle of the UPR process, highlighting its main human rights concerns based on the Institution's activities.

Regarding the persisting structural issues that impact the national rule of law environment, the institution identified the following:

- Implementation of the law – The failure to transform formally established legislative solutions into real, effectively present realities constitutes a systemic problem within the context of administrative activity. Divergences are detectable in almost all areas, between what is enshrined in the law and what occurs. It should be noted that such divergences are not limited to legal issues concerning non-compliance between the actions of the Administration and the applicable legal regimes or the lack of approval of regulatory instruments for the law. The problem takes the shape of a systemic anomaly, resulting from the clash between the world of the legislator and the world of administrative practices, as if they were two parallel realities, albeit coexisting. For more on the subject, see the 2023 Ombudsperson Annual Report.
- Transition to Digital in Public Administration – The new forms of attendance in public services characteristic of the digital age allow, in many cases, greater efficiency and speed. However, as observed in the NHRI Report on the Public Attendance Services, the use of digital tools presents specific challenges, not always ensuring citizens effective ease of access to public services or effective resolution of the issues that lead them to seek the Administration.
  Particular concern arises from the existence of services or features that are only accessible online, making it essential to ensure that citizens who engage with public administration exclusively through non-digital means are not discriminated.

Romania 2025

Information from: The Romanian Institute for Human Rights (RIHR)

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
Romania currently does not have an institution accredited as a National Human Rights Institution. The Romanian Institute for Human Rights (RIHR) is a non-accredited associate member of ENNHRI. The Romanian Institute has a strong promotional mandate and has been addressing a wide range of human rights in Romania.

In 2020, both the Romanian Institute and the Romanian Ombudsman (which is not an ENNHRI member and is not accredited) applied for accreditation.

In March 2024, in the context of resuming the accreditation process by the People's Advocate of Romania (Ombudsman) and the Romanian Institute for Human Rights, and for the purpose of fulfilling the requirement provided in Article 6.3, letter b, of the Regulation of the Sub-Committee on Accreditation, a Collaboration Protocol was concluded between the two institutions.

In May 2024, the Sub-Committee on Accreditation (SCA), under the auspices of OHCHR as its Secretariat, convened and reviewed the requests from the Romanian Institute for Human Rights and the People's Advocate of Romania. The SCA decided that the two institutions will not be invited to submit a full application for accreditation and included in its calendar until all the requirements of Section 6.3 of the SCA Rules of Procedure have been met. Although the SCA appreciated the steps taken by the Romanian Institute for Human Rights and acknowledged the memorandum of understanding (MoU) entered into with the People's Advocate of Romania, the SCA expected to receive an official communication from the Government indicating its national human rights institution as required by the Rules of Procedures. The SCA also highlighted that NHRIs are State bodies that play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. Moreover, the SCA noted that the establishment and strengthening of NHRIs pursuant to the Paris Principles falls within the set of international human rights commitments made by States. Therefore, it is the responsibility of the State to ensure that it has in place a Paris Principles-compliant NHRI. As such, the Romanian Institute for Human Rights has been encouraged to advocate with the Government for the issuance of said communication.

In June 2024, in order to support the accreditation process of the two institutions within the GANHRI system from the perspective of meeting the

requirement provided in Article 6.3, letter a, of the Regulation of the Sub-Committee on Accreditation, the Government issued a proposal to support the accreditation within the GANHRI system of the two national institutions for the protection and promotion of human rights: the Ombudsman and the Romanian Institute for Human Rights.

In December 2024, the Sub-Committee on accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) informed the Institute of the status of the request for accreditation. As the SCA had never previously considered a request concerning the accreditation of multiple institutions in one UN Member State with the same geographic competence at the same time, the Sub-Committee on Accreditation sought policy guidance on the matter from the GANHRI Bureau during its November 2024 meeting. The GANHRI Bureau has indicated the need to clarify the provisions in the GANHRI Statute and the relevant SCA Rules of Procedure, concerning accreditation of more than one NHRI from one United Nations member State. Therefore, while deliberations are ongoing on a revision of the relevant provisions of the GANHRI Statute on this matter and pending a final decision and policy guidance by the GANHRI Bureau, as per standard procedure, scheduling of the accreditation requests from multiple institutions in one UN Member State will be paused including the requests by the institutions of Romania.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up on European actors' recommendations

As mentioned above, the Romanian Institute for Human Rights has taken the necessary steps towards resuming the accreditation process, entered into a MoU with the People's Advocate of Romania and obtained the official support for GANHRI accreditation process from the local Government. No other measures were taken by the national authorities/Romanian Government to follow-up on the recommendations concerning the Romanian Institute for Human Rights, issued in the last couple of years by the European Commission in its annual rule of law reports. The founding law of the Institute (Law no.9/1991) did not suffer any alterations in order to better reflect, support and enable the current status of the Romanian Institute for Human Rights, especially in relation to complying with the Paris Principles. Also, no additional resources were given to the Institute, even though the staff shortage struggle is a known fact, as well as the additional mandate entrusted to the Institute along with being appointed Anti-SLAPP Focal Point in Romania.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI has not changed since January 2024 due to insufficient support from the national authorities.

Advocacy

The Romanian Institute for Human Rights (RIHR) has intensified its advocacy efforts. Thus, in 2024, the Institute worked closely with the Human Rights Committees of the Chamber of Deputies and Senate to propose amendments to the Institute's enabling law. These amendments aim to enhance Institute's independence and align its mandate with the Paris Principles. Discussions also included strategies to address recommendations from the Sub-Committee on Accreditation (SCA).

The Institute also continued its active engagement with the European Network of National Human Rights Institutions (ENNHRI), contributing to the 2024 Rule of Law Report. A joint address by ENNHRI and the Romanian Institute for Human Rights urged Romanian authorities to expedite reforms to secure NHRI accreditation.

Awareness-raising activities

As an associate partner in the ROLL Project (Rule of Law for Lawyers), the Institute facilitated another workshop in 2024. These workshops explored judicial independence and strategic litigation's role in safeguarding access to justice. The Institute collaborated with Romanian lawyers to present national challenges and propose solutions at an international level.

Moreover, the Romanian Institute for Human Rights expanded its training programs for students and professionals. In 2024, the Institute partnered with universities to include modules on European Court of Human Rights (ECtHR) case law and the Paris Principles. Additionally, new training sessions addressed the intersection of human rights and emerging technologies, such as the AI and data privacy.

In terms of raising awareness regarding the access to justice field, the Institute organized meetings and consultations with relevant stakeholders, including civil society, the business sector, journalists, and institutions with responsibilities in the field, as part of the "Access to Justice – The SLAPP Recommendation and the Due Diligence Directive" project, which is currently being implemented in partnership with the Danish Institute for Human Rights, developed in the context of the EU Corporate Sustainability Due Diligence Directive (CSDDD). One such example is the roundtable organized by the Romanian Institute for Human Rights on 25 October 2024, in Bucharest, on the

occasion of presenting the initial report on "Access to Justice – The SLAPP Recommendation and the Due Diligence Directive". As part of this project, a report is also being prepared, including aspects related to SLAPP from the perspective of access to justice, which will be published by the Institute in the following months.

Strengthening the NHRI's regulatory framework

The NHRI regulatory framework should be strengthened.

The Romanian NHRI does not have adequate resources to carry out its mandate. Moreover, although through its work the Romanian Institute for Human Rights often exceeds its current mandate, as noticed and acknowledged both at a national and international level, it still functions according to the 1991 establishment law the amendment/revision of which is necessary so that the Institute can function properly and in compliance with Paris Principles. The Romanian Institute lobbied the government and the competent institutions at national level regarding the situation and status of the Institute, while EU and international recommendations highlight the need to strengthen the role, independence and mandate of RIHR.

NHRI enabling and safe space

NHRI enabling and safe space

All Romanian relevant state authorities are aware of the Romanian Institute for Human Rights' mandate, independence and role, as resulted from both a direct approach (official requests, calls for support regarding the GANHRI accreditation process, calls for support regarding the legislative framework, etc.) and from reports published by various European relevant entities, such as the 2024 EU Rule of Law Report, The 2024 ENNHRI report on the state of the rule of law in the European Union 2024, Council of Europe Committee of Ministers Recommendation 2021/1 on NHRIs, as well as the recommendations issued by the SCA.

Access to information and involvement in legislation and policy-making processes

The Romanian NHRI is a member of the Committee for the Charter of Fundamental Rights of the European Union, under the coordination of the Ministry of Investments and European Projects - the institution responsible for fulfilling and respecting the enabling condition of the Charter throughout the 2021-2027 EU funds programming period. The Committee is attended by representatives from each managing authority, the Directorate General for Programming and System Coordination, the Ombudsman, the National Council for Combating Discrimination, the National Authority for Equal Opportunities

between Women and Men and the Romanian Institute for Human Rights.

The Romanian Institute for Human Rights is sometimes solicited to issue points of view in regard to various aspects related to the field of human rights. In some cases, the Institute issues the points of view directly to the entity which solicitated it. In other cases, such as the solicitations coming from certain Committees of the Senate or the Chamber of Deputies, RIHR is presenting the opinion/recommendations in front of the members of the Parliament. In both scenarios, the Institute is not being officially updated on the further development of the respective situation, thus making it difficult to quantify or know the extent to which the opinions are taken into account.

In December 2024, the Institute participated at the discussion forum organized by the Ministry of Justice regarding the transposition of the EU Anti-SLAPP Directive 2024/1069 into the national legislation, an ongoing process that’s expected to be finalized in the upcoming months. RIHR is also invited to attend the next rounds of discussions regarding the transposition.

Recently, the Romanian Institute for Human Rights participated in an event organized by the European Commission Representation in Romania, in collaboration with the Directorate-General for Justice and Consumers (JUST) of the European Commission and the European Union Agency for Fundamental Rights on the topic of the rule of law, aiming to find ways of strengthening the culture of the rule of law and create a better cooperation between the relevant actors in the field.

Adequate resources

The NHRI does not have adequate resources to carry out the full breath of its mandate.

The Romanian Institute for Human Rights is currently severely understaffed and working with scarce resources. The Romanian Institute for Human Rights is currently functioning following an outdated legislative framework, namely the Law no.9/1991, which is the founding law in its original form. Not being able to change the functioning law is gravely restricting the Institute’s activity, weakening its potential and impeding its compliance with the international human rights standards, such as the Paris Principles. Strengthening the Romanian Institute for Human Rights’ current regulatory framework is a dire necessity for the ability to fulfill both of the Institute’s general mandate and the newly acquired mandate as a SLAPP Focal Point. Even though multiple recommendations in this direction have been made throughout the years by the most prominent European entities, the Romanian state authorities failed at taking them into account and putting them into practice.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

Amend the NHRI’s founding law

Following the numerous recommendations issued by various European and international entities, the most important step for the national authorities would be providing the necessary support towards amending the founding law of the Romanian Institute for Human Rights, in order to better reflect the current status and mandate of the institution, to provide appropriate resources for fulfilling the mandate, as well as ensuring the full compliance with the Paris Principles.

Therefore, taking into account the recommendations issued by international organizations, some of which were made by the UN General Assembly and the Human Rights Council, the Global Alliance of National Human Rights Institutions (GANHRI) and the European Network of National Human Rights Institutions (ENNHRI), it is required an alignment with the Paris Principles, with the aim of recognizing and strengthening the role assumed by National Human Rights Institutions in ensuring the application of international standards in the field. Recommendations have been made to the Romanian state by the UN mechanisms (the UN Committee on the Elimination of All Forms of Discrimination against Women, the UN Committee on Human Rights, the UN Committee on Economic, Social Rights and the Paris Principles. On the occasion of the evaluation of the combined 7th and 8th periodic reports to the Convention on the Elimination of All Forms of Discrimination against Women, the UN Committee noted with concern that, despite the commitment assumed during the Universal Periodic Review (UPR), the Romanian state has not yet amended Law no. 9/1991 to review the status of the Romanian Institute for Human Rights. The Committee recommended the adoption of the necessary measures so that the Institute can fully comply with the Paris Principles, with particular reference to its mandate to protect women and promote gender equality, the status and duration of membership in its General Council (paragraphs 12 and 13 of the CEDAW Conclusions of 24 July-December 2017, CEDAW/C/ROU/CO/7-8, p. 4). Following the assessment of the fifth periodic report on the implementation of the International Covenant on Civil and Political Rights, the UN Human Rights Committee identified national institutions with a mandate to protect human rights, such as the Ombudsman, the National Council for Combating Discrimination and the Romanian Institute for Human Rights, but underlines the fact that none of these institutions are accredited as fully compliant with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (art. 2).

Thus, with reference to the clarification of the NHRI mandate and the strengthening of NHRI capacities, the Romanian NHRI strongly recommends the amendment and completion of Law no. 9/1991 regarding the establishment of the Romanian Institute for Human Rights. The Romanian Institute for Human

Rights should be mandated by law to exercise specific functions in the field of promotion and protection of human rights so that its mandate is as clear and as broad as possible. Promotional functions aim to create a society in which human rights are better understood and respected while protection aims to prevent human rights violations and to allow direct intervention in situations where actual human rights violations have occurred. Moreover, the salaries and benefits granted to the staff of Romanian NHRI should be comparable to those of civil servants carrying out similar activities, having similar qualifications and responsibilities in other independent state institutions.

Romania 2025

Information from: The Romanian Institute for Human Rights (RIHR)

Human rights defenders and civil society space

Laws, measures and practices negatively impacting civil society and Human Rights Defenders

Laws, measures and practices negatively impacting civil society and Human Rights Defenders

Lack of funding, restrictive laws and bureaucracy

Some of the most common practice which negatively impact civil society and human rights defenders are the shrinking space for civil society and human rights defenders due to lack of funding, restrictive laws and bureaucracy. NGOs have consistently been asking for less bureaucracy in the process to set up, run and even close an NGO. Although legislation has improved, it is still difficult, particularly for smaller NGOs to comply with bureaucratic needs because there is a lot of inconsistency and uncertainty in existing procedures.

For NGOs and for human rights defenders (including the Romanian Institute) material assets such as offices and premises for running activities are limited and hard to secure. The premises are rarely owned by NGOs and some of them function even in the private homes of the working staff.

While there are many formally registered associations and foundations, the number of active organisations is much lower. That exposes a further systemic challenge related to NGO legislation and administrative procedures. Although improved, the current legislation continues to put significant limitations on human rights defenders and civil society and on the functioning of established

organisations. Sometimes power dynamics limit civil society organisations' impact on policy processes.

Consultation in law- and policy-making

In terms of consultations with citizens and civil society in policy-making, the main legal instrument is Law 52/2003 on transparency in public administration. This law prescribes the obligations of public administration to consult with citizens and civil society when developing public policies and laws. It also establishes how public consultations are to be organized. One of the obligations enshrined by this law is that proposed laws be published thirty days in advance, before being subjected to formal approval procedures, to give an opportunity to citizens and interested parties to send feedback and suggestions on the proposed law. In 2022 an exception was introduced to this rule and now, in exceptional and urgent cases, laws can be adopted even before the thirty-day time limit in which citizens can send their feedback on the proposed law. This modification was criticized by NGOs, including the non-transparent manner in which these modifications were made, which show that Romanian authorities have developed a practice of avoiding public consultations by citing urgent needs to pass specific legislation.

Civic space in Romania is rated as narrowed in 2023 (according to CSW Report 2024). In its 2023 Rule of Law report, the European Commission recommended that the government of Romania step up to ensure effective public consultations before the adoption of legislation. While the government has taken some steps in this regard, civil society states that there has been no improvement or concrete progress in implementing this recommendation systematically. Civil society organizations (CSOs) continued to call for coherent and appropriate legislation to protect the freedom of association. The current legislative framework is unclear and inconsistent, and results in significant administrative burdens for CSOs.

Law no. 52/2003 provides that transparency rules apply to normative acts of general applicability. Without going into details, there is a discussion about which Local Council Decisions qualify as having general applicability. Another discussion is about the individual or normative character of an administrative act. For example, many city halls consider that Local Council Decisions for Detailed Urban Development Plans (PUD) or even Zonal Development Plans (PUZ) are administrative acts of an individual nature, and not of a normative nature, therefore they are not subject to public debate. This results in very large differences between the number of projects submitted to public debate by different city halls. Even if these draft normative acts are of interest to a small number of people and organizations, they must be submitted to public debate. However, different reporting can lead to erroneous interpretations. NGOs request more transparency and ask authorities not to avoid consultations.

Relevant recommendations made by European actors to support civic space

The recommendation made by the European Commission to the Romanian Government to organize effective public consultations before adopting legislation is formulated in the 2023 EC report on the rule of law. Although the Government claimed that steps had been taken in this regard, civil society states that there had been no improvement or concrete progress in the systematic implementation of this recommendation. On the other hand, in 2024, civil society organizations continued to call for coherent and adequate legislation to protect freedom of association. The current legislative framework is unclear and inconsistent, with an impact on the administrative obligations of NGOs.

While the Ministry of Justice proposed a draft law that would simplify and digitalize the existing legal procedures and bureaucratic requirements for NGOs, at the same time a law was adopted that limits their right to go to court, as well as the right of environmental organizations to challenge real estate projects.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders

Promotion campaigns, joint meetings and/or roundtables

In 2024, the Romanian Institute for Human Rights promoted the civil society space through the events and activities it has organized or participated in. Moreover, the topic of civil society space and human rights defenders was part of the discussions held with the students of different universities enrolled for an internship programme at the Romanian Institute for Human Rights.

In June 2024, the Romanian Institute for Human Rights received a delegation from Media Freedom Rapid Response in Romania. The key points of the discussions were the Institute's practices regarding the documentation of SLAPP cases, raising awareness, and engaging the journalist and legal communities, as well as political decision-makers.

In terms of projects, RIHR is currently implementing, in partnership with the Danish Institute for Human Rights, the project "Access to Justice – The SLAPP Recommendation and the Due Diligence Directive", developed in the context of the EU Corporate Sustainability Due Diligence Directive (CSDDD). As part of this project, a report is also being prepared, including aspects related to SLAPP from the perspective of access to justice. Meetings and consultations have been organized with relevant stakeholders, including civil society, the business

sector, journalists, and institutions with responsibilities in the field. All these efforts aim to build capacity and raise awareness of the CSDDD in Romania in relation to other regulatory instruments, such as the EU Anti-SLAPP Recommendation.

Moreover, the Romanian NHRI initiated and organized consultations and joined meetings with NGOs and other relevant national institutions within the NHRI Working Group on Women's Rights Combating Violence and Equal Opportunities. Additionally, the Institute organized a round table event focused on the Protection of women, combating harassment and violence against women.

The Romanian Institute for Human Rights in partnership with the ANAIS Association and the Association of Women in Romania – Together (AFRI) organized on November 14, 2024, the debate themed “Protection of women, combating harassment and violence”. Violence in all its forms continues to represent one of the strongest obstacles to achieving the sustainable development goals, especially goal 5 – gender equality. Associated with the phenomenon of violence, one of the most recent problems currently facing Romanian society is sexual harassment in universities and pre-university education units. Members of the Romanian Institute for Human Rights’ Working Group on Women's Rights Combating Violence and Equal Opportunities met on this occasion to analyse the causes of harassment and in particular the reasons why victims choose not to report such situations. Statistical data from the Romanian Police show that domestic violence occurs in both rural and urban areas. Cases of domestic violence recorded by organizations that provide counselling and shelter services show that the aggressors come from both backgrounds, with a low level of education or who are facing economic problems, as well as those with higher education, public figures or those with leadership positions in public or private institutions. A series of acute problems faced by women in exercising their rights in Romanian society were thus identified and debated. At the same time, proposals and recommendations were jointly formulated for the concrete management and overcoming of challenges to women's rights through a multidisciplinary approach and by strengthening interinstitutional collaboration. On this occasion, the Ukrainian translated version of the NHRI – ANES – NOVAPOLIS guide on “Moral harassment at the workplace” was also launched, as a result of the partnership between the three institutions.

Romanian NHRI joined the UN campaign of the 16 days of activism to combat violence, by launching the campaign "Let's act together to protect women!". As part of this campaign, a series of key questions were addressed to institutions, organizations and actors involved in the promotion and protection of women's rights regarding their rights and safety in Romanian society. The answers obtained are going to be analysed in order to identify existing barriers and formulate recommendations for the future. On this occasion, the Romanian

Institute for Human Rights reiterated its call for interinstitutional cohesion and a multidisciplinary approach to prevent and manage the most acute problems that women face in exercising their rights.

Another important event initiated by the Romanian Institute for Human Rights was a Roundtable and debate on Agenda 2030 implementation at national level.

Protection of civil society space and human rights defenders

Capacity building

As mentioned above, the Romanian Institute for Human Rights is making efforts to support capacity building and access to justice for civil society and human rights defenders.

Focal point on SLAPPs

Moreover, since 2023, the Institute has had an additional mandate of focal point on SLAPPs, thus gaining responsibilities in terms of organizing training programs for journalists and human rights defenders; conducting awareness campaigns on SLAPP procedures; as well as collecting statistical data on SLAPP cases. Unfortunately, due to staff shortages and missing key persons from the training department, in 2024 the Institute was unable to fulfil that aspect.

Complaints handling

Concerning the complaints handling aspect, the Romanian Institute for Human Rights receives various complaints requiring legal assistance and representation before the courts in pending cases. In accordance with the mandate assigned by Law no. 9/1991, the Romanian Institute provides adequate consultancy, informing the petitioners about the legal assistance services available and also directing their requests to the relevant institutions. A specific initiative is that RIHR initiated the classification and grouping of said complaints by thematic areas related to the progress in achieving the SDGs, as this allows better monitoring of the issues reported by petitioners in connection with the SDGs. By centralizing complaints field of interest applied to the Sustainable Development Goals, a barometer of the degree of achievement of the SDGs is obtained, facilitating the identification of existing obstacles. This classification indicates those areas where other approaches would be necessary, as well as new intervention measures to accelerate progress in achieving the SDGs. Through this initiative, the Institute proposes an example of national guidance regarding a series of problems faced by Romanian society, and which constitute obstacles to the achievement of the 2030 Agenda objectives.

Recommendations & opinions

The Romanian Institute for Human Rights promotes the rights of civil society and takes into account recommendations and opinions from NGOS especially within the NHRI Working Group on Women's Rights Combating Violence and Equal Opportunities.

Engagement with international and regional mechanisms

The Romanian Institute for Human Rights is an active member in all the discussions happening at the European and international level in which the Institute takes part. One of such examples is the participation in September 2024 at the meeting of the European Commission's anti-SLAPP Expert Group, where focal points and representatives from EU member states came together. The event was organized by the European Commission and included guests such as media representatives (News Media Europe), academics (University of Aberdeen, Scotland), legal experts, representatives of NGOs involved in SLAPP-related issues (CASE Coalition), as well as human rights defenders.

The Romanian Institute for Human Rights participated in the meeting as a focal point for the implementation of Recommendation (EU) 2022/758 on the protection of journalists and human rights defenders engaged in public advocacy against clearly unfounded or abusive legal proceedings (SLAPP). In this context, the Institute presented recent anti-SLAPP activities in Romania, including meetings with NGOs and civil society organizations to raise awareness, the ongoing CSDDD (Corporate Sustainability Due Diligence Directive) project in partnership with the Danish Institute for Human Rights, the reception of the Media Freedom Rapid Response delegation in Romania and discussions on Institute’s practices in the field, as well as the Institute’s contribution to the latest ENNHRI Rule of Law Report 2024, which highlighted its role as an anti-SLAPP focal point.

The meeting addressed emerging trends and key issues observed by experts, updates and new approaches from member states, focal point activities, best practices, as well as major challenges and potential solutions for the successful implementation of Recommendation (EU) 2022/758.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

- Developing frameworks and legislation for inter-sector and public-private partnerships;
- Ensuring more transparency and objectivity in the consultation processes;
- Improving the fiscal rules to foster generosity and encourage citizens to

invest private resources in solving community challenges;
- Establishing spaces for community actors – hub knowledge centres, libraries, offices for NGOs, business hubs for medium and small enterprises, sports centres for youth.

Romania 2025

Information from: The Romanian Institute for Human Rights (RIHR)

Functioning of justice systems

Independence and impartiality of judiciary

In 2024, the independence and impartiality of Romania's judicial system remain pivotal issues in the ongoing consolidation of democracy and the rule of law. As outlined in the European Commission’s 2024 Rule of Law Report, there are continuing systemic concerns regarding the independence of the judiciary, with specific instances observed that suggest a decline in the situation.

Judicial reforms have remained a priority on the political agenda over the past year, with many member states responding to the European Commission’s 2023 recommendations and implementing reforms agreed upon within the framework of the Recovery and Resilience Mechanism (RRM). The European Commission has urged member states to address challenges such as the need for safeguards in the appointment procedures for judges at both the lower courts and high-level positions, the autonomy of public prosecutors, and the necessity of providing adequate resources for the judiciary, including proper salaries.

In the current context of Romania’s judiciary system, the independence of the judiciary is guaranteed by the Constitution of Romania, specific legislation (Law no. 303/2022 regarding the status of judges and prosecutors, amended and supplemented in 2004), and European legislation through treaties and international conventions to which Romania is a party, such as the European Convention on Human Rights.

