

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

* Organisation name

250 character(s) maximum

European Network Against Racism

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

racism; equality and nondiscrimination

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

500 character(s) maximum

<https://www.enar-eu.org/>

Transparency register number

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

* Country of origin

Please 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
- ☐ 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
- ☐ 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
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda

- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ 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

Radost

Surname

Zaharieva

Email Address of the organisation (this information will not be published)

[REDACTED]

* 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

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
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ 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

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

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

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

Independence/autonomy of the prosecution service

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

B. Quality of justice

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

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

3000 character(s) maximum

Access to justice remains a major challenge for racialised individuals and communities confronted with structural discrimination. Historically they have been subjected to various forms of systemic racism and discrimination, including ethnic segregation, ghettoization and criminalisation. Racialised groups, such as ethnic minorities, migrants and people with a migrant background, disabled persons, experience systemic barriers within justice systems including the lack of adequate infrastructure, poor knowledge about their rights, lower accessibility of information (language and terminology; availability of interpretation/translation, sign languages, documents accessible in braille alphabet), good understanding of legal and administrative requirements and procedures, rights and obligations. Although some domestic courts offer interpretation /translation, the issues described above remain under-addressed due to multiple factors, including adequate public investment in justice systems.

Legal aid is available in most of the EU Member States enabling individuals with lower income to access justice. However, applicants must fulfil certain administrative and financial conditions, which might be impacted by factors such as language barriers and lower understanding of related administrative procedures. Individuals who are not eligible to legal aid must cover themselves lawyer fees in the private sector, which creates financial hardship for people from racialised groups, greatly exposed to socio-economic disadvantages. Thus, multiple cases of discrimination, hate speech/crimes and racially motivated incidents are not reported nor addressed by domestic courts.

Access to justice is influenced by racial stereotypes and biases persisting in national justice systems, creating notable barriers for the realisation of multiple fundamental rights. National justice systems rarely offer solutions to support marginalised individuals highly exposed to socio-economic disadvantages, but also stigma and discrimination. Often, people of colour, ethnic minorities, migrants are denied legal consultations /advice provided in a timely manner, which has direct effects on the proceedings and sentences pronounced by judges. As a result, ethnic minorities, people of colour, migrants are over-represented in detention facilities and face significant disparities in terms of sentences compared with non-racialized groups. Torture in detention facilities is prohibited by European and national legislative frameworks, however it persists when it comes people with a minority background. Although such cases have been documented and reported by civil society organisations, they have not received any significant political attention.

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

Improving the accessibility of national justice systems is an essential step towards the effective implementation of rule of law, as well as a concrete commitment to the protection of the principles of equality and non-discrimination. It requires timely public investment in adequacy with the needs of both justice systems and users. Existing gaps in access to justice deserve specific attention in the design and implementation of policy measures aiming to strengthen justice systems across the European Union. Such policy actions must ensure the protection against discrimination, stigma and hostility that racialised groups experience within national justice systems. This process must include assessment of needs and barriers that racialised communities and individuals face within national justice systems as well as the allocation of adequate human and financial resources aiming to support racialised victims in line with the revised European victims' rights directive.

The creation of specific services specialised in racism and anti-discrimination within national justice systems plays a crucial role in offering adequate support to racialised victims before, during and after any legal proceedings. Such support must include quality and timely legal advice/consultations provided for free, psychological support, translation/interpretation of the information into a language fluently spoken by the victim; accessibility of infrastructure (physical buildings but also different digital services).

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

3000 character(s) maximum

Many challenges related to justice systems, have been emphasised in previous parts, including accessibility and fairness, especially when it refers to racialised groups. To be adequately addressed, those issues need to be prioritised within the European Semester; national policy frameworks such as National Action Plans Against Racism and National Recovery and Resilience Plans; programmes and projects, including EU funded initiatives. Justice professionals must be provided with quality training, but also guidelines and methodologies to increase their knowledge about structural racism and its consequences on individual and communities. Such educational materials, training courses and other learning opportunities must be developed in partnership with organisations representing racialized groups based on the principle of mutual learning and knowledge exchange. Additionally, civil society advocating for racial equality, non-discrimination and fairness can provide significant support to public authorities in the design, implementation and evaluation of training and learning initiatives, as well as advancing solutions to tackle the manifestation of any forms of racism within national justice systems.

