

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

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

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

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

About you

* I am giving my contribution as

- Academic/research institution
- Business association
- Civil society organisation/NGO

- ☐ International organisation
- ☒ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

If "Other", please specify

*** Organisation name**

250 character(s) maximum

Deutscher Richterbund

Main Areas of Work

☒ Justice System

- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

If "Other", please specify

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

500 character(s) maximum

www.drb.de

Transparency register number

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

3644916703-20

*** Country of origin**

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☒ Albania
- ☒ Algeria
- ☐ Andorra
- ☒ Angola
- ☐ Antigua and Barbuda
- ☒ Argentina
- ☒ Armenia
- ☒ Australia
- ☐ Austria
- ☒ Azerbaijan
- ☒ Bahamas
- ☒ Bahrain
- ☒ Bangladesh
- ☒ Barbados

- © Belarus
- © Belgium
- © Belize
- © Benin
- © Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- © Brazil
- Brunei Darussalam
- u Bulgaria
- © Burkina Faso
- © Burundi
- © Cabo Verde
- Cambodia
- © Cameroon
- © Canada
- © Central African Republic
- © Chad
- © Chile
- © China
- © Colombia
- © Comoros
- ©' Congo
- © Costa Rica
- © Côte D'Ivoire
- © Croatia
- © Cuba
- © Cyprus
- © Czechia
- © Democratic Republic of the Congo
- © Denmark
- © Djibouti
- © Dominica
- © Dominican Republic
- © Ecuador
- © Egypt
- © El Salvador
- © Equatorial Guinea
- © Eritrea
- © Estonia
- © Eswatini
- © Ethiopia
- © Fiji
- © Finland
- © France
- © Gabon
- © Gambia
- © Georgia
- X Germany
- © Ghana
- © Greece

© Grenada
© Guatemala
© Guinea
© Guinea Bissau
© Guyana
© Haiti
© Honduras
© Hungary
© Iceland
© India
© Indonesia
© Iran
© Iraq
© Ireland
© Israel
© Italy
© Jamaica
© Japan
© Jordan
© Kazakhstan
© Kenya
© Kiribati
© Kuwait
© Kyrgyzstan
© Laos
© Latvia
© Lebanon
© Lesotho
© Liberia
© Libya
© Liechtenstein
© Lithuania
© Luxembourg
© Madagascar
© Malawi
© Malaysia
© Maldives
© Mali
© Malta
© Marshall Islands
© Mauritania
© Mauritius
© Mexico
© Micronesia
© Monaco
© Mongolia
© Montenegro
© Morocco
© Mozambique
© Myanmar
© Namibia
© Nauru

© Nepal
© Netherlands
© New Zealand
© Nicaragua
© Niger
© Nigeria
© North Korea
© North Macedonia
© Norway
© Oman
© Pakistan
© Palau
© Panama
© Papua New Guinea
© Paraguay
© Peru
G Philippines
© Poland
© Portugal
© Qatar
© Republic ofMoldova
© Romania
Ū Russian Federation
© Rwanda
© Saint Kitts and Nevis
© Saint Lucia
© Saint Vincentand the Grenadines
© Samoa
LJ SanMarino
© SaoTome and Principe
© Saudi Arabia
LJ Senegal
© Serbia
LJ Seychelles
LJ Sierra Leone
LJ Singapore
© Slovakia
LJ Slovenia
© Solomon Islands
LJ Somalia
© South Africa
© South Korea
© South Sudan
© Spain
© Sri Lanka
© Sudan
LJ Suriname
LJ Sweden
LJ Switzerland
© Syrian Arab Republic
© Tajikistan
LJ Tanzania

- ☒ Thailand
- ☐ Timor-Leste
- ☒ Togo
- ☐ Tonga
- ☐ Trinidad andTobago
- ☒ Tunisia
- ☒ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☒ Ukraine
- ☒ United Arab Emirates
- ☒ United Kingdom
- ☒ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☒ Viet Nam
- ☐ Yemen
- ☒ Zambia
- ☐ Zimbabwe

First name

Roland

Surname

Kempfle

Email Address of the organisation (this information will not be published)

██████████

*** Publication of your contribution and privacy settings**

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

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

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive

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

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here *5000 character(s) maximum*

Regarding horizontal developments in other European countries we should like to refer to the statement of the European Association of Judges (EAJ).