Furthermore, the reports of the Cooperation and Verification Mechanism (CVM), which was replaced in 2023 by the EU’s general rule of law mechanisms, have highlighted both progress and persistent vulnerabilities. Issues related to corruption, external pressures on magistrates, and the delays in significant trials continue to pose challenges for Romania’s justice system.

In Romania, judicial independence is theoretically well-regulated, but in practice, situations arise that undermine it, such as political interference (while there have been attempts to influence judicial decisions in the past, in 2024, the public’s perception of the independence of the judiciary remains fragile). There are also insufficient resources - the functional independence of the judiciary is affected by a lack of resources, inadequate staffing of qualified personnel, and outdated infrastructure, which limits the ability of courts to operate efficiently. There are efforts made in continuous training (in 2024, greater emphasis is placed on the professional development of magistrates to strengthen their competencies and ensure high standards of impartiality, as outlined in the Superior Council of Magistracy’s Decision no. 15/2024, which establishes 96 training activities), as well as the training of judicial assistants.

Impartiality is protected by strict regulations concerning incompatibilities and conflicts of interest. However, in practice, there are risks that may affect this principle, such as corruption (closely monitored by institutions like the National Anticorruption Directorate (DNA), which has demonstrated increased efficiency in investigating and prosecuting relevant cases) and public pressure on judicial decisions, which in 2024 has become more pronounced, with judges sometimes placed in the position of resisting media influence in cases of high public interest.

To strengthen the independence and impartiality of the judiciary, it is essential for Romania to adopt a series of measures, such as continuing institutional reforms (decentralizing administrative processes and implementing a transparent evaluation system for magistrates), protecting judges and prosecutors (improving legislation to protect magistrates from intimidation and threats), legal education (continuous professional development of magistrates and educating the public about the role of justice in a healthy democracy), and judicial system digitization (utilizing modern technologies to reduce the duration of trials and ensure greater transparency).

Therefore, in 2024, the independence and impartiality of Romania's judiciary remain fundamental principles, but they are still subject to improvement. Although significant progress has been made, there are still obstacles to overcome in order to guarantee truly fair and accessible justice for all citizens. Only through sustained efforts from both authorities and civil society can a judicial system be strengthened that inspires trust and contributes to the proper functioning of democracy.

Delays in court proceedings

The issue of delays in judicial procedures remains a major challenge in Romania's legal system. Over the years, this has been one of the most frequently criticized aspects by litigants, experts, and international organizations. The year 2024 is no exception, with these delays continuing to

severely impact the functioning of the judiciary, the right to a fair trial, and citizens' trust in the justice system.

The causes of these delays include: court overcrowding (the excessive volume of cases pending in the courts; according to data provided by the Superior Council of Magistracy (CSM), the number of cases per judge has significantly increased in 2024, reaching an average of over 1,200 cases annually, a situation that places immense pressure on judges and auxiliary staff); staffing shortages (another critical factor is the lack of qualified personnel, with the insufficient number of judges, clerks, and legal advisors continuing to affect the speed of case resolution; although many vacant positions have been filled, there remains a significant gap between demand and supply); cumbersome procedures and legislation (complex judicial procedures and frequent legislative changes contribute significantly to delays, as changes in legislation often require additional training for staff, leading to delays in resolving cases); and logistical problems (inadequate technical equipment in the courts presents another significant barrier, as the insufficient modern IT infrastructure for managing electronic files and the use of a cumbersome bureaucratic system results in prolonged trial durations).

Delays in judicial procedures have profound consequences on society. Some of the most significant effects include the loss of trust in the justice system (citizens are becoming increasingly skeptical about the courts' ability to provide timely and fair solutions); economic impact (prolonged trials affect the business environment by blocking commercial disputes and increasing legal uncertainty); and personal suffering (parties involved in cases, especially those of a criminal or civil nature, are forced to endure stress and additional expenses).

In order to reduce delays in judicial procedures, a coherent set of measures is necessary:

- Complete digitization of the judicial system – Implementing an integrated digital system for case management could significantly speed up proceedings. For example, the use of electronic files and online platforms for submitting documents would reduce the time required for certain procedures.
- Increasing the number of qualified personnel – Organizing more competitions to fill vacant positions and investing in the continuous training of staff are essential.
- Simplifying judicial procedures – A review of legislation to reduce unnecessary bureaucratic steps could greatly improve the speed of case resolution.
- Monitoring and performance evaluation – Introducing mechanisms to monitor the duration of trials and rewarding good performance could contribute to increased efficiency.

In conclusion, the issue of delays in judicial procedures in Romania in 2024 remains complex and multidimensional. Although steps have been taken in the right direction, a concerted effort from the authorities, legal professionals, and civil society is necessary to ensure an effective, fair, and accessible judicial system.

Professionalism, specialisation and training of judges

In 2024, the professionalism, specialization, and training of judges in Romania were fundamental aspects for ensuring a high-quality judicial system, in line with European and international standards. In 2024, the rigorous selection of judges and sustaining periodic evaluations were essential for maintaining and improving professionalism.

Specialization is a crucial pillar for the efficiency and quality of justice, especially in complex areas such as criminal and anti-corruption law, commercial law and insolvency, family law and child protection, as well as administrative and fiscal litigation. Therefore, all judges specializing in these areas must have advanced knowledge of national and international legislation, including in judicial cooperation.

Continuous training for judges remains a priority in the Romanian judicial system. In 2024, this included: courses organized by the National Institute of Magistracy (INM), participation in international conferences, exchange program and digitalization of training.

In 2024, the key challenges in this area included: the high volume of cases, which can impact the quality of judicial work, the need for continuous legislative updates due to changes in national and European law, as well as ensuring the independence of judges in the face of external pressures and excessive media coverage of certain cases.

Looking ahead, the development of a more advanced mentoring system for young judges, increasing specialization in new areas such as artificial intelligence and data protection, and enhancing international cooperation to harmonize judicial practices will be essential. These efforts are crucial to ensuring a modern, transparent judicial system that meets the needs of citizens.

Respect for fair trial standards

In Romania, in 2024, the right to a fair trial continued to be protected both by the Constitution and national legislation. Article 21 of the Constitution guarantees the right of any person to a fair trial, and Article 6 of the New Civil Procedure Code emphasizes the importance of having a case adjudicated within a reasonable and predictable timeframe by an independent and impartial court. These regulations form the foundation of the right to access

justice and the right to a fair trial before the courts.

In 2024, significant progress has been made regarding the respect for this right, particularly in light of the recent developments from the Constitutional Court of Romania:

- Decision No. 77 of February 14, 2024 by the Constitutional Court highlighted the importance of appointing judges in a manner that ensures the independence and impartiality of the court. This decision was crucial, given that the lack of clear regulations in this regard may raise reasonable doubts about the impartiality of the court, which could affect the public's perception of the judicial system.
- Additionally, Decision No. 224 of April 23, 2024 reaffirmed the principle that cases must be resolved within a reasonable timeframe, avoiding unjustified delays that could impact the right to a fair trial. The Constitutional Court emphasized the need for adhering to deadlines for resolving cases, a critical aspect for maintaining trust in the judicial system and protecting citizens' rights.

These developments in 2024 reflect the Romanian authorities' commitment to improving the protection of citizens' fundamental rights before the courts and ensuring that the judicial process remains efficient, impartial, and accessible to all. Furthermore, these decisions underline the need for continued reforms and consistent application of the principles established by national and international legislation to guarantee a fair trial for all citizens.

Additionally, on June 7, 2024, a proposal to amend Article 21 of the Constitution was initiated, aiming to explicitly include the requirement that trials be conducted within an "optimal and predictable timeframe." This amendment seeks to align with European standards and enhance public trust in the judicial system. However, challenges also arose. On July 17, 2024, the National Union Bloc raised concerns about an emergency ordinance that automatically suspended certain cases, potentially infringing upon the parties' right to have their cases resolved within a reasonable time and violating the principle of equality before the law.

Therefore, in 2024, Romania took significant steps toward meeting the standards of a fair trial, through legislative clarifications and decisions from the Constitutional Court. However, some administrative measures raised concerns about the full respect of this fundamental right.

Timely and effective execution of national courts’ judgments

In 2024, this subject remains relevant, influenced by several legal, institutional, and practical factors. Challenges are varied, with causes including:

- Court and bailiff overload, leading to significant delays;

- Issues related to financial and human resources for both courts and bailiff offices;
- Lack of cooperation from debtors and the use of legal mechanisms to delay enforcement;
- Enforcing judgments against public authorities, which present additional difficulties, especially when significant sums are involved.

Recommended measures for improvement include:

- Digitalization of enforcement processes;
- Monitoring the performance of bailiffs and implementing clear standards of efficiency;
- Legislative changes to simplify procedures and reduce deadlines, including those involving public authorities;
- Financial and logistical support for courts and bailiff offices.

In conclusion, the enforcement of national court judgments in 2024 depends on the efficiency of the institutions involved and the political will to improve the system. Furthermore, the active involvement of justice professionals, combined with the modernization of processes, can significantly contribute to upholding citizens' rights and strengthening public trust in the judicial system. Despite some progress, there are still major challenges in this area, and the Romanian authorities are required to adopt measures to improve this process.

Delay in and/or a lack of publication of judgments

In the past year, in Romania, there were concerns regarding delays and/or the lack of publication of court judgments. The Superior Council of Magistracy (CSM) emphasized that, despite a staff deficit of approximately 24%, the efforts of judges in drafting judicial decisions have been constant and sustained, with average drafting times closely matching the legal deadlines. However, the CSM pointed out that the deadlines for drafting judicial decisions must be directly correlated with the significant staff deficit. To address this, the CSM announced the appointment of 297 judges to local courts and 163 trainee judges, graduates of the National Institute of Magistracy.

As for the publication of court judgments, there were no specific reports of delays or absences regarding their publication in 2024. However, it is important to note that Law no. 11/2024, which regulates the status of clerks and other categories of staff within the judiciary, stipulates that repeated delays in carrying out work or fulfilling service duties due to attributable reasons constitute disciplinary offences.

Although efforts have been made to address these issues, including increasing staff and modernizing IT systems, delays and the lack of publication of court schedules have remained persistent problems in certain courts. In general, the authorities have been aware of these issues and have attempted to resolve

them through measures such as increasing personnel and improving IT infrastructure. However, delays and the lack of published judgments continue to be a challenge in certain cases, particularly in courts with a high volume of cases.

Access to justice challenges for marginalised groups

Access to justice is a fundamental right, but women in Romania continue to face disproportionate challenges in this regard. Several persistent and emerging issues negatively influence women's access to justice:

1. Economic Barriers – Women are more economically vulnerable compared to men, being more likely to experience poverty. This limits their ability to afford lawyers, judicial fees, or other costs associated with legal proceedings. The lack of effective programs for free legal aid is a major issue.
2. Domestic Violence and Other Forms of Gender-Based Violence – Romania continues to face a high rate of domestic violence, and women attempting to access justice encounter:
    1. Lack of Institutional Support: Protection orders are sometimes delayed or not enforced effectively.
    2. Revictimization: Female victims are subjected to a judicial process that can re-traumatize them.
    3. Cultural Biases: Judicial institutions, including the police and courts, may exhibit patriarchal or minimizing attitudes toward these cases.
3. Systemic Discrimination and Gender Stereotypes – Women are often perceived through the lens of traditional roles. In court, these stereotypes can affect decisions in divorce, custody, or domestic violence cases. For example, courts may favor maintaining a family even if it places the woman at risk. There is a tendency to question women's competence in economic or administrative disputes.
4. Lack of Information and Legal Education – Many women are unaware of their rights or the mechanisms through which they can access justice. This issue is more pronounced in rural areas, where access to legal information is limited.
5. Problems with the Implementation of Legislation – Although Romania has adopted important laws for the protection of women (e.g., against harassment and domestic violence), their implementation remains problematic due to:
    1. Lack of ongoing training for judges and police officers.
    2. Limited resources for supporting victims (shelters, psychological counseling, specialized lawyers).
6. Limited Access to Justice in Rural Areas – Women in rural areas face additional challenges due to the lack of nearby courts or tribunals and economic dependence on their husbands or families, discouraging them

from initiating legal proceedings.
7. Impact of Insufficient Digitalization – While digitalizing the judicial system could reduce some barriers, many women, particularly in rural or marginalized communities, do not have access to technology or are unfamiliar with digital processes.

Recommendations:

- Strengthening Free Legal Aid: Creating accessible and effective legal counseling mechanisms, including specialized training for legal staff, raising awareness about gender stereotypes, and addressing domestic violence.
- Information Campaigns: Legal education for women, especially in vulnerable communities.
- Expanding Resources for Victims of Violence: More shelters, emergency hotlines, and psychological support.
- Monitoring the Implementation of Existing Legislation: Creating stricter mechanisms to ensure the enforcement of protective measures.

Women in Romania need a justice system that is not only accessible but also equitable, sensitive to their issues, and capable of eliminating systemic biases.

Access to justice for gender-marginalized groups in Romania continues to be marked by numerous challenges that have disproportionately affected these communities. In 2024, these issues remain current and complex, influenced by socio-economic, cultural, and legal factors. Here are some of the main challenges:

1. Systemic Discrimination and Gender Stereotypes
    1. Biased Judgments: Many individuals from marginalized communities, such as women from disadvantaged backgrounds or Roma people, face stereotypes in courts. For instance, victims of domestic or sexual violence often experience skepticism from authorities or the minimization of their experiences.
    2. Lack of Training for Legal Personnel: Judges, lawyers, and prosecutors do not always have adequate training on gender equality and minority rights, perpetuating discriminatory attitudes.
2. Limited Access to Legal and Financial Resources
    1. High Costs of Judicial Fees and Lawyers: The costs associated with judicial fees and legal representation are inaccessible to many people from vulnerable groups, such as rural women or transgender individuals.
    2. Insufficient Legal Assistance: While there are free legal aid programs, they are poorly promoted, underfunded, and do not

meet the specific needs of gender-marginalized individuals.

3. Gender-Based Violence and Inadequate Response from Authorities
    1. Insufficient Protection for Victims: Protection orders are difficult to obtain, and their enforcement is often ineffective. Additionally, support services for victims are scarce, especially in rural areas.
    2. Revictimization: Judicial procedures can be traumatizing for victims of sexual or domestic violence, and many do not report abuse due to fear of stigmatization or retaliation.
4. Language and Cultural Barriers for the Roma Community
    1. Multiple Marginalization: Roma women often face double discrimination – both ethnic and gender-based – in the courts.
    2. Lack of Translation and Counselling: Many people from disadvantaged communities lack access to translators or counselors to help them understand legal proceedings.
5. Lack of Effective Public Policies
    1. Weak Implementation of Existing Legislation: Although Romania has adopted laws to protect the rights of women and minorities, their implementation is often superficial.

Recommendations:

- Combating Discrimination: Implement measures to fight systemic discrimination by providing gender and minority-specific training for legal professionals and raising awareness about the negative impacts of stereotypes.
- Expanding Access to Justice: Create accessible legal aid programs, reduce judicial fees, and ensure that marginalized groups have the resources to navigate the legal system effectively.
- Awareness Campaigns: Promote campaigns to raise awareness about legal rights and encourage reporting abuse. This includes providing education and information for marginalized groups on how to access justice.
- Supporting Organizations: Provide financial and logistical support to NGOs working for the protection of women's rights and marginalized individuals.
- Monitoring and Sanctioning Discrimination: Establish mechanisms to monitor the application of anti-discrimination laws and ensure accountability for discriminatory practices within the justice system.

To achieve true gender equality and protection of the rights of marginalized groups, Romania needs a justice system that is not only accessible but also sensitive to the intersectional nature of discrimination and capable of offering real protection for all.

Follow-up and implementation by state authorities of European

Courts’ judgments

The implementation of rulings issued by the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) remains a fundamental test for upholding the rule of law and for Romania's commitments as a member of both the Council of Europe and the European Union. In 2024, challenges related to the monitoring and enforcement of these decisions continued to persist, highlighting the need for structural reforms and a firm commitment from the authorities.

Romania continues to face significant difficulties in implementing the rulings of the European Court of Human Rights (ECtHR), a situation highlighted in the reports of the Committee of Ministers of the Council of Europe. At the beginning of 2024, several important cases remained unexecuted, including:

- Cases concerning the poor conditions in prisons, which highlights the issue of overcrowding and the degrading treatment of detainees.
- Cases concerning the restitution of nationalized properties, where the lack of clear legislation and adequate compensation continues to be a major obstacle.
- Rulings regarding the right to a fair trial and access to justice, which emphasize the deficiencies in the Romanian judicial system.

The failure to implement these decisions carries serious risks, including an increase in the number of complaints to the ECtHR and substantial financial losses for the Romanian state in the form of compensation awarded to claimants.

Regarding the Court of Justice of the European Union (CJEU), Romania has faced difficulties in applying European Union legislation uniformly, especially in the following areas:

- Environmental Protection: Rulings on air pollution and waste management remain partially implemented, with local authorities often unable to meet the standards set by the EU;
- Public Procurement: Issues of transparency and fairness in public tenders have led to repeated sanctions from the European Commission (Law No. 98/2016 on public procurement, which transposed Directive 2014/24/EU);
- Workers' Rights: The implementation of decisions related to labor mobility and the rights of cross-border workers has often been incomplete.

Furthermore, the failure to properly transpose and apply European directives has led to infringement procedures against Romania, as well as risks of financial sanctions.

Follow-up on the recommendations concerning justice systems

There has been some progress in completing the process initiated to take into account the recommendations issued by the Venice Commission on the Justice Laws. Also, could be noted some progress on ensuring adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system. Lastly, it can be noticed that addressing corruption offences is now taking into account the EU standards in the matter.

In 2024, Romania made progress in strengthening the rule of law through the implementation of reforms aimed at reducing political pressures on magistrates. For example, the Section for the Investigation of Crimes in the Justice System (SIIJ), which was dissolved in 2022, had been a sensitive issue in public and political debates. Currently, more transparent mechanisms have been implemented for investigating magistrates, in line with European standards. As a result, the Section for the Investigation of Crimes in the Justice System (SIIJ) has become an operational structure within the Prosecutor's Office attached to the High Court of Cassation and Justice, with exclusive jurisdiction to conduct criminal investigations for offences committed by judges and prosecutors, including military judges and prosecutors, as well as those who are members of the Superior Council of Magistracy. Additionally, the Section for the Investigation of Crimes in the Justice System retains its jurisdiction for criminal investigations even in cases where other individuals, alongside the aforementioned persons, are under investigation.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- Enhancing the independence of judicial institutions through targeted reforms.
- Reducing the length of national judicial proceedings;
- Judges should receive training in communicating with individuals with intellectual or psychosocial disabilities and procedural adaptations should be ensured for this category of people;
- A legislative framework regarding judicial intermediaries. This would ensure effective access to justice for persons with disabilities. The courtroom/hearing environment can generate a state of fear and discomfort for disabled litigants. It is necessary the intervention of a person who ensures that the individuals with disabilities understand the context they are in, their rights and the inquiries from the judicial bodies.

Romania 2025

Information from: The Romanian Institute for Human Rights (RIHR)

Media freedom, pluralism and safety of journalists

Media freedom continues to be in decline (according to the 2022 World Press Freedom Index published by Reporters Without Borders (RSF), Romanian media freedom dropped down eight spots from 2021 when it ranked 48th).

One particular issue of concern with the media is financing coming from political parties. The situation has not changed since the last reporting

NHRI’s recommendation to national and regional authorities

NHRI’s recommendation to national and regional authorities

- Strengthening the mechanisms for the independence of editorial and media independence.

Romania 2025

Information from: The Romanian Institute for Human Rights (RIHR)

Other challenges to the rule of law and human rights

- Legislative Overreach: The continued use of emergency ordinances undermines parliamentary oversight and public trust in the legislative process.
- Transparency Deficits: Persistent barriers to accessing information and

limited stakeholder engagement hinder accountability.
- Judicial Vulnerabilities: Political interference in the judiciary remains a concern, highlighting the need for stronger safeguards.

Recommendations concerning other areas of the rule of law

During the previous year, Romania advanced rule of law reforms to reduce political pressure on magistrates. Following the 2022 dissolution of the Section for the Investigation of Crimes in the Justice System (SIIJ), new transparent mechanisms are now aligned with European standards. The SIIJ operates within the Prosecutor's Office attached to the High Court of Cassation and Justice, handling criminal cases involving judges, prosecutors (including military), and Superior Council of Magistracy members. It retains jurisdiction even when other individuals are involved in investigations.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- Revising Law No. 52/2003 to extend public consultation periods for complex legislation;
- Strengthening enforcement mechanisms under the new Administrative Procedure Code.

Slovakia 2025

Information from: Slovak National Centre for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Slovak National Human Rights Centre (the Slovak NHRI) was accredited with B-status in March 2014. On that occasion, the SCA noted that the NHRI has a clear mandate to promote and protect human rights, but with an emphasis on equality and discrimination. Acknowledging that the NHRI interprets its

mandate broadly to encompass all rights, the SCA encouraged the Centre to advocate for legislative changes giving them the power to: submit opinions, recommendations, proposals and reports on any human rights matter to the Government; promote and ensure harmonisation of national legislation, regulations and practices with international human rights instruments to which Slovakia is a party; create awareness of human rights norms through teaching, research and addressing public opinion; encourage ratification or access to international human rights instruments; and effectively investigate complaints of human rights violations.

The SCA noted that the Administrative Board, one of the two bodies of the SNCHR together with the Executive Director, is made up of members selected by nine separate appointing authorities, each of which can define its own selection criteria. The SCA encouraged the Centre to advocate for the formalisation of a clear, transparent, and participatory selection and appointment process of decision-making body, in relevant laws, regulations or binding administrative guidelines.

Further, the SCA took the view that the arrangements for the appointment of members did not ensure pluralism in the composition of the Administrative Board. It encouraged the Centre to ensure that its membership and staff are representative of the diverse segments of society. Additionally, the SCA pointed out that the enabling legislation of the NHRI does not explicitly include provisions to protect the members from legal liability for the actions undertaken and decisions made in good faith in their official capacity.

Moreover, the SCA noted, that according to the enabling law, membership of the Administrative Board can be terminated by recall of the appointing authority. The SCA emphasized that dismissal should not be solely dependent on the discretion of appointing authorities. It encouraged the Centre to advocate for the formalisation of a dismissal process in which: dismissal is made in strict conformity with all procedural and substantive requirements prescribed by law; grounds for dismissal are clearly defined and appropriately confined only to actions adversely impacting the members' capacity to fulfil their mandate; and where appropriate, the legislation should specify the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Slovak NHRI does not have any updates to report on follow up to SCA or European actors' recommendations or since ENNHRI's 2024 Report.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the institution has not changed since January 2024. Furthermore, the institution's mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals or awareness-raising has not been strengthened since 2022. The NHRI's regulatory framework should be strengthened in line with the Centre's recommendations made in the 2024 Rule of Law Report.

NHRI enabling and safe space

NHRI enabling and safe space

The relevant state authorities have good awareness of the NHRI's mandate, independence and role.

Lack of access to information

The Slovak NHRI does not have adequate access to information and to policy makers and is not it involved in all stages of legislation and policy making with human rights implications.

As reported in ENNHRI's previous Rule of Law reports, in order to be able to effectively monitor compliance of national laws and policies with human rights obligations, the Slovak National Centre for Human Rights (hereafter the "Centre") considers it crucial to be granted a status of obligatory commenting body to legislative proposals as part of a broader mandate to submit opinions, comments and recommendations on both legislative and non-legislative initiatives to relevant authorities.

Lack of resources

The NHRI does not have adequate resources to carry out the full breath of its mandate. Since 2022, the Centre´s budget has been gradually increased to address the staffing needs and increased activities. However, the Centre performs tasks according to various national strategies and action plans without any additional adequate financial resources.

Responses to NHRI recommendations

There have been no state measures put in place to ensure timely and reasoned

responses to NHRI recommendations. Overall, the follow up of the state authorities to the NHRI recommendations has been insufficient.

Immunity

The leadership and staff of the institution do not enjoy functional immunity. There are no specific or targeted measures in place to protect and support the NHRI, its director or staff against threats and harassment.

Threats

The institution has not faced threats since 2022.

As reported in the Centre´s 2024 Rule of Law Report, apart from some negative and hateful comments on social media under the posts of the Centre reflecting its work on LGBTI+ rights and gender equality, the Centre faced negative reactions to flags displayed in the windows of its premises to support the most vulnerable groups of the society (rainbow flag, trans flag, Roma flag, Ukrainian flag and flag for Orange the World campaign). It received complaints from several individuals requesting the flags to be removed especially with regards to the Ukrainian flag and the rainbow flag. to flags displayed in the windows of its premises to support the most vulnerable groups of the society (rainbow flag, trans flag, Roma flag, Ukrainian flag and flag for Orange the World campaign). It received complaints from several individuals requesting the flags to be removed especially with regards to the Ukrainian flag and the rainbow flag.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities
The following recommendations have been continuously made by the NHRI and are still relevant:

- To the Ministry of Justice of the Slovak Republic to enhance its efforts to increase full compliance of the Centre with the Paris Principles and ensure effective participation of the Centre in discussions on the possible legislative amendments of its legal and institutional framework, including on the Establishment of the Slovak National Centre for Human Rights.
- To the Ministry of Justice of the Slovak Republic to enhance the independence and effectiveness of the Centre by placing more emphasis on the general obligation of relevant entities to cooperate with the Centre in all areas of its mandate, including an explicit mandate of the Centre to request response from the relevant state entities to the Centre’s opinions and recommendations and a mandate of a mandatory commenting body to legislative proposals ensuring review of their impact on human rights and equality.

