

2026 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

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

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2026 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2026 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

(1) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

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

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

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

Type of information to be included:

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

A) Legislative developments

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

B) Policy developments

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

C) Developments related to the judiciary / independent authorities

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

D) Any other relevant developments

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

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. To simplify your answers to the questionnaire, if there are no developments, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

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

* 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

Federal Institute for the protection and promotion of Human Rights (FIRM-IFDH)

Main Areas of Work

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

If "Other", please specify

Human rights in general

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

500 character(s) maximum

<https://federaalinstituutmensenrechten.be/en/accueil>

Transparency register number

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

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☒ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Martien

Surname

Schotsmans

Email Address of the organisation

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* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

FIRM-IFDH was created in 2019, has been operational since February 2021 and was accredited with B-status in 2023. For the last 4 years, it has coordinated the Belgian chapter of ENNHRI's report on the state of the rule of law in Europe. FIRM-IFDH is currently working on the 2026 report. As was the case last year, the report will be co-authored by Unia; Myria; the Combat Poverty Service ; the Central Monitoring Council for Prisons ; the Institute for Equality between Women and Men and the Flemish Institute for Human Rights. This contribution is limited to elements that have not been (extensively) included in that forthcoming report.

The developments presented do not exhaustively cover relevant horizontal developments, nor are they necessarily the main RoL issues. However, they pose clear dangers to the RoL:

1. Declining respect for judicial decisions and the judiciary

Respect for the judiciary and (timely) execution of judgements are essential. In the 2025 ENNHRI Rule of Law report, several NHRIs within the EU reported issues with authorities' non-compliance with final national and European judgements.

As discussed in previous contributions, there is a worrying and continuing trend of Belgian authorities' non-compliance. This concerns both national and European courts. Research being conducted by FIRM-IFDH (forthcoming) shows that Belgian authorities fail to comply with national court decisions in at least 30 different areas, including the reception of asylum seekers (over 10.000 decisions), the continuing overcrowding in prisons, the extradition of third country nationals, noise pollution around Brussels' airport and environmental obligations. In some cases, the BE authorities have refused to pay the punitive damages imposed to ensure compliance. The Minister for Asylum and Migration publicly stated on several occasions that the State will not pay the penalties due in cases concerning the reception of asylum seekers. The judiciary expressed deep concerns about this in an exceptional press release, considering the statements of the Minister symptomatic of a worrying trend in which the executive branch believes they can place themselves above the law. Non-compliance has also affected ECtHR and CJEU decisions.

2. Restrictions of the right to peaceful assembly

Although demonstrations occur daily in Belgium, human rights violations of participants of peaceful assemblies have been observed in 2025. In March the Brussels First Instance Tribunal found that the Belgian State, the Brussels mayor and the local police had committed a fault by illegal use of the kettling technique, illegal use of handcuffs, illegal arrest of demonstrators and even passers-by including minors in Brussels in 2021. The decision also found inhuman and degrading treatment in verbal and physical violence and the detention conditions at police premises. Due to the huge workload at the Brussels Court of appeal (see below), the appeal decision is not expected for several years.

A few weeks later, the authorities indicated that they might not comply. The Brussels mayor stated that the kettling technique would be 'assessed according to the circumstances and could be used again'. The use of this illegal technique was subsequently observed, e.g. during a trade-union demonstration on 14.10.2025. NGOs and journalists associations have reported intimidation or arrests of citizens or journalists filming the police during demonstrations, including allegations of assaults of a journalist filming the dispersal of a pro-Palestine protest in Brussels on 2.10.2025. According to the CJEU and ECtHR, protection for journalistic activities must also apply to persons who are not professional journalists and who disseminate information of general interest to the public. The narrowly phrased exception for journalistic purpose in the Belgian law on personal data appears to be contrary to EU law.

Reports have been made of citizens receiving administrative fines for having peacefully filmed police interventions, based on local regulations sanctioning the lack of respect of police injunction.

Strict authorization procedures and the application of local administrative fines contribute to the weakening of the right to protest in Belgium. This regime carries a high risk of human rights violations as it allows the punishment of individuals exercising their rights without resorting to violence or disturbing public order.

Individuals participating peacefully in trade union or political demonstrations have been subjected to municipal administrative sanctions solely because these demonstrations had not been explicitly authorised by the municipality. In October 2025, the Antwerp police tribunal observed that individuals were punished despite no disturbance to public order, for peacefully expressing a political message in support of Palestine that authorities wrongly deemed unauthorized.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

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

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

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

- ☐ Albania
- ☐ Austria
- ☒ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece

- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

The 2024 European Commission Report contained two recommendations relating to the Belgian justice system, showing the Commission's continued concern for the evolution of the justice system in Belgium (a third recommendation, related to the need for "measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights" is discussed elsewhere).

First, the Commission recommended to: "continue ongoing efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system". A similar recommendation was made in previous years. Additional resources for the judiciary remain very much required, as the state of the judiciary continues to be alarming, including the closure of courthouses due to health risks, excessive workload for its personnel and lengthy proceedings.

Second, the Commission urged the Belgian State to "continue ongoing efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data". Efforts by public authorities to provide comprehensive statistical data have yielded results and new data on the length of judicial proceedings is currently available. However, FIRM-IFDH questioned the reliability of this data in a 2025 analysis of the follow-up to the Bell ECtHR case (see under 'case documents' at <https://hudoc.exec.coe.int/eng?i=004-1202>).

A. Independence

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

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

5000 character(s) maximum

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

5000 character(s) maximum

The federal coalition agreement of January 2025 announces several particularly worrying reforms to one specific court, the Council for Alien Litigation Law – the court that hears appeals against migration and asylum decisions. The implementation of these reforms could seriously compromise the independence of this administrative court.