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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

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

Member State covered in contribution [only one choice possible]

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

☐ Austria

☐ Belgium

☐ Bulgaria

☐ Croatia

☐ Cyprus

☐ Czechia

☐ Denmark

- ' Estonia
- Finland
- ' France
- X Germany
- ' Greece
- ' Hungary
- ---¹ Ireland
- ' Italy
- ©

- Latvia
- © Lithuania
- © Luxembourg
- © Malta
- © Netherlands
- © Poland
- © Portugal
- © Romania
- © Slovak Republic
- © Slovenia
- © Spain
- © Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

In the 2022 Report it was recommended to Germany “to continue efforts to provide adequate resources for the justice system as part of the new pact of the rule of law, including on the level of salaries for judges, taking into account European standards on resources and remuneration for the justice system”.

The German Judges Association welcomed these recommendations of the European Commission (<https://www.drb.de/newsroom/presse-mediencenter/nachrichten-auf-einen-blick/nachricht/news/bessererichterbesoldung-erforderlich>).

However, no significant efforts in that respect were noticed in 2022. For details, please see the answers on “remuneration” and “resources of the judiciary”.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review) *(The reference to ‘judges’ concerns judges at all level and types of courts as well as judges at constitutional courts)*

3000 character(s) maximum

Positive developments since 1.1.2022: no significant developments

Negative developments since 1.1.2022: In the state (Land) of Baden-Württemberg, the State Minister of Justice in 2022 apparently did not follow the provisions of statute law for the appointment of the President of the Higher Regional Court (Oberlandesgericht) of Stuttgart. The law foresees that if the Minister and the Präsidialrat do not agree on a candidate, they have a conversation with the aim of reaching an agreement, and if they do not get to an agreement, the Minister must decide together with a Judges Election Committee (Richterwahlausschuss), the decision of the latter must be taken as soon as possible, see s. 43 paras 5 and 6 LRIStAG. Instead of following this procedure, the Minister filed a lawsuit at the Administrative Court of

Stuttgart. She applied for a statement that the Präsidialrat would have exceeded its competences. On 27th June 2022, the Judges Association of Baden-Württemberg expressed its concern (<https://www.drb-bw.de/index.php/stellungnahmen/pressemitteilungen/pressemitteilungen-2022/231-klage-der-justizministeringegen-den-praesidialrat>). In November, the Minister's claim was dismissed in first instance (https://lrbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&GerichtAuswahl=VG+Stuttgart&Art=en&Datum=2022&nr=38487&pos=0&anz=55).

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

3000 character(s) maximum

No significant developments

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

No significant developments

Allocation of cases in courts

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

No significant developments

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Positive developments since 1.1.2022:

The state of Hessen slightly improved the remuneration for judges and prosecutors starting their career by abolishing the two lowest pay grades. Besides that, however, there was no general systematic change of the remuneration of judges and prosecutors in Hessen or elsewhere. In order to adjust remuneration schemes for all public officials including judges and public prosecutors to constitutional requirements most Länder introduced or are currently introducing significant increases in family benefits. Some of those benefits are also available to judges and public prosecutors. However, family benefits should in general not be considered as appropriate means of remuneration for judges and public prosecutors.

Negative developments since 1.1.2022:

There were no efforts of budget legislators to improve the level of remuneration of judges and prosecutors –

apart from certain family benefits – significantly in 2022. The recommendations of the European Commission in its Report of 2022, while just given a few months ago, seem to be unheard. In most of the Länder, only the collective bargaining agreements of the Länder for their employees are applied to public servants, judges and prosecutors. In fact, the steep rise of inflation in 2022 further devalues the real amount of remuneration of judges and prosecutors in Germany.