- To the Government of the Slovak Republic and the Ministry of Justice of the Slovak Republic in particular, to ensure the effective transposition of the directives on standards for equality bodies at the national level in order to strengthen the mandate, independence and effectiveness of the Centre as a national equality body as well.

Slovakia 2025

Information from: Slovak National Centre for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and human rights defenders

Laws and measures negatively impacting civil society and human rights defenders

The institution's human rights monitoring and reporting has found evidence of laws, policies and/or state measures that negatively impact on freedom of association, on freedom of assembly and on freedom of expression. Along with creating barriers in access to information and law and policymaking processes and limiting access to funding – including from foreign sources.

Transparency of NGOs funding

In March 2024, a group of MPs submitted an amendment to the Act on non-profit organizations (hereinafter the "NGO Act"). According to its explanatory memorandum, the bill aims to "increase transparency of funding of non-governmental non-profit organisations (hereinafter as "NGO"), which is a key element for strengthening public trust in NGOs" and "strengthens the protection of society against money laundering and financing of terrorism". The NGO Act includes an obligation of all NGOs (non-profit organization, foundation, noninvestment fund, association and organisations with an international element) that receive financial or other material benefits, exceeding EUR 5 000 for a calendar year, from a foreign natural or legal person, to register as an "organisation with foreign support" and to indicate this designation in all acts in the course of their operations. If an NGO fails to fulfil its obligation to notify the registry office that it meets the conditions for designation as an "organisation with foreign support", after being requested to fulfil this obligation, a fine of up to EUR 5 000 can be imposed on such organisation.

In addition, the bill requires all NGOs to disclose in their annual report the donors, if the amount of donations from the same donor exceeds EUR 5 000, in

the minimum scope of the name, surname and nationality, if it is a natural person, if it is a natural person - entrepreneur, also the business name and identification number, and if it is a legal person, the name or business name, identification number and the address of the registered office of the person who provided the donations or funds and the amount of the donations or the funds.

For nonpayment of a fine imposed for not registering as an “organisation with foreign support”, the NGO Act introduces the possibility to petition the court to dissolve a non-profit organization, foundation or noninvestment fund or to dissolve an association or an organisation with an international element directly by a decision of the Ministry of Interior. Associations and organisations with an international element may also be dissolved directly by the Ministry of Interior for failure to deposit the annual report in the registry of financial statements (a detailed analysis of the bill by the NGO VIA IURIS can be found here). The Centre considers the NGO Act discriminatory and restrictive. Labelling certain organisations might negatively impact their functioning. The adoption of the law would disproportionately interfere with fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic and EU law.

The NGO Act was adopted by the parliament in its first reading and is scheduled for a second reading in March 2025. After widespread criticism and due to a potential breach of EU law given the law's identity with the Hungarian Law on the Transparency of Organisations that are recipients of foreign aid, an amendment was submitted by an MP that substantially revises the original wording of the amendment. The fundamental change in the amendment concerns the obligation to register as an „organisation with foreign support“ that is to be replaced by an obligation to register for „lobbying“ activities. Lobbying, according to the amendment, is to be understood as repeated direct or indirect influence on the decision-making of public officials and leading employees in the public sphere.

According to the amendment, only NGOs would be required to register to carry out such “lobbying” and to draw up an annual report with an overview of the income, expenses and persons who have contributed to the NGOs activities. Failure to comply with these obligations carries the risk of fines of EUR 1 000, EUR 10 000 and, for the third time, the dissolution of the organisation. In addition, NGOs would have to notify the person being lobbied that their activities involve lobbying and publish quarterly reports on the lobbying carried out with a fine of up to EUR 1 000 for non-compliance.

The Centre notes that the amendment does not deal with the obligation of registration for lobbyists, such as interest associations or commercial companies, and therefore does not address the risk of influencing public affairs by commercial, professional or personal interests. Furthermore, it does not

address the regulation of gifts to senior public officials, or the regulation of advisory services but only provides for the regulation of NGOs. It therefore does not respond in any way to the recommendations of the Group of States against Corruption (GRECO), to which the proposal also referred in the explanatory memorandum. The amendment to the NGO Act has been withdrawn but is likely to be re-submitted with some changes before the second reading of the draft law.

Excessive use of the accelerated legislative procedure and limitations to freedom of assembly

In June 2024, the parliament adopted the Act on some measures to improve the security in the Slovak Republic (so-called "lex assassination attempt") in an accelerated legislative procedure without a previous participatory process. According to the government, the reason for submitting the draft law was to reflect the security situation in the Slovak Republic after the assassination attempt on Prime Minister, Robert Fico, on 15 May 2024. The Act covers a broad range of topics thus amending several acts including the Act on the Right to Assemble.

It restricts the possible locations where an assembly may take place and introduces new grounds for prohibiting an assembly. The Act introduces a blanket prohibition of assemblies within 50 meters from the permanent residence of the President, a building where the National Council and government regularly meet, the permanent seat of the Constitutional Court of the Slovak Republic, and where such constitutional bodies deliberate or otherwise exercise their functions, and certain other public buildings (assemblies within a radius of 50 meters from the buildings of the National Council or places where it deliberates were already prohibited under the previous legislation).

The Act further introduces new grounds for municipalities to prohibit assemblies - in case the assembly is to be organised in the vicinity of the home of a person whose employment, profession or function is directly connected with the purpose of the assembly; within 50 meters from the permanent seat of general courts or where such courts exercise their functions, if the purpose of the assembly is directly connected to the decision-making of the general court; in case of reasonable apprehension of a clash between the participants in several notified assemblies; in case of reasonable apprehension of interference with the fundamental right to privacy of several persons or with the peaceful enjoyment of the home. In response, the opposition filed a petition for a constitutional review objecting mainly to the restriction of the right to assemble and the accelerated legislative procedure the law was adopted in. In the Centre´s view, any law potentially restricting the right to freedom of assembly as one of the fundamental pillars of democracy must be subject to an in-depth impact assessment and an effective public participatory process, which, in this

case were absent.

Concerns over politicisation and lack of participation of NGOs in EU funds monitoring

In July 2024, the government adopted new rules for selecting members of the monitoring committees for EU funds without public discussion and consultation with the Government Council for Non-Governmental Non-Profit Organisations, as an advisory body of the government. Under the new rules, NGOs would no longer be able to participate in the selection of members of monitoring committees representing civil society. The selection process would be performed exclusively by the Government Plenipotentiary for the Development of Civil Society, raising concerns regarding politicization of the nominations. The Platform for Democracy warned that the new rules are in direct contradiction with the principle of partnership, which clearly states that other sectors - independent of the state - should participate in the preparation and control of EU funds. The Plenipotentiary announced that she had formally relinquished this competence at the session of the Council of the Government for non-governmental non-profit organisations in December, which will be reflected in a resolution defining that the selection of representatives remains in the competence of the Chamber of NGOs and the final agreement will be subsequently reflected in the statutes of the monitoring committees and commissions. The Centre welcomes the decision of the Plenipotentiary to relinquish this competence and stresses the importance of adjusting the statutes of the monitoring committees and commissions as communicated by the respective authorities in line with the principle of partnership, which will be reflected in a resolution defining that the selection of representatives remains in the competence of the Chamber of NGOs and the final agreement will be subsequently reflected in the statutes of the monitoring committees and commissions.

NGOs' limited access to state-supported funding

The Centre is concerned by the decision of some state institutions to limit NGOs access to state-supported funding. In 2024, the Ministry of Environment decided that funding from the Green Education Fund and the Environment Fund in the field of education and training will not be allocated to NGOs, but educational institutions will be supported instead. Although the scheme will still support environmental education, it may threaten projects conducted by NGOs, which possess expert knowledge and are an important part of children's environmental education.

In February 2024, the Ministry of Justice has cancelled the call for applications for grants under the programme "Human Rights 2024", the day before hearing of applicants. Then deputy speaker of the parliament praised the Minister's decision to cancel the subsidy call "for the sunshine NGOs (slniečkarské

mimovládky), which are now screaming hysterically" (in Slovakia, the term "sunshine NGO" is a derogatory term for NGOs that are perceived to be liberal or pro-European typically focusing on promoting human rights, social justice, environmental protection, and advocating for marginalized groups). Later, the Ministry claimed that it had cancelled the call due to alleged manipulation of subsidies and launched an audit into the matter. The call was only re-launched in June.

In 2024, NGOs advocating for LGBTI+ rights have not received funding under state-supported grant schemes as opposed to previous years. The governing coalition party SNS has installed billboards nationwide with a slogan "we stopped financing for LGBTI projects."

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
The institution's human rights monitoring and reporting has found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities such as verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment and intimidation, harassment or violence before, during or after protests; harassment in the form of excessive administrative controls or audits and SLAPPs.

Verbal attacks

Verbal attacks on civil society and HRDs are increasingly becoming part of the public discourse, including political discourse. Consequently, it is the Centre's view that this further incites the general public to target hate towards civil society and HRDs. After consultation with various non-governmental organizations active in Slovakia, the Centre monitored online threats and harassment targeted at their representatives. Commonly used phrases used by public officials and general public to defame CSOs are "freeloaders", "traitors", "Soros people", "agents of foreign power", et cetera. Furthermore, members of an organization involved in holocaust remembrance initiatives were labelled as "servants of Judaism" and "big nosed." Organizations working with LGBTI+ people reported attacks and life threats due to their gender identity. Consulted NGOs reported that such negative discourse also affects private lives of human rights defenders.

Verbal attacks also target individuals involved in environmental protection, including HRDs and civil servants. A former Minister of Environment candidate

and current member of parliament has criticized a former activist and ex-coordinator of the Brown Bear Intervention Team at the State Nature Protection Office. The politician has accused him of terrorism and has incited physical violence against him.

Smear campaigns

Public authorities launched a smear campaign against the Milan Šimečka Foundation, which provides various educational and cultural activities and focuses on persons with migration backgrounds and fights against prejudices. The foundation aims to support the ideas of Milan Šimečka, a Slovak dissident and philosopher, who was also a grandfather of the current opposition leader. The foundation stated not to be aligned with any political party, nor the opposition leader himself. Without submitting any evidence, the coalition representatives accused the opposition leader of tunnelling state money through the foundation. As a result, the organization was a target of harassment, online hate and verbal attacks, including life threats.

Excessive administrative controls of NGOs

The consulted NGOs reported excessive administrative controls on their projects. For instance, in less than a few months, one NGO experienced more than 10 administrative controls that were described as burdensome. Another NGO said that the public authorities threatened them that they will limit the possibilities of conducting their educational activities in schools, which could have devastating consequences for its functioning.

Intimidation attempts

After launching a petition for the resignation of the Minister of Culture, which gained over 180,000 signatures, the Ministry took legal action against its organizers. Firstly, the police stated that there was no reason to start criminal prosecution regarding this case. However, after the Ministry of Culture lodged a complaint, the organizer of the petition and a member of the platform “Open Culture”, which advocates for better conditions in the cultural sector, was summoned to the police. The platform "Open Culture" claimed that the Ministry of Culture's complaint was seen as an attempt to intimidate its critics.

Physical threats and attacks

The police uncovered a planned attack on Bratislava Pride 2024. An extremist group involving people from different countries communicated about the attack on Telegram. Suspicious persons were arrested and subsequently, the security of the Pride was enhanced.

Gender aspects of verbal attacks

When consulting the selected NGOs, their representatives stated that the

attacks are verbal and mostly targeted at their organizations, not personally. However, if such personal attacks happen, they could have a gendered undertone, for example in the usage of gendered curse words. As noted above, LGBTI+ organization face attacks due to their gender identity.

Initiatives, frameworks, or policies for the protection of human rights defenders do not exist at the national level with regards to specifically protecting the rights of human rights defenders, or any specific protection mechanisms for civil society and/or human rights defenders, f. ex. emergency response systems, safe houses or legal aid. Specific strategies to protect human rights defenders and/or inclusion of human rights defenders in human rights action plans are not in place either.

The Centre considers the most important gaps in the lack of long-term, sustainable, transparent, timely and predictable funding for NGOs and HRDs. Moreover, in case of harassment, including legal against HRDs, there is a lack of accessible legal services.

Activities of NHRIs to support civil society space and human rights defenders

Activities of NHRIs to support civil society space and human rights defenders
Joint meetings and/or roundtables were organised to promote civil society space and human rights defenders in 2024.

2024 Rule of Law Festival

In 2024, the Centre continued to organise a series of public discussions under the joint name “Rule of Law Festival” established in 2023. The aim of the 2024 Rule of Law Festival was to present and discuss main findings of the Centre's Report on the state of Rule of Law in Slovakia. The Festival consisted of five panel discussions on selected topics related to the rule of law in Slovakia including its impact on human rights protection. The discussions usually involved three-four expert guests and covered the topics of legal certainty and human rights, minorities and rule of law, media freedom and protection of journalists, and shrinking space for civil society. Prior to each discussion, a presentation took place on the relation between the rule of law and the Charter of Fundamental rights of the EU, or a presentation of the work of the Centre related to the discussed topic.

"Human rights in the media" research report

The Centre published a research report “Human rights in the media”, which monitored media discourse on human rights, with an emphasis on tracking population groups with which human rights are associated, groups that are

excluded from media discourse about human rights, and media portrayals of human rights defenders. The results of the monitoring suggest that human rights defenders were more frequently mentioned in Slovak media discourse in foreign news contexts than in Slovak ones. At the same time, they were much more often mentioned as sources of information and data than as the subject of media interest in their work and the challenges they face. The results of the monitoring pointed to significant room for improvement in the media portrayal of human rights issues. Some population groups drop out of this discourse, which may result in a lack of public awareness of the existence of their human rights or a reduced sensitivity to violations of these rights.

Presentation during UPR pre-session meeting

In February 2024, a representative of the Centre attended the pre-session meeting on the implementation of international human rights obligations under the 4th cycle of the Universal Periodic Review (UPR) of the Slovak Republic at the United Nations in Geneva. During the pre-session, the Centre had the opportunity to present its position on the fulfilment of human rights in Slovakia, focusing on the rights of LGBTI+ people, media freedom and safety of journalists, as well as a space for human rights defenders, in particular the shrinking democratic space for civil society and human rights defenders, including fragmented regulation and insufficient funding.

Dissemination of NHRI Rule of Law report on Slovakia

In September, the Centre organised an information session and presentation of the Centre's Report on the State of Rule of Law in Slovakia 2024 for representatives of embassies accredited to Slovakia. The aim of the meeting was to provide information and discuss current challenges in the field of rule of law and its impact on the protection and promotion of human rights in Slovakia and to highlight difficulties civil society organisations and human rights defenders face.

In 2024, the NHRI protected civil society space and human rights defenders by (1) monitoring, (2) issuing recommendations and opinions, and organising (3) capacity-building activities.

Monitoring of legislative initiatives

In 2024, the Centre continued to monitor legislative initiatives potentially impacting human rights and the principle of equal treatment and the rule of law. In contradiction to the legislative rules of the government, the government tabled significant pieces of legislation in several cases without subjecting them to the public consultation procedure that ensures public discussion and participation of civil society and general public including the Centre. Despite not being able to submit its own comments and reservations to such draft laws, the Centre has taken action in cases of legislation substantially interfering with

human rights. In April 2024, the Centre voiced its concerns about the NGO Act and in a letter, called on all MPs not to support the draft law. The Centre pointed out that the wording of the NGO Act is even stricter than the Hungarian Law on the Transparency of Organisations that had to be repealed following the CJEUs judgment, and therefore, its adoption could result in a breach of EU law. In the letter, the Centre also drew attention to the serious shortcomings of the legislative process and pointed out that the proposal may cause mistrust, fear and hostility towards certain organisations and carries the risk of stigmatisation and discreditation, which may make their functioning and activities excessively difficult.

With regard to the so-called lex assassination attempt, the Centre requested the Democratic Institutions and Human Rights (ODIHR) to review the draft law with specific focus on the right to freedom of assembly. In response, ODIHR prepared an Urgent Interim Opinion focusing on the most concerning provisions relating to the right to freedom of peaceful assembly. According to the Opinion, the proposed amendments relating to the right to freedom of peaceful assembly present serious deficiencies in terms of compliance with international human rights standards and OSCE human dimension commitments.

After a wave of dismissals of experts from the sector of environmental protection governed by the Ministry of Environment (see chapter V), the Centre coordinated a closed meeting between the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, and environmental defenders in Bratislava, where the Centre has informed the delegation about the mass dismissal of civil servants including senior experts. During the visit, the Centre invited the environmental defenders to share their cases with the office of the special rapporteur in order to assess the possibility of providing cooperation within the mandate of the special rapporteur.

Capacity building workshop and meetings

Prior to submission of the Centre´s report to the UN Committee on the Rights of the Child for its 98th session, the Centre organized a capacity building workshop for NGOs on their possibilities to participate in the reporting process. Consequently, the Centre organised meetings with several NGOs to discuss what challenges they face or observe in the implementation of the Convention on the Rights of the Child.

In 2024, The Centre has signed a Cooperation Agreement with the NGO Iniciatíva Inakosť (Initiative Diversity) in order to enhance and support inclusion and advocacy for LGBTI+ rights in Slovakia. The Centre has co-organised with the Central European Labour Studies Institute and Friedrich-Ebert-Stiftung a workshop on sexual harassment on how to effectively prevent and investigate sexual harassment and how to promote better policies to protect the dignity of employees. Representatives of the Centre presented the

Centre´s key role in preventing and addressing sexual harassment in the workplace. The workshop was organised as part of the 16 Days of Activism Against Gender-based Violence campaign for researchers, unions and other civil society actors.

Advocacy

In connection with the adopted Act on Nature and Landscape Protection that significantly working in the field of environmental protection, the Centre sent a letter to the President requesting him to veto and return the amendment to the parliament for consideration. The Centre raised concerns about the provisions, under which NGOs can only apply for the status of an interested party and not a party to administrative proceedings. This step fundamentally limits their possibilities to defend the interests of environmental protection, to challenge decisions of administrative authorities or to lodge an appeal. Nevertheless, the amendment was signed by the President.

When necessary, the Centre communicates with the Office of the Commissioner for Human Rights of the Council of Europe on issues affecting civil society in Slovakia, including ongoing legal changes. The Centre has been actively engaging in the UN Universal Periodic Review mechanism including follow-up on recommendations addressed to Slovakia.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. To the Government of the Slovak Republic to refrain from online and offline harassment including verbal attacks and threats against non-governmental organisations and human rights defenders that causes their stigmatisation and discreditation.
2. Investigate harassment and intimidation, threats, violence against non-governmental organisations and human rights defenders and other restrictions of rights, including from politicians, and guarantee that they can carry out their activities in safe conditions.
3. To ensure long-term, sustainable, transparent, timely and predictable funding for non-governmental organisations and human rights defenders.
4. For European actors to create specific funding opportunities for countries at risk of rule of law, democracy and human rights backsliding.

Slovakia 2025

Information from: Slovak National Centre for Human Rights

Functioning of justice systems

The NHRI has found significant challenges affecting access to justice and/or effective judicial protection in terms of independence and impartiality of judiciary.

Independence and impartiality of judiciary

The Centre remains concerned over the legislation regulating the process of dismissal of members of the Judicial Council, under which members can be dismissed by their appointing authority at any time before the end of their term and such dismissal does not need to be founded on specific criteria prescribed by law. In 2024, both the parliament and the President dismissed two-two members appointed by the previous parliament and the previous President, while the new government had already dismissed the three members in 2023 appointed by the previous government. Despite the European Commission´s recommendation to ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards dismissal, there has not been any legislative amendment introduced or other significant development in 2024.

In August, the Minister of Justice issued a decision to file an extraordinary appeal and release former prosecutor Dusan Kovacik from prison until the Supreme Court issues a verdict on the minister's appeal. Representatives of the government claimed for years that Mr. Kovacik, who was convicted in several cases of corruption, is a victim of a political process. Extraordinary appeal of the Minister of Justice is normally issued in cases of reasonable doubts that a judicial error has occurred, however it is not normally accompanied by a prison release, as except in extraordinary circumstances, the decision to postpone or interrupt a sentence should remain with the court. In this case, however, the minister's appeal aims to revert the verdict of the courts. The Centre views the minister's decision to order Mr. Kovacik's release as undermining the authority of the judicial system which has found Mr. Kovacik guilty in two separate corruption cases, as well as undermining the rule of law by using this extraordinary prerogative to help a person with close ties to the government.

The Centre perceives an increase in verbal attacks of several government officials against judges. After the Constitutional Court temporarily suspended the effectiveness of the highly criticized amendment to the Criminal Codes,

adopted without a participatory process, introducing large-scale changes in the Slovak criminal system, the Prime Minister announced that if he had the power to remove the President of the Constitutional Court, he would remove him and called for his resignation. He reacted so to the fact that the court's decision had been leaked to the public before its promulgation. In its statement, the Constitutional Court noted that the unprecedented statements of public officials call into question the independence and impartiality of the Constitutional Court and its judges.

Throughout 2024, judges faced verbal attacks from the Prime Minister and other public officials in numerous other instances that have been highlighted by the association For Open Justice as well, including threats of disciplinary action, criticism of certain custodial decisions, questioning the electronic allocation of files, or requests by the Minister of Justice to hand over files from the Supreme Court and the Specialized Criminal Court.

Access to justice for women or marginalised gender groups

In its 2024 Rule of Law Report, the Centre reported on two unsuccessful legislative initiatives introduced in 2023 on financial compensation for women sterilized in violation of the law. In 2024, another draft law was tabled by MPs, however, it has not even passed the first reading in the parliament. The Centre considers alarming that the current national framework does not allow affected women to obtain effective redress, and there has been no progress in establishing a national framework providing for an effective and accessible compensation for women sterilised in violation of the law. After his country visit in 2024, the Commissioner for Human rights of the Council of Europe has stressed the need to set up an accessible and effective compensation mechanism for Roma women who were forcibly sterilised and continue to suffer the physical, mental and social impact of these acts. These challenges have long been highlighted by the Centre and were also the subject of a joint meeting with the Commissioner. According to the Plan of legislative tasks of the government for 2025, the Ministry of Justice will be responsible for the adoption of a law on a one-off financial compensation for persons sterilised in violation of law in December 2025.

Follow-up and implementation by state authorities of European Courts' judgments

As of 22 January 2025, a total of 657 judgments of the European Court of Human Rights ("ECtHR") concerning Slovakia were transmitted to the Committee of Ministers for supervision of their execution, of which 27 were delivered in 2024. Currently, there are 593 cases closed and 64 still pending. Out of the pending cases, 29 were identified as leading cases, 32 as repetitive cases, 8 are dealt with via friendly settlement. Out of the 29 pending cases identified as leading, the following 5 cases are under enhanced supervision of

the Committee of Ministers of the Council of Europe.

In the case of R.R. and R.D. v Slovakia and P.H. v Slovakia, the national authorities provided four updated information throughout 2024. In June 2024, the authorities reported that the R.R. and R.D. case has been opened for new investigation on several offences, including torture and alleged racist motives in planning of the police operation. The General Prosecutor´s Office decided that no further individual measures will be possible in the case of P.H. due to prescription. Latest examination was carried out by the Committee of Ministers in September 2024 inviting the authorities to take additional general measures related to investigation of ill-treatment and training.

In the case Maslak (no. 2) v. Slovakia, the ECtHR´s Department of the Execution of Judgments sent comments on the action plan published by the national authorities on January 19, 2024. The updated action plan was submitted by the national authorities on April 15, 2024. This version is currently under assessment.

The Committee of Ministers examined the case of Zoltán Varga v. Slovakia in March 2024 and put forward several decisions on individual and general measures that are yet to be taken. The national authorities submitted to the Court three addendums to the Action Plan in 2024. As a result of the re-opening of the case by the Constitutional Court of the Slovak Republic, the Constitutional Court ordered the destruction of the recordings obtained by the Slovak Intelligence Service violating the rights of the applicant. The recordings were subsequently destroyed in 2024.

In 2024 the case Plechlo v. Slovakia was added to the list of cases under enhanced supervision. The judgment found a similar lack of safeguards against abuse by the implementation of a secret surveillance warrant in the context of criminal proceedings as in the previous case Zoltán Varga v. Slovakia. The Court currently awaits the action plan from the national authorities.

In 2024, the Court of Justice of the European Union announced three judgments addressing Slovakia's failure to fulfil its obligations under EU law. Additionally, one lawsuit was filed with the Court against Slovakia. There were 9 requests for a preliminary rulings submitted to the Court of Justice of the European Union.

In terms of supporting implementation of the European Courts' judgments, the NHRI has engaged with courts, raised awareness with the general public, participated in human rights education and referred to judgments of European Courts in the reports and recommendations to state authorities.

Indeed, the Centre points out various ECtHR case-law in its reports and recommendations to support human rights-based arguments. In the 2024 Centre's annual report several cases concerning media freedom and freedom of speech were cited.

Furthermore, the Centre, in collaboration with Equinet, submitted its first amicus curiae brief to the ECtHR regarding case no. 29359/22 Salay v. Slovakia. In the observations, arguments concerning the overrepresentation of Roma children in “special schools” were presented and demanded these practices be ended.