Firstly, the judges of the Council for Alien Law Litigation would no longer be appointed for life, but for a renewable period of five years. When establishing the Council for Alien Law Litigation in 2006, the legislator explicitly emphasized that its judges are appointed for life, guaranteeing their independence. Reducing this lifetime appointment – without any motivation – to a renewable five-year appointment would undermine this independence. It would increase the potential control by the government over these judges who rule on the legality of migration and asylum decisions.

A second planned reform is the incorporation of the Council of Alien Law Litigation into a new Federal Public Service for Migration, which would also include the Immigration Office and the Commissioner for Refugees and Stateless Persons. The Council would hence not only be under direct control of the executive branch, but it would also fall under the same Public Service as the two services whose decisions it is required to judge. This runs counter to the fundamental requirement of independence and impartiality of judges and the separation of powers.

A third planned reform would allow the migration services to decide when the general assembly or the joint chambers of the Council of Alien Law Litigation meet in specific cases. This is currently only possible when requested by both parties to a case: the migration service and the third country national. This reform would give more weight to one of the parties: the migration services whose decisions are being judged. This is a breach of impartiality. All parties must be equal before the judge.

Fourth, the coalition agreement also requires the Council of Alien Law Litigation to guarantee unity of case law by asking preliminary questions to the European Court of Justice. It is, however, not for the executive branch to determine whether and how often a specific court should ask preliminary questions.

Fifth, hearings at which both parties appear would be abolished and only take place “in exceptional cases”. However, a hearing is an essential part of a fair trial in cases where the assessment of the facts is central, such as applications for international protection or for family reunification. It gives judges the opportunity to question both parties and to gain a good understanding of the factual context of a case. In a reaction to the planned reforms, the judges of the Council of Alien Law Litigation pointed out that this measure would affect “the essential characteristic of judicial decision-making, which requires direct and public dialogue between the parties”.

The sixth proposed reform is to examine whether the jurisdiction of the Labor Court for hearing appeals concerning the reception of asylum-seekers can be transferred to the Council for Alien Law Litigation. Over the past 3 years, the Belgian State has neglected almost 14.000 condemnations of Labor Courts to provide immediate reception to asylum seekers. The fact that the federal government wants to transfer this jurisdiction, which they systematically neglect, to another court that would at the same time be reformed in a way that might compromise its independence, raises many questions. The decisions of the Labor Courts are not the problem. The fact that the previous and current federal government openly refuse to implement them is the problem. The proposed reforms would pose a direct threat to the separation of powers and risk undermining seriously the independence and impartiality of the Council for Alien Law Litigation, fundamental principles of the rule of law. These concerns about the planned reforms to the Council of Alien Law Litigation are shared by various actors, including representatives of the judiciary, academia and civil society.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Progress has been made regarding the availability of statistics on the length of judicial procedures. Data on the length of civil proceedings in first instance is now available.

However, FIRM-IFDH has questioned the reliability of the data (see FIRM-IFDH's 2025 communication to the Committee of Ministers of the Council of Europe for a reasonable length of judicial proceedings). With respect to first-instance tribunals, the publicly available data contains inconsistencies. Judicial statistics from certain districts reveal considerable and difficult-to-explain variations in processing times between 2023 and 2024.

This raises questions about their reliability.

FIRM-IFDH has also raised concerns regarding the calculation of statistics for family courts. It noted that authorities count dormant cases as closed, which can lead to counting the same dormant cases as closed over several years.

FIRM-IFDH further noted the need for more disaggregated data. For instance, the improvement in the statistical results of the Brussels Court of Appeal's civil section must be qualified due to structural constraints, including linguistic division preventing cross-assignment of judges. Certain sections of the Court also require specific expertise which prevents reassignment of judges. This is the case, for instance, with respect to fiscal chambers. This means that certain sections of the Court may face a backlog despite an improvement in the general statistics.

Furthermore, there remains a lack of adequate statistical data on the redress procedure for the excessive length of proceedings. This procedure enables a litigant to claim compensation when he or she has experienced a judicial procedure that exceeded a reasonable time. Redress procedures to complain about the excessive length of judicial proceedings should be treated with special diligence by the authorities as, by definition, they follow an already overly long procedure. On 5 September 2023, the European Court of Human Rights condemned Belgium for the excessive length of the redress procedure for excessive length of proceedings (Van den Kerkhof v. Belgium). For these reasons, FIRM-IFDH considers it necessary for the Belgian State to provide statistical data on the domestic redress procedure against the excessive length of judicial proceedings.

FIRM-IFDH recommends that the Commission again requests improvements to statistical data on the length of judicial procedures. The data should account for disparities between judicial districts and sections of courts and tribunals. Authorities should also produce data on redress procedures for excessive length of proceedings.

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

5000 character(s) maximum

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

5000 character(s) maximum

In previous submissions to the Stakeholders' Consultation (2024, 2025) FIRM-IFDH noted the introduction of several law proposals in Parliament intended to reinforce rules regarding disciplinary procedure applicable to magistrates (DOC 55 3634; DOC 55 3675; DOC 55 3686, available at www.lachambre.be). At the end of the parliamentary term, in June 2024, all these law proposals became obsolete, only to be promptly reintroduced during the new term (DOC 56 0289; DOC 56 0470).

New proposals concerned with disciplinary proceedings against the chef de corps (the court's president, the public prosecutor or the general prosecutor) were also introduced (DOC 56 0531; DOC 56 0558). Chefs de corps were previously exempted from prosecution based on the disciplinary regulations applicable to magistrates, in order to safeguard their independence and their role regarding the discipline of more junior magistrates. The High Council of Justice and the Group of States Against Corruption (GRECO) had recommended a constitutional amendment in order to allow the chef de corps to be evaluated. The latter of these two proposals (n°0558) was adopted on 23 May 2025 by both houses of Parliament, modifying art. 158 §6 of the Constitution. All judges are now subjected to an evaluation, to be determined by a subsequent Act that has not yet been introduced before Parliament.

