

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

Ordre des Barreaux Francophones et Germanophone de Belgique – AVOCATS.BE

Main Areas of Work

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

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

500 character(s) maximum

www.avocats.be

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

238973830453-93

* 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

Marjorie

Surname

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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

AVOCATS.BE remains concerned about some legislation from the European Union itself (and the possible transposition into national law), which undermine the independence of lawyers and their professional secrecy ;

- The AML package and the technical standards currently being developed by the AML Authority ;
- DAC 6, which is currently under review ;
- Regulation 2022/1904, which prohibits the provision of 'legal advice' to legal persons, entities or bodies established in Russia.

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

- Structural resource deficiencies in the justice system : the efforts made the last few years remain highly insufficient to modernise Justice and reduce judicial backlog ;
- Measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights : is actually decreasing instead of improving, and in some areas (notably with regard to asylum procedures) the government openly declares its intention to not execute judicial decisions, thereby actively disregarding the rule of law in bad faith.

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

In 2024, the exam system for the selection procedure of judges, organised by the High Council of Justice (HRJ /CSJ) has failed to prove itself as resistant to fraud and favouritism. There was a big fraud scandal in which an advocate-general and member of the CSJ were convicted of leaking exam questions to certain befriended candidates. Three other members of the judiciary/prosecution were involved in passing the exam questions on to relatives. In 2025, the case was discussed at the disciplinary level and the advocate-general in question was removed from office by way of sanction. The criminal procedure is still pending. The public prosecution wants to prosecute 4 magistrates.

A draft law is currently being examined by the House of Representatives, aiming at modifying the procedure for appointing judges to the Constitutional Court. The main changes envisaged are:

- candidates to be nominated solely by the House of Representatives (and no longer by the Senate, which is set to be abolished) ;
- public hearings of candidates before a House of Representatives committee;
- requirement of eight years of parliamentary experience rather than five for judges who are former political representatives ;
- requirement to hold a law degree, even for judges who are former political representatives.

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

In times where the government acknowledges that the profession of judge or prosecutor must become more attractive (this is stated explicitly in the federal coalition manifesto), the judiciary is not only groaning under the weight of long-standing underfinancing, but has also come under the threat of severe pension reforms.

The reforms could amount to 22 percent less pension payments for magistrates and justice personnel. The plans threaten the quality and attractiveness of the judicial branch. In an open letter, a sizeable group of young magistrates expressed their doubts about continuing their career in the judiciary due to these developments.

In 2025, magistrates carried out a series of actions denouncing the lack of resources available to the justice system (staff shortages, the condition of court buildings, pension reform, implementation of case law, etc.).

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

See above.

Allocation of cases in courts

5000 character(s) maximum

Regrettably there are no meaningful developments to report on. The lack of transparency in the distribution of cases within the courts and in the composition of chambers within the courts has given rise to an increasing number of challenges of judges, in particular in media sensitive big crime cases. This has led to a broad public debate which has resulted in legislative initiatives aimed at restricting the right to challenge judges, rather than at solving the case distribution issues that have been criticised by GRECO for many years. This is a worrying development.

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

The federal coalition manifesto plans to restructure the asylum and migration services and submit the entire protection procedure to the political responsibility of the Minister for asylum and migration. This is a serious threat to the independence of the Office of the Commissioner General for Refugees and Stateless Persons (CGRA) and the Council for Foreigners' Disputes (CCE). These concerns are shared by the Belgian bar associations, the federal institute for human rights, the federal migration centre (Myria) and 12 university professors specialised in migration, constitutional and human rights law.

The Minister intends, among other things, to give instructions to the GCRA in terms of decision-making on applications (e.g. more subsidiary protection and less refugee status, which ought to be a legal decision, not a political one) and to transfer the jurisdiction for appeals against decisions on material assistance from the labour courts to the CCE (which is an administrative jurisdictional body and not part of the traditional judicial branch).