As part of its awareness raising initiatives, the Centre organized a Rule of Law Festival—a series of discussions with various experts. One of the events included a discussion on the challenges with preliminary proceedings in Slovakia.

As part of its human rights education activities, the Centre incorporated cases related to ECtHR judgments, including the notable case of Verein KlimaSeniorinnen Schweiz v. Switzerland, into the Human Rights Olympics tests organized in schools across Slovakia. This education has been mainly focused on high school pupils and teachers.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. To the Government of the Slovak Republic to adopt necessary measures in order to ensure that the Judicial Council can serve as an independent self-regulating body of the judiciary, free from political influence, elected by the judiciary with guaranteed long-term mandates.
2. To the government to review the system of continuous education of judges as provided by the Judicial Academy to allow for regular and mandatory trainings on developments in law, including human-rights law and approach in dealing with sensitive cases involving human rights issues, such as cases of domestic violence, sexual violence, care for children and persons with disabilities. Such trainings could be made mandatory by making them a prerequisite for career advancements within the system of the judiciary.

Slovakia 2025

Information from: Slovak National Centre for Human Rights

Media freedom, pluralism and safety of

journalists

Based on the Centre's human rights monitoring and reporting, a decline in media independence and media pluralism has been detected. There have also been challenges reported in terms of independence and effectiveness of media regulatory bodies, misinformation and/ or disinformation, access to public interest information/documents and harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs).

Independence of the public service broadcaster

In 2024, the public broadcaster RTVS was dissolved by the Act on Slovak Television and Radio in July. The NHRI protested during the public consultation procedure on grounds of protection of the freedom of media as well as several EU legal instruments to no effect. The new Act established a new institution named Slovak Television and Radio (STVR). This change has entailed, among others, the automatic dismissal of the Board of RTVS. The move was widely viewed as simply a tool to take over the Board and the Director's position by the government, as the Director's term would otherwise expire in 2027 and leader of the governing coalition party SNS has stated in the past that the public broadcaster should function as a "state television". As such, these changes have raised serious concerns about the independence of the public service broadcaster. Subsequently, the coalition parties were not able to agree on election of the new members of the Board who would then appoint the new Director. As such, the public broadcaster is as of January 2025 led by a temporary appointee of the Vice-Chair of the Parliament. Furthermore, the public broadcaster has an interim budget as the budget of the broadcaster also requires approval of the Board.

Censorship in political debate shows

In private media, government representatives refused to take part in several political debates especially in cases where they believed they would not be viewed favourably by the host or the medium itself. This culminated in May with the political debate show on mainstream TV Markiza, whose host at the end of one of his shows used the live broadcast to voice his concerns over political influence at the television and attempts at censorship. He was subsequently dismissed without union consent and the political debate show was temporarily cancelled.

Increased threats and harassment of journalists

Slovak journalists continue to face threats and harassment, including physical attacks. A survey conducted in 2023 by the Investigative Centre of Ján Kuciak reported that 66.2% of Slovak journalists experienced an attack or threats in

the past 12 months (while 4% experienced physical attack) and 47% think the number of incidents has increased over the last 5 years. According to the survey, 33,3% of Slovak journalists think the intensity of verbal attacks by politicians has increased. The offence of defamation is also frequently used to intimidate and bully journalists and the media.

In 2024, European Centre for Press and Media Freedom recorded a record number of incidents in Slovakia compared to previous years.

Further in October, the Head of the Government Office together with the PM's chief advisor came to the Stop Corruption Foundation to film a video about personally confronting a journalist, who wrote an article about discrepancies in financing of a reconstruction project of the Government Office. They then proceeded to publish an edited version of the video online and promoted it, which resulted in the organization as well as the journalist herself receiving threats, including death threats. A far-right conspiracist, who has been spreading damaging and dangerous far-right disinformation, doxing journalists, condoning attacks on media outlets and individual journalists, as well as harassing several prominent female journalists for years was until January 2025 in the United Kingdom, awaiting a decision from the appeals court regarding his extradition to Slovakia. During this prolonged period, he has been continuously targeting Slovak journalists, especially women. His Telegram channel has become the most popular Slovak-language account on the platform. Further concerns are being raised by the fact that several members of the government ruling party SMER have appeared in interviews with him.

In December 2024, Bratislava IV District Court issued a controversial preliminary injunction prohibiting the online daily Denník N from referring to him as an "extremist, neo-Nazi, or antisemite" until criminal proceedings against him are concluded on the grounds of presumption of innocence. The ruling raised concerns as such "labels" are not normally considered exclusive to persons found guilty of crimes of extremism covered by the Slovak Criminal Code. His legal representation was provided by the advisor to both the Prime Minister and to the Minister of Justice. A similar lawsuit targeting another daily SME was subsequently successfully withdrawn, despite the fact that the daily SME requested the court to hear the case to be able to challenge this line of legal precedent.

Independence and effectiveness of media regulatory bodies

Independent Council for Media Services in charge of media oversight as well as oversight of self-regulatory bodies of media, has come under threat in March when the leader of coalition party SNS announced legislative changes that would transform the Council into a government agency. As of January 2025, the government has not yet issued a proposal to that effect.

"Alternative" media outlets supported by the government

As mentioned in last year's report, the government has ceased communication with several mainstream media viewed as critical. Instead, representatives of the government have been increasingly engaging and promoting "alternative" media outlets known for spreading disinformation or misinformation. Several members of cabinet, parliamentarians and government appointees are former employees of such media, most famously Minister of Culture, who continues to appear on the online TV Slovan, known for spreading disinformation, together with her former co-host and current government plenipotentiary for reviewing the process of governance and resource management during the COVID-19 pandemic, who also owns the outlet.

Proposed legislative changes in terms of media freedom

In October, the government approved a parliamentary proposal to amend the Act on publications which sought to establish a new form of the right of correction or reply for print media and news outlets, which would levy heavy fines up to EUR 15 000 for failure to comply. As of January 2025, this proposal is pending approval of the Parliament.

In December 2024, the Parliament broke the veto of the President and passed an amendment to the Freedom of Information Act. Apart from longer deadlines for public institutions to provide information (from 8 to 12 days), the amendment provides for the option to charge additional fees for providing the information. Previously information was provided free of charge, but the institutions could request a fee to cover costs of necessary copies, technical media or the cost of sending the information to the applicant. Under the new law, further reimbursement of costs may be requested in cases of "extensively excessive" search for information. These changes may lead to arbitrary interpretations and create financial barriers to exercising the right to information and as such the Public Defender of Rights has announced he will use his prerogative and file a petition before the Constitutional Court.

Legal actions against journalists and news outlets

In August, the Prime Minister sued the editor-in-chief of the online news outlet Aktuality.sk and a publisher over a book Fico – Posadnutý Mocou ("Obsessed with Power"). The Prime Minister objected to the use of his photograph on the cover of the book and demanded an apology from both parties, as well as EUR 100,000 from each of them as compensation for non-material damage. The lawsuit did not question the content of the book itself but objected to the use of the photograph.

Further in August, Slovak national cultural organisation Matica Slovenská had initiated a criminal complaint against the author of the investigative show 'Cez čiaru' for alleged defamation. In the show produced by the Stop the Corruption Foundation and published by Daily SME, its author, connected Matica Slovenská with the Russian secret service. Matica Slovenská signed a

memorandum of cooperation with the State Russian Historical Society, whose chairman is the head of the Russian secret service, Sergei Naryshkin. This was also confirmed by Matica Slovenská itself, which claimed it did not file a criminal complaint. Police however launched a preliminary investigation, including questioning the author of the show.

Threats against women journalists

The Centre observed that women journalists are disproportionally affected by harassment and threats, especially online. According to the European Centre for Press and Media Freedom, in 2024, 17 incidents against women journalists were recorded, 6 of which were gender-based, as opposed to 12 incidents against men journalists.

Follow-up on the recommendations issued by European actors

No measures were identified by the NHRI, on the contrary, the Platform for the Support of Press Freedom and the Protection of Journalists established in 2023 and highlighted in the 2024 Rule of Law Report has already ceased activity in autumn 2024 after the government plenipotentiary for civil society nominated a representative from a disinformation media to the platform various members refused to continue working with the platform.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. To the Government of the Slovak Republic to restore and provide for immediate legal safeguards for the independence and editorial autonomy of the public broadcaster.
2. To the Government of the Slovak Republic and all its representatives to refrain from any personal attacks on members of the media, including direct verbal harassment and indirect incitement of hatred online. We call on the Government of the Slovak Republic to adopt a Code of Conduct for members of the cabinet as well as parliamentarians and heads of government agencies, which would among other issues of ethics in public office, provide for clear rules of conduct for public as well as personal use of social media, while holding a public office.
3. To the Government of the Slovak Republic to set up an independent office with sufficient resources, tasked with debunking viral online hoaxes and disinformation, in order to ensure that the right to access objective information and facts is being guaranteed within a pluralistic media environment.

Slovakia 2025

Information from: Slovak National Centre for Human Rights

Other challenges to the rule of law and human rights

Abolishment of Special Prosecutor's Office

In March 2024, the Special Prosecutor's Office (hereinafter as „SPO") was abolished. SPO together with the Special Criminal Court was, for the past 20 years, in charge of prosecuting high-profile corruption cases, organized crime, financial criminality, extremism (hate crime) and terrorism. As a result of the abolishment, its cases were redistributed to different prosecutors within the structure of the General Prosecution, which in the view of the NHRI, side-lined the original point of establishing the SPO, which was to allow for specialized experts, trained and experienced, to prosecute these challenging cases. From the human rights perspective, this was especially crucial for cases of hate crime, which require training and sensitivity to deal with. Further, the SPO's independence from the General Prosecutor's Office was to ensure its ability to cover high profile corruption cases. While the NHRI accepts the government's discretion to decide on the structure of state prosecution, it finds that the decision to abolish the SPO without ensuring that its prosecutors remain in charge of the cases they covered before the dissolution of SPO and without providing for a period that would allow for specialized training of any new prosecutors that had to be assigned to SPO's files in cases of resignations, creates a regrettable backsliding in already slow efforts of Slovak governments to efficiently combat hate crime and high profile corruption.

Abolishment and replacement of the National Criminal Agency

In September, the National Criminal Agency (NAKA) was abolished and replaced with a new Office to Combat Organized Crime. The National Criminal Agency had been a unit of the Police Force since 2012. Its role was to investigate particularly serious cases, especially those prosecuted by the SPO and the Special Criminal Court. It also included a specialized unit dealing with cases of hate crime.

As both SPO and NAKA were investigating several members of the governing coalition during the past several years, mostly in corruption cases, abolishment of these institutions is viewed by anti-corruption organizations as an act of political revenge, in line with campaign promises made before the 2024 election. This line is further supported by the fact that several police officers

and prosecutors involved in sensitive political cases were transferred to regional offices or dismissed (including those under whistleblower protection) and many are also being investigated on charges of abuse of power .

Changes to Criminal Code

Further, significant changes were made in the Criminal Code, which among elements lowered penalty rates and reduced the statutes of limitation for corruption cases. As a result, several people believed to be linked to the government, as well as members of the ruling parties including the Vice-Chair of Parliament had their corruption charges dropped.

Dissolvement of the Ministry of Justice's analytical centre

The Ministry of Justice published an instruction to dissolve the analytical centre at the Ministry as of August 1, 2024. The information was available only one week before its execution. The Centre was established in 2016 to support data-based decision-making process at the Ministry. For instance, it has monitored court agendas and assessed which courts require additional support. All 26 employees were dismissed from the Ministry.

Dismissal of expert ministerial staff

The dismissal of expert staff from various ministries became a more far-reaching issue in 2024. Several leading employees of cultural institutions in Slovakia were dismissed without any explanation. They were subsequently replaced by individuals lacking relevant experience. Moreover, more than 60 regular employees from the Ministry of Culture have been fired. A similar situation is evident at the Ministry of Environment, where nearly 50 personnel have been dismissed without stating a reason since the start of the current government and replaced with individuals linked to the ruling parties and often lacking relevant qualifications. The selection procedures for these positions are often not transparent prioritising parties' alignment over expertise.

Fast-track legislative procedures threatening legal certainty and limiting public participation

The fast-track legislative procedure is governed by law and may be adopted by the parliament upon request of the government in exceptional cases of a threat to fundamental rights and freedoms, national security or a threat of significant economic damage. According to data analysed by NGO Via Iuris, they usually form around 6 – 12 % of adopted legislation annually (with the exception of COVID-19 pandemic). During the first 6 months of 2024 the parliament adopted almost 60 % of all legislation using this procedure, while giving dubious reasons for taking this step. Fast-track procedure means there is no period for public consultation in which other government agencies, academia, NGOs or

general public may express their views. Under certain conditions, changes may be demanded during public consultation, in which case a series of further consultations in person are held by the responsible ministry.

Among others, sweeping changes of the Criminal Code mentioned above were adopted using this procedure. The initial amendments had to be later changed (for various reasons, including a Constitutional Court judgement mentioned below) and in total the Criminal Code has been amended 7 times during 2024 alone. Large systemic changes in major legal codes of the country without public consultation pose an immense risk to the principle of legal certainty and the rule of law, as well as drastically reduce public participation in the legislative process. Regarding legal certainty for instance, changes made in the Criminal Code regarding statute of limitations for various crimes resulted in uncertainty for law enforcement and courts, as to which criminal proceedings may or may not continue, which was only resolved by a unifying decision of the Supreme Court in November.

In case of the Criminal Code, the apparent lack of statutory grounds for adopting the fast-track legislative procedure led to a petition before the Constitutional Court filed by the parliamentary opposition as well as the president, which further questioned several elements of the legislation. The Constitutional Court in July proclaimed parts of the legislation unconstitutional but also stated that while the government broke the law by clearly lacking any of the grounds envisaged by law for adopting the fast-track procedure, this was not in itself unconstitutional.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

1. To the Government of the Slovak Republic to limit the use of the fast-track legislative procedure strictly to cases of sudden, unpredictable and serious threats to the economy, human rights or security, as envisaged by law, in order to ensure effective public participation in the legislative process and safeguard legal certainty through open, transparent and data-driven legislative process.
2. To the Government of the Slovak republic to restore and provide for safeguards of principles of neutrality, stability and professionality of the civil service as provided by law, to build and preserve expertise, ensure continuity between governments, as well as to foster public trust in institutions.
3. To the Government of the Slovak Republic to present a clear plan to combat corruption following the dissolution of various government

offices and agencies tasked with this objective, as well as present concrete measures and safeguards ensuring that persons or agencies tasked with combating corruption in the future have the necessary degree of autonomy and independence to combat corruption on all levels, including in state institutions.

Slovenia 2025

Information from: The Human Rights Ombudsman of the Republic of Slovenia

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Human Rights Ombudsman of the Republic of Slovenia was re-accredited with A-status in December 2020. Among the recommendations, the SCA encouraged the Slovenian NHRI to advocate for the formalization and application of a selection and appointment process that includes requirements to broadly advertise vacancies, maximise the number of potential candidates from a wide range of societal group and educational qualifications, promote broad consultation and participation, and assess applicants based on pre-determined, objective and publicly available criteria.

The SCA encouraged the Slovenian NHRI to advocate for the funding necessary to effectively carry out the full breadth of its mandate. The SCA also encouraged the NHRI to advocate for appropriate modifications to applicable administrative procedures to ensure that its independence and financial autonomy is guaranteed.

Finally, while the SCA acknowledged that the Slovenian NHRI interprets its mandate broadly and carries out activities encouraging the state to ratify or accede to international human rights instruments, it encouraged the Ombudsman to advocate for legislative amendments to make this mandate explicit.

The GANHRI re-reaccreditation procedure within SCA is expected to take place in 47th Session (20 April – 1 May 2026).

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The recommendations of the SCA of the Global Alliance of National Human Rights Institutions (GANHRI) for Slovenia from December 2020 refer to the procedure for selecting and appointing the Ombudsman and deputies, the financial autonomy of the institution, and competence to encourage ratification or accession to human rights treaties.

Regarding the SCA recommendation on financial independence of the Slovenian NHRI, the recommendation on ensuring requisite safeguards for budgetary autonomy of the independent bodies was formally implemented through the adoption of the Amendments to Public Finance Act in late June 2023 (Official Gazette of the Republic of Slovenia, No. 67/2023), also based on the Constitutional Court Decision (decision No. U-I-474/18 of 10 December 2020, Official Gazette of the Republic of Slovenia, no. 195/2020) and has been respected in the process of the adoption of the budget of the Ombudsman for 2025.

No other legislative changes in response to the SCA recommendations have been adopted to date; however, the Ministry of Justice has initiated procedures to prepare the necessary legislative amendments.

The need for a transparent and merit-based proceedings for the selection and appointment of a new Ombudsperson

While all international and European standards provide the need for a transparency of merit-based proceedings for selecting a new Ombudsperson, who is also the head of the NHRI, the Ombudsman provides herein some comments on the selection procedure. The selection procedure started within the prescribed public call by the President of the Republic in accordance with the Human Rights Ombudsman Act in August 2024. However, after the deadline for the public call, which expired on 14 October 2025, the process proved to be neither transparent nor prompt. The President never disclosed the full list of candidates. According to the news, 14 candidates applied. The President also appointed an expert commission to assess the candidates, which had no legislative basis and its role was therefore not clear. There has been no public awareness about such an internal commission and its assessment nor the exact evaluation criteria were made public and to the knowledge of the Ombudsman, also not to the members of the Parliament during informal consultations. The President did appear to take a more active role in January 2025, when she initiated the first round of a dialogue with representatives of

the Parliamentary groups. She proposed four possible candidates from those who applied within the deadline, however, these negotiations showed that none of them would be able to secure the required two-thirds absolute majority in Parliament. The President maintained that her selection of the four possible candidates was based purely on merit, including candidates' expertise, past experience, commitment to human rights, and energy. It remains unclear, however, why the rest of the candidates that applied, has not met sufficiently the criteria, two former Ombudspersons included, to be consulted with the Parliamentary groups. The President eventually made an informal proposal to the Parliamentary Groups on her own initiative to elect one of the current Deputy Ombudsmen. However, even with this proposal, the required two-thirds absolute majority in Parliament was not secured.

These events confirm that the current legislation gives huge discretionary powers to the President of the Republic to propose a candidate for an Ombudsman to the Parliament, without any specific procedural guarantees or merit-based selection proceedings. The selection of the new Ombudsman is still ongoing in May 2025. So far no candidate has actually been formally proposed to the Parliament for its consideration, while the mandate of the former Ombudsman expired on 24 February 2025.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI changed since January 2024. In March 2025, the Ministry of Justice circulated a (new) draft proposal, in the form of a working document, for Amendments to the Human Rights Ombudsman Act, based on June 2023 draft, which was subject to public consultations by August 2023. The Ombudsman provided feedback on both draft versions via letters formally submitted to the Ministry of Justice. While the Ombudsman had been in a dialogue with the Ministry of Justice aiming to amend the Human Rights Ombudsman Act in line with the UN Paris Principles and SCA’s recommendations as well as the Venice Principles on the protection and promotion of the Ombudsman Institution adopted by the Council of Europe (the Venice Principles), it also expressed its view, in its letter of 25 March 2025, that it would not be legitimate that the proceedings continue in times, when the selection procedure of a new Ombudsman is ongoing and the institution has no head, but one of the deputies temporary leads the institution as an acting head of the institution. The Ombudsman, nonetheless, expects that its proposals and recommendations will be taken into account in a final proposal of amendments by the Government to the Parliament.

Change in the appointment of the Ombudsman and the deputies

The proposed amendments have addressed some aspects of the appointment

of the Ombudsman and the deputies, including specific procedure for the appointment of a newly proposed Ombudsman for Children. It is envisaged that the Ombudsman for Children would operate within the Ombudsman institution, while holding a separate mandate. The Slovenian Ombudsman is already a multi-mandate institution, currently holding the mandates of a general Ombudsman, a National Human Rights Institution (NHRI), a National Preventive Mechanism (NPM), and, to some extent, that of an Ombudsman for Children. Among the envisaged changes are also modifications to the term of office of the Ombudsman and the deputies - from six to eight years. Furthermore, the Ombudsman's function would be limited from the current maximum of two terms to just one, and the election would be carried out by secret ballot. These are provisions that would significantly alter the existing rules concerning the election and position, especially of the head of the institution. Such changes, while the procedure for the election of a new Ombudsman is still pending, should in view of the Ombudsman not be adopted before the election of a new Ombudsman in the Parliament.

These kinds of changes are particularly unwelcome in a situation where all the legally prescribed deadlines have already been exceeded (despite the former Ombudsman's mandate expiring on 24 February 2025) and the transparency of the procedure so far has been diminished to an unprecedented extent. There is no reason why a similar logic should not apply here as that emphasized, for instance, by the Venice Commission in its Code of Good Practice in Electoral Matters—that while changing electoral systems is not in itself objectionable, it becomes problematic if such changes are made (too) frequently or less than one year before the elections – and even if no specific manipulative intent lies behind such changes, they tend to be perceived as driven solely by immediate political interests.

It should also be recalled that already a year ago - when the legal deadlines had not yet been exceeded - the Ombudsman warned that "amending the law at such a late stage would in any case give the impression that the law was being partially adapted in anticipation of the election of a new head of the institution." For these reasons alone, the Ombudsman proposes that—regardless of the existing explanation provided under Article 5 of the proposed amendment, which states that "the conditions for appointment must be based on the provisions in force at the time of election, meaning that the limitation to one term will in future prevent re-election of anyone who has already served as Ombudsman"—an explicit provision should be included among the proposed transitional and final provisions, clarifying that the limitation on re-election under the amended Article 12 shall apply only to those elected under this new arrangement.

Change the nature of vote in the election of the Ombudsman

Of particular concern is the proposed change from a public to a secret vote in

the election of the Ombudsman. The proposal refers in its rationale to the fact that this would be “the same as for Constitutional Court judges (Article 10 of the Constitutional Court Act) or members of the Court of Audit (fourth paragraph of Article 8 of the Court of Audit Act).” In this context, the Ombudsman has already emphasized “that there are also solutions regarding the appointment process of the Ombudsman and deputy Ombudsmen which would not represent a step backward for the institution and would not contradict the Venice Principles or the very nature of a parliamentary Ombudsman. In this regard, the Ombudsman institution holds a distinct position compared to other (oversight) institutions essential to the system of checks and balances, such as the Constitutional Court or the Court of Audit.” Similarly, the Council of Europe Commissioner for Human Rights has also highlighted the unique role of national human rights institutions. Finally, the proposal does not consistently equate the Ombudsman with these two sui generis constitutional categories in all aspects – for example, not in relation to the term of office, which is shorter for the Ombudsman, despite the fact that his/her election requires a significantly higher majority in the Parliament.

It is a fact that at the supranational level, all valid standards, documents, and positions of various authorities on Ombudsman institutions or national human rights institutions stress the necessity of transparency in the process of selecting the new head of the institution. Changing the nature of the vote from public to secret by the nature of things itself inevitably diminishes transparency and can in no way be deemed to be increasing it.

Failure to address the recommendation on the competence to encourage ratification or accession to human rights treaties

It is worrying that the proposal has failed to address the SCA recommendation on the lack of specific legal grounds on the competence to encourage ratification or accession to human rights treaties. The Ombudsman supports this recommendation and proposed in its contribution during public consultations to adequately implement such recommendation. In practice, the Ombudsman regularly (more or less successfully) calls for ratification or accession to human rights treaties, i.e. for many years the Ombudsman has pleaded for ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OPICESCR), which Slovenia has not yet ratified and the responsibly Ministries make several unsubstantiated arguments and excuses – while Slovenia ratified all other individual complaint mechanisms under other human rights treaties.

Draft amendments extending the competencies of the NHRI to include public service providers

The Ombudsman welcomes the proposal in a draft amendment to the Human Rights Ombudsman Act on the extension of its competencies to include public

service providers. However, the Ombudsman reiterates its proposal that, following the example of provisions in certain other laws (such as the Access to Public Information Act – ZDIJZ, the Protection of Documents and Archives and Archival Institutions Act – ZDZ, etc.), the Ombudsman's jurisdiction should be clearly defined to include, at a minimum, concessionaires. Consideration should also be given to extending jurisdiction to public funds, agencies, and similar bodies.

The Ombudsman made several recommendations that its regulatory framework be extended in a manner that it would include also an independent monitoring under the CRPD Article 33/2, on anti-trafficking and to hold the full mandate as Ombudsman for Children. It is open to discussing some further responsibilities under the EU legal framework, taking into account that additional resources are provided.

NHRI enabling and safe space

NHRI enabling and safe space

Awareness of the NHRI’s mandate

The Slovenian Ombudsman states that the awareness of state authorities of the NHRI’s mandate, independence and role could still be improved. At the end of his term in February 2025, Ombudsman Peter Svetina also highlighted the importance of strengthening the mandate and powers of independent institutions – an issue he had frequently raised in direct interactions with decision-makers. The Ombudsman has observed and raised concerns about inappropriate attitudes towards the functioning and decision-making of the Commission for the Prevention of Corruption (KPK) and the courts in specific cases. The Ombudsman also stresses the importance of respect for other independent institutions, including the NHRI, by public authorities and political actors.