However, it is also clear that the government intends to adopt more reforms regarding the disciplinary regime applicable to magistrates. The Federal Coalition Agreement states that the government will be "(...) strengthening the disciplinary regime regarding magistrates and judges. We are also reviewing the system for evaluating magistrates and the related sanctions. In consultation with the High Council of Justice, the evaluation criteria will be adapted. These criteria must be linked, among other things, to the objective of efficient and thorough case handling. In this context, we are also considering introducing a statutory regime defining the extracurricular mandates of magistrates" (Federal Coalition Agreement, French-speaking version, p. 164). The government has already indicated that the autonomous management of the judiciary – a long-awaited reform of the judiciary that will see it receiving increased autonomy and means – will not be enacted before the new "disciplinary and evaluation regime" has been renewed. In this context, the Justice Minister added that "[t]o this end, we are strengthening internal and external oversight of the functioning of the pillars of justice, particularly with regard to management, political structures, and the justification of budgetary resources." (Policy Statement of the Justice Ministers, March 2025, p. 24). However, as far as FIRM-IFDH, this statement has not yet been translated into policy, except in the manners hereunder described.

In October 2025, the High Council of Justice expressed concern regarding a draft bill implementing the first incentive plan for the justice system. This draft bill would increase the possibilities for delegating magistrates to courts that are struggling, for example due to a lack of staff. The High Council of Justice is concerned that a delegation could be used as a form of "disguised sanction". According to the draft bill, the magistrate's consent to the delegation is required in most cases, but less so for prosecutors.

Furthermore, the reform of the Council for Alien Law Litigation, as discussed hereabove under the sub-title 'irremovability', will also impact on the accountability of CALL judges. The government intends to limit the mandate of these magistrates to five years, with the possibility to be renewed but the criteria for renewal remain unclear at this time.

FIRM-IFDH highlights that, while reinforcing the judges' disciplinary obligations could lead to improvements in the justice system, it also risks weakening the separation of powers and the independence of the judiciary. Care should thus be taken in the drafting of these reforms.

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Public debate surrounding various mediatized cases has revealed that part of the Belgian population perceives class-based justice.

In 2018 Sanda Dia, a 20-year-old black student, died of the consequences of a cruel 'baptism' (hazing) ritual to become member of the elite 'Reuzegom'-fraternity. In 2023, the Antwerp Court of Appeal found 18 students involved in the hazing guilty of involuntary death and degrading treatment. They were sentenced to community service (200- 300 h) and a €400 fine each. Since Sanda Dia's death, the role that race and class played in his death were widely discussed. Many people considered the sentences too lenient and an example of class justice, sparking a wave of outrage under the hashtag #justiceforsanda and protests in different cities.

In February 2024, Belgian YouTuber "Acid" revealed the names of Reuzegom members whose anonymity had been preserved by the Court due to their young age. He was sentenced to a 3-month suspended prison sentence, a fine of €800 as well as damages of €20.000 to the parents of a former Reuzegom member. Once again, this ruling was heavily criticized as an example of class justice, as it was found to be harsher than the ruling against the members of the elite fraternity Reuzegom. The decisions in both cases were also openly criticized by several politicians.

In another case, in March 2024, the High Council of Justice revealed that fraud had been committed in the entrance exams to become a judge. A member of the examination board, who was also member of the High Council of Justice, passed on examination questions to a candidate. He also passed on the questions to a public prosecutor and a magistrate who would have passed them on to their children. Another magistrate would also have passed on questions to two candidates. These fraud revelations might impact people's trust in the justice system. It also fueled the debate about class justice, as the impression was given that access to the profession of judge is in some cases a matter of connections and favoritism.

Another recent court decision sparked debate in Belgium. In April 2025, the correctional court of Leuven found a 24-year-old gynecology student guilty of rape of another student. The judgment gives a detailed overview of what happened the night of the assault. The gynecology student acknowledged in court that the woman could not possibly have consented, given her state of intoxication. The court considered the committed offences "serious and socially unacceptable" and found the gynecology student guilty of rape. However, the court decided not to impose a punishment, mentioning the "favorable personality of the defendant" and considering that he is "a talented and committed young man who is greatly appreciated both privately and professionally". The court decision sparked many reactions and even led to a few protests. The decision also fueled the debate about class justice. The explicit consideration of the student's social background and status for not imposing any punishment might have given the impression that sexual violence is considered less serious when committed by people with a certain status. To correctly inform the debate, the court decided to publish the entire anonymized judgement online. The public prosecutor appealed against the court decision. Parallel to the pending appeal, the University of Leuven conducted a disciplinary procedure and decided in August 2025 that the medicine student is not allowed to continue his studies.

The Justice Barometer published by the High Council of Justice in 2024, revealed that trust in the justice system is declining and that social class is a rather accurate indicator of people's trust. Respondents who consider themselves to be part of the upper social class appear to have more confidence, compared to respondents who consider themselves part of the lower or middle social class. Almost half of the respondents considering themselves part of the low social class, said to have no confidence in the justice system.

In 2025, members of the new federal government voiced public criticism towards the ECtHR. This kind of criticism is growing in many European states. The Danish NHRI raised serious concerns over the undermining of the legitimacy of the ECtHR by politicians in the 2025 ENNHRI-report. Belgium co-signed the letter of the 9 heads of State in May 2025, criticizing the ECtHR's jurisprudence in matters of migration and expulsion of foreigners convicted for crimes. In September 2025, the Belgian Prime Minister publicly stated to be in favor of an interpretation protocol to the ECHR, to limit the jurisprudence of the ECtHR on migration issues. In December 2025, Belgium co-signed the joint statement signed by 27 CoE States, asking, i.e., to constrain the prohibition of torture, inhuman or degrading treatment "to the most serious issues". These developments risk undermining the legitimacy and independence of both the ECtHR and the ECHR.