With regard to the CCE, it is expected that the jurisdictional body will also resort under the new federal government migration department. Temporary and renewable terms of office for judges are on the table, replacing the current lifetime appointments, while the federal coalition manifesto indicates an intention of the administration to intervene in the CCE's decision to ask preliminary questions. This also threatens the independency of the institution and separation of powers.

In light of the persistent and publicly expressed unwillingness to implement decisions and execute judgments ordering the reception of asylum-seekers, these restructuring measures could be perceived as ways to bypass the independency of CGRA and the labour courts and to prevent a further flood of case law establishing violations of the right to reception instead of taking measures to effectively remedy the existing violations.

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

The federal coalition manifesto of January 31, 2025 announces a “strengthening” of disciplinary law for magistrates and judges and a review of the system for evaluating magistrates and the related sanctions.

The Superior Council of Justice (CSJ) has to publish an yearly consolidated report on the measures taken ‘to maintain discipline and ensure compliance with the general principles of professional deontology’.

The report for 2024 (<https://csj.be/admin/storage/hrj/rapport-consolide-discipline-2024.pdf>) shows that the number of sanctions against magistrates and members of the judicial staff remains limited: 15 minor sanctions imposed by the "chefs de corps" (head of department), 3 minor sanctions and one compulsory resignation imposed by disciplinary tribunals, 2 minor penalties and 2 compulsory resignations imposed by appeal disciplinary tribunals (out of a total of 15.000 magistrates and membres of judicial staff). The lack of magistrates and members of the judicial staff is also being felt in the disciplinary jurisdictions.

The report also mentions the fact that in October 2024, a draft law amending the Judicial Code with regard to the evaluation of magistrates has been tabled in the House of Representatives. The draft law proposes a link between evaluation and discipline, as it provides a systematic referral to the disciplinary tribunal of any magistrate who has received two ‘unsatisfactory’ ratings in his/her evaluation. The CSJ expressed some reserves, pointing out in particular that evaluation and discipline are intrinsically different concepts. In February 2025 and April 2025, amendments were tabled to, in particular, (1) change the name of the disciplinary tribunal into ‘evaluation and disciplinary tribunal’ to reflect its additional role and (2) to reintroduce the possibility of a remediation process (the evaluation and disciplinary tribunal would be responsible for the follow-up of that process).

There have been no further developments in this legislative process since April 2025.

Independence/autonomy of the prosecution service

5000 character(s) maximum

No positive developments have been noted about the threefold role of the prosecution department concerning the practise consisting of sending out orders of payment to defendants in criminal cases as a settlement in lieu of actual court proceedings. The problem we see is that the prosecution department (1) set the prosecution policy, (2) operate as a ‘first judge’ because they decide that there is an offence and (3) impose the penalty and enforce their decision by creating the executory ‘title’ themselves.

Lack of resources and personnel forces some prosecution offices to dismiss smaller cases and refrain from further investigating, for example with regard to phishing. This constrains the full performance of their competence and therefore their autonomy. Moreover, there are significant differences from location to location, for example: the prosecutors office of Halle-Vilvoorde will only take action against phishing if the total sum of the resulting damage exceeds 10.000€ and the suspected perpetrators are not abroad. Other prosecution offices use lower limits, creating an unequal treatment of victims.

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

5000 character(s) maximum

Investigating judges decide if and to what extent lawyer-client communications are confidential, i.e. after having examined them. Sometimes the test is carried out by the president of the local bar (bâtonnier), which we believe is indispensable, but sometimes the judges will proceed without the assistance of the bâtonnier. The same investigating judge will then continue to be responsible for the case handling, despite the fact that he/she will have knowledge of the documents that are deemed confidential. We believe that if a judge decides on whether or not lawyer-client communication is confidential, another judge should handle the case.

In previous reports, the occasional identification of lawyers with their clients and their clients' criminal activities by the public prosecution and investigating judges was criticized. In 2025, no progress on this matter has been made but at the same time no specific new incidents have to be reported.