Access to information and policy makers

In general, the Ombudsman has access to information and to policy makers and is involved in all stages of legislation and policy-making with human rights implications. However, it notices a rather regular lack of information or inclusion in the consultation processes in the early stages of legislation and policy-making, where there has been several occasion in which the Ombudsman has not been consulted even regarding its own mandate proposed in draft laws (i.e. in a new proposal of the Public Media Act). The Ombudsman recommends to the authorities to include in all stages of the legislative and policy-making also the groups and institutions, which the drafts directly concern and to include a human rights impact assessment in each legislative proposal.

Access to resources to carry out the full breath of the mandate

The Ombudsman budget for 2025 is 4.414.512 EUR, which is considered to be mostly sufficient for conducting its current work. The staffing quota in the overall personnel plan was increased in 2023, however, there is a need for further personnel to implement all additional mandates. In the budget for 2025 and 2026, financial and material resources have been secured for the current number of staff. In light of this, it is difficult to provide an estimate of additional funding for the national budget, as the number of staff required to address the additional tasks has not yet been defined.

For proposed new mandates, the Ombudsman points out that, in order to meet these commitments, the institution itself must also assess, anticipate, define, and ensure the provision of the necessary material resources. In particular, regarding whether new staff will be required to carry out the procedures and activities, whether the personnel are adequately trained, whether additional training will be needed, and whether financial and material resources will be required. Considering that the draft law provides for a significant number of additional responsibilities, further staffing—as well as financial and material resources—will undoubtedly be necessary. Additionally, it would be necessary to procure work equipment for the new staff, potentially rent and furnish new premises, and provide resources for organizing awareness-raising events and campaigns, designing and printing publications (leaflets with information about the rights of persons with disabilities and the mechanism's mandate), publishing at least three thematic reports per year, and a brief annual report on the mechanism’s activities. Resources would also be needed to ensure accessible information formats (e.g. sign language, Braille, easy-to-read, and other adapted formats), to cover travel costs for trainings and visits to institutions, and international travel costs related to participation in international organizations and networks.

In any case, the Ombudsman also draws attention to Recommendation CM/Rec(2019)6 of the Committee of Ministers to Member States on the development of the ombudsman institution (Council of Europe, 16 October 2019), which states: "Member States should consider giving ombudsman institutions a mandate to carry out tasks provided for in relevant international human rights conventions, such as acting as the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and/or as independent mechanisms under the United Nations Convention on the Rights of Persons with Disabilities, or strengthening such mandates where appropriate. Where the ombudsman institution holds such mandates, it should have access to sufficient resources to develop the capacities necessary to effectively fulfil its functions. This should include appropriately qualified, trained and educated staff." For example, with regard to the proposed protection of persons with disabilities, the Ombudsman

estimates that salaries and other related expenses would be required for at least six staff members (in addition to the head – i.e. the Deputy Ombudsman).

Responses to NHRI recommendations

There have been no legislation, state measures or practices put in place since 2022 to ensure timely and reasoned responses to NHRI recommendations. There is an unofficial procedure in place that the Government submits its written responsive report to the regular Annual Report of the Ombudsman, which is discussed in the Parliament. However, the Ombudsman is concerned regarding the slow implementation of its recommendations, especially when they concern more than one Ministry and regarding needed structural changes (regarding health system, deinstitutionalization etc.).

In 2024, the Ombudsman handled 6,288 cases (compared to 6,225 in 2023; 5,949 in 2022; almost 6,900 in both 2020 and 2021; and approximately 4,600 in 2019 and earlier). A total of 3,137 initiatives were addressed (2,224 in 2023). In 167 initiatives, the Ombudsman found that allegations of human rights violations, fundamental freedoms, or other irregularities were well-founded. A total of 174 violations of human rights and fundamental freedoms (as defined in the Constitution of the Republic of Slovenia) or other irregularities were identified. These include violations of the principles of fairness and good governance, unjustified delays in proceedings, and clear abuses of authority under the Human Rights Ombudsman Act (ZVarCP). In addition to these 174 violations, there were 158 cases in the area of child advocacy which—although not classified as formal violations—were treated as well-founded initiatives. Thus, the total number of well-founded initiatives recorded in 2024 amounts to 325. The higher number of identified violations compared to well-founded initiatives is the result of multiple violations being established within individual initiatives. The majority of violations were found in the following areas: 57 violations of the principle of good governance (Article 3 of the ZVarCP), 12 cases of unjustified delay in proceedings (Article 24 ZVarCP), 12 violations of the right to equal protection of rights (Article 22 of the Constitution), 10 violations of the right to equality before the law (Article 14), 9 violations of the right to social security (Article 50), 9 violations of the right to healthcare (Article 51), 8 violations of the principle that Slovenia is a legal and social state (Article 2), 6 violations of the rights of persons with disabilities (Article 52), and 6 violations of the rights of the child (Article 56). Violations of human rights, fundamental freedoms, or other irregularities were identified across a range of public authorities. The highest number of violations was found at the Ministry of Labour, Family, Social Affairs and Equal Opportunities (19 cases), followed by various other public bodies (15 cases), the Ministry of Health (13), municipal authorities (11), the courts (11), prison institutions (10), police stations (9), the Pension and Disability Insurance Institute (7), administrative units (6), and an equal number of cases (6 each) at the Ministry of the Interior and the Ministry

of Education. The justification and explanation of these statistical data are provided in the thematic sections of the Ombudsman's 2024 Annual Report, with relevant analysis included in each respective chapter.

Functional immunity of the leadership and staff of the NHRI

The leadership and staff of the NHRI enjoy functional immunity and there are sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) in place.

Threats faced by the NHRI

There have been several public expectations expressed by various actors regarding the work and operation of the Ombudsman. One such example includes political and other forms of pressure concerning when, how, and to which publicly prominent events the Ombudsman is expected to respond. For this reason, four state independent institutions (the Ombudsman, the Court of Audit, the Anti-Corruption Commission and the Advocate of the Principle of Equality) met several times to discuss threats to their independence and other relevant issues of common concern.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Ombudsman's key recommendations to national authorities on how to strengthen the independence and effectiveness of the NHRI include two recommendations, already made in its 2022 baseline report on the NHRI:

- Broad and transparent selection and appointment of the leadership of the NHRI (CM Recommendation 4): The NHRI's enabling legislation should be amended to ensure the formalization and application of a broad and transparent selection and appointment process that, in line with the recommendations of the SCA (2020), includes requirements for the wide advertisement of vacancies and broad consultation and participation in the process, including for a selection of an Ombudsman for Children, with specific competences.
- Adequate follow-up of the NHRI's recommendations (CM Recommendation 9): National authorities should ensure that, in line with the legal obligation to do so, the recommendations of the Ombudsman are implemented, including by developing processes to facilitate effective follow-up in a timely fashion. Moreover, the NHRI reports that even when the obligation to follow up to the recommendations is respected, it does not always translate into the actual implementation of the Ombudsman's recommendations. The

Ombudsman is particularly concerned that many of the rejected recommendations relate to the rights of people with disabilities and other vulnerable groups.

Slovenia 2025

Information from: The Human Rights Ombudsman of the Republic of Slovenia

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

In recent years, Slovenia has seen an increase in civic engagement and advocacy, particularly on issues related to reproductive rights, migrants, media freedom, anti-corruption, and social justice. However, despite these democratic developments, the country still lacks a dedicated and comprehensive legal framework to ensure the recognition and protection of **human rights defenders (HRDs)**. This shortfall is particularly notable in light of the growing number of cases involving **strategic lawsuits against public participation (SLAPPs)** and **political or legal pressures** against individuals and organizations engaging in human rights-related work.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Ombudsman’s human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders’ activities, mainly in the form of verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment, intimidation, harassment or violence before, during or after protests, as well as strategic lawsuits against public participation – SLAPPs.

Based on the information from the past three years in Slovenia, the institution's

human rights monitoring has identified the following practices that could negatively impact civil society space and reduce human rights defenders' activities.

Verbal attacks by political figures against CSOs

Instances have been reported where civil society organizations faced verbal attacks. For example, in 2024, civil society groups in Slovenia criticized statements made by political figures following meetings with foreign leaders, perceiving them as undermining the role of civil society.

Negative attitudes towards CSOs

There have been cases where public authorities, politicians or affiliated groups have exhibited negative attitudes towards civil society organizations. In recent years, Slovenia has witnessed pressures on civil society organizations, particularly those engaged in human rights, environmental protection, migration, and media freedom. These pressures have manifested through public delegitimization, financial restrictions, administrative obstacles, and political attacks on civil society actors who act as critical voices in democratic discourse.

SLAPPs against journalists and media outlets

Journalists and media outlets have been subjected to SLAPP (Strategic Lawsuits Against Public Participation) lawsuits, which are considered forms of harassment aimed at silencing critical reporting. In 2024, the Slovenian Journalists' Association condemned such lawsuits against media organizations, highlighting the chilling effect on freedom of expression. SLAPP lawsuits have been used mainly against media outlets and journalists, aiming to suppress investigative journalism and critical reporting. These legal actions pose a significant threat to the freedom of the press and, by extension, civil society.

Rising concerns of environmental CSOs about drinking water safety and alleged irregularities during the implementation of the project on construction of the sewage canal in Ljubljana

The construction of the C0 sewage canal in Ljubljana has sparked significant reactions from civil society, particularly due to concerns about drinking water safety and alleged irregularities in the project’s implementation. The project envisions the construction of 88.3 kilometres of sewage pipeline, aiming to connect around 17,500 residents to the public sewage system and eliminate approximately 4,500 septic tanks, thus increasing overall sewage coverage in the area to 98 percent.

Opponents of the project, including landowners and environmental organizations, have raised several concerns. One of the main issues is the

canal's route, which crosses a water protection area that supplies drinking water to approximately 90 percent of Ljubljana. Critics argue that in the event of an accident or earthquake, there could be a serious risk of contamination of the aquifer. In addition, they point to alleged legal and administrative irregularities, including questions over whether proper environmental permits were obtained for construction on such a sensitive area.

In recent years, several protests and civic actions have taken place. Landowners in the Ježica area protested against new construction markings along the canal route, which led to police intervention and the detention of one protester. Farmers have also staged a protest involving around 50 tractors, arguing that the construction threatens drinking water and is proceeding without adequate legal authorizations. Environmental NGOs, including the 8th of March Institute, have called on the City of Ljubljana to halt construction until environmental impact assessments are completed. They also urged the national government to amend the Environmental Protection Act to require mandatory assessments for infrastructure projects located in water protection zones. Health professionals also joined in the public debate. Approximately thirty doctors from the University Medical Centre Ljubljana signed an open letter opposing the canal's route through the protected water area, citing potential health risks to the population if water sources were contaminated. Despite public opposition and widespread media coverage, the City of Ljubljana has continued with the construction. Mayor of the City of Ljubljana has insisted that the project complies with legal requirements and claims that concerns about drinking water safety are unfounded. However, the Court of Justice of the European Union recently ruled of 30 November 2023 (C-300/21) that the city's wastewater management system does not comply with EU law, which adds complexity to the broader context of the C0 canal debate. In conclusion, the C0 canal project remains a highly controversial issue in the capital city of Ljubljana, with civil society strongly emphasizing the need to protect drinking water resources and ensure legal and transparent processes in the implementation of major infrastructure projects.

The need for adequate resources and capacities to monitor and address issues related to CSOs

The Ombudsman has emphasized the need for adequate resources and capacities for the NHRI to monitor and address issues related to civil society space. At the Bled international conference on the Effectiveness of Ombudsman Institutions and NHRIs in tackling contemporary challenges in December 2024, organised by the Ombudsman, concerns were raised about the lack of capacity in smaller countries to effectively monitor and respond to challenges faced by civil society.

The monitoring indicates that certain practices, such as SLAPP lawsuits and negative campaigns, have been employed in Slovenia during the past three

years, posing challenges to civil society and human rights defenders. Continuous vigilance and proactive measures are essential to safeguard the space and activities of civil society organizations and defenders.

Women human rights defenders and female journalists facing unique challenges and threats

While specific gendered aspects were not prominently highlighted, it is recognized that women human rights defenders and female journalists may face unique challenges and threats, including gender-based harassment and discrimination. Ensuring their protection requires a gender-sensitive approach in monitoring and addressing issues affecting civil society space.

In Slovenia, two significant recent events have been linked to the issue of abortion: the March for Life and the "My Voice, My Choice" campaign organized by the 8th of March Institute. Both events took place without any reports of strategic lawsuits against public participation (SLAPPs) or attempts by local or national authorities to interfere with the freedom of assembly, association.

The March for Life is a civil initiative that aims to raise awareness about the value of human life from conception to natural death. In 2024, marches were held in Koper, Maribor, and Ljubljana. The Parliamentary political party unsuccessfully submitted requests to the municipal councils in Koper, Maribor, and Ljubljana, urging them to ban the "March for Life" rallies. President of the Republic emphasized that freedom of speech is a universal right, even when we disagree with the views being expressed. At the same time, she underlined that the right to abortion is a constitutional right, which she will always support. In connection with the "March for Life", an incident occurred in October 2023 involving a member of the Youth Advisory Board to the President of the Republic. Together with others, she protestingly removed the flags that the event organizers had placed on Kongresni trg (Congress Square). As a result of this incident, the President terminated cooperation with her, stating that she condemned the inappropriate way of communicating with those who hold different opinions.

The "My Voice, My Choice" campaign was launched in 2024 by the 8th of March Institute as a European Citizens' Initiative aimed at securing safe and accessible abortion across Europe. The campaign succeeded in collecting over 1.2 million signatures in March 2025. There were no reports of state interference, limitations, or legal pressures on the organizers or participants that would indicate suppression of freedom of expression or association. The 8th of March Institute has, however, been subjected to numerous insults and attacks by various politicians in recent years. One of the most notable cases involved former Minister of the Interior Aleš Hojs, who claimed on Twitter that the institute had "gone down in history as the NGO responsible for the water shortages in the Primorska and Karst regions" due to allegedly misleading the

public. In response, the 8th of March Institute filed a lawsuit against Hojs, stating that his claims were false and defamatory, and seeking EUR 3,000 in damages for harm to their reputation. In addition to this, the Institute has frequently been the target of malicious online comments and threats, sometimes fuelled by inflammatory statements from political figures. Two years ago, the Institute's director, Nika Kovač, was even the victim of a physical attack, and their campaign stand was vandalized during a public outreach event. Moreover, the 8th of March Institute has initiated legal actions against some politicians. For example, they took legal steps against two SDS party MPs, who had publicly accused the Institute of involvement in sending threatening letters to coalition politicians. The Institute demanded that such statements be legally prohibited in the future, arguing that they were baseless and harmful, and also sought to establish liability for reputational damage. Despite these pressures and attacks, the 8th of March Institute continues its work in the field of human rights and social equality.

The 8th of March Institute and its director, Nika Kovač, have been subjected to multiple threats and attacks in recent years. Nika Kovač received several threatening messages, including explicit death threats containing graphic descriptions of violence. She was also physically assaulted in the centre of Ljubljana, where an unknown man pushed her and threatened her dog. A member of one of the parliamentary political parties was convicted for threatening activists from the 8th of March Institute after posting on social media that he would be "waiting, ready with a double-barrelled shotgun." These threats and attacks highlight the serious pressures faced by civil society organizations in Slovenia.

The Ombudsman consistently emphasizes that freedom of peaceful assembly and association, along with freedom of expression, are core pillars of a democratic society. These fundamental rights are guaranteed by Article 42 of the Slovenian Constitution and Article 11 of the European Convention on Human Rights. The Ombudsman has stressed that the state must ensure conditions for the exercise of these rights and foster an environment in which individuals can freely express their views and unite around shared goals. The state must not only refrain from interfering with these freedoms but actively ensure that they can be effectively exercised in practice.

Lack of legislation protecting human rights defenders

Slovenia has not adopted any legislation that specifically acknowledges the role of human rights defenders or provides safeguards tailored to their work. While general constitutional rights (e.g., freedom of expression, association, and assembly) are guaranteed under the Constitution, there is no legal provision that formally defines who qualifies as a human rights defender, in line with the UN Declaration on Human Rights Defenders (1998); the rights and protections to which defenders are entitled in the context of their advocacy

work; obligations of state authorities to prevent reprisals and ensure an enabling environment; and preventive and remedial mechanisms in cases of threats, harassment, or violence. As a result, human rights defenders often find themselves vulnerable to arbitrary administrative procedures, online abuse, smear campaigns, and legal intimidation without access to structured protection.

Lack of legal framework to combat SLAPPs

Although SLAPPs have been identified in public discourse and even litigated in specific cases involving civil society and media organizations (such as the 8th of March Institute or the portal N1), Slovenia still does not have a legal framework specifically designed to combat SLAPPs. The existing civil and criminal procedures do not differentiate between abusive lawsuits aimed at silencing public participation and legitimate legal claims. Consequently, courts lack clear procedural tools to dismiss SLAPPs at an early stage; victims must often bear the burden of long, expensive, and emotionally exhausting proceedings; there is no institutionalized support mechanism (e.g., legal aid, financial relief) for individuals or NGOs targeted by such lawsuits; there are no penalties or sanctions for actors who intentionally misuse the legal system to intimidate or silence critics. The lack of such tools undermines freedom of expression and has a chilling effect on public participation and watchdog functions in Slovenian democracy.

Lack of effective response mechanisms to harassment faced by CSOs and human rights defenders

Public officials, including members of parliament or local government representatives, have in several instances made disparaging or accusatory remarks about NGOs, branding them as foreign agents or political operatives.

The Ombudsman also notes that there is also no rapid response mechanism, nor institutional recognition of the particular vulnerabilities they face. In practice, law enforcement and prosecutors may lack the sensitivity or training to recognize harassment as retaliation against human rights work; there is no coordinated response from state institutions; victims of online abuse, doxxing, or smear campaigns often report being left to fend for themselves. While the Ombudsman frequently issues public statements, conducts cases/initiatives, and publishes annual reports highlighting threats to fundamental freedoms, it is not formally equipped to provide legal protection to defenders; initiate enforcement procedures to stop harassment or retaliatory actions; and act as a national protection mechanism for civil society and human rights defenders, as encouraged under UN guidelines.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
In 2024, the Ombudsman undertook several initiatives to promote and protect civil society space and human rights defenders, primarily through awareness-raising campaigns and the organization of joint meetings and roundtables. For example, the Ombudsman hosted a roundtable on deinstitutionalisation, held consultations on the situation of the elderly, and organised discussions on the implementation of the Corporate Sustainability Due Diligence Directive (CSDDD), all in cooperation with civil society organizations. The Ombudsman also holds regular thematic annual meetings with representatives of trade unions and various non-governmental organizations, focusing on addressing pressing issues as well as the status and situation of these stakeholders.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities
The Ombudsman's key recommendations to national authorities on the protection of human rights defenders and civil society space include the following:

- The Government should ensure transparent, merit-based procedures for the allocation of funds to non-governmental organizations and must respect the outcomes of such procedures.
- The authorities should adopt, in a transparent manner, a legal framework specifically aimed at combating SLAPPs, in line with EU law—particularly by transposing the EU Anti-SLAPP Directive within the prescribed deadline.

Slovenia 2025

Information from: The Human Rights Ombudsman of the Republic of Slovenia

Functioning of justice systems

Based on the human rights monitoring and reporting, the Ombudsman identified significant challenges affecting access to justice and/or effective judicial protection in areas such as, independence and impartiality of judiciary, delays in court proceedings, access to legal aid, as well as respect for fair trial

standards.

The issue of unresolved cases at the Administrative Court of the Republic of Slovenia

The Ombudsman is concerned regarding the issue of unresolved cases at the Administrative Court of the Republic of Slovenia. The information regarding the expected timeframe in which a case, addressed by the Ombudsman, is anticipated to be scheduled for resolution may, in the Ombudsman's opinion, be a cause for concern. It could primarily reflect the long-standing and unresolved issue of case backlogs at the Administrative Court, which has persisted for years despite various measures introduced by the judicial administration to reduce the number of pending cases - measures that, so far, have not yielded adequate results.

The Ombudsman recommends that all stakeholders responsible for addressing the issue of court backlogs at the Administrative Court adopt organizational, staffing, and legislative measures that can contribute to an improvement of the current situation and, ultimately, to the elimination of case backlogs at the Administrative Court. The Ombudsman would like to reiterate also its standing recommendation to the courts that, in every case they handle, they should strive to conduct proceedings without undue delays or unjustified interruptions, and, in particular, within the time limits already prescribed by law.

The Ombudsman recalls that, for more than 15 years, the envisaged Juvenile Justice Act has still not been proposed and adopted, even though this was already foreseen for in the then new Criminal Code in 2008.

The Judgment of the European Courts of Human Rights in the case of X and Others v. Slovenia and its impact on fair trial standards

On 19 November 2024, the European Court of Human Rights found several violations in a publicly very exposed case of X and Others v Slovenia (Applications nos. 27746/22 and 28291/22). The Ombudsman submitted its third-party intervention in this case regarding fair trial standards (Article 6 of the European Convention of Human Rights). The Ombudsman submitted that there were no legal grounds for (re)assigning cases pending before the court according to the lowest number of pending cases already assigned to each judge. The rules for allocating cases were clearly defined in respect of both instances where judges were absent for lengthy periods and where individual judges were suffering from an overload of work. In both cases, a criterion for allocation was the daily sequence of the filing of initial procedural motion with regard to the alphabetical order of the first letters of judges' surnames. In the Ombudsman's view, when a departing judge was assigned to the Supreme Court for a period of three years and was at the time in question completely exempt from performing the function of a district court judge, his or her pending cases had to be reallocated to another judge, in accordance with

section 158 of the Judicial Order. In his view, the pre-defined rules excluded anyone exercising their discretion to appoint a particular judge to hear a specific case.

The European Court for Human Rights followed the Ombudsman's observations and found several violations of Article 6 and 8 of the Convention. On Article 6, the Court considered that the decree issued by the President of the Ljubljana District Court on the basis of which the applicants' case was assigned to Judge P. was in flagrant violation of national legislation and the Judicial Order. This may have legitimately undermined the first applicant's confidence in the case assignment process and it impaired the very essence of the right to a "tribunal established by law". The Court observes in this connection that, although the first applicant had the opportunity to challenge in her appeal and constitutional complaint the refusal of her request for the recusal of Judge P. the review conducted by the domestic courts – including the Constitutional Court – did not adhere to Convention standards. As previously noted, the domestic courts failed to duly consider the fact that the applicants' case had been assigned to Judge P. in clear violation of criteria established under domestic law and – at the constitutional level – set out in Article 23 of the Constitution. Consequently, Judge P. remained in charge of the applicants' case for over four years, and her replacement in 2023 was due not to her being recused but because her mandate was nearing its end.

The Court also noted that, in the present case, the complaints relating to the requirements of the "tribunal established by law" and "independence and impartiality" stem from the same underlying problem – that is, the irregularities in the assignment of the applicants' case to Judge P. As the Court has found above, the irregularities in question were of such gravity that they undermined the very essence of the right to be tried by a tribunal established in accordance with the law.

The Ombudsman believes that the enforcement of the mentioned ECtHR judgments is specifically important also to uphold rule of law and fair trial standards by judiciary, therefore it expects that the Judicial Order is amended respectfully in order to meet Conventional standards, and that the proper implementation of the case would contribute to the protection of children rights in family law proceedings. Consequently the implementation if this case need special attention.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Ombudsman's key recommendations to national authorities regarding the independence of the judiciary are the following:

- The legislator should only with due consideration and solely in justified cases where no alternative legislative solution is feasible adopt legal solutions that expand the jurisdiction of the Administrative Court (and consequently the Supreme Court).
- All stakeholders responsible for addressing the issue of case backlogs at the Administrative Court should adopt appropriate organisational, staffing, and legislative measures that could contribute to improving the situation and, ultimately, to eliminating the court's backlog.
- The enforcement of the judgment of the European Court of Human Rights in the case of X and Others v. Slovenia should be carried out transparently and effectively, including through the adoption of general measures such as regulatory amendments, where necessary.

Slovenia 2025

Information from: The Human Rights Ombudsman of the Republic of Slovenia

Media freedom, pluralism and safety of journalists

Based on the human rights monitoring and reporting, the Ombudsman identified significant challenges affecting media freedom.

Regulation of hate speech and the draft Media Act

Despite the Ombudsman was not invited to submit comments on the draft Media Act (ZMed-1) during the public consultation process, the Ombudsman proactively decided to submit an opinion within the public consultation, focusing in particular on the regulation of so-called hate speech after independently reviewing the draft of the act. This opinion was submitted to the Ministry of Culture on 31 January 2024. In this opinion, the Ombudsman proposed that consideration be given to whether there are areas where it would be necessary and appropriate to foresee alternative methods of sanctioning so-called hate speech, provided that such measures do not constitute an impermissible interference with the right to freedom of expression.

The new version of the draft law, submitted by the Government to the Parliament on 31 December 2024 for further proceedings, has introduced new provisions, including a fine of up to 20,000 Euros for serious misdemeanours related to incitement of hate speech in the media (Article 102, point 4), and a

fine of up to 10,000 Euros if a media outlet fails to adopt or publish rules on user comments (Article 103, points 6–8). The Ombudsman emphasizes that - also in line with the case law of the European Court of Human Rights - restrictions and sanctions related to the prevention or punishment of forms of expression that disseminate, incite, justify, or advocate hatred based on intolerance must be proportionate to the legitimate aim pursued (as established, for example, in the judgment Erbakan v. Turkey). In the Ombudsman's view, the proposed regulation lacks sufficient justification and explanation, which raises legitimate doubts about the proportionality and legitimacy of the fines.