B. Quality of justice

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

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

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

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

5000 character(s) maximum

There is a structural need for adequate staffing in courts and tribunals. In 2024, a study measured the workload of judges in Belgium. It revealed a need for a 43% increase in magistrates (approximately 700 additional judges) and a 19% increase in clerks to handle cases within reasonable timeframes without accumulating further backlogs. Additional staff would also be required to be able in order to address the current backlog within a reasonable timeframe. However, this report appears not to have been acted upon.

In 2025, authorities published 120 vacant magistrate positions, following a court conviction ordering them to do so. This is a positive step, but it does not address three concerns:

- uncertainty about whether sufficient qualified candidates exist to fill these positions;
- absence of measures to address critical clerk shortages that contribute significantly to case delays;
- the fact that even fully staffing the current legal framework would fall far short of meeting the identified personnel needs established by the workload assessment.

The shortage of magistrates and judicial staff stems not only from limited positions but also from the declining attractiveness of the profession. Key challenges include:

- long working hours;
- deteriorating courthouse infrastructure;
- security concerns and substandard working conditions, including instances where court personnel must bring their own toilet paper.

Moreover, while a 2024 law improved magistrates' social status by granting rights such as parental leave, it provided no additional resources to effectively implement these rights. This can prevent some magistrates from enjoying their rights lest they create unsustainable workloads for their colleagues who would have to compensate for their absence. Magistrates in 2025 also protested the reform of their pensions. These reforms, it was argued, led both to a significant decrease in their employment conditions (as the pension is considered deferred pay) and to a sense of being badly treated by the executive following its refusals to negotiate with them.

According to the FIRM- IFDH, structural solutions require making the judicial profession more attractive through improved legal and material working conditions.

In 2025, FIRM-IFDH also reiterated the need for a structural solution regarding the Brussels Court of Appeal. In 2023, the ECtHR noted the structural nature of the problems that specifically arise in the judicial district of Brussels. To address these problems, FIRM-IFDH recommended staffing all available positions within the Court. It also recommended a temporary reinforcement of the Court's staff to help it clear the judicial backlog.

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

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

5000 character(s) maximum

On 25 April 2024, Belgian authorities enacted a new law to create a general legal framework for the use of remote hearings in civil and criminal matters. The law sets out the circumstances in which videoconferencing may be used and establishes as a general principle the consent of the parties, with certain exceptions legally defined. The Act also defines the modalities of appeal against such decisions.

FIRM-IFDH has welcomed the legislator's intent to implement videoconferencing in tribunals in a manner that respects due process requirements, praising its reference to the case-law of the Belgian Constitutional Court and the European Court of Human Rights, as well as to the guidelines on videoconferencing in judicial proceedings adopted by the European Commission for the Efficiency of Justice. FIRM-IFDH recommended modifications to the draft law in an advisory opinion (n° 3/2023) published in January 2023, to strengthen its human rights framework. Some of these recommendations have been incorporated into the law but others remain absent. More specifically, the use of videoconferencing must always serve a legitimate aim, and its implementation must respect the rights of the parties, particularly the right to a fair trial. The law should include an obligation to collect statistical data to compare the length of proceedings using remote hearings with those held in the presence of the parties and the severity of the criminal sanctions. The right to information of parties should also be strengthened, and the law should be more precise in the criteria used to decide the pertinence of using remote hearings.

In 2025, the government's agreement stated its plans for further implementation of the law. It notably announced that hearings of the chambre du conseil (investigating chamber) and chambre des mises en accusation (indictment chamber) should, wherever possible, take place either within the detention facility's infrastructure or by videoconference. According to the agreement, as a general principle, detainees will be transported as little as possible, with exceptions permitted only when justified by requirements related to defense rights or when appropriate infrastructure for remote hearings is unavailable. The government also plans to revise the legislation on videoconferencing to exclude family court proceedings, unless requested by the parties. FIRM-IFDH has not analyzed these proposals.

With respect to case handling, news reports have indicated that JustCase, Belgium's judicial case management system launched in November 2024, is experiencing serious malfunctions. Judges and prosecutors have recently highlighted the risk of data loss, communication difficulties through the criminal chain, as well as a risk of losing track of convicted people after their release. The Minister of Justice has acknowledged the concerns and plans to address the issues.

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

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

C. Efficiency of the justice system

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

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

As discussed above (Resources of the judiciary), the length of proceedings remains an important problem in Belgium, due to the underfunding of the justice system and inadequate staffing in courts and tribunals. Belgium has been condemned on several occasions by the ECtHR on the issue, most recently in September 2023, in the Van den Kerkhof case. A new judgment of the Court is expected on 22 January 2026 in the Swissair International Finance III v. Belgium case. In December 2025 the Committee of Ministers of the Council of Europe noted that, despite progress, Belgian authorities needed to further accelerate efforts to address the longstanding problem regarding the length of judicial proceedings. The Committee notably invited Belgian authorities to maintain efforts to permanently clear the judicial backlog. It also encouraged them to strengthen management tools, in order to prioritize support and reinforcement for the courts most affected by a significant backlog and a high volume of new cases, such as the Brussels Court of Appeal. It invited Belgian authorities to adapt the legal frameworks for judicial staff accordingly.

Any other developments related to the justice system - please specify

5000 character(s) maximum

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Belgium transposed Directive 2019/1937 through several instruments. At the federal level, two key acts were adopted in 2022: the Act of 24.11.2022 (private sector) and the Act of 08.12.2022 (federal public sector). In parallel, corresponding legislation was adopted by the regional and community parliaments. More recently, a specific law applicable to members of parliamentary staff was adopted: the Act of 27.03.2025, which entered into force on 08.12.2025. The adoption of laws for whistleblower protection in the judicial system and the armed forces is an ongoing process.