This inherent distrust between the judiciary and lawyers was however illustrated very ostensibly in the big Kriva Rochem drug case. After a lawyer had complained about the presiding judge not being prepared to hear complaints concerning the practical security measures that applied at the hearing, the situation escalated and the judge ordered the removal manu militari of two lawyers from the court room. The recusal challenges that were launched in the aftermath were dismissed, but the OVB has asked for further investigation by the High Council for Justice, which declined to take a position on the grounds that the request was related to a judicial decision.

When the court session recently resumed in the same matter, the judge immediately stopped the proceedings and decided that a judgment would follow in two months, without the possibility for the parties (i.e. the defendants and their lawyers as well as the prosecution) to be heard. On the basis of both national and European law, this is a troubling decision and a disproportionate restriction of the right to a fair trial and the right of defence.

In April 2025, a law firm in Antwerp was targeted in an attack with a molotov cocktail. Luckily, there was only damage to the building and a vehicle. The perpetrators have not been identified.

On a larger scale not limited to lawyers, a lot of commotion was raised by a letter from an investigating judge about the evolution of Belgium towards a narco-state, in which the justice system is intimidated and even infiltrated by the drugs mafia. Over the past years, several investigating judges have had to live under permanent police protection for extended periods of time, sometimes in safehouses. It places the judicial branch under extreme pressure and the fear for one's safety might impact the functioning of the judiciary.

The legislation on anti-money laundering remains the most visible threat for confidentiality and the independence of the legal profession. The most recent Directive (EU) 2024/1640 has expanded the obligation to file suspicious transaction reports by providing member states with possibilities to create exceptions to the professional secrecy of lawyers.

In 2025, the preparation of AML guidelines and technical standards has transferred from the European Commission to the AML Authority, where it is conducted by a special expert group. Previously, the CCBE was an observer in the informal subgroup of the non-financial sector (NFSS), which was involved in the implementation of the AML-package under the auspices of DG FISMA. AMLA however has refused to offer the CCBE the status of observer in this new expert group. Consequently, the Belgian bar associations are no longer involved in the implementation of the AML package. Requests to the Belgian Treasury to include the bar associations in their capacity as self-regulatory supervisory authorities as stipulated by the Law of 18 September 2017, did not yet yield positive results.

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

5000 character(s) maximum

In April 2025, the criminal court of Leuven found a gynaecology student guilty of rape, but suspended the culprit's punishment. Following the judgment, national consternation ensued and students, social media influencers and even politicians criticized the decision because the suspension was granted because of the "favourable personality of the accused", triggering among the public opinion certain suspicions of "class justice".

In May, the Belgian prime minister along with 8 other EU member states addressed a letter to the European Court of Human Rights criticizing the Court's interpretation of the European Convention on Human Rights with regard to the expulsion of foreign criminals. By doing so, the government threads on dangerous ground concerning the distribution of powers and the independence of the judiciary.

The issue of the place of the public prosecutor in criminal trials, which has been raised in our previous contributions, is still relevant today.

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

Due to the delayed approval of the federal budget, the (timely) payment of pro deo lawyers was uncertain in 2025. Ultimately, an agreement was found to pay the lawyers in two instalments, however later than normal. The bar associations are therefore in talks with the government to prevent this from happening again and speed up payments altogether. Even without delays, lawyers now have to wait for a year (sometimes up to 2 years) before they are paid for their work. This is no longer reasonable. The term of payment is also significantly longer than in other European countries.

Bankruptcy administrators of companies without assets have also had their legal aid payments suspended due to a lack of federal budget at first, and to a general lack of funds after the federal budget was adopted. Payment delays have still not been made up.

With the financial support of the Flemish government, the OVB has renewed the application that governs the organisation of the first line legal aid, improving and simplifying administration, and has developed a central and free lawyers advice line (3 hours / business day), available through phone or online for people to receive a quick, first advice on simple judicial questions, thereby rendering the first line legal aid more accessible.

The Bar associations are also in talks with the government to set up a permanency system of lawyers for victims of sexual and domestic violence, similar to the current legal assistance provided to arrested suspects during their interrogation.