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

Although the EC assessed some progress in digitalisation of justice systems through national recovery and resilience plans (Rule of law report 2022), there is still a long path towards comprehensive and inclusive digital services based on equality and non-discrimination principles that can make it possible to address language barriers but also prevent stigma and discrimination that might occur due to stereotypical perception of the users. Digitalisation has multiple benefits for the modernisation of justice systems reducing significantly waiting times for appointments and administrative procedures; however, it generates additional inequalities in access to justice due to existing socio-economic gaps between and within countries and regions, having different capacities to invest in digital technologies and literacy. Moreover, digitalisation increases the disparities in access to justice raising significant obstacles for the most vulnerable. Evidence has shown racialised population groups are more likely to experience poverty, lessening their ability to access internet and afford digital devices; also, they are more affected by lower digital literacy and language barriers.

Therefore, to be effective digitalisation of justice systems must:

- be comprehensive and inclusive; accessible in terms of language and terminology but also available in national and foreign languages (for ex. English, Russian, Arabic); must be equipped with software and programmes enabling people with disabilities and other racialized groups to access them (sign languages, braille alphabet)
- ensure effective protection of personal and sensitive data by creating mechanisms for prevention and protection against any racial profiling that may occur in justice systems
- provide mobile facilities where individuals from racialised groups (for ex. undocumented migrants, people experiencing poverty, people with lower digital literacy, homeless persons, persons with disabilities) can access digital justice services and enjoy support from qualified staff, including legal advice and interpretation /translation
- prevent any human rights abuse that might be caused by AI algorithms by ensuring specific training on equality and non-discrimination for IT experts, legal officers, lawyers and employees within national justice systems
- provide easy follow-up of users' submissions made through digital services and ensure different possibilities to monitor submitted requests (information provided on a regular basis through mailing address, e-mails, sms, personal account of the user).

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

The Rule of law report must consider data and evidence collected by a larger variety of stakeholders, including European and national civil society organisations through monitoring and reporting, especially when it comes to racialised population groups facing state violence within justice and law enforcement systems.

To provide an effective policy response to gaps and limitations in access to justice, many factors must be considered such as existing barriers that racialized groups face within justice systems. Although national data and statistics exist demonstrating the number of registered cases; judgements etc; they do not make it possible to quantify racial discrimination due to obstacles in reporting and data collection disaggregated by ethnicity and race.

Official data collected by national authorities available in national statistics must be compared with surveys and testing produced by equality bodies, National Human Rights Institutions and civil society in the field of racial inequalities and discrimination. Surveys aiming to assess access to justice must be designed and implemented in partnership with racialised population groups to increase understanding about existing gaps and obstacles within national justice systems and provide solutions in line with the needs of beneficiaries. Moreover, ensuring the meaningful participation of racialised groups such as ethnic minorities, migrants and people with a migrant background, disabled persons, LGBTQI+, homeless persons, people experiencing poverty etc. in the design of research and assessment methodologies will have a positive effect on the process of improving national justice systems, whilst advancing democratic principles, including equality and non-discrimination.

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

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

Other - please specify

3000 character(s) maximum

The European Convention on Human Rights guarantees the right to “a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law” to ensure equal treatment and fairness within justice systems. Additionally, art.47 of the European Charter of Fundamental Rights guarantees the right to effective remedies and a fair trial in EU Member States. In spite of the existing legal guarantees and frameworks many issues such as racial profiling, abuse of power, police brutality against ethnic and religious minorities, migrants and refugees, isolated minors, persist within justice and law enforcement systems. According to a survey produced by FRA people with African descent, Roma, young people from ethnic minorities are more likely to face police stops compared with non-racialized groups. Significant difference has been noted in the context of such stops demonstrating the links between ethnicity and state violence. Non-racialized people are stopped while driving, whilst ethnic minorities experience police stops while “moving on foot (EU-MIDIS II)” which reduces the possibility of random stops. The survey has demonstrated significant differences in the actions taken by police during such stops: ethnic minorities are subjected to police search and checks of ID documents which is less observed among the general population.

In addition, multiple cases of police brutality were reported in EU Member States (ex. France: death of Adama Traoré, 2016, Aboubakar F. 2021; Czech Republic: death of Stanislav Tomáš, 2021; death of a Roma boy in Greece in 2022).

Despite civil society and citizens’ calls for justice, most of the reported incidents linked to racial profiling were not investigated and addressed adequately. The existence of institutional racism within justice and law enforcement systems is not acknowledged by public authorities which decreases the opportunity to provide an effective policy response to this long-standing issue. This breaks the trust between racialised groups and public authorities; the victims rarely report racial and state violence which remains under-documented. In parallel, the lower reporting rate and lack of data disaggregated by ethnicity, age, gender, administrative status (for ex. refugees/asylum seekers) create additional obstacles to tackle institutional racism.