On the other hand, the draft law does not provide for a mandatory removal of content in cases where a violation of Article 53 is established. This article addresses the prohibition of incitement to violence or hatred and incitement to commit terrorist offences. However, the draft also fails to clearly define what constitutes so-called hate speech. It refers to Article 297 of the Criminal Code (incitement to hatred, violence and intolerance) but without further clarification on how the proposed misdemeanour differs from the existing criminal offence or how it applies within the media context. This ambiguity could result in violations of the ne bis in idem principle (no double punishment for the same offence). The Ombudsman stresses that the ZMed-1 proposal should more clearly differentiate between misdemeanours and criminal offences and that it should also be considered whether the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS) is the appropriate body to determine violations of Article 53.

The Ombudsman expects that the provisions of any law - including the draft ZMed-1 - should be developed in accordance with human rights and fundamental freedoms and that they should guarantee media freedom and independence, both of which are essential conditions for a democratic and pluralistic society. According to the Ombudsman, the ZMed-1 draft should constitute a legal framework that enables free operation of the media, plurality and transparency of media ownership. The revision of the law - which the Ombudsman has been calling for over several years - must also appropriately regulate how the public interest is protected and must establish measures for safeguarding the ethics of public discourse, particularly with regard to the removal and sanctioning of illegal content and hate speech.

The European Commission against Racism and Intolerance (ECRI) and other international bodies have repeatedly expressed concern that the prosecution of hate speech in Slovenia - especially in the media and online - is ineffective. The Ombudsman has, since 2019, recommended to the Ministry of Culture that it should do everything within its competence to prohibit the dissemination of hatred in the media, determine ways of protecting the public interest (e.g. through inspections and misdemeanour supervision), prepare measures for correcting irregularities (e.g. immediate removal of unlawful content), and

establish appropriate sanctions for media outlets that allow the publication of hate speech. Unfortunately, the new draft law still fails to fully take this recommendation into account.

The Ombudsman's Analysis of Prosecutorial Practice on the Prosecution of the Criminal Offence of Public Incitement to Hatred, Violence, and Intolerance (Article 297 of the Criminal Code) in the Period 2008–2018, published in 2021, also showed that such forms of hate speech are rarely prosecuted in Slovenia. In addition, the penalties imposed on perpetrators are often lenient, raising doubts about the deterrent effect of the current legal framework. The Ombudsman does not see the very inclusion of hate speech regulation in the media law as problematic, but stresses that such regulation must pass the test of proportionality and legitimacy.

Based on the mentioned analysis, the Ombudsman issued two further recommendations to the competent ministries (pp. 37-38), which have not been implemented. In 2021, the Ombudsman recommended that the Ministry of Justice, the Ministry of the Interior, and the Ministry of Culture should promptly begin drafting the appropriate legal basis to effectively prevent hate speech online, including on social media (noting that the Media Act may not be the only appropriate legislation for this area). In the same year, the Ombudsman also recommended to the Ministry of Justice to amend legislation to allow for subsidiary prosecution in cases of criminal offenses under Article 297 of the Criminal Code—not only by the directly harmed individual but also by representatives of the affected group or by authorized organizations. This recommendation was rejected by the relevant authorities on the grounds of disagreement.

Follow-up on the recommendations concerning media freedom issues by European actors

According to the information on the Ministry's webpage, the Ministry of Justice has started with preparations to transpose the Directive to Protect Public Participants from Abusive Litigation (EU Anti-SLAPP Directive) into national law by 2026, which presents an important opportunity to fill existing legal gaps and build institutional safeguards. The Ombudsman, however, lacks specific powers or procedures to intervene in cases involving SLAPPs or threats to human rights defenders. From its general observation, it follows that there is no data collected and no focal point which would detect cases of SLAPPs or prevent such proceedings or give free of charge advice to the victims. The Ombudsman expects that the Ministry of Justice would transpose the mentioned directive in a transparent manner, involving various institutions and civil society, already in the initial stages of the preparation of draft legislation.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The Ombudsman's key recommendation to national authorities regarding the freedom of the media is the following:

- The National Assembly should consider introducing appropriate amendments to the proposed Media Act (ZMed-1), currently under deliberation, to ensure the effective implementation of provisions prohibiting the dissemination of hate speech in the media. Particular attention should be given to safeguarding the public interest, determining corrective measures to address violations, and defining sanctions to be imposed on media outlets that permit the publication of hate speech.
- The authorities should also establish an appropriate legal framework to enable the effective prevention of hate speech on the Internet and social media platforms.

Slovenia 2025

Information from: The Human Rights Ombudsman of the Republic of Slovenia

Other challenges to the rule of law and human rights

The operation of the Ombudsman as a mechanism of checks and balances

The operation of the Ombudsman is considered as one of the mechanisms of checks and balances. In 2024, the Ombudsman handled 6,286 cases, which is slightly more than in 2023 (6,225). Among these, 3,135 were complaints (2,411 of which were opened in 2024), and 2,478 complaints were concluded. Of the concluded cases, 325 were found to be well-founded, including those processed together with the Children's Advocacy (13.12%). In 167 well-founded complaints (excluding those related to advocacy), the Ombudsman identified 174 violations of human rights and fundamental freedoms, the principles of good administration, and fairness. The vast majority of violations pertained to the principle of good administration (57), followed by the protection of rights (12), equality before the law (12), and unjustified delays in procedures (10). Among the violators, the Ombudsman found the most violations committed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, followed

by the Ministry of Health, municipalities, courts, and penal institutions. The Ombudsman is concerned regarding the slow implementation of several of its recommendations with around 100 unimplemented past recommendations.

Lower budget for the Equality Body and lack of leadership for the Ombudsman and the Central Bank

The Ombudsman has also noted from the media and public discussions that the equality body (Advocate of the Principle of Equality) received a significantly lower budget than requested. Additionally, it is important to note that two independent state institutions - the Ombudsman and the Central Bank - are currently without leadership. Taken together, these developments could be seen as exerting pressure on checks and balances institutions by the executive and legislative branches, ultimately weakening their effectiveness.

Follow-up to European actors' rule of law recommendations

The Ombudsman noticed some progress made in implementing the recommendations, contained in the European Commission's 2024 EU Rule of Law Report, regarding the parliamentary inquiries, the independence of the judiciary, the anti-corruption framework and legislative and non-legislative safeguards to improve the protection of journalists, particularly online, as well as the funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.

The process for preparing and enacting laws

The Ombudsman remains concerned that the Ministries and the Government do not allocate sufficient time for consultations on draft laws.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Ombudsman's key recommendation to national authorities regarding other challenges to the rule of law is the following:

- The Government and its ministries, as the competent authorities for drafting legislation and regulations, should act transparently and in accordance with the principles of good governance during the drafting process. This includes reasonably involving individuals and entities to whom the regulation or draft recommendation directly applies, prior to the public consultation phase, and adhering to international and national standards governing public participation in the legislative process.

Spain 2025

Information from: Defensor del Pueblo de España

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Defensor Del Pueblo of Spain was last re-accredited with A-status in May 2024.

Regarding selection and appointment, the SCA took the view that the selection process enshrined in the Law was not sufficiently broad and transparent in that it did not require the advertisement of vacancies, nor specified the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process of the Defensor. It reiterated its recommendation that the NHRI advocate for changes in this regard.

As the legislation is currently silent on the number of times an individual can be re-elected to the position of Defensor, the SCA also recommended the NHRI advocate for amendments to ensure that there is a limitation in the enabling law to a re-election of only one additional term.

Article 32 of the enabling law does include the debate and consideration of the Ombudsman's reports, both annual and monographic. However, the parliamentary agenda is subject to emerging issues depending on the political context, so the institution's thematic reports may be postponed. The SCA encouraged the NHRI to advocate for its annual, as well as its thematic reports to be widely circulated, discussed and considered by the legislature.

Finally, the SCA encourages the NHRI to continue interpreting its mandate in a broad manner and advocating for amendments to its enabling law to have an explicit mandate encouraging the ratification or accession to regional and international human rights instruments.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In May 2024, the GANHRI Sub-Committee on Accreditation (SCA), reaccredited the Ombudsman as a National Human Rights Institution (NHRI) with Status A.

In relation to the SCA's recommendation on the personnel recruitment process, the Ombudsman publishes, in the recruitment section of its website (Convocatorias), the open and closed vacancies, the professional profile and requirements for the post as well as the procedure and the work conditions. In the case of support staff vacancies, the public employment service provides candidates according to the demanded profile.

In relation to solidifying the stability of the Ombudsman's staff, the fact that the personnel is recruited by formal appointment as "temporary staff" is a more flexible legal formula, in line with the independence of the Spanish Ombudsman/NHRI.

With regards to the measures taken by Spain to follow up on the recommendations concerning the Spanish NHRI, the Ombudsman notes that the constitutional guarantees of the Spanish Ombudsman fully comply with all recommendations. In particular Recommendation CM/Rec (2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent NHRI, with some exceptions that are justified by the constitutional position of the Ombudsman institution. For example, the recommendation that the "process of selecting and appointing the leadership of an NHRI should be based on competence, be transparent and participatory, to guarantee the independence and plural representation within these institutions" can be considered partially included in art. 54 of the Constitution and in the process established in Organic Law 3/1981 (art. 2 to 4). The assumption of the status of NHRI by the Ombudsman implies the adoption of a somewhat more rigid mandate due to its constitutional regulation.

Something similar happens with the mention of "guaranteeing functional immunity." Article 6.2 of LO 3/1981 states that "The Ombudsman shall enjoy immunity. He may not be arrested, subjected to disciplinary proceeding, fined, prosecuted or judged on account of opinions he may express or acts he may commit in performing the duties of his office. In all other cases, and while he continues to perform his duties, the Ombudsman may not be arrested or held in custody except in the event of in flagrante delicto; in decisions regarding his accusation, imprisonment, prosecution and trial the Criminal Division of the High Court has exclusive jurisdiction. The above rules will be applicable to the Deputies of the Ombudsman in the performance of their functions."

Likewise, the head of the institution is entitled, as a procedural guarantee, to appear before the Supreme Court in the event that any judicial action is taken

against him, and not before the courts that would correspond to the rest of the citizens (arts. 56-58 of Organic Law 6 /1985, of July 1, of the Judiciary).

Regulatory framework

Regulatory framework

The Spanish NHRI notes that the regulatory framework of the Defensor del Pueblo has not been modified in 2024, and its broad mandate remains unchanged in recent years, remaining sufficient to fulfil its constitutionally attributed functions.

NHRI enabling and safe space

NHRI enabling and safe space

Citizens' and national authorities' awareness about the NHRI

The Spanish Ombudsman is known primarily as the High Commissioner of the Parliament (Ombudsman), appointed by it to defend the rights established in Part I of the Constitution by supervising the activity of the Spanish public administrations. (Art. 54 of the Spanish Constitution and its regulatory law, Organic Law 3/1981). Eventually, the Ombudsman took on two other mandates: as National Human Rights Institution (NHRI), since 2000 (incorporated into the Spanish legal system in art. 7.3 of Act 2/2014, of 25 March Foreign Service and Action of the State), and as National Mechanism for the Prevention of Torture (NPM), after the signing by the Spanish State of the OPCAT and the decision of the Parliament in 2009 to attribute the status of NPM of Spain to Ombudsman (through the single final provision of Organic Law 1/2009, of November 3).

Due to its constitutional regulation and its broad mandate, the institution's role as Ombudsman is better known by the citizens and the administration than its roles of NHRI and NPM. But it is precisely thanks to this mandate as Ombudsman that this NHRI enjoys an especially strong, broad and independent mandate that facilitates its work and presence.

Art. 19 of Organic Law 3/1981 establishes that all public authorities are obliged to give preferential and urgent assistance to the Ombudsman in his investigations and inspections. During the stage of verifying and investigating a complaint or in the case or proceedings initiated ex officio, the Ombudsman, his Deputy, or the person delegated by him may present himself at any establishment of the Public Administration or attached thereto or responsible for a public service, in order to verify any necessary information, hold relevant personal interviews or examine pertinent records and documents. In the pursuit of this objective, he may not be denied access to any administrative

record or document related to the activity or service under investigation. In this regard, the time the administrations take to respond to requests of information from the Ombudsman remains high. The Ombudsman continues to work with those small administrations that have few resources to help them to respond to our requests within a reasonable time and justify their decision.

The participation of the NHRI in the law- and policymaking processes

The Ombudsman does not participate as such in the process of elaborating regulations but may request modifications when it considers that they cause unfair situations or affect fundamental rights. According to Art. 28.2 LO 1/1981: 1. “Although not empowered to modify or overrule the acts and decisions of the Public Administration, the Ombudsman may nevertheless suggest modifications in the criteria employed in their production. If as a result of his investigations it should reach the conclusion that rigorous compliance with a regulation may lead to situations that are unfair or harmful to those persons thereby affected, he may suggest to the competent legislative body or the Administration that it be modified.

Additionally, as NHRI, the institution may participate in those legislative processes and formulation of public policies in which human rights are involved.

As High Commissioner, the Ombudsman interacts with government, parliamentary and judicial institutions, with which it shares reports, recommendations and suggestions to improve the protection of rights and freedoms. Moreover, the institution maintains an active relationship with civil society, working alongside non-governmental organizations and community groups to stay aware of current human rights concerns and challenges. Through its actions, reports and statements, it promotes public conversation, pointing out areas for improvement or potential violations of rights. Thus, last year it published, in addition to the 2024 Annual Report, the monographic reports on “Challenges of financial inclusion. Banking services and vulnerable people” and on “Vicarious gender violence. The other victims.”

Adequate resources for the NHRI

The independence and effectiveness of the Spanish Ombudsman is guaranteed by its legal and constitutional regulation as High Commissioner of the Parliament and by having an adequate budget attached to it. This constitutional relationship with the Parliament, the only body to which it must be accountable for its activity, provides the institution with the budgetary stability necessary to exercise its functions for the benefit of citizens with independence and transparency.

The assumption of new mandates would imply the need to accommodate these budgets/resources to the new powers, guaranteeing that independence and

autonomy were not affected. In any case, it is worth remembering that the institution is protected against inappropriate mandates (LO 3/1981 art. 6, “The Ombudsman shall not be subject to any binding terms of reference whatsoever. He shall not receive instructions from any authority. He shall perform his duties independently and according to his own criteria”).

Timely responses to NHRI requests and NHRI’s staff protection mechanisms

While since 2022 any new State measures or practices ensuring timely and reasoned responses to NHRI recommendations have not been introduced, the Spanish Penal Code provides protection in this regard. In fact, article 502.2 of the Spanish Penal Code punishes as a crime of disobedience with the penalty of suspension of employment or public office for a period of six months to two years, if the defendant was an authority or public official, to the authority or official who obstructs the investigation of the Ombudsman, Court of Accounts or equivalent bodies of the Autonomous Communities, refusing or unduly delaying the sending of the reports that they request or hindering their access to the files or administrative documentation necessary to such investigation.

Functional immunity and protection from threats

The staff of the Spanish NHRI does not enjoy functional immunity. As mentioned in the section related to the regulatory framework, the head of the institution has granted privileges before the Supreme Court, as a procedural guarantee, and is inviolable, along with the Ombudsman’s Deputies, for the acts carried out in the exercise of the competencies.

Furthermore, as mentioned above, regarding the presence of sufficient measures necessary to protect and support the NHRI, the head of institution and staff against threats and harassment, or any other forms of intimidation, article 502 of the Criminal Code functions as a deterrent. This article only applies to public authorities. In case of threats or coercion from non-State actors, other articles of the Criminal Code offer protection.

None of these measures apply to staff.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

The Spanish NHRI recommends national authorities to enhance their response efforts when information has been requested by the NHRI’s office.

Spain 2025

Information from: Defensor del Pueblo de España

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Spanish NHRI finds that during 2024, no laws, policies or state measures have been detected that negatively impact civil society and Human Rights. Nevertheless, in such an eventuality, the Ombudsman proceeds mainly through the study of complaints, the issuance of recommendations and suggestions to the authorities and the preparation of reports addressed to the Parliament. Likewise, it is entitled to file an unconstitutionality appeal against legal provisions, as well as individual appeals for protection. In April 2024, an unconstitutionality appeal was filed against Law 17/2023, of December 27, which modifies Law 2/2016, of March 29, on Gender Identity and Expression and Social Equality and Non-Discrimination of the Community of Madrid (known as the Trans Law), for violating the rights of trans minors, by pathologizing trans minors. The Constitutional Court admitted the appeal filed by the office of the NHRI.

Additionally, the institution maintains regular meetings with human rights defenders and representatives of civil society. The support provided is essentially channelled through investigations initiated as a result of complaints filed by these organizations or individuals or actions initiated ex officio by the Ombudsman, often thanks to the information provided by these entities.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Ombudsman highlights that threats or violent attacks that may occur against representatives of civil society by private actors are occasional and are managed properly by Law enforcement bodies and the Courts of Justice. The Ombudsman monitors these events.

The II National Human Rights Plan (2023-2027) states as its objective 2.1.1 “To guarantee freedom of expression and protect those who defend human rights.” However, from the Ombudsman’s perspective, it is not apparent that there is a serious structural risk for Human Rights defenders.

Regarding Strategic lawsuits against public participation (SLAPP), since they are judicial processes that are outside the scope of supervision of the Ombudsperson (article 17.2 Organic Law 3/1981, of April 6, of the Ombudsman), they are not the object of direct analysis by this institution.

However, there is a social debate about possible abuses in line with the strategic demands coming from certain entities that extensively use public complaint (art. 19 of Organic Law 6/1985, of July 1, of the Judiciary), a Spanish singular procedure recognized in the Constitution that allows any citizen to participate in judicial processes, even if they have no direct relation to their object.

These possible abusive actions do not have their origin in public powers, but in private entities that resort to massive judicial actions, with very limited possibilities of prospering, with the mere intention of intimidating those sectors that they perceive as antagonistic.

Within the framework of this debate, a bill has been presented (a proposal for an Organic Law to guarantee and protect fundamental rights against harassment derived from abusive judicial actions, which is currently being processed by parliament). The Ombudsman is closely following this initiative, as well as the future transposition of Directive (EU) 2024/1069, of April 11 2024, known as the Anti-SLAPP Directive). The Action Plan for Democracy to strengthen transparency, pluralism and the right to information approved by the Council of Ministers on September 17, 2024, contemplates this transposition, without so far indicating that any development initiatives have been activated.

It is in this transposition where the necessary instruments can be developed to protect human rights defenders from these intimidating and abusive practices.

National initiatives, frameworks and policies for the protection of human rights defenders

National initiatives, frameworks and policies for the protection of human rights defenders

At national level, the NHRI considers that the guarantees of the Spanish rule of law sufficiently protect human rights defenders.

International protection mechanisms of human rights defenders

International protection mechanisms of human rights defenders

At international level, it is worth mentioning that the Human Rights Office (ODH) of the Ministry of Foreign Affairs, European Union and Cooperation manages the Programme for the Protection and Temporary Shelter of Human Rights Defenders since 1998. This Program is aimed at human rights defenders threatened for their peaceful defence of human rights. The ODH collaborates with other programs to welcome human rights defenders developed by different regional institutions and NGOs. In February 2024, the Spanish Agency for International Development Cooperation (AECID) presented the Support Mechanism for Human Rights Defenders, as a support tool for people and organizations defending human rights in Latin America and the Caribbean.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The Spanish NHRI, in 2024, has organized various initiatives and a wide range of activities to promote civil society space and human rights defenders.

In his daily work, the Ombudsman has an active relationship with civil society actors, interacting with non-governmental organizations, groups and platforms to be aware of their concerns and challenges regarding human rights. The Ombudsman promotes public campaigns to spread relevant information about its activity, particularly on its website and on social networks. Furthermore, the head of the institution and its staff regularly participate in meetings and other events like forums and activities dedicated to Human Rights and meet periodically with representatives of civil society.

As an NHRI, the institution carries out education and awareness-raising work on human rights, collaborating with educational entities and the media to promote a culture of respect for these rights in Spain. In this sense, the Ombudsman promotes public conversation through its actions, reports and statements, pointing out possible failures or gaps that could result in human rights violations. This work is best illustrated in its annual report and in its monographic reports on matters that it considers priority, urgent or that require special attention, as has been the case of the most recent ones published:

Vicarious gender violence. The other victims [2024];

Challenges of financial inclusion. Banking services and vulnerable people [2024].

In general, these reports usually provoke the reaction of public administrations, as is the case of the “Response and Implementation Plan of the Ombudsman's report” (see del Plan de respuesta) approved by the Council of Ministers, on the

report mentioned in the previous paragraph.

In 2024, the Ombudsman gave two awards:

- School drawing competition on human rights (annual)
- King of Spain Human Rights Award (biannual), which recognizes and promotes the work of organizations working in the defense and promotion of human rights and democratic values in Spain, Portugal and Latin America, and is awarded by HM the King of Spain. In 2024, this award was awarded to the Mexican missing persons of Jalisco association (FUNDEJ). The Spanish NHRI covers various roles and contributes to the protection of civic space and HRDs in the following ways:
- Monitoring: The Ombudsman monitors the situation of civil society and human rights defenders, not only through complaints received and regulatory monitoring and analysis, but through regular contacts with interested actors.
- Complaints handling: During 2024, 34,402 complaints have been studied and 185 ex officio actions have been opened.
- Legal assistance: Through the analysis of complaints and published reports, the Ombudsman establishes a legal position in reference to the issues analyzed that can serve civil society and legal actors to address these issues. Even in the case of non-acceptance of complaints, citizens are guided about their rights. In specific justified cases, it has legitimacy to file appeals for protection (art. 29 LO 3/1981) and appeal for unconstitutionality against legal norms (see response 14).
- Recommendations & opinions: The Ombudsman has issued 1,138 recommendations and 382 suggestions in 2024. Likewise, he has published the reports mentioned in the previous section.
- Capacity Building: The Ombudsman and his staff participate in relevant training activities for the protection of Human Rights, such as with professionals from Penitentiary Institutions, Law Enforcement bodies or Universities, as well as internal training activities in relevant aspects, in addition to other professional training activities in a supranational and international environment. Similarly, Coordination Conferences are held annually with counterpart institutions at the regional level.
- Institutional HRD protection (such as human rights defender focal points) : There is no formal attribution in this regard, but in practice, the Ombudsman fulfills a relevant role of reference for human rights defenders such as the NHRI.
- Through NHRI’s specific/additional mandates (for example: focal point on SLAPPs, support to whistle-blowers): The Ombudsman is not subject to any imperative mandate (Art. 6 LO3/1981). However, as previously indicated, it has been assigned the role of National Mechanism for the Prevention of Torture (MNP) in a legislative modification of 2009. Also, Congress of Deputies tasked the Ombudsman to carry out the “Report

on sexual abuse in the scope of the Catholic Church and the role of public powers. A necessary response" (October 27, 2023). In addition, the Spanish State has considered that the mandate of the Ombudsman includes supervising the implication in human rights and public freedoms of the activities carried out through Artificial Intelligence (AI).

NHRI engagement with international and regional mechanisms for the protection of Human Rights Defenders

NHRI engagement with international and regional mechanisms for the protection of Human Rights Defenders

The Ombudsman actively collaborates with OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant international and European actors from the European Union, the Council of Europe or the OSCE, in order to further strengthen its institutional framework and work procedures. In 2024, this NHRI participated in:

- Universal Periodic Review (UPR); in the European Commission's Rule of Law report; in the annual report on the implementation of the EU Charter of Fundamental Rights (through ENNHRI's submissions);
- Sent written contributions to:
    - Report on Good Practices of the Ombudsman as an NHRI (OHCHR);
    - Committee against racism and intolerance (ECRI) of the Council of Europe;
    - Report on Good Practices of the Ombudsman and mediators to guarantee governance, the Rule of Law and Human Rights (OHCHR);
    - OHCHR study on "the role of the rule of law and accountability at the national and international levels in the prevention of human rights";
- Prepared a complementary report to the 99th Committee on the Rights of the Child and appeared as an NHRI in the previous session in Geneva together with civil society in September 2024;
- Attended the General Assembly of ENNHRI and GAHNRI in Geneva;
- Sent contribution to the United Nations Voluntary Review of Spain (ENV) entitled: "The 2030 Agenda from the perspective of the actions of the Ombudsman";
- Submitted to the GANHRI reaccreditation process, obtaining A status again.

To learn more about the activity carried out, you can consult Annex E that will be published in the 2024 Annual Report, which can be consulted on the

following webpage.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

- The NHRI recommends national authorities to correctly and fully transpose Directive 2024/1069 of April 11, 2024 (Anti-SLAPP Directive).
- The NHRI recommends regional authorities to promote and monitor the legal instruments adopted by the anti-SLAPP Directive. To achieve this, it would be key to design national strategies to counteract SLAPPs in line with the Recommendation of the Committee of Ministers of the Council of Europe of April 2024.
- The NHRI recommends all public authorities to strengthen the human rights-based approach of NHRIs when collecting, disaggregating and using data, including data for the SDGs and global indicators collected by UN Human Rights. Better data on human rights strengthen arguments and are the best basis for public policies in favor of human rights.