In a local project called "Lawyers Victim Assistance", organised by the Brussels Bar in cooperation with the public prosecution, the police and the Institute for the Equality of Women and Men, 841 victims of sexual and

domestic violence received legal aid from specially trained lawyers in 2025.

A recent expert report on ways to improve the efficiency and legal certainty of Flemish environmental permits, published at the end of September 2025, proposes sweeping reforms. Some of those entail, according to the experts, “reasonable” restrictions to the right to access to a competent court and proposes to amend articles 23 (on socio-economic rights, in particular the right to a healthy environment, protected under a so-called ‘standstill’-principle) and 159 (exception of illegality) of the Belgian Constitution. The Flemish government has recently stated that it will press on with further legislative action based on this report. The OVB will closely follow these developments.

A ruling by the Constitutional Court on 17 November 2016 established the right of legal persons to access secondary legal aid. This right still has not been enshrined in law and made effective.

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

In 2025, judicial branch criticized the government and warned for the implosion of the justice system if no substantial further efforts are made. Variety of protest actions in 2025, e.g. :

- Interruption, shortening or postponement of hearings;
- No prosecution of financial and economic crimes in Brussels;
- Courts deciding to handle only urgent cases, not to sign judgments, to treat only cases with detainees;
- Federal public prosecution refusing minister's request to suspend enforcement of prison sentences due to overcrowded prisons, causing 4.000 convicted criminals to be put on the waiting list to immediately report to prison;
- Postponement of the sending of payment requests for amicable settlements;
- FR speaking Brussels commercial court deciding to indefinitely postpone all cases with the Belgian government or a public authority as claimant;
- Refusal to answer parliamentary questions & cooperate in governmental working groups.

Workload measurement 24: 43% more judges (> 700 judges) and 19% more registrars required.

The judicial branch has to rely on 1469 substitute judges out of necessity, many of them being lawyers.

A memo by the Brussels Court of Appeal ominously warned of a “risk of total collapse”, call for recruitment of an additional 75 persons.

The 15 Belgian public prosecutors published an open letter: the workload and the shortage of personnel is both distressing and untenable.

The Brussels public prosecutor's office had twice as many cases in 2025 than in 2024, with same staff.

On 27/6/25: 1000 judges, prosecutor, other justice personnel gathered in the Brussels' Justice Palace in protest. Consequently the Minister presented an action plan for better working conditions. While it does not address the aforementioned pension reforms, it does at least illustrate the intentions to work on other shortcomings. During a protest of a couple of hundred magistrates at the court building in Antwerp on 1 October 2025, the local attorney-general and the president of the Court of Appeal called the action plan “peanuts”.

On 13 October 2025, the Court of Cassation, the College of Courts and Tribunals and the College of the public prosecution again warned for structural underfunding of justice in a press release: shortage of personnel, unsafe buildings, slow digital transformation, not all crimes can be persecuted, ...

On 14 November 2025, a big protest with 500 judges, registrars, lawyers, translators and other justice

personnel took place at the Palais de Justice in Brussels.

The 2025 budget for Justice as a whole and the legal personnel in particular does show an increase. Extra interdepartmental funds have been made available, which in part will be used for strengthening the judicial branch. It is clear however that much more resources will still be necessary in the longer run.

Several court buildings are also in dire condition: mice, fungus, electricity outages, leaking and collapsing roofs, no access for people with limited mobility (in Nivelles, hearings had to be organised in the parking lot because of it), ...

The overpopulation of prisons has escalated even further in 2025:

-672 prisoners sleeping on a mattress on the ground (180 persons in 2024). In Gent, prisoners were prohibited from seeing their family if they refused ground sleepers

-13.613 prisoners for 11.048 places (12.719 in 2024)

-3 prisoners in a 1-person cell of 9m² or 8 prisoners in a 4-person cell

-8 % of the prison population are inmates suffering from mental illness waiting for a place in adequately equipped forensic psychiatric centres (government fails to implement the many convictions by the ECtHR)

-Structural shortage of medical assistance by doctors (in Antwerp = 70 patients / 4 hours) and specialised psychiatric care (in Gent: 1 psychiatrist / 200 mentally ill inmates)

- Suicide rate in prisons is 50% > European median

- Shortages in food supply

- Conditions many old prisons are inhumane, unhygienic showers, rodents, no hot water, fungus, windows that don't close, broken heating system, ...

