

**TARGETED STAKEHOLDER CONSULTATION 2024 RULE OF LAW REPORT**

**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

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## I. Justice System

### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities (CRPD) expressed concern about the insufficient availability of qualified sign language interpreters for administrative and court proceedings, the inaccessibility of some administrative and court buildings, a widespread lack of administrative and court decisions in accessible formats and the insufficient accessibility of online administrative and court hearings. The Committee recommended that Austria ensure the availability of qualified sign language interpreters in administrative and court proceedings, expedite the evaluation and development of standards on the accessibility of administrative and court buildings, in close consultation with and the active participation of organizations of persons with disabilities, and implement them expeditiously, provide administrative and court decisions in accessible formats and render online administrative and court hearings accessible. The Committee equally showed concern about shortcomings in the dissemination of government information in accessible formats, such as Plain German, sign language, Easy Read, Braille and tactile, augmentative, and alternative means of communication and the lack of close consultation with and active involvement of organizations of persons with disabilities in the design and review of measures planned or taken to ensure the accessibility of information. The Committee also recommended that Austria ensure the dissemination of information, in particular government information, in accessible formats and technologies, fully implement [Directive 2016/2102](#) of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies and render all websites and mobile applications of public sector entities accessible, in line with the European standard for information and communications technology (EN 301 549) and that Austria closely consult with and actively involve organizations of persons with disabilities in the design and review of measures planned or taken to ensure accessibility of information ([CRPD/C/AUT/CO/2-3](#), paras. 33, 34, 51, 52).

#### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities noted the entry into force, in July 2018, of the second Protection of Adults Act, and the close consultation with and active involvement of organizations of persons with disabilities in the development thereof. However, it is concerned about the significant remaining elements of substituted decision-making and the high number of established legal adult representations and court-appointed representations, the lack of progress made in the implementation of the law, in particular the lack of community-based services for supported decision-making provided by the Länder, and the lack of awareness about the law in many parts of the State and society. Recalling its general comment No. 1 (2014), the Committee recommends that the State party repeal the remaining elements of substituted decision-making in its laws, substantially strengthen community-based services for supported decision-making, in particular those within the competencies of the Länder, and implement them comprehensively, and train the employees of all public

and private entities who have a role in implementing the law. The Committee also recommends that the State party regularly evaluate the implementation of the second Protection of Adults Act, with a strong emphasis on the measures taken by the Länder. ([CRPD/C/AUT/CO/2-3](#), paras. 31, 32).

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

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities noted with concern: (a) The serious shortcomings in the collection and publication of data on the situation of persons with disabilities across all areas of life, including health, education, employment and the justice system; (b) The lack of disaggregated data, including in relation to the situation of lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities (in particular concerning education), women and girls with disabilities and persons with disabilities in institutions. The Committee recommended that Austria develop a comprehensive national disability data framework to ensure appropriate, nationally consistent measures for the collection, interpretation and public reporting of disaggregated data on the full range of obligations under the Convention on the Rights of Persons with Disabilities, in particular with regard to lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities, women and girls with disabilities and persons with disabilities in institutions ([CRPD/C/AUT/CO/2-3](#), paras. 71, 72).

### **C. Efficiency of the justice system**

#### *Length of proceedings*

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities was gravely concerned about exceedingly complex and lengthy administrative procedures for access to inclusive education. Recalling its general comment No. 4 (2016), the Committee recommended that the State party render administrative procedures for access to inclusive education fully accessible, easy to navigate and quick ([CRPD/C/AUT/CO/2-3](#), paras. 57, 58).

### **IV. Other institutional issues related to checks and balances**

#### **A. The process for preparing and enacting laws**

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

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities was concerned about: (a) The lack of a systematic and coordinated strategy to implement the 2030 Agenda for Sustainable Development in the international cooperation activities of Austria, with the full

involvement of persons with disabilities, in particular with regard to the National Action Plan on Disability for the period 2022–2030, and the lack of systematic involvement of and consultation with organizations of persons with disabilities by the Austrian Development Agency (OEZA); (b) The lack of indicators to assess progress in the attainment of the Sustainable Development Goals, in particular Goals 4, on ensuring inclusive education, and 11, on making cities and settlements inclusive, safe, resilient and sustainable. The Committee thus recommended that Austria: (a) Enact and implement a legal and administrative framework ensuring close consultation with and active involvement of organizations of persons with disabilities in the design, implementation, monitoring and evaluation of international cooperation programs and projects, including those of the Austrian Development Agency; (b) Develop and implement, in close consultation with and the active involvement of organizations of persons with disabilities, indicators to assess progress in the attainment of the Sustainable Development Goals, in particular Goals 4, on ensuring inclusive education, and 11, on making cities and settlements inclusive, safe, resilient and sustainable ([CRPD/C/AUT/CO/2-3](#), paras. 73, 74).