Migration remains another policy area where racial profiling has been noted affecting non-EU migrants and refugees. They experience verbal and physical violence, but also policy brutality and misconduct in detention facilities (Police brutality and community resistance of racialized groups, ENAR 2021). In addition, they are widely exposed to human trafficking, human rights abuse, harsh living conditions, but also systemic forced evictions. Such practices and policies commit to increase the negative perception of non-EU migrants in society but also to their criminalisation across Europe.

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

According to the recent World Press Freedom Index media freedom, issues related to the safety and protection of journalists and human rights defenders were exacerbated in many European countries. Multiple cases of hostility, stigma, intimidation against investigation journalists, cameramen, photographers addressing human rights and corruption cases, were reported. In some countries such as France, Italy, Germany, and the Netherlands journalists experienced physical and verbal violence whilst covering demonstrations against Corona measures-actions which are of public interest. It is not an exception that such violence is committed by law enforcement officers (Greece, Bulgaria) and it is rarely investigated. A collective investigation conducted by the consortium Forbidden stories has demonstrated journalists and human rights defenders were spied by national intelligence services using Pegasus software which jeopardises media freedom as well as journalists' safety and security. Although, the European Parliament has set up an inquiry committee to investigate the use of such technologies for surveillance purposes, effective mechanisms to ensure the protection of journalists, civil society and human rights defenders have not been developed yet. This has negative consequences on media freedom and pluralism which are one of the basic principles of democracy and rule of law within the European Union.

ENAR reiterates its calls for better protection of civil society activists, human rights defenders, journalists, and media staff, especially those from/working with racialised population groups, against any forms of violence aimed at limiting their commitment to ensure freedom of assembly, media freedom, pluralisms, and access to information of public interest. Such protection must include adequate investigation of verbal, physical, racial and gender-based violence, including online and offline hate speech, attacks against journalists and media staff, human rights defenders, and activists. Moreover, such protection measures must facilitate access to justice and effective remedies at national level, especially when it comes to racialised groups experiencing multiple vulnerabilities in terms of fundamental rights protection. Finally, adequate and comprehensive health support, both physical and mental, should be offered through national public health systems paying special attention to factors such as ethnicity, gender, sexual orientation, disability and other components increasing the vulnerability of journalists, human rights defenders and activists from/working with racialized groups.

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)

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (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

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

Regime for constitutional review of laws

3000 character(s) maximum

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

B. Independent authorities

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

audit institutions

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

3000 character(s) maximum

Independence, capacities, effectiveness, and resources are interrelated when it comes to National Human Rights Institutions as well as Equality bodies (NHRIs). ENAR welcomes the EC proposal for a Council Directive aiming to set up minimum standards for Equality bodies across EU. This is an essential measure advancing the empowerment of Equality bodies in the field of racial justice. However, ENAR has identified many gaps in this proposal such as the allocation of resources and the lack/lower cooperation with civil society and racialised groups, which may reduce the effectiveness of equality bodies in tackling racism and discrimination, including the protection of civil society and activists from/working with racialized groups. National governments must ensure adequate public investment in line with the needs of NHRI and Equality bodies to reinforce their capacity to monitor and report rule of law issues. In parallel, National Human Rights Institutions and Equality bodies must invest in increasing the skills and knowledge of their staff about emerging challenges affecting the European civic space, including the independent, safety and protection of staff, activists and human rights defenders. Awareness-raising, as well as sustained efforts to build knowledge about the struggles that racialised civil society members and staff experience is indispensable for creating an inclusive, resilient and vibrant civic space across the Union. Finally, NHRIs and Equality bodies need to improve their cooperation with civil society, journalists and media staff, activists and human rights defenders from racialised groups in the process of monitoring and reporting rule of law. This makes it possible to document, report and mitigate the disproportionate effects of shrinking on organisations and staff addressing racial justice, gender equality, climate justice issues.

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

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

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

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

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

In its recent report addressing the implementation of the European Charter of Fundamental Rights, FRA highlights the role of civil society in the safeguard and enjoyment of fundamental rights of European populations. As a major stakeholder investing in human rights protection, monitoring, reporting and investigation; education; awareness-raising and capacity building; civil society organisations commit to advancing effective policies and solutions, protecting European democracies and rule of law. Therefore, it deserves better protection, including policy and legislative measures to ensure the enabling conditions for its development and optimal functioning.