Independence/autonomy of the prosecution service

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

Positive developments since 1.1.2022: no significant developments

Negative developments since 1.1.2022: The act of the Minister of Justice of the state of Baden-Württemberg as described above potentially can affect negatively the perception that the general public has of the independence of the judiciary.

B. Quality of justice

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

Accessibility of courts (e.g. court/legal fees, legal aid, language) *3000 character(s) maximum*

No significant developments

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

Positive developments since 1.1.2022:

Some, but not all of the Länder announced to create new positions for judges and prosecutors in 2023 and 2024. Hessen, for example, announced to create 477 new positions for its judiciary, of which about 100 are judges and prosecutors. At the same time, however, Hessen lowered the bar for becoming a judge or a prosecutor, which shows the difficulties of some of the German states to find a sufficient number of candidates for becoming a judge or prosecutor (see <https://www.lto.de/recht/nachrichten/n/justiz-hessen-477-neue-stellen-mehr-gehalt/>).

Negative developments since 1.1.2022:

Unfortunately, although the governing parties of the Federal Republic of Germany had agreed to renew the so-called “Pact for the Rule of Law” in their coalition contract of 2021, the Federal Government has fallen short of that promise so far. The German Judges Association and the Conference of the Justice Ministers of the Länder (Justizministerkonferenz – JuMiKo) signed a joint appeal to the Federal Minister of Justice on 10th November 2022 as to renew the Pact for the Rule of Law as soon as possible to create the positions for judges and prosecutors needed all over Germany (<https://www.drb.de/newsroom/presse-mediencenter/nachrichten-auf-einen-blick/nachricht/news/defaultb661baafdb>).

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

3000 character(s) maximum

No significant developments

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Positive developments since 1.1.2022:

More and more courts all over Germany have been introducing electronic files in civil law.

Negative developments since 1.1.2022: The Federal Minister of Justice promised to support the digitalisation of the judiciary of the Länder with 200 Mio € in the course of a “Digital Pact for the Judiciary”, which sounds positive, but is not sufficient.

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

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

No significant developments

C. Efficiency of the justice system

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

Length of proceedings

3000 character(s) maximum

No significant developments

Other - please specify

3000 character(s) maximum

No significant developments

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities.

Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

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

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable).

If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their

application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds
(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and

administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

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

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

3000 character(s) maximum

Positive developments since 1.1.2022:

The new Federal Government of Germany that started working in December 2021 had promised to set longer timeframes when consulting stakeholders on judicial reforms. After one year we can confirm that timeframes now are usually significantly longer than under the previous government.

Negative developments since 1.1.2022: no significant developments

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

3000 character(s) maximum

No significant developments

Regime for constitutional review of laws

3000 character(s) maximum

No significant developments

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

Positive developments since 1.1.2022:

Judicial review of emergency regimes and measures in the context of the Covid 19 pandemic has continued. Some regulations of some of the Länder were found proportional, others were not. No details shall be given in this context, though, as the judiciary is merely fulfilling its constitutional duty in conducting such reviews.

Negative developments since 1.1.2022: no significant developments

B. Independent authorities

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

3000 character(s) maximum

No significant developments

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

3000 character(s) maximum

No significant developments

C. Accessibility and judicial review of administrative decisions

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

3000 character(s) maximum

No significant developments

Judicial review of administrative decisions:

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

3000 character(s) maximum

No significant developments

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

No significant developments

D. The enabling framework for civil society

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

3000 character(s) maximum

Not within the expertise of our association, no significant developments known

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

3000 character(s) maximum

Not within the expertise of our association, no significant developments known

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

3000 character(s) maximum

Not within the expertise of our association, no significant developments known

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

Not within the expertise of our association, no significant developments known

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

No significant developments

Other - please specify

3000 character(s) maximum

No significant developments