#### **B. Independent authorities**

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

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities noted that the Austrian Ombudsman Board (AOB) was reaccredited with A status by the Global Alliance of National Human Rights Institutions; however, it highlights the appraisal by the Subcommittee on Accreditation that the selection and appointment process laid down in the federal constitutional law is not sufficiently broad and transparent and notes that the Subcommittee issued several recommendations. The Committee recommended that the State party address the recommendations issued by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and strengthen the Austrian Ombudsman Board accordingly ([CRPD/C/AUT/CO/2-3](#), paras. 75, 76).

#### **D. The enabling framework for civil society**

*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)*

In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities expressed concern about the lack of support measures, including financial support, for organizations of persons with disabilities, including organizations of persons with intellectual and/or psychosocial disabilities, of women with disabilities and of children with disabilities, to facilitate awareness-raising or information-sharing activities. The Committee thus recommended that the State party provide support, including financial assistance, to organizations of persons with disabilities, including organizations of persons with intellectual and/or psychosocial disabilities, women with disabilities and children with disabilities, to facilitate their awareness-raising or information-sharing activities ([CRPD/C/AUT/CO/2-3](#), paras. 51, 52).

*Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process*

First, in its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities noted with concern that there are no structured processes based on law, at either the federal or the Länder level, to closely consult with and actively involve organizations of persons with disabilities in the development and implementation of legislation and policies to implement the Convention. Recalling its general comment No. 7 (2018) and its previous recommendations, the Committee recommended that Austria enact legislation, at both the federal and the Länder levels, to institute structured processes to closely consult with and actively involve organizations of persons with disabilities in the development, implementation and monitoring of legislation and policies to implement the Convention ([CRPD/C/AUT/CO/2-3](#), paras. 13, 14).

Second, the Committee on the Rights of Persons with Disabilities was also concerned about the close link between segregated education and institutionalization, owing to the frequent design of special education schools as residential schools, and about the lack of support measures to allow for organizations of children with disabilities to actively participate in public discourse and of prompt provision of early intervention services and individualized support services for children with disabilities and their families. The Committee recommended that Austria, including the Länder, take effective measures in accordance with the human rights model of disability to end the use of segregated institutional settings for children with disabilities in all areas of life, including in education, provide financial and technical support to organizations of children with disabilities to allow for their active participation in public discourse and promptly make available early intervention services and individualized support for children with disabilities and their families. The Committee also recommended that Austria, at the federal level and in particular at the Länder level, institute, in close consultation with and the active participation of organizations of persons with disabilities, awareness-raising programmes on the principles and rights enshrined in the Convention, the obligations incurred by the State party, including the Länder, and the specific importance of the present recommendations. Such programmes should be directed at all persons holding political and judicial office, government employees and medical personnel ([CRPD/C/AUT/CO/2-3](#), paras. 21, 22, 23, 24).

Third, the Committee on the Rights of Persons with Disabilities noted with concern the lack of involvement at the Länder level in disaster management of organizations of persons with disabilities, resulting in a lack of inclusive and accessible communication and services in disaster management plans. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action, the Committee recommended that the State party, in particular at the Länder level, closely consult with and actively involve organizations of persons with disabilities in the design and implementation of disaster response and recovery measures ([CRPD/C/AUT/CO/2-3](#) paras. 29, 30).

Fourth, the Committee on the Rights of Persons with Disabilities also noted the expanded protection of victims of domestic violence in the Violence Protection Act 2019, but it is concerned about the high rates of violence against persons with disabilities, in particular persons with disabilities still in institutions, women and girls with disabilities and persons with intellectual and/or psychosocial disabilities, as evinced

by a study of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection, published in 2019, the widespread lack of concepts promoting sexual self-determination, violence-prevention concepts and standard reporting procedures with effective remedies and the shortages of qualified staff in institutions. The Committee recalled its general comment No. 3 (2016) and recommended that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular women and girls with disabilities, develop measures to address the high rate of violence against persons with disabilities still in institutional settings, promote sexual self-determination, violence prevention and accessible standard reporting procedures with effective remedies, and provide sufficient qualified staff ([CRPD/C/AUT/CO/2-3](#), paras. 41, 42).

Finally, the Committee on the Rights of Persons with Disabilities was concerned about the lack of close consultation with and active involvement of organizations of persons with disabilities in the design and review of measures planned or taken to ensure the accessibility of information. In light of this, the Committee recommended that Austria closely consult with and actively involve organizations of persons with disabilities in the design and review of measures planned or taken to ensure accessibility of information. ([CRPD/C/AUT/CO/2-3](#), paras. 51 (c), 52 (c)).

#### **E. Initiatives to foster a rule of law culture**

##### *Other*

**Failure to perform a treaty** - In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities noted with great concern the scant attention that the governments of the Länder pay to the Convention. The Committee recommended that the governments of all Länder respect the principle of general international law, codified in article 27 of the Vienna Convention on the Law of Treaties, that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. It recalls that article 4 (5) of the Convention specifies that the provisions of the Convention extend to all parts of federal states without any limitations or exceptions, and recommends that the governments of all Länder act accordingly ([CRPD/C/AUT/CO/2-3](#), paras. 7, 8).