Spain 2025

Information from: Defensor del Pueblo de España

Functioning of justice systems

Follow-up to regional actors’ recommendations and latest developments

Follow-up to regional actors’ recommendations and latest developments

The Spanish NHRI notes that in 2024 and 2025, Spain has implemented the European Commission recommendations concerning the Spanish justice system.

In September 2024 the new General Council of the Judiciary (CGPJ) was finally established, following the agreement reached by the two majority parties in Parliament in June 2024. It had been abnormally constituted since December 2018. The Ombudsman welcomes the overcoming of this serious deficiency and closely follows the development of the agreements reached and the return to institutional normality.

Likewise, in November, Organic Law 5/2024, of November 11, on the Right to Defense, was approved. It regulates, for the first time in a unitary manner, the right to legal assistance, guarantees of the relationship between lawyer and client, and other institutional guarantees, as well as the duties of lawyers in the relationship.

In addition, Royal Decree 1100/2024, of October 29, has also been approved, which expands and modifies the organic staff of the Public Prosecutor's Office to adapt it to existing needs, creating 79 new positions for prosecutors, including two Chamber Prosecutors to fight against public and private corruption: The Prosecutor's Office for Crimes against Public Administration and the Prosecutor's Office for Economic Crimes.

Finally, Organic Law 1/2025, of January 2, on measures regarding the efficiency of the Public Justice Service, has led to a profound reform of the judicial system, through the disappearance of single-judge courts and their transformation into Courts of Instance and Judicial Offices that support them. The reforms also affect the public service of justice both in the jurisdictional and extrajudicial channels, by betting on the use of Appropriate Methods of Dispute Resolution (MASC) in civil and commercial matters before judicializing, or introducing measures to reduce litigation and streamline processes. Criminal, labor and bankruptcy matters would be excluded from the general scope of application of the MASC, in addition to those in which the public sector was a party in the process. There are also far-reaching procedural streamlining measures, as well as the implementation of the Electronic Judicial Administration. Periodic specialized training in matters of family, childhood, capacity and violence against girls, boys and adolescents is also foreseen for substitute magistrates and substitute judges, as well as for members of the Public Prosecutor's Office.

Access to justice affecting women

Access to justice affecting women

With regards to challenges in access to justice that disproportionately impacted women, in 2024, the Ombudsman published the report “Vicarious gender violence. The other victims” to address this form of “extended gender violence”, which uses the bond of the abused woman with her most loved ones, essentially on the woman's sons and daughters, whether common or unrelated to the aggressor.

The Recommendations of this institution have been oriented towards a better knowledge of this phenomenon, collecting specific data from judicial, police, and social services sources, to design effective public policies; the implementation of the Violence against Children and Teenager Central Registry; improvements in healthcare networks; the inclusion in all public

policies related to the protection of children and the specificity of minors who are victims of this type of violence in order to better detect and/or prevent manifestations of an episode of violence or the risk of it to happen; put into action the “Personalized family intervention plan”. It is also insisted that all competent administrations guarantee sufficient resources and the immediate implementation of social services for primary care and protection of children and teenagers, especially family intervention teams (see Recommendation of November 25, 2024, addressed to the Secretary of State for Youth and Children, Ministry of Youth and Children, related to vicarious gender violence), recommendation accepted by the Ministry.

Finally, the Ombudsman has raised other recommendations during 2024 that affect the treatment of victims of gender violence (e.g. protection for victims of economic gender violence).

Implementation by state authorities of European Courts’ judgements

Implementation by state authorities of European Courts’ judgements
According to the data published by the Council of Ministers of the Council of Europe on the execution of judgments issued by the European Court of Human Rights, there is no significant improvement in recent years in the execution of ECtHR sentences by Spain. In this context, participation through Rule 9 as an NHRI in certain especially relevant matters may be interesting. However, this is not considered as an extensive resource. Likewise, the Ombudsman regularly uses the legal arguments contained in the rulings of the ECtHR in his actions vis-à-vis administrations.

The Spanish NHRI undertakes the following activities to support the implementation of the European Courts’ judgments:

- Rule 9 has not been used to present observations in the process of executing ECtHR sentences, but the Spanish NHRI has not ruled out its use in some particularly significant cases.
- The Ombudsman considers the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union when setting standards for the interpretation of fundamental rights and when basing decisions. It is very important in the daily work of the Ombudsman. Explicit references to rulings from these courts can be found in numerous actions in all thematic areas of the institution, with those included in the 2024 Annual Report or in the “Report on sexual abuse in the scope of the Catholic Church”. and the role of the public powers”, being of special interest in aspects such as the position of the victims and the obligation of reparation borne by the State, or the responsibility of the public powers from the educational perspective.

- The Ombudsman does not participate in the jurisdictional function and is obliged, in accordance with its Organic Law (art. 17), to suspend its actions if the matter in question is submitted to the courts.
- The Ombudsman participates in different training processes, especially at the university level or in courses aimed at groups of officials (Law enforcement bodies, prison officials...)
- Support for specific groups is carried out especially through the analysis of complaints, which exclude matters subject to the courts.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Spanish NHRI recommends national authorities to fully implement Organic Law 1/2025, of January 2, on measures regarding the efficiency of the Public Justice Service, in accordance with the deadlines set out.
2. The Spanish NHRI recommends national authorities to reinforce resources, create new courts where needed and to enhance the organizational and structural efforts of certain courts.
3. The Spanish NHRI recommends national authorities to develop a regulatory reform tackling the problem of judges' prolonged medical leaves hindering the delivery and execution of judgements.

Spain 2025

Information from: Defensor del Pueblo de España

Media freedom, pluralism and safety of journalists

The evolution of the way information is consumed has affected the structure of the market and has caused some risks in a sector that is essential for maintaining the rule of law and democratic quality.

The development of technologies has led to the emergence of more media outlets (most of them online) and social networks, where the information they offer is not always verified. Anonymous sources are sometimes used with the intention of misinforming and manipulating.

Some measures such as Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU have highlighted the need to protect the independence and pluralism of the media.

This perception has led in Spain to the development of the Action Plan for Democracy approved by the Council of Ministers on September 17, 2024. It includes relevant measures to protect the independence and plurality of the media, including modifications to the Law on institutional advertising, to provide greater transparency to the sector, to promote a new Law on professional secrecy for journalists, the transposition of the anti-SLAPP Directive, the approval of a National Strategy to combat disinformation campaigns or the extension of the right of rectification to social networks (modification of Organic Law 1/1982 and Organic Law 2/1984).

The processing of some of these measures, such as the reform of the right of rectification, has already been initiated, with the reading of the draft in the Council of Ministers on December 17, 2024.

The Ombudsman recognizes the relevance of the proposed measures and is attentive to their implementation, the execution of which has not yet begun. However, it should be noted that no complaints about the work of journalists or freedom of information have been processed by the Ombudsman during 2024. However, if they were to occur, they would be linked to article 20 of the Constitution (the right to receive truthful information is recognised and protected) and would fall within the scope of supervision of the Ombudsman, when it comes to restrictions imposed or promoted by public powers.

In the area of access to relevant information, the Ombudsman regularly receives complaints about non-compliance with Law 19/2013, of December 9, on transparency, access to public information and good governance.

In 2024, some recommendations have been made in this area, for example, to the Department of Citizen Security of the Autonomous City of Melilla. Several entities have also been recommended to increase transparency standards within the framework of staff selection processes. The Ombudsman also positively values the measures included in the Fifth Open Government Plan.

This institution considers that it is an essential element of the rule of law that citizens can access a plurality of content from editorially independent media, without being subject to disinformation and respecting the confidentiality of sources as indicated in the European Regulation on Freedom of Information Media and in the jurisprudence of the ECHR.

Follow-up by state authorities to the

recommendations concerning media freedom issued by European actors

Follow-up by state authorities to the recommendations concerning media freedom issued by European actors

In relation to the follow-up by State Authorities to the recommendations concerning media freedom issued by European actors, the Spanish NHRI points out that the II National Human Rights Plan (2023-2027) and the Democratic Action Plan include some measures to protect media freedom. Overall, the Ombudsman believes that the steps taken (European Regulation on Freedom of Sources, European Strategy against disinformation, etc.) are on the right track and are beneficial as a starting point for improving the protection of press freedom in Spain and in Europe.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Spanish NHRI recommends national authorities to increase efforts and standards on transparency, access to public information and good governance.
2. The Spanish NHRI recommends regional authorities to monitor the implementation of recent European regulations in the field of media freedom.

Spain 2025

Information from: Defensor del Pueblo de España

Other challenges to the rule of law and human rights

The Ombudsman notes that NHRIs will need to be alert to the significant implications that artificial intelligence (AI) has for human rights, both in terms of challenges and opportunities.

The Ombudsman also reports that measures have been taken by the national authorities to follow-up on the European actors' recommendations concerning other areas of rule of law, such as checks and balances and anti-corruption. In

September 2024, the Council of Ministers approved the Action Plan for Democracy as a follow-up instrument to the recommendations of the "Action Plan for European Democracy" (Plan de Acción por la Democracia), reinforcing transparency around 3 axes: expanding and improving the quality of government information; strengthening the transparency, plurality and responsibility of our information ecosystem; and reinforcing the transparency of the legislative power and the electoral system.

Among the announced measures, it is proposed to finally approve a Law on Interest Groups that regulates their code of conduct and facilitates the monitoring of the legislative process.

The Reform of the Law on Official Secrets (of 1968) is also addressed to adapt it to a current and guarantee-based context in compliance with one of the recommendations to Spain of the Rule of Law report.

In October 2024, the Statute of the Independent Authority for the Protection of Informants, A.A.I.(AIPI), was approved, in compliance with Law 2/2023, of February 20, regulating the protection of persons who report regulatory violations and the fight against corruption, approved in compliance with Directive 2019/1937. This public law entity at the state level will act with full autonomy and organic and functional independence from the Government. Its purpose will be to guarantee the protection of the informant and to serve as an institutional pillar in the prevention and fight against fraud and corruption. The Ombudsman is following the implementation of this measure with interest. The Spanish NHRI also deems that the work of serious and rigorous media is essential to protect democracy and contribute to social peace.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities

The Spanish NHRI recommends national and regional authorities to:

- Closely monitor the implications of Artificial Intelligence on human rights. In this regard, the use of AI techniques in relations with citizens should be preferably studied, in order to specify the rights and obligations of the parties and guarantee the existence of periodic, agile and effective fact-checking systems to avoid rights violations and biases that produce discrimination (profiling). Likewise, the use of AI in commercial relations should be monitored, anticipating some risks (such as the growth of cases of identity theft or discrimination)
- Protect freedom of information from incumbent risks affecting rule of law and democracy. The right to receive truthful information is included in the Spanish Constitution (art. 20.1. d CE) as a fundamental right, and

in the current context is a requirement for any democracy, and for having a free and informed citizenship.
- Continuously seek progress in the activation of positive discrimination policies to give opportunities to the most vulnerable groups in accessing public services.

Sweden 2025

Information from: Swedish Institute for Human Rights

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations
The Swedish Institute for Human Rights (SIHR, the Institute) was accredited with A-status for the first time in October 2024.

Noting that the law is silent on the procedure by which Board members are appointed by government, the SCA encouraged the SIHR to continue its engagement with government to advocate for the formalisation of a clear, transparent and participatory nomination, selection and appointment process that promotes merit-based selection in relevant legislation, regulations, or binding administrative guidelines. It further recommended the SIHR advocate for amendments clarifying the rules, process, and safeguards in place for the dismissal of Board members.

Acknowledging that in practice, the SIHR engages in both human rights promotion and protection activities and has actively addressed key human rights concerns in country, the SCA encouraged the NHRI to advocate for the inclusion of an explicit mandate for promotion and protection. Further, it encouraged the SIHR to continue its engagement with Parliament on its annual and thematic reports, as well as to advocate for amendments to its enabling legislation that would explicitly establish a process for the institution’s reports to be circulated, considered, and discussed by the legislature.

The SCA encourage the SIHR to take measures to ensure broad representation in its staffing, as well as to enhance its regional cooperation and engagement with diverse parts of society in all regions of the country.

Finally, the SCA recommended that the SIHR continue to advocate for a progressive increase in funding, in line with the inquiry preceding the establishment of the SIHR, to ensure that the NHRI is enabled to carry out the full breadth of its mandate, engage with marginalized groups, and to increase its staff complement. The SCA further encouraged the SIHR to continue to engage with government on the way it processes and responds to the institution's budget requests and protects the NHRI from disproportionate budget cuts.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The institute was established in January 2022. It submitted a formal request for accreditation and membership in GANHRI (Request for accreditation, reg.no: 1.4.1-199/2023) on 14 April 2023.

In October 2024, SCA recommended that the Swedish Institute for Human Rights be accredited with A status. This is the first time Sweden has an institution with A-status. As a result of the review, the Swedish Institute for Human Rights received several recommendations. The Institute has presented and discussed these recommendations with both the responsible minister (minister for Gender Equality and Working Life on 4 December 2024) and with the constitutional committee of the Swedish Parliament (on 11 November 2024).

It should also be noted that in addition to briefing the responsible minister and the constitutional committee of the parliament about the SCA recommendations in November and December 2024, the Institute already on 24 January 2024 (i.e. nine months before SCAs recommendation was issued) submitted a letter to the government, drawing attention to the immediate need to further enhance the regulatory framework, for example, to clarify the appointment and dismissal rules regarding the Institute's board members.

One of the recommendations received from SCA also concerned the appointment process of board members.

The government appointed two new members to the board in December 2024. While the board did not assess the qualifications of the appointed new board members, it expressed deep concern to the government over the appointment process, which failed to sufficiently safeguard the Institute's independence as required by law and international standards.

Despite nominations from both the Institute's Council for Human Rights and from universities, the government did not select any candidates nominated by the Council. One appointee was not nominated by any of the bodies mandated to nominate candidates for the board. According to the Institute, this undermines the transparency and predictability necessary for trust in the Institute's independence, as emphasized in the UN Paris Principles.

The board has repeatedly urged the government to ensure compliance with these principles, highlighting the importance of a clear and fair appointment process. The SCA recommendations also called for strengthening the Institute's independence. The board reiterated in public the need to review the law to fully uphold the Institute's autonomy.

The SCA also recommended that the Institute takes measures to ensure the broad representation of national society, including in the context of gender, ethnicity or minority status in its staffing and refers to Paris Principles B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'. On 5 December 2024, the Institute's board adopted a workforce strategy (kompetensförsörjningsstrategi) highlighting the importance of efforts to attract and reach talents with diverse backgrounds and experiences. The workforce strategy outlines the framework, goals, and approaches to enable the institute to effectively recruit, retain, and develop the necessary expertise to fulfil its mission. A goal of the strategy is to achieve a workforce composition that, as far as possible, reflects the pluralism of Swedish society in terms of factors such as age, functionality, gender, ethnicity, and minority groups.

Regulatory framework

Regulatory framework

The Swedish Institute for Human Rights notes that there was no change to its national regulatory framework since January 2024. The NHRI's regulatory framework should be strengthened in line with the SCA recommendations.

NHRI enabling and safe space

NHRI enabling and safe space

Awareness about the NHRI

The awareness and knowledge of the Swedish Institute for Human Rights' mandate, independence and role among authorities is increasing annually. It should be noted that the Institute is still very young and accordingly, not as known as many other authorities. Therefore it is still common that the Institute must start meetings by introducing its role, independence and mandate.

Involvement in law- and policy-making

Compared with 2022, the Swedish Institute for Human Rights now receives a very high number of legal proposals and inquiry reports on referral and for comments. The fact that the Institute now receives such a high number of legal proposals and inquiry report on referral indicates that the Institute is more known now compared to two years ago and that the Institute during the years has provided relevant comments of high quality to legal proposals etc.

The Institute has never been requested to provide input to the development and drafting of the terms of reference for inquiries.

In some cases, the Institute has been involved during the inquiry process and met with the responsible experts and provided comments and recommendations before the inquiry report was finalised. In most cases such meetings have taken place upon request from the Institute, but it has also happened that the inquiry experts have contacted the Institute for feedback before the finalisation of the inquiry report.

The government has tasked the Swedish National Financial Management Authority (ESV) with developing a framework to guide impact assessments and providing targeted guidance to selected committees and investigators. In developing the framework ESV is instructed to gather and consider expertise and methodological support from various authorities, including the Institute regarding the implications for Sweden's international human rights obligations. The assignment should be completed and reported in April 2027.

Resources

The Institute was allocated an appropriation of SEK 50 000 thousand for the first year of operation in 2022, SEK 50 518 thousand for 2023 and SEK 51 795 thousand for 2024. During the establishment of operations, the level of the appropriation for both 2022 and 2023 has exceeded the actual need. However, the Institute has requested in the budget documents that the appropriation be increased after the initial years' establishment of operations. The preparatory work to the enabling law show that the assessment was that the Institute needs at least 60 full-time equivalent employees. Today the Institute has approximately 31 full-time equivalent employees.

In an official letter and in the Institute's annual report the Institute recommends that the Government, in its handling of the Institute's budget documentation, needs to ensure that the Institute receives the funds it needs. The Institute's summarised assessment is that funding has been more than adequate during the initial years and the establishment of its activities, but that the appropriation needs to be increased for the further development of its statutory activities.

Responses to NHRI’s recommendations

There have been no state measures put in place to ensure timely and reasoned responses to the NHRI’s recommendations.

According to the enabling law, the Institute shall prepare an annual report which, in accordance with the content of the Paris Principles, shall cover human rights developments and the main activities of the Institute. However, in terms of recipients, the law is structured differently from the Paris Principles, as it requires that the annual reports are submitted to the government. At the same time, this does not prevent, either from a legal perspective or in practice, the Institute's annual reports from being submitted to, presented to and debated by Parliament.

The Institute has stressed the importance of Parliament receiving and considering the Institute's annual report (and other reports) in discussions with representatives of the Committee on the Constitution.

In 2023 and 2024, a procedure has been developed in this area, whereby the Committee on the Constitution receives the Institute's annual report and has the content presented to it in connection with the launch. The presentation has then been followed up with a discussion of the content in plenary, where, among other things, the hope has been expressed to receive more reports from the Institute.

Immunity and measures to protect and support the NHRI

While the enabling law is silent on the protection of members of the decision-making body and staff from criminal and civil liability for official actions and decisions undertaken in good faith, such protection is ensured through other legislation. The enabling law builds on other legislation and an important principle and starting point in the Swedish legal system is to avoid double regulation, to the effect that the enabling law may be silent on issues regulated elsewhere. This situation applies to the question of functional immunities of leadership and staff of the Institutions. This flows from several important pieces of national legislation:

- Freedom of expression is a strong general rule, protected in the Instrument of Government.
- According to the Instrument of Government and the Fundamental Law on Freedom of Expression, also public officials have the right to express their opinions.
- Further, according to the Freedom of the Press Act, public officials can share any kind of information, except information offered special protection by the Act on Secrecy, to the media and journalists, without repercussions from the employers. Therefore, they must not be subjected to reprisals for reporting irregularities.

- The Board, including the Director, and all staff are covered by the Act on the Protection of Persons Reporting Misconduct (2021:890), which entered into force in December 2021, also known as the Whistleblower Act., i.e. a ban on enquiries and a ban on reprisals from their employer.
- Under Chapter 20, Section 1 of the Criminal Code, criminal liability for professional misconduct can only be imposed in cases where the person wilfully or negligently disregards his or her duties.
- According to Swedish tort law, liability for financial damage may only be incurred under exceptional circumstances.

Hence, the legal framework provides all members of the Institute with a sound protection against both civil and criminal liability.

Threats faced by the NHRI

As reported in ENNHRI's 2024 Rule of law report , the institute was under threat in 2023 since the government questioned the significance of a Swedish NHRI on economic grounds, a stance further supported by the coalition party for political reasons, expressing the opinion that Sweden has no problems with racism and discrimination. Since the Minister for Gender Equality and Working Life did not confirm continued funding for the Institute in both open and closed meetings with the Institute, the Institute assessed that it could be under threat. The threat diminished after the government presented the budget proposal for 2024 in which it confirmed its commitment to fully comply with the Paris Principles and the Institute's important position in that regard, along with a budget allocation that did not imply significant changes compared to the previous year (however, the requested increase in budget was declined). For further information, see 2024 Rule of Law report.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The Institute highlights the importance of full implementation of all the SCA recommendations. For example, the Institute recommends the following to national authorities to:

- Formalize a clear, transparent, and participatory nomination, selection, and appointment process that promotes merit-based selection in legislation, regulation, or binding guidelines;
- Ensure that the nomination of board members – by the Institute's council, the Bar Association, and universities—aligns with the Paris Principles and is supported by uniform criteria.
- Gradually increase funding, in line with the Act's preparatory work, to enable the Institute to fulfil its full mandate, collaborate with marginalized groups and communities, including in remote areas, and

expand its workforce.
- Report on how it addresses and responds to the Institute's budget requests and ensure protection against disproportionate budget cuts.

Sweden 2025

Information from: Swedish Institute for Human Rights

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

Freedom of association, freedom of assembly and freedom of expression

In 2023 the government tasked a special investigator to review whether national security should be considered when granting permits for public gatherings in accordance with the Public Order Act. The inquiry was more specifically tasked with for example, analysing and describing the legal possibilities offered in the Instrument of Government to consider circumstances threatening Sweden's security during the permit examination process for public gatherings and for the right to cancel and disband public gatherings. The inquiry was also tasked with making proposals that allow Sweden's security to be taken into account when assessing whether there are grounds to refuse permits for, issue conditions for, cancel or disband public gatherings.

The inquiry concluded that "the interest of the security of the country" may be used as the basis for restrictions where the purpose is to protect interests of fundamental importance to Sweden's external and internal security. The Inquiry's assessment was that Sweden's security is, to some extent, an overriding interest that could form the basis for far-reaching restrictions of the freedoms of expression, assembly and demonstration. The inquiry highlights that regulations that allow restrictions of the freedoms of expression, assembly and demonstration must be formulated in a way that does not allow Sweden's security to be given disproportionate consideration. The inquiry concludes that the Swedish Police Authority should be allowed to refuse permission for a public gathering if it is necessary to do so because it is clear that the gathering is likely to cause a substantial danger of criminal offences that could threaten Sweden's security being committed in Sweden or against Sweden's interests

abroad, or of Sweden's security being threatened in some other way.

In its referral response the Institute rejected the proposal to introduce "Sweden's security" in the law as a new ground for refusing permission for a public gathering since the Swedish legal system may already have the capacity to handle the issues. The Institute also highlighted that the bill did not meet the requirements for clarity and necessity, which risks leading to an arbitrary application of the ground for refusal.

Funding for civil society organizations from the public sector

During 2024, several civil society organizations have been negatively impacted by funding decisions. Study associations point out in a report that their continued reductions in allocations have significantly affected several activities, particularly those aimed at persons with disabilities or the elderly.

The National Body for Dialogue and Consultation (NOD) reports in a study that several organisations are experiencing an increased focus on project funds and a more targeted direction set up for the funding they are applying for. They outline several potential reasons for this. As an example, 48 percent of the respondents state that they experience an increase in project grants compared to core funding and organizational grants. Almost half of the respondents experience that funding is coupled with an increased requirement that the activities shall contribute to certain set aims. NOD also points out that organizations may experience increased demands on having to measure and demonstrate results, both in the application process and in the reporting of public grants, which can affect the activities they can carry out.

According to the Conditions Report (Villkorsrapporten) published by the Swedish Agency for Youth and Civil Society in May 2024, nineteen percent of the reviewed organizations report that the reduced funding from the public sector has been a challenge. Some organizations highlight that the requirements on how activities should be conducted within the framework of project grants limit their ability to run efficient and high-quality operations.

Involvement of civil society in law- and policy-making

A new and updated proposal regulating the so-called "democracy conditions" was presented to, and adopted by, the Parliament in April 2024. Civil society has expressed that it is important that the government engages in a dialogue with them on the implementation and follow-up of the "democracy conditions".

Moreover, a new strategy for Sweden's development cooperation with civil society has been adopted. Civil society voiced strong criticism against the restructuring of aid, both in terms of its content and the process preceding the strategy.

Several civil society organizations also criticize the government for deviating from established practices related to preparation of new laws. They point out that some government inquiries are conducted in shorter timeframes, agreed-upon dialogue processes are disregarded, and fewer civil society organizations are included on consultation lists for referrals of inquiries.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
In a study carried out by the magazine Expo on the vulnerability of civil society to threats and hate, the majority of the surveyed CSOs report that they perceive an increase in threats or a growing concern about being subjected to them. Some organisations noted an escalation and intensification of threats and hate, while others described it as a constant flow that varies in scale but is always present and impactful. Several organizations expressed that they have been under constant pressure and targeted by systematic campaigns of threats and hate.

A survey presented during the year highlights the vulnerability many CSOs experience today. In the survey, 150 leaders from CSOs responded to questions about negative labelling and so-called stigmatization. Many of the respondents had been labelled as extremists, Islamists, terrorists, or traitors. Most vulnerable, according to the survey, are those CSOs working for and with Muslims, feminism, and climate action.

In terms of safety of the civic space, an attack on an anti-fascist event in April 2024 should be mentioned. The attack was condemned broadly by politicians and the minister of justice invited all parties in the parliament to a meeting to discuss the way forward to better counter attacks, harassment, sabotage etc. on the democracy.