At the federal level, high standards were established for whistleblower protection mechanisms. Several key elements can be highlighted:

- The legislation introduces an extrajudicial protection mechanism against retaliation, allowing whistleblowers to benefit from protective measures without having to immediately initiate judicial proceedings.
- The material scope of application chosen for the federal public sector is particularly broad, covering any breach of integrity, defined as any violation of legislation as well as internal rules and procedures. By contrast, the more recent law applicable to Parliament limits its scope to that of the Directive itself.
- In the private sector, the scope of application largely follows the Directive, as it is based on the areas explicitly listed therein. However, it goes beyond the minimum requirements by also covering social fraud and tax fraud, and by encompassing the entirety of national legislation, and not only national provisions transposing EU directives.
- Strong support measures are available to whistleblowers in both the federal public sector and the private sector. Implemented by FIRM-IFDH, these measures include legal, financial, psychological, IT, media, and social support (including career coaching).

In 2023 and 2024, FIRM-IFDH received 261 requests, resulting in information on whistleblower legislation being provided to 109 individuals, 118 persons being redirected, and support measures being implemented for 34 whistleblowers, either internally or with the assistance of external partners. During this period, a total of 33

support measures were provided by external specialists through FIRM-IFDH: 15 support measures provided by a psychologist, 12 provided by an attorney, 5 provided by a career coach, and 1 provided by a media trainer. Despite these positive developments, the overall framework remains complex, with protection standards varying depending on the applicable legislation. Differences may concern admissibility, scope, deadlines, procedures, duration, and available support measures.

FIRM-IFDH analyzed the implementation of federal legislation in its Biennial evaluation report on whistleblowers, published in November 2025.

This report also highlights the number of reports submitted, mainly through external - and to a lesser extent internal - channels in the federal public sector. Data on reports submitted through internal channels in the private sector are unfortunately not collected. For 2024, although there are no consolidated figures, it can be noted that a total of 1,887 external reports across all sectors, both public and private, were recorded by the federal authorities, resulting in 911 investigations. No specific data is available regarding cases potentially related to corruption.

Finally, with regard to the fight against corruption and measures to ensure whistleblower protection and encourage the reporting of corruption, it should be noted that there is no specific legislation in this regard. Therefore, the above-mentioned general framework for whistleblowers applies. The OECD Working Group on Bribery conducted a country visit to Belgium related to this topic in 2024. The Working Group finalized in 2025 its Phase 4 evaluation report. FIRM-IFDH participated in this process.

In its report, the OECD notes that transnational bribery is not explicitly included in the material scope of the law applicable to the federal public sector and the private sector. The Belgian authorities stated that, despite the absence of an explicit reference to the bribery of foreign public officials, reports concerning such acts would fall within the scope of these laws.

The preparatory works of the federal public sector law cite that a breach of integrity may consist of “a criminal offence such as corruption or the misappropriation of public funds.” In light of the wide definition of breaches of integrity applicable to the federal public sector, corruption is undoubtedly covered.

However, in the private sector, as the scope of the legislation is limited to the domains explicitly mentioned in the law, it is less clear whether all forms of corruption would be covered in practice. FIRM-IFDH therefore recommended that an explicit reference to corruption, at both national and international levels, could provide greater legal clarity and encourage individuals to report such violations.

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

- *Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

C. Repression

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

In February 2024, Belgian authorities enacted a law on the “administrative approach” (the 'DIOB law'). It enables local authorities to end or suspend the licenses of certain businesses suspected of providing cover for criminal activities. In an advisory opinion to the federal parliament, FIRM-IFDH underlined that the law proposal contained several problematic aspects, including the potential to target a very large number of economic activities, the probable violation of the presumption of innocence and the risk of disproportionate applications of the law. Most importantly, administrative law is less suited to combating criminal organizations than criminal law, which also offers much better human rights standards for defendants.

FIRM-IFDH brought an action for annulment before the Belgian Constitutional Court against the law. On 6 November 2025, the Court rendered its judgment. It found the law unconstitutional because it failed to require local authorities to periodically review whether the measures they had adopted were still warranted. It noted that the law does not provide any procedure to that effect. The Court did not follow FIRM-IFDH's other arguments.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

In its 2025 Report on the Rule of Law in Belgium, the European Commission found that Belgium had made “some further progress on efforts to 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”. It also repeated a recommendation made in 2022, 2023 and 2024 : to further “continue efforts to 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”.

Save a minor change to the legislation, no fundamental reform of the framework was passed in 2025. Several legislative proposals are currently pending before parliament. One in particular, by members of the current government coalition party N-VA, while not free of shortcomings, has received positive feedback by both FIRM-IFDH and the Flemish Association of Journalists (VVJ).

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Belgium has two main self-regulatory bodies for journalists: the Dutch-speaking Raad voor de Journalistiek (RvJ) and the French-speaking Conseil de déontologie journalistique (CDJ). Both bodies have a similar structure, with a complaint mechanism based on a professional integrity charter, itself derived from the Global Charter of Ethics for Journalists, and some limited disciplinary powers over journalists and media organisations. Both councils are composed of representatives of journalists, media editors and civil society, each accounting for about a third of its council members.

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

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

5000 character(s) maximum

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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

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

5000 character(s) maximum

As previously reported, Belgian journalists have been confronted with increased violence in recent years. In June 2023, the French-speaking (AJP) and Flemish (VVJ) 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, threats and intimidation, sexually transgressive behaviours and physical violence.

The picture gets considerably darker when distributed by gender: 64,1% of female journalists reported having been targeted by transgressive behaviours, compared with 51,4% of men. Physical violence also appears to have a gendered component: twice as many men as women were victims. Concern over increasing online intimidation against female journalists, especially women of colour, arise as well.

This situation is particularly problematic given that there are significantly more male than female journalists : 2 /3rd of journalists in Belgium are male, a noticeable difference with comparable countries such as France or Italy. The gender imbalance considerably worsens for older journalists: women constitute slightly more than half of journalists under 35 years old, this drops precipitously for next age category (35-44) with 35,7% to 64,3%. Only 22,6% of journalists over 55 are female. The median age for a journalist in Belgium is 46 years old. This drop does not seem to be only – or principally – attributed to past exclusions of female journalists, since there are slightly more female journalists in the 45-54 age bracket than in the 35-44 one. The threats and experiences of violence and the difficulty to combine journalism with a family life – in a society where women still undertake the lion share of household and childrearing tasks – are likely to be contributing factors. This research by the VVJ and AJP is every five years; the next cycle can be expected in 2028.