- Structural shortage of staff (300 full-time guards), 1000 employees a day less than required

- Many strikes and actions across all prisons by personnel and directors protesting the conditions and the humanitarian crisis, even with threats to refuse new prisoners

The same highly problematic issues were found during the first visitation of the prisons by the presidents of the local bars. 2nd visitation round took place on 10 December 2025.

Extra structural budget of 100 million € + an extra investment budget of 600 € should provide more capacity, through renovations and detention houses (construction of which is constantly postponed). Will be far from sufficient though. The government also explores the possibility to transfer prisoners to a facility built in Albania and/or Kosovo. Besides the humanitarian concerns, Danish example shows that this is not a short term solution & very expensive.

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

5000 character(s) maximum

In September 2025, the Flemish bar association issued a deontological rule stating that all lawyers should henceforth obtain 1 point (= 1 hour) on a yearly basis for courses on anti-money laundering, in order to strengthen the understanding of their AML-obligations. The French- and German speaking bar association has a similar rule for a couple of years (2 points per 3-year period).

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

The important digitalization of justice by the Belgium government is problematic. It is a recurring complaint by the judicial branch and lawyers. The development of digital applications has been riddled with delays and problems, both practically and principally, e.g.

- JustJudgment (central database for all judgments and rulings open for the public): the government stated in 2024 that it would become operational “soon”. Still no implementing decisions complementing the relevant law of 16/10/22, despite the bar associations yearlong stressing its importance. The federal coalition manifesto however, aimed to make “the justice system more independent, accessible, and transparent by finally making the public database of judgments and rulings available and, particularly in cases that are sensitive in the media, ensuring that the justice system comments on the reasoning behind its judgments or rulings in a clear and simple manner so that they are understandable to every citizen. Algorithms useful to the public and tools developed for the judiciary must also be accessible in the public database.”
- 2 central registers for dossiers in criminal cases and civil cases respectively, are up and running. The respective parties and their lawyers are able to consult the dossier via this register. The OVB has however lodged an annulment appeal to the Constitutional Court, because the access to these registers is much more limited for lawyers than for the judicial branch, which violates the rights of the defence.
- JustDeposit (online platform where citizens & lawyers can lodge & upload petitions and other court documents. A lot of courts are still (after years) not connected to JustDeposit (police courts, correctional courts, chambre du conseil, chambre des mises en accusation). The digital chain up to the registrar is not completed either, which leads to some deposited documents losing their structure and therefore still have to be deposited in paper form. The modification of art. 32ter of the Belgian Judicial Code by the law of 27/3/24, to which the previous action plan alludes, has not resulted in any implementing orders to this day either.
- JustSign, which allows the judiciary to sign documents with a qualified digital signature: this application has never been delivered and has definitively been cancelled in the beginning of 2025 (after costing millions of euros). The government is currently looking for alternatives.
- JustCourt, the application in development for videoconferencing in judicial proceedings: there are no implementing decisions yet for the Law of 25/4/24 on videoconferencing, despite it was already reported back in March of this year that this legislative work was being finalized. The inherent limitations of digital representation is endangering the rights of the defence (e.g. confidentiality, communication, presumption of innocence). Relying on videoconferencing for efficiency purposes instead of applying it only with the consent of the party involved and/or in exceptional circumstances, especially in criminal and family law cases, would therefore be problematic.

The organization of the digital transition of the Belgian Justice system has also been severely criticized in a report by the Court of Audit (beginning of 25). It mentions a “lack of coherent strategy” and that multiple departments without a clear role are competing with one another. It also states the large reliance on external consultants who are hardly subjected to any control and have a considerable impact on the budget. The Court of Audit also cites the specific risk of fraud.