Moreover, the institute co-hosted a parliamentary seminar 2023 focusing on the rise of hate, threats, and polarizing rhetoric in Sweden and the potential consequences of these developments. The discussion highlighted that these issues have intensified in recent years and that certain groups are more affected than others. These include civil society, politicians, journalists, and researchers, as well as certain minorities. It was also noted that women are often impacted more severely than men.

The above-mentioned Expo study concludes that most of what is perceived as threats and hatred comes digitally via email or posts on social media. Several of the interviewed organizations state that increased media visibility and an increased presence in various public debates have generated an increased amount of hateful and unpleasant comments. In some cases, direct threats as

well.

Initiatives, frameworks or policies for the protection of human rights defenders

As far as the Swedish Institute for Human Rights is aware, the internationally protected concept of human rights defenders is neither recognized, nor mentioned in Swedish legislation. There is, however, legal protection for a framework of actions or activities that human rights defenders typically use or rely on in their work, such as political rights, whistleblowing, raising concerns about children, the possibility of reporting to the Parliamentary Ombudsman on behalf of others, etc.

Some 20 Swedish cities, municipalities, regions or counties participate in the ICORN city of refuge program, i.e. a safe haven program for writers, journalists and artists who are at risk due to their work and defence of human rights at their home countries, supported by the Swedish Arts Council and partially funded by EU.

Further, some civil society organizations and social movements have established their own protection mechanisms for HRDs, the specific designs of which vary slightly depending on the initiator and the funding.

However, according to the Institute’s knowledge, there is no publicly sanctioned in-country protection system for HRDs in Sweden. For example, compared to elected officials and journalists, offences against HRDs are not subject to a specific penalty-enhancing provision in the Criminal Code (chapter 29, paragraph 2). In line with this and again in comparison with elected officials and journalists, HRDs are also not among the specifically identified and prioritized target groups in the police's fight against what are summarized as crimes against democracy, or democratic functions. This does of course not exclude that politically elected HRDs and journalist HRDs may benefit from this scheme. Indeed, the Crime Prevention Council safety survey among politicians indicated that human rights-related tasks or missions such as within the fields of migration, integration, gender equality and LGBTQ+, strongly contributed to vulnerability.

In its strategy for national human rights work, adopted in 2016, the government states that civil society ‘... actively monitors that human rights are respected by the public sector, document and address violations of rights, and represent individuals, groups and interests, both nationally and internationally.’ This recognition is followed up by an objective to create well-functioning communication through consultations between the government and civil society organizations on the human rights situation in Sweden. However, the strategy lacks an assessment of the vulnerability of civil society organizations defending human rights and does not set any corresponding protection goals.

However, in 2021, the County administrative boards, entrusted with an important mandate within the strategy, conducted a survey on the human rights profession, relative to the background, activities and challenges among some 100 human rights specialists, i.e. civil servants promoting and coordinating human rights programs within State authorities and municipalities in Sweden. The survey pointed to the existence of an emerging, pre-profession in human rights, as well as a need to increase knowledge about the purposes and needs of this profession among employers and academic institutions.

A recognition of the role of civil society in addressing violations and defending human rights is also expressed in the Government's recently updated action plan against racism. This plan further recognizes the existence of anti-racist threats and hatred against various CSOs, including faith communities. It also points out a possibility of channelling state funding in this area to support particularly vulnerable communities. In the subsequent action section, the government points to a newly given task to the Agency for Support to Faith Communities to strengthen and disseminate knowledge about the security situation of faith communities.

In 2025, the Institute will investigate the conditions for human rights defenders in Sweden, in which it will examine their current functions, activities and protection needs, drawing on the 1998 UN Declaration and other international policy and guidance in this area.

In relation to the upcoming survey on human rights defenders in Sweden, there are several interesting gendered starting points. For example, an overwhelming majority of members of the Institute's information network are women. The lack of recognition for the role of human rights defenders can therefore, according to the Institute, likely be highlighted as a gender issue.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The Institute's campaign for Human Rights 75 carried clear messages on the right to defend human rights. The campaign continued well into 2024, including on social media and the Institute's webpage.

In the Annual Report 2024, the Institute raised the role and challenges for HRDs in general, as well as for environmental defenders in particular.

Further, like during 2023, the Institute again raised issues related to the conditions of HRDs in its National Network of Human Rights Specialists (NNHRS). Specifically, some 200 members, a majority of whom would identify themselves as HRDs, were offered an introduction to the concept of HRDs in

the Swedish context and in different organisational settings (NGOs, public institutions, businesses). This was followed by three testimonies from human rights defenders who represented three different categories, i.e. one male human rights defender with vast experience of civil disobedience actions for the climate and their legal repercussions, one black woman HRD with vast experience of anti-racist work in the trade unions and one woman HRD who has worked as a human rights specialist in several Swedish municipalities.

NHRI’s activities to protect civil society space and human rights defenders

In 2024, the Institute undertook several preparatory actions as regards the above-mentioned survey and forthcoming investigation into HRDs in Sweden, planned for 2025. These preparations included a desk-study and other means of orientation in international policies and activities for HRDs, e.g. participation at a seminar on HRDs organized by ENNHRI on 3 May 2024 in Geneva and the OHCHR spot-light event on Human Rights Defenders organized on 9 December 2024 in Brussels.

The Institute also carried out consultations with other Swedish actors active in the field. Further, within the framework of this and other ongoing activities at the Institute, the Institute has answered individuals approaching the institute with questions on point of law and process, on national and international legal remedies for HRDs under threat (such as the possibility for environmental defenders to turn their grievances to the Special Rapporteur on environmental defenders under the Aarhus Convention). Moreover, the Institute submitted an Amicus curiae to the Supreme Court in favour of the environmental NGO Aurora's right to hold the state accountable for shortcomings in the implementation of Sweden's international environmental and human rights commitments.

The Institute has also had shorter scheduled discussions on the work for human rights defenders with the Civil society network for human rights.

The Institute has also established an Advisory Council on Human Rights. The purpose of the Council is to provide advice and support by affording the Institute with knowledge and experience from the human rights work of civil society and other actors. The council consist of 20 members, including women human rights defenders (WHRDs) or LGBTQ+ human rights defenders.

Engagement of the NHRI with international and regional mechanisms in support of human rights defenders and civil society

In 2024, the Institute familiarised itself with the mandate and relevant activities of the UN Special Rapporteur on HRDs. The Institute also participated in the OHCHR's spot-light event on HRDs in the European Parliament on 9 December 2024, where the Special Rapporteur participated.

In 2023, the Institute organised a presentation with the Special Rapporteur on environmental defenders under the Aarhus Convention for the NNHRS. The meeting strengthened the Institute's contacts with the Special Rapporteur's office, which led, among other things, to an exchange of information in early 2024 relevant to the Special Rapporteur policy paper on State repression on environmental protest and civil disobedience. As follow-up, the Institute has participated in panels discussing the policy paper's underlying human rights issues, at events organized by the Swedish Society for Nature Conservation.

The Institute has also provided individual environmental defenders contacting the office's helpline with information about the communications procedure attached to the Special Rapporteur's mandate. The Special Rapporteur intends to visit Sweden to follow up on these and other cases and at the same time hold consultations with the Swedish environmental movement on the general conditions for environmental defenders under the Aarhus Convention, a visit that is partly prepared jointly by the Secretariat and the Institute.

Moreover, the judgement of the European Court of Human Rights in the so-called case of Klimasenniorinen strongly supported the Institute's work for and analysis behind the above-mentioned Amicus Curiae to the Supreme Court in the Aurora case.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

Recommendations to European actors

The Institute prefers not to issue any detailed recommendations before completing its forthcoming investigation into HRDs in Sweden (planned for 2025). However, on a more general level, the Institute recommends that clear and simple definitions of HRDs should be used and that cooperation between HRDs, European institutions and NHRIs should be strengthened, e.g. through information exchange and advocacy initiatives.

Sweden 2025

Information from: Swedish Institute for Human Rights

Functioning of justice systems

A report from the Centrum för Rättvisa reveals that individuals lose more than 90% of cases when appealing government decisions in court. The report suggests this is not solely due to the accuracy of decisions by the authorities, but also to systemic flaws in the legal and administrative processes. According to the report, these deficiencies hinder individuals from seeking justice when the state makes a mistake. The report proposes for example that a legal right to compensation for justified legal costs in administrative cases should be established and the right to compensation for errors in public authority actions should be strengthened.

The Swedish Parliament passed legislation during the year allowing anonymous witnesses in courts. The new rules took effect on January 1, 2025. The law aims to fight gang violence, break the “culture of silence”, and strengthen and streamline legal proceedings. The Institute has opposed the legislation, arguing that it is unlikely to achieve the intended effects. Instead, it may have the opposite effect, undermining the right to a fair trial. The use of anonymous witnesses will according to the law be restricted to very specific situations and the value of the evidence will be low. However, the mere fact that anonymous witnesses are permitted in Swedish courts risks eroding public trust in the judicial system. Critical factors will include when and how anonymous witnesses are used by the courts. For instance, if courts give more weight to anonymous testimony than it merits, this could not only damage trust in the judiciary as a whole but also potentially violate the right to a fair trial.

The Swedish system with lay judges, where lay judges are nominated by political parties, raises concerns about the independence and impartiality of courts. Lay judges hold equal voting rights to professional judges. It is crucial that lay judges act, and are perceived to act, independently of political influence. See ENNHRI’s 2024 rule of law report for a more in-depth description about the system.

Just like last year, there has also this year been court cases raising questions regarding political influence of courts. One example is a Migration Court ruling where three lay judges from the same political party overruled a professional judge and decided to deport a man. Another example is a case involving civil disobedience during a Stockholm roadblock, where two of the lay judges citing climate emergency overruled the other judges resulting in the defendant being acquitted.

During the year the institute called on the government to review the system with lay judges, recommending a recruitment process free from involvement of political parties and stronger protections for judicial impartiality.

Civil society has long reported shortcomings in legal safeguards in migration cases. A government-commissioned analysis found significant inconsistencies and weaknesses in the Swedish Migration Agency's handling of asylum cases.

For instance, approval and rejection rates vary by region, indicating challenges in maintaining uniformity and legal certainty. The reports also highlight flaws in the legal quality of decisions, particularly in cases involving LGBTQI+ individuals and converts.

Follow-up and implementation by state authorities of European Courts' judgments

On 27 September 2024, the Department for the Execution of Judgements of the European Court of Human Rights asked the Swedish government for additional information in order to enable the Committee of Ministers to carry out a comprehensive assessment of the case Centrum för Rättvisa v. Sweden (Application 35252/08), Judgment of 25 May 2021. On 25 November 2024, the Government submitted an Action Report explaining that it considers that all necessary individual measures in the case have been taken. As regards the general measures, the government expressed that since the proposed legislative amendments in the Signals Intelligence Act and the Act on Personal Data Processing at the National Defence Radio Establishment now have been adopted by the Parliament, and soon will enter into force, the government has fulfilled its obligations. The Government therefore asked the Committee of Ministers to close its examination of the case.

NHRI's actions to support implementation of the European Court's judgments

The Swedish Institute for Human Rights observes that there is to their knowledge only one ECtHR judgement against Sweden requires measures to be taken. In 2024, the Institute submitted a referral response to a proposal to a new law that was a reaction to the judgment. The Institute has during the year not taken further specific steps as regards the implementation of the judgments.

Measures taken by national authorities to follow-up on the recommendations concerning justice systems issued by European actors

As regards the recommendation from the European Commission's 2024 EU Rule of Law Report to ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence, there has been no progress by the national authorities. However, the Institute submitted a letter to the Minister of Justice in March 2024 suggesting that the government establishes an independent inquiry into how a new recruitment system for lay judges can be designed without the involvement of the political parties. The institute has so far not received a reply (31 January 2025). In addition, the Institute also included in its Annual Report 2024 the recommendation to the government to establish such an inquiry.

NHRI’s recommendations to national and regional authorities

NHRI’s recommendations to national and regional authorities
Since the recommendations put forward by the Institute within this area last year have not been implemented, the Institute repeats the same recommendations also this year. For further information and justification see last year’s report. The Institute recommends to:

1. Appoint a special investigator with the task to investigate how a new recruitment system for lay judges should be designed without the involvement of the political parties.
2. Amend the legislation so that the Institute for Human Rights is excluded from the Chancellor of Justice’s (JK) supervisory duties.

Sweden 2025

Information from: Swedish Institute for Human Rights

Media freedom, pluralism and safety of journalists

Public Service Inquiry

During the year, the so-called Public Service Inquiry submitted its report on responsibility and independence—public service in troubled times. The Institute is positive about the proposals to legislate that activities within the public service mission should be characterized by independence and strong integrity and conducted autonomously from the state, as well as from various economic, political, and other interests and power spheres in society. The Institute believes it is essential to maintain the requirement that program operations should be conducted from a perspective of equality and diversity. In its referral response, the Institute, however, expresses concern that the inquiry committee had not reached an unanimous decision. There are disagreements regarding funding allocation in the report, as shown in reservations and dissenting opinions from several members of the committee and as reflected in major Swedish newspapers.

In 2023, the government established an inquiry tasked with reviewing the constitutional protection for search services that publish personal data about for example violations of law, addresses, phone numbers, marital status etc.

The aim of the inquiry was to strengthen protection of personal privacy when personal data is published by such search services. In 2024, the inquiry report was presented proposing that the constitutional protection for search services that publish such information should be limited in order to protect individuals' personal privacy. The Institute supported the proposal in general, but emphasized that delegation provisions in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression must align with Sweden's human rights commitments. In addition the Institute called for a child impact assessment.

Establishment of the Swedish Agency for the Media

On January 1, 2024, the Swedish Press and Broadcasting Authority merged with the Swedish Media Council to form a new agency - The Swedish Agency for the Media. The Agency works for example to promote freedom of expression and diversity in the media market. The agency also has the task to promote the empowering of minors as conscious media users and to protect them from harmful media influences.

Incidents of attacks, threats and harassment against journalists and media outlets

In 2024, several incidents of attacks and threats targeting individual journalists and media outlets have been reported in the media. For example, in May, the broadcaster TV4 filed a police report because of threats following its publication of an investigative report on a political party using undercover journalism. Additionally, demonstrators were reported to have chanted threatening slogans outside a journalist's residence after the publication of an investigative piece on demonstrations in support of Palestine. In September, two incidents were reported in which red paint was thrown at the Swedish public service broadcaster Sveriges Television (SVT) and a local newspaper, Barometern.

Harassment, threats, and attacks against journalists and media outlets have become a pressing issue in Sweden in recent years. In September 2024, 74 journalists, researchers, and authors signed an appeal highlighting the threats and harassment they face in their professions. The appeal called on the government and parliament to address the deteriorating climate of public dialogue. The signatories emphasized that hate directed toward women in these fields often takes on a sexualized nature.

Strengthened protection of journalists against threats and hatred

Moreover, the government also decided on measures to strengthen the protection of journalists against threats and hatred. As part of this decision, the above-mentioned Swedish Agency for the Media was tasked to monitor the issue of journalists' safety in Sweden and bring relevant actors together for

dialogue and the Victim Support Sweden was allocated funds to build a national contact point for journalists who need support or protection.

Sweden 2025

Information from: Swedish Institute for Human Rights

Other challenges to the rule of law and human rights

Gang-related violence and its impact on society

Gang-related violence represents one of Sweden's most significant challenges today. The violence not only impacts gang members but also extends to their families, friends, and neighbours. It imposes restrictions on the daily lives of the general public, heightening insecurity and, in the worst cases, exposing individuals to the risk of direct victimization.

Over the past decade, the number of confirmed cases of fatal violence involving firearms rose from 25 in 2013 to 63 in 2022. However, firearm-related violence in Sweden has decreased for the second consecutive year, as evidenced by the Police Authority's statistics for 2024. During the year, 296 shootings were reported, reflecting a nearly 20 percent decline compared to 2023. The number of fatalities from gun violence also decreased, with 44 deaths recorded in 2024 compared to 54 in the previous year.

The Institute is deeply concerned about the gang-related violence in Sweden. It is imperative that the government implements effective measures to enhance societal security and put an end to the violence. However, such measures must fully comply with Sweden's human rights obligations, as enshrined in its constitutional laws and international conventions.

During the year a number of new laws and legal amendments entered into force with the purpose of fighting criminal gangs and enhancing safety in society.

Security zones as preventive measure

Since April 2024, the police is mandated to establish "security zones" (also known as stop-and-search zones) as a preventive measure. This allows police to search individuals and vehicles in public areas without concrete suspicion of a crime. Zones must be clearly defined and deemed critical for preventing criminal activity. The security zones can have a duration of maximum two

weeks but can be extended. The proposal faced criticism from several bodies. Concerns include insufficient legal safeguards and disproportionate restrictions on privacy rights.

In its referral response, the Institute warns of risks of actual and perceived discrimination, as the police powers can be used arbitrarily and individuals can be stopped and searched without suspicion and only based on for example how they are dressed or how they behave. This could undermine trust and crime prevention efforts. It should be noted that the Police's own evaluation suggests that security zones may enhance perceived safety, but their impact on reducing violent crime appears minimal.

New law introducing preventive stay-bans

A new law introduced during the year allows prosecutors to impose preventive stay-bans, restricting individuals, not convicted or suspected of crimes, from certain areas for a period of six months. During the first half year the law was in force, 80 such bans were issued. The Institute criticized the law for disproportionately infringing on freedom of movement and privacy rights and in many cases denying affected individuals the right to legal representation, raising concerns about fairness and legal safeguards.

Surveillance

During the year several proposals were presented aiming to expand surveillance, for example eased regulations in relation to surveillance cameras in public places. The Institute and others have criticized these measures, citing for example that it can violate the right to privacy. The proposals often lack clarity, proportionality, and protections against misuse, risking arbitrary implementation and undermining personal integrity.

Legal amendments has also been introduced during the year which have expanded law enforcement's ability to use covert surveillance and searches. The Council on Legislation criticized these measures for being highly intrusive and targeting a broader population, including individuals not involved in criminal activity. This could harm those subjected to such actions and erode trust in authorities. The Council also warned of risks of arbitrary decisions perceived as harassment or undue control over irrelevant individuals.

The numerous amendments to regulations on covert coercive measures in recent years have made the legal framework highly complex, complicating a comprehensive understanding of the legislation and the extent of potential privacy intrusions. The assessments of these intrusions, including their compatibility with for example Article 8 of the European Convention, are in the inquiry reports limited to the individual legislative proposals. It is then typically concluded that the intrusion is acceptable. However, the cumulative impact of all these measures on democratic society is overlooked. The Swedish Council

on Legislation has noted similar issues in relation to laws on secret surveillance and has, just like the institute, emphasized the need for a comprehensive review to ensure consistency and safeguard the right to privacy.

The process of issuing citizenships

During the year the government received strong criticism from a number of legal experts for statements concerning the process of issuing citizenships. In an article in a major Swedish newspaper the government states that before new citizenship requirements take effect, measures should if possible be taken to prevent citizenships from being granted under the current legislation. The legal experts highlighted for example that authorities and courts must follow the laws in effect at the time decisions are made, not future or pending legislation and that the government should not interfere in individual decisions made by agencies and courts.

Issues with overcrowding in prisons and detention centres

There is a continued overcrowding in prisons and detention centres in Sweden. The shortage of space in prisons and detention centres poses a major challenge for the Swedish Prison and Probation Service, increasing risks for both inmates and staff. The strained situation is also clearly reflected in the Service's forecast for the coming years up to 2033. The primary cause of the high occupancy rates is not increased crime, but rather longer detention periods and extended sentences. According to statistics, the average occupancy rate continues to rise. Plans are in place to expand from the current 9,000 prison and detention spaces to 27,000 within ten years. This expansion will present significant challenges and risks, and if fully utilized, Sweden could become one of the European countries with the highest number of incarcerated individuals per capita. The Institute is concerned with the trend toward increased incarceration and the resulting overcrowding. The Institute has expressed that there are strong reasons to place greater emphasis on alternatives to custodial measures, in line with international recommendations. It should also be noted that the Swedish National Audit Office has found that the Swedish Prison and Probation Service's treatment programs lack efficiency. The primary reason is that the programs are under-resourced due to a shortage of both qualified staff and facilities.

Crime prevention targeting children and youth

In 2024, the Institute observed both positive and concerning developments in crime prevention targeting children and youth. The government introduced a national crime prevention strategy targeting children and youth, which includes important early interventions for families through a revised Social Services Act. However, criticism arose over insufficient resources for implementation of the revised Social Service Act. The National Board of Health and Welfare reported delays in services for children, and the Crime Prevention

Council highlighted weak collaboration between local and national actors in reducing recidivism. The National Audit Office found state efforts insufficient to combat juvenile crime effectively.

During the year an inquiry report proposed to introduce Youth Crime Boards to identify at-risk children, including those without criminal involvement. The institute rejected the proposal since several risks from a legal certainty perspective were identified. Stricter measures for detained youth also drew concern. The institute rejected a proposal concerning isolation during rest periods at special residential homes for young people.

Dissolution of the Committee on Reindeer Lands

During the year the government decided to dissolve the Committee on Reindeer Lands, the purpose of which was to propose a revised reindeer husbandry legislation, following the Supreme Court decision in the so called Girja's case. The government's intention to dissolve the Committee was announced prior to consultation with Sami representatives which is not in line with the new Sami Consultation Act (2022), which requires early and good-faith engagement. The government intends to appoint a new inquiry with revised directives.

Changes in the regulatory framework enabling enhanced protection of personal integrity

In a referral response to a proposal regarding enhanced protection of personal integrity the Institute welcomed measures to stop the practice of virginity checks and supports the investigation's proposal to criminalize so-called virginity checks. However, unlike the investigation, the Institute expressed that there are strong reasons to criminalize conversion attempts. The Institute expressed that to question and, through pressure, threats, or coercion, attempt to make someone deny or change their sexual orientation, gender identity, or gender expression—especially during a stage in life when identity and self-esteem are developing—can cause lifelong psychological harm. The Institute argued that the consequences of conversion attempts are so serious that, for the sake of education and clarity, there are strong reasons to criminalize the practice.

Measures taken to follow up on the recommendations in other areas of the rule of law

As regards the recommendation toensure the appropriate follow-up to the evaluation of the rules on revolving doors, the Institute notes that, in 2022, the government initiated an inquiry of the Act concerning restrictions when ministers and state secretaries transition to non-state operation ("the Restrictions Act"). On 28 August 2023, the results of the inquiry were presented in a report on transition restrictions (see also 2024 Rule of Law

report). In 2024 the inquiry report was sent out on referral to 120 institutions. The purpose of the inquiry was in general to strengthen the trust in the public by preventing conflicts of interest from arising. In this context the Institute also notes that the Government in July 2024 adopted a new Action Plan against corruption and unauthorised influence 2024-2027. In its referral response to the report on transition restrictions, the Institute expressed that it welcomed the proposals in general, but highlighted that the inquiry should also look at elected officials within municipalities since there are also risks of conflicts of interest at municipal and regional level. The Institute also agreed with the inquiry that there is no reason to exempt the Institute's director from the rules on transition restrictions.

Moreover, as regards to the recommendation to strengthen the fight against foreign bribery, by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases, the Institute notes that a committee of inquiry was established on 1 February 2024 with a broad mandate to review criminal law legislation on corruption and misconduct. The purpose of the inquiry is to ensure that the legislation is effective, suitable and adapted to Sweden's international commitments, including in relation to foreign bribery. The result of the inquiry will be presented at the latest on 25 July 2025.

Additionally, as regards to the recommendation to continue efforts to ensure that the reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement, the Swedish Parliament adopted the so-called “democracy conditions” in 2024 to ensure that no state funds go to organisations or religious communities that do not respect human rights and democratic governance. Such conditions have been applied before in the various regulations/ordinance outlining government funding to civil society organisations, but with the new conditions a more uniform approach is taken. A set of “democracy conditions” were proposed in 2022 by the previous government but this resulted in strong criticism by a number of civil society organisations. A new government took office during the second half of 2022 and withdrew the previous legislative proposal at the end of 2022. The new and updated proposal was presented to, and adopted by, the Parliament in April 2024. Civil society has expressed that it is important that the government engages in dialogue with them on the implementation and follow-up of the ‘democracy conditions’.

Persisting structural human rights issues impacting on national rule of law environment

The legislative process is a cornerstone of the rule of law, ensuring broad input and thorough consideration. According to Sweden’s Instrument of Government, the government must gather necessary information from relevant authorities and municipalities and allow organizations to provide their opinions.

Recently, there has been a growing trend of government-appointed investigators being tasked with presenting predetermined measures, regardless of whether the special investigator deems them effective or suitable. This practice undermines the investigatory system's role in finding comprehensive solutions to the issues the government aims to address and limits the materials available to the government and parliament.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The Swedish Institute for Human Rights issues the following recommendations to national actors:

1. In its important work to increase security in society and stop the gang-related violence, the government must ensure that proposed measures comply with Sweden's human rights obligations as regulated in the Swedish constitutional laws and the international conventions that Sweden has ratified.
2. There is an urgent need for lawmakers to thoroughly evaluate the overall cumulative human rights implications of the measures taken to combat crime, including in relation to the highly complex regulatory framework concerning covert coercive measures.

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