Although a slight improvement has been noticed in 2022 by FRA in terms of enabling environment for CSOs compared with previous years affected by the pandemic, at overall civil society organisations still face multiple challenges such as access to funding, meaningful participation in policy and decision making at national and local levels, safety and security. Different forms of intimidation, stigma, isolation, cyber security issues (spying), but also the adoption of legislative measures which de facto limit the work of certain CSOs, have been reported in EU Member States affecting organisations, activists, human rights defenders. Staff working within the NGO sector, especially those addressing human rights, including gender and racial equality, democracy, rule of law, experience deterioration of their working conditions following the adoption of such legislative measures (for ex. abortion ban in Poland, criminalisation of activists and human rights defenders helping undocumented migrants). As a result, civil society in many European countries experience multiple social, economic, political and human rights challenges, which have negative consequences on European civic space as a whole. This situation raises the need for a relevant policy framework setting up comprehensive measures in line with the realities on the ground and national political contexts to guarantee the protection of EU civic space. Mechanisms offering holistic and comprehensive support (legal and administrative advice, financial support, mental health protection and prevention) to civil society organisation and staff, activists and human rights defenders must be created to ensure effective protection and personal safety. In addition, such a policy framework must provide effective tools and mechanisms for monitoring and reporting any actions jeopardising the good functioning of civil society at national and local levels.

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 on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Although some positive examples have been observed in the past year aiming to guarantee good governance and cooperation with civil society organisations, activists and human rights defenders; negative narratives, verbal and physical attacks against CSOs persist in many Member States. Political discourses targeting organisations striving to achieve racial justice, intersectional and gender equality, climate justice

and human rights protection, is more and more frequent and stigmatises civil society, its actions and members. Human rights defenders, activists and civil society staff have been subjected to hate speech, racial and gender-based violence (online and offline) and threats which are rarely reported and addressed by public authorities, especially when they occur on social media. This has disproportionate effects on activists and human rights defenders from racialized groups, which are greatly exposed to multiple challenges due to racism they experience in different forms.

Stigma, discrimination and intimidation widely spread in society and more and more present in political discourses, deserve a serious political attention due to the severe consequences it provokes on civic space as well as democracy and rule of law. European and national policy makers must allocate adequate resources to investigate, condemn and prevent such practices to guarantee the effective protection of democratic principles, including rule of law, at all levels.

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

Access to funding is one of the major issues affecting civil society organisations at national and local levels which decreases the sustainability of the implemented actions and achieved outcomes. Civil society organisations, in particular those addressing rule of law, human rights but also racial justice, equality and non-discrimination, must have equal access to European and national funds. When EU funds are managed by national authorities, Member States must provide a transparent, inclusive and comprehensive application and selection process to ensure equal access to funding, but also prevent corruption and misuse of European funds. Measurable indicators and national targets must be set up to monitor access to European funds. Also, this process requires additional monitoring from an independent European body, involving multiple stakeholders, including civil society.

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

Lower participation of organisations representing racialised population groups, and racialized communities themselves, is frequently observed in the political dialogue with national and local authorities. People of colour, disabled persons, ethnic and religious minorities, people with a migrant background and other racialized groups are constantly under-represented in the European civic space and therefore, experiencing lower participation in policy and decision making at all levels. This is a situation observed in multiple European countries demonstrating the results of long-standing racism leading to various forms of exclusion of racialised groups and lower involvement in the public debate.

This gap can be addressed through nurtured policy commitment providing the guarantees and enabling conditions to ensure the meaningful participation of racialized groups in policy and decision-making. National authorities must provide adequate conditions for the optimal and meaningful participation of civil society organisations representing racialised groups by ensuring public consultations at all stages of policy and decision making, including written submission (reports, policy briefs, analyses, recommendations), exchange of views, workshops and other participatory methods which must be adapted to the targeted audience (both digital and on-site formats). Calls for public consultations should be advertised enough time in advance in order to reach a large variety of civil society stakeholders, including those advocating for racial justice, equality and non-discrimination at regional and local levels.

Finally, some basic principles such as comprehensiveness and inclusiveness must be respected to ensure the participation of different groups and organisations. The civil society sector itself needs to increase its

investment in diversity and inclusion by promoting equal access to employment and career development for people from racialized groups, including actions to address glass-ceiling.

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

Other - please specify

3000 character(s) maximum

Contact

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