On 19/12/25, magistrates requested the possibility to use AI under certain conditions to lower the work pressure. The Belgian justice system is lagging behind other countries in this matter. There is currently no code of conduct on this matter.

The federal coalition manifesto provides for a permanent service so that citizens can consult their judicial records at more extended times. For dossiers that have already been digitized, the manifesto envisages making rooms available in magistrates' courts for litigants to consult them. This has not been implemented yet. In contrast, the digitalisation of the administrative courts at the federal and the Flemish level advances steadily. At the federal level, the Council of State has launched a new version of its digital platform eProAdmin at the beginning of 2026 after a change to legislative framework at the end of 2025. Lawyers are no longer allowed to litigate before the Council of State “on paper”. They will have to submit their requests and other documents electronically. At the Flemish level, the so-called “Administrative Tribunals Service” (DBRC in Dutch), grouping i. a. the Council for Permit Disputes and the Enforcement College, will also for the first time roll out a digital platform. Again, lawyers are (in principle) no longer allowed to litigate before the Council or the College “on paper”.

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

The Committee of Ministers decision adopted on the Bell Group cases on 4 December 2025 states that there has been progress with regard to court statistics concerning the length of proceedings, but at the same time requests the Belgian government to provide better and more up to date, standardized statistics on clearance rate and disposition time to adequately assess the evolution of judicial backlog. The Committee of Ministers thereby aligns with the Rule 9 submission by the OVB, stating that the government still fails to provide all the information necessary and requested in the context of the implementation of ECtHR judgments on lengthy judicial proceedings. A clear definition of what judicial backlog entails is also missing.

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

The length of judicial proceedings in Belgium remains a major problem. With regard to the clearance rate of cases, statistics show a positive overall trend in that no further judicial backlog is built up in civil cases. However, this is more nuanced when considering the separate districts. For the civil sections of the courts of first instance, backlog is still increasing in Brussels and Liège. Similarly, in the family sections of these courts, the output is lower than the number of new cases in four of the five jurisdictional areas. In the correctional sections, even the overall clearance rate is below 100%, increasing judicial backlog. The same can be said with regard to correctional cases in the Courts of Appeal.

Despite the incomplete and disaggregated data, it is also clear that the disposition time of cases (duration from start to finish) is very long in several types, sections and districts of courts. The President of the Dutch-speaking Bar of Brussels has confirmed the steady increase of judicial backlog in the capital city over the past years. In its aforementioned decision from 4 December 2025, the Committee of Ministers has stated that despite some positive developments, further efforts are necessary with a view to resolving judicial backlog.

In its report from 23 October 2025, the Court of Audit stated in a similar vein that:

- Data collection and processing remains a challenge. The results are often too global and do not allow for comparisons at the lower levels, where problems often occur;
- Significant disparities in case processing times across the several departments within the same courts
- The CCT must investigate the reasons for these differences: shortage of judges, inefficient practices and/or other factors;
- The management tools to understand the reasons of long processing times are still underdeveloped;
- There is a need for concrete targets, standards and definitions with regard to processing times and backlog;
- There should be a warning system capable of signalling abnormally long disposal times;
- There is no clear and accurate picture of the workload of magistrates or the effective staffing levels for each department.

In the federal coalition manifesto of January 31, 2025, the government has indicated that it will seek, “in consultation with the relevant stakeholders, solutions to combat the problem of the backlog of court cases, particularly in Brussels.” It also intends to promote “effective alternative dispute resolution solutions, such as mediation,” while reaffirming the right of access to a judge and to traditional proceedings.