Meanwhile, a 2025 study by Lamot, Beckers & Van Aelst confirms the problem of violence against political journalists (the object of this particular study). The research showed that they face substantial risks, especially in a digital context. The research pointed also at politicians as both direct aggressors (14%) or at least catalysts for public violence towards journalists. While this does not ostensibly lead to journalists not reporting on sensitive topics, the study did find evidence that some journalist practice self-censorship. Also the "significant psychological toll" and "considerable stress" were noted.

Several alerts were made to the Council of Europe's Platform to promote the protection of journalism and safety of journalists in 2025, including:

- An alert regarding a journalist of ZIN TV who was violently arrested in Brussels while reporting on 13.11.2024. The French Association of Professional Journalists (AJP) also voiced its concern about the incident.
- An alert related to the police raid on the premises of Kurdish-language television channels Stêrk TV and

Medya Haber (Medya News) in the night of 22 to 23.04.2025. This raid was organized in the context of a European Investigation Order into terrorist financing. The Flemish Association of Journalists (VVJ) condemned the intimidation that accompanied the raid and called for clarification.

- An alert related to the arrest and subsequent custody of two journalists working for a French media outlet and covering a civil disobedience action in Antwerp on 26.10. 2024.
 - An alert related to the prosecution of a journalist for an investigation into the intimidation, sexist behaviour and bullying of a former mayor of the Belgian town of Andenne. The former mayor initiated legal procedures against the journalist, followed by the Andenne city council.
 - An alert related to the administrative detention of a journalist in Brussels who was covering a civil disobedience action.
 - An alert related to the attack on 27.10.2025 of a local news crew in Brussels by unidentified individuals.
 - An alert related to letter of formal notice served on 31.07. 2025 by Georges-Louis Bouchez, president of the Reformist Movement (Belgium's leading French-speaking party), to the owner of a political news Instagram account.
 - An alert related to a threat regarding the physical safety of an RTBF journalist by Georges-Louis Bouchez.
 - An alert related to the targeting of two exiled Congolese journalists, including a physical assault on one of them in August 2025.
 - An alert related to the assault by police of journalist Erika Di Benedetto covering a protest in Brussels.
- Currently, FIRM-IFDH is conducting research into the situation and experiences of journalists, academics, and artists in Belgium. This research project is expected to conclude in 2026.

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

5000 character(s) maximum

The new Criminal Code was adopted in February 2024 and will enter into force in April 2026. It now contains a provision including journalists among those professionals performing a societal function – e.g. medical professionals, police officers – against whom violence may lead to harsher sentences (art. 79). The murder (art. 103 bis), incitement to suicide (art. 109 and 110), torture (art. 115/1), inhumane treatment (art. 122/1) and violence (art. 189) against a journalist will be more severely punished than against a person not exercising a societal function. Furthermore, these legal changes could also lead to better data collection regarding violence against journalists. Until now, violence against journalists was not specifically registered as such within the police nomenclature, despite recommendations to the contrary. The General National Database does not include information on the number of registered complaints. Following the legal recognition of journalists as professionals performing a societal function, the police could be encouraged to better identify them as such in the database, allowing for better data collection and reporting.

However, as mentioned above, multiple incidents regarding journalists lead to concern regarding their safety. In 2025, too, several alerts were introduced or pending at the Council of Europe's Platform to promote the protection of journalism and the safety of journalists, related to violence against journalists in Belgium.

The Flemish Association of Journalists (VVJ) in its annual report (December 2025; information until 10 November 2025) also mentions several incidents by citizens against journalists:

- A journalist who was assaulted by a local individual while covering a housefire in February 2025.
- A journalist and camera man who were harassed by about ten persons in Brussels. Police intervened.
- A journalist who was attacked in May 2025 by hooligans. The police intervened, but the journalist was nevertheless incapacitated for work for a month.

The VVJ also describes various instances of anti-media sentiment:

- A statement by Georges-Louis Bouchez, president of the Reformist Movement (Belgium's leading French-speaking party) calling French-language public broadcaster RTBF an 'official supplier of fake news'. This statement was denounced by the AVBB (general association of professional journalists in Belgium, the umbrella association above VVJ and AJP).

- A journalist who was banned from press conferences of the Flemish political party Vlaams Belang.
- A statement by a lawyer in a very mediatized case in which Dutch-language public broadcaster VRT was accused of forging evidence.
- A convicted man who showed his middle finger to journalists present at a court case.

The Flemish Association of Journalists (VVJ) in its annual report 2025 raises the problem that, contrary to the Netherlands, there is no solution in Belgium to shield the address of freelance journalists from the official register where companies are recorded. In light of the substantial and increasing online and offline threats against aggression, such measures are also desirable in Belgium.

In its 2022 parallel report to the United Nations Committee on the Elimination of Discrimination against Women, co-written with the Combat Poverty Service and the Central Monitoring Council for Prisons, FIRM-IFDH made two recommendations to improve journalists' safety :

- Facilitate data collection on the number of complaints regarding violence against journalists in the police's General National Database ;
- Include specific measures to fight all types of on- and offline violence against female journalists in national action plans, paying special attention to intersectional vulnerabilities. Currently, the 2021-2025 National Action Plan against Gender Violence identifies female journalists as particularly vulnerable to cyberviolence, but does not include specific measures.

Those recommendations remain relevant today.