Any other developments related to the justice system - please specify

5000 character(s) maximum

In light of the recent report from the Federal Human Rights Institute, which stresses the need for caution with regard to administrative sanctions and a shift of competences from the judicial branch to the municipal authorities, we repeat our concerns from last year concerning the alternative ways that governments try to solve or work around the structural deficiencies of the justice system as set out in this questionnaire: increasing the possibilities for and execution of administrative sanctions, expanding competences of mayors / local government, introducing fast law / summary judgments, the immediate amicable settlement with direct collection of fines by police. They all have in common that they provide fewer procedural guarantees, try to limit the right to appeal and/or bypass the judge, the main protection of citizens against arbitrary government action. They are risks that indirectly stem from the underfunding of justice (0,22% of BBP compared to the European median of 0,28% BBP) and are a threat to the separation of powers and the rule of law.

Another issue we need to repeat is the transportation of prisoners to courts. In 2025, 70 transports per week were not carried out due to a structural shortage of personnel. It is however the fundamental right of these prisoners to be personally heard before court. The problematic situation has led to three cases in which the defendant was acquitted because he was not transported to the court on several occasions, thereby violating his right to a fair trial. The government seems to be developing plans to expand the possibility of hearings in criminal cases via videoconference. If this becomes reality it is a very serious threat to the principle of fair trial.

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

[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

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

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

[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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 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

A report from the European Implementation Network illustrates that the implementation of judgments from the ECtHR and the Court of Justice by the Belgian state is increasingly slower, especially with regard to asylum procedures, lengthy proceedings, prison conditions and customized care for detainees not fully responsible for their actions (mental illness). Belgium has dropped on the EIN ranking from average to bad and needs 5 years on average to implement ECtHR judgments into legislation.

The Federal Human Rights Institute also places the non-execution of judgments on top of the list of structural challenges for the Belgian rule of law: "it is a systemic threat to the credibility of the democratic institutions, the confidence in justice and the protection of human rights".

This is a long-standing problem, e.g.: despite the conviction by the ECtHR back in 2013, mentally ill offenders are still being kept in prisons (more so than ever); the judicial backlog which formed the basis for the decision in Bell back in 2008 is still growing.

The state of affairs is worse than ever. Between 10.000 and 15.000 judicial decisions on the reception of

asylum seekers have not been carried out. The non-payment of penalties for the non-execution of judicial decisions had reached more than 12.5 million euros by April 2025. Also in 2025, due to modified reception rules, several families with children were forced to sleep on the streets, The Belgian State has also been convicted for that.

The government deliberately and repeatedly refuses to carry out judgments and one cabinet member has publicly stated that it will not pay penalties imposed by these judgments. This severely undermines the rule of law and illustrates that the non-execution of judgments is in part a conscious policy choice and not simply a question of force majeure, contrary to what is sometimes argued (due to a lack of reception places, which the government is decreasing regardless of the many convictions).

In light of recent developments, the Presidents of the highest Belgian courts (Constitutional Court, Court of Cassation and Council of State) joined forces to write a critical memorandum expressing their concerns with the government's disregard for the rule of law. The memorandum states that the government's position causes the public to question the legitimacy of the judicial branch.

Since so many judgments on asylum law are not carried out, both (potential) applicants and lawyers have become demotivated to take cases to court. Judicial decisions are not only not implemented in a timely manner, successful litigants are no longer given priority for accommodation either. A lot of lawyers no longer litigate in cases where the authorities have not provided asylum-seekers with reception facilities, just because it has very little effect. They have resigned themselves to the situation and advise their clients to just subscribe to the waiting list. This echoes the findings of a report by Amnesty International.

Rather than an indication of improvement of the availability of accommodation for asylum-seekers, the decrease in the number of judgments given against the government over the past 2 years may be a worrying indication of a flawed justice system, in which the outcome of court cases no longer matters if the State is the defendant. This development violates the applicants' right to access to justice and to an effective remedy, and normalises and validates the automatic and politically acclaimed non-enforcement of judgments.

In a particularly critical decision from 17 September 2025 in the context of the evaluation of the implementation of the Camara judgment, the Committee of Ministers requested the Belgian authorities to enforce all judicial decisions and pay the corresponding coercive penalties as soon as possible.

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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