Lastly, Belgium's transposition of the GDPR regarding the processing of personal data for journalistic purposes (art. 85 GDPR) has been criticised. Belgium opted for a strict definition of the notion of journalist, which is now contrary to the case law of the European Court of Justice. Under Belgian law, only persons who are subject to "journalistic ethics" are able to invoke the exemptions provided for journalists by the GDPR. A law proposal introduced in 2022 attempted to amend the 2018 Belgian Data Protection law, bringing it in line with European case law. In 2024, FIRM-IFDH published an advisory opinion on this law proposal, welcoming the proposal while suggesting it should still be broadened in order to avoid confusion and fully transpose the ECJ judgment. However, the legislative proposal was not voted and became obsolete in June 2024, at the end of the Parliament's term. No new law proposal in this sense has since been submitted.

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

5000 character(s) maximum

Publicity of official documents currently requires a complex procedure, placing little emphasis 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 (CADA) 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 the public authorities. The effectiveness of this system has been criticized and 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.

Little progress has been made in the last year on this issue, despite the recommendation issued by the European Commission in its 2023, 2024 and 2025 rule of law reports on Belgium.

A legislative proposal, brought forward by the government, was adopted by the federal Parliament on 18.04.2024. FIRM-IFDH wrote an advisory opinion pointing out that the proposal did too little to address the most pressing issues regarding access to public documents. In its 2024 report on the rule of law in Belgium, FIRM-IFDH notes among other recommendations that "[the already existing] appeal body should be given a

broader mandate, more resources and decision-making powers". This recommendation followed several advisory opinions since 2022 calling for a reform of the legal regimes for access to public information and documents. FIRM-IFDH believes simplification of these different federal regimes is crucial to guarantee the right to access public information. Simplification would require adopting one joint appeal procedure for all publicity regimes in a clear and easily accessible legislative text. FIRM-IFDH also recommends merging and reforming the two appeal bodies in a unified Commission or reforming the currently existing CADA in several important ways :

- it should be given decision-making powers, on top of its current advisory powers, on access to administrative documents;
- its resources should be increased;
- its decisions should be systematically published and its independence guaranteed by law;
- there should be a legal obligation to either consult or inform the Commission of any draft legislative amendment relating to the publicity of the administration.

Furthermore, the 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 made within a shorter timeframe if the circumstances justify this.

Save a minor change to the legislation (inserting legal conditions into Article 8 of the federal law on the publicity of administration, in order to avoid incomplete administrative appeals and to enable more efficient handling of requests for opinions), no fundamental reform of the framework was passed in 2025.

However, several legislative proposals are currently pending before parliament. One in particular, while not free of shortcomings, has received positive feedback by both FIRM-IFDH and the Flemish Association of Journalists (VVJ). This legislative proposal (56-0660/001) seeks, among other things, to expand the scope of application of the Act of 11.04.1994, to enshrine the proactive disclosure of government decisions, to strengthen the powers of the CADA, to shorten the time limits of the ordinary procedures, and to establish an expedited procedure. The proposed measures would represent an important step forward for the federal rules on access to administrative documents. In its advisory opinion 09/2025, FIRM-IFDH welcomed this proposal. It nevertheless also formulated several recommendations to further improve the proposal.

No further developments are to be reported on the Tromsø Convention on Access to Official Documents. As previously mentioned, the federal Parliament adopted a proposal ratifying this convention in 2024. Similar legal proposals were also adopted by the Flemish Parliament (for the competences of the Flemish Community and the Flemish Region), and the Parliaments of the French-speaking Community, of the German-speaking Community, the Parliament of the Brussels Region and of the Brussels-based COCOF and COCOM. However, the Walloon Region still needs to adopt its own legislation before the ratification can formally happen and the federal law has not yet been published. FIRM-IFDH repeatedly pleaded in favour of the ratification of the Tromsø Convention and will continue to follow the evolution of the law and related legal proposals in the coming months.

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

5000 character(s) maximum

As the Belgian anti-SLAPP working group has also noted (<https://www.slapp.be/en/communicationrolr2025E>), there appears to have been an error in the 2025 Rule of law report where it states that Belgium has "decriminalized defamation" (p. 14). The new criminal code in fact does not decriminalize defamation, insult or slander, although these offences will no longer be punishable with a prison sentence.

The following section highlights some evolutions regarding SLAPP and convictions against journalists, as well as discusses some specific cases.

The Coalition Against SLAPPs in Europe (CASE) focused on a case in Belgium it considered an example of SLAPP, namely that of real estate developer Creadomus Invest NV. This company is said to have misled buyers into buying dilapidated apartments. Dozens of the resulting sales have already been annulled. Creadomus has, however, legally threatened the association Samen Sterk!, which unites victims of its practices. CASE nominated this case as 'Farcical Threat of the Year 2025'.

The complaint introduced by the mayor of Andenne, a city in the French-speaking community, against Wilfried and Boukè Media for an investigation regarding local corruption, mentioned in last year's report, was still pending in 2025, with an hearing being held on 15 January 2026.

At the end of 2022, FIRM-IFDH was given a mandate by the Justice Ministry to become Belgium's focal point on SLAPP. FIRM-IFDH has started to collect and share information regarding SLAPP. It joined the Belgian anti-SLAPP working group as an observer. It has since published information regarding SLAPP on its website in three languages (Dutch, French and English), welcomed in a press release the adoption of the EU anti-SLAPP directive, and has issued three advisory opinions regarding the transposition of the EU anti-SLAPP directive into Belgian legislation. A first advisory opinion (02/2025 of 22 April 2025) related to a legislative proposal based on a model bill drafted by the Belgian anti-SLAPP working group. However, as this legislative proposal was introduced by an opposition party, it is not expected to pass parliament. Meanwhile the minister of Justice had started preparations for a bill. A second advisory opinion (07/2025 of 24 July 2025) aimed at securing a strong transposition of the EU anti-SLAPP directive. A third advisory opinion (10/2025, of 30 September 2025) commented on a first version of the Minister's draft bill. Currently, a more recent version of this draft bill has been submitted to the Council of State.

Furthermore, the threat of SLAPP and related actions was one of the focuses of FIRM-IFDH's 2024 report on the protection of human rights defenders. 24% of the 159 responding organisations reported having been threatened by or having been the subject of some form of legal intimidation, including SLAPP, between 2020 and 2022. In the second cycle of its research project (2025-2026), FIRM-IFDH is further looking into the situation and experiences of journalists, academics, and artists in Belgium, and the circumstances in which they conduct their work and the pressure they face doing so.

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

5000 character(s) maximum

Update on the criminal provision prohibiting the disclosure of state secrets

In February 2024, the Belgian Parliament adopted a new Criminal Code. The Code contains a new provision expanding the scope of the prohibition to share state secrets (arts. 564, 582 et 586). Another law, the Act of 27 March 2024, has also incorporated those provisions into the current (soon-to-be former) Criminal Code.

In a 2023 advisory opinion, FIRM-IFDH expressed its concern regarding this new offence. It argues the introduction of a new criminal offence was insufficiently motivated and that it was difficult to control whether the changes were proportionate to a legitimate goal, if the government does not provide this information. The definition of a State secret is also overly broad and threatens the legality principle due to its lack of a clear definition of a number of key concepts and its potentially broad application. Furthermore, the reception, copy, divulgation or transmission of a State secret is already a criminal offence under the current (old) Criminal Code (art. 119, 119/1, 119/2). This new offence is particularly problematic for journalists, as it could lead to the prosecution of journalists that may have brought to the attention of the public some important malfunctions within public authorities.

In October 2024, the two professional journalist bodies in Belgium – the Vlaamse Vereniging van Journalisten (VVJ) and the Association des journalistes professionnels (AJP), joined by the Ligue des droits humains – introduced a request for annulment of this provision before the Constitutional Court. They allege a number of violations, including the legality principle, the potentially heavy penalties even for relatively minor offences, etc. A hearing took place on 12 November 2025. The decision of the Constitutional Court is expected in the course

of 2026.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

** This includes also the consultation of social partners*

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

5000 character(s) maximum

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

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

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

As mentioned under “horizontal developments”, the non-compliance of authorities with both national and European final judgements is a worrying trend in Belgium.

In its last study regarding the implementation of European judgements, the European Implementation Network considered Belgium to be a “moderately poor” complier of ECtHR judgements and a “poor” complier of CJEU

judgements. Belgium is one of the 10 EU Member States having cases that are awaiting implementation for more than 15 years. They concern structural problems such as the excessive length of court procedures (ECtHR, *Bell. v. Belgium* (2008) a.o.); the prolonged detention of mentally ill offenders in prison (ECtHR, *L.B. v. Belgium* (2012) a.o.); the degrading and inhuman living conditions of prisoners, due to overcrowding and outdated prison buildings (ECtHR, *Vasilescu v. Belgium* (2014) a.o.).

The worrying trend of non-implementation of judgements also concerns national court decisions. A research study conducted by FIRM-IFDH shows that authorities fail to comply with national court decisions in at least 30 different areas, including the reception of asylum seekers, the continuing overcrowding in prisons, the extradition of third country nationals, noise pollution around Brussels' airport and environmental obligations. The case of the reception of asylum seekers is very illustrative for this worrying trend, as it concerns the systematic refusal to comply with decisions of various Belgian courts and a judgement of the ECtHR. Since the end of 2021, many single male asylum seekers have been denied accommodation, due to a lack of places in reception centers. Despite their right to reception, they must survive in the street or in homeless shelters for months, often in inhuman and degrading circumstances.

The Association of French-speaking and German-speaking Bars and 9 associations filed an urgent procedure against the Belgian State end of 2021, to halt this situation. In January 2022, the President of the Brussels French-speaking Court of First Instance ordered the Belgian State to immediately respect all asylum seekers' right to reception. Both the former and the current federal government did not abide with this judgement. Asylum-seekers who were denied accommodation went to Labor Courts to enforce their right to reception. Since 2022, the federal government failed to implement almost 14.000 decisions of Labor Courts to immediately accommodate asylum seekers.

The courts imposed penalties to pressure the federal government to comply with their decisions, but this appeared to have no impact: the former State Secretary and the current Minister for Asylum and Migration publicly stated on several occasions that those penalties, that currently amount to more than 10 million euros, will not be paid. The judiciary expressed deep concerns in an exceptional press release in October 2025, considering this symptomatic of a worrying trend in which the executive branch believes they can place themselves above the law.

The Association of French-speaking and German-speaking Bars and 9 associations initiated a procedure to seize assets of Fedasil, the federal Agency for the reception of asylum-seekers, to cover the unpaid penalties. The procedure has been ongoing for over two years, without any result. It appears to be extremely difficult to enforce implementation by the authorities, or to seize public funds from authorities that refuse to pay penalties. FIRM-IFDH and Myria's July 2025 "Rule 9" submission to the Committee of Ministers of and a April 2025 report of Amnesty International, mentioned the impact the authorities' continuing non-abiding with court decisions has, on both asylum-seekers and their lawyers. Many of them no longer see the point in initiating legal proceedings, since the court decisions are structurally neglected by the authorities. Several lawyers mentioned a sense of complete powerlessness.

The non-implementation of judgements was pulled to yet another level in this case, when the federal government also decided not to abide with two judgements of the Council of State. In the first judgement of 13 September 2023, the Council of State suspended the instruction to no longer accommodate single male asylum seekers. In its judgement of 27 December 2024, the Council of State suspended the instruction to no longer accommodate asylum seekers having a protection status in another EU Member State. The then Secretary of State for Asylum and Migration declared the same day of both judgements that her policy would not change. In July 2023, in *Camara v. Belgium*, the ECtHR found the structural refusal to comply with judicial decisions ordering to accommodate asylum seekers, to be in breach of the right to a fair trial (Article 6 ECHR). Despite this conviction, the federal government continued to refuse to abide with the national court decisions regarding reception conditions of asylum seekers, and hence also with the *Camara* judgement.

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 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, transparency and dissolution rules)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

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

5000 character(s) maximum

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

5000 character(s) maximum

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

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

Contact

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