**Varied legal concepts of disability** - In its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities was also concerned about the wide variety of different legislative approaches taken to implementing the Convention on the Rights of Persons with Disabilities at the federal level and at the level of the Länder, including, but not restricted to, widely differing concepts of disability, which are often based on a medical understanding of disability. In particular, the Committee notes, in this respect, measures 1 to 17 of the National Action Plan on Disability for the period 2022–2030. The Committee, recalling its previous recommendations, encouraged Austria to expeditiously amend and align its laws – at the federal level and at the level of the Länder – and to render them compliant with the human rights model of disability ([CRPD/C/AUT/CO/2-3](#), paras. 9, 10).

**Implementation of the Convention on the Rights of Persons with Disabilities into domestic law** - Taking note of the fulfilment reservation (Erfüllungsvorbehalt) issued by the national council upon ratification of the Convention, and the ensuing dependence of judicially enforceable individual rights on domestic transformative legislation, in its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities expressed concern about the effective implementation of the Convention and the

provision of effective domestic remedies for the purposes of article 2 of the Optional Protocol. The Committee thus recommended that Austria enact domestic legislation providing for the judicial enforcement of all individual rights guaranteed by the Convention, or that Austria rescind its fulfilment reservation ([CRPD/C/AUT/CO/2-3](#), paras. 11, 12).



## BELGIUM REVIEW

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### IV. Other institutional issues related to checks and balances

#### C. Accessibility and judicial review of administrative decisions

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

Information received about deteriorating reception conditions for asylum seekers in Belgium since 2021, prompted UN Special Procedures mandate holders<sup>1</sup> to issue a communication to Belgium in March 2023. They expressed concern at reports that the saturation of the Belgian reception system for migrants seeking international protection, pushes thousands of migrants, including families and children, to live in precarious and unhealthy conditions on the streets and in informal settlements in the city of Brussels. Without access to basic services, including water and sanitation, health care and legal support, their health and safety is in jeopardy – a situation that according to the mandate holders may constitute cruel, inhuman or degrading treatment. Deep concern was expressed at the vulnerable situation of homeless families and children, who are exposed to (sexual) violence and at risk of disappearance, as well as at allegations of delays in accessing the procedures for registering applications for international protection in Belgium. It was highlighted that in 2022 alone, the Brussels Labour Court ordered the Belgian Asylum agency, FEDASIL, to provide accommodation and material assistance to applicants for international protection in more than 6,000 cases. There have been significant delays in enforcing these court rulings, and no penalty payments were reportedly made by FEDASIL. In January 2023, the European Court of Human Rights ordered interim measures for approximately 1133 seekers of international protection ([AL BEL 1/2023](#)).

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<sup>1</sup> Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to development; the Special Rapporteur on the right to adequate housing; the Special Rapporteur on the human rights to safe drinking water and sanitation

## BULGARIA REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination found that Bulgaria has to ensure that immigration detention is applied only as a measure of last resort and for the shortest possible period, after an assessment of its legality, necessity and proportionality on a case-by-case basis, and that those detained in reception centers are provided with legal safeguards and have access to legal counsel, as well as interpretation services, particularly in police detention facilities ([CERD/C/BGR/CO/23-25](#), para. 29 (f)).

*Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended the following to Bulgaria: (b) Intensify efforts to address the shortcomings in dealing with complaints of racial discrimination, including by ensuring that prompt, thorough and impartial investigations are carried out into all racist incidents and those responsible are prosecuted and punished with adequate penalties, and provide fair and adequate reparation to victims; (c) Carry out public awareness campaigns, in particular among Roma and non-citizens, on the rights under the Convention, on remedies available and on how to file complaints about acts of racial discrimination; (d) Intensify its efforts to ensure access to justice for Roma and non-citizens and guarantee their right to due process and an adequate defence, including by ensuring access to qualified lawyers with knowledge of their languages and interpreters to enable them to understand judicial proceedings ([CERD/C/BGR/CO/23-25](#), para. 7).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination expressed concern about reports indicating persistent shortcomings in the administration and functioning of the criminal justice system in dealing with cases of racial discrimination, including insufficient investigations and prosecutions by law enforcement bodies and the judiciary, and the lack of public awareness of the rights and remedies available. The Committee is further concerned about reports of discriminatory practices in the criminal justice system, which significantly hamper access to justice by Roma and noncitizens and result in violations of their right to due process and an adequate defense. Amend the Penal Code to ensure that offences and crimes motivated by racism and xenophobia are separate and

distinct from the offence of hooliganism and provide for adequate and appropriate penalties ([CERD/C/BGR/CO/23-25](#), para. 6 and 7).

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

In its 2023 concluding observations for Bulgaria, the Committee on the Elimination of Racial Discrimination expressed deep concern about the reported persistence of deaths in custody, acts of torture, ill-treatment, abuse of authority, racial profiling and excessive use of force by law enforcement officials during detention and inside police stations against individuals and groups, including ethnic minorities and migrants, in particular Roma. The Committee is also concerned about the lack of a clear prohibition of racial profiling in the legislative framework on law enforcement; and about the lack of information provided on the complaints relating to racial profiling and racially motivated police violence. Moreover, it is concerned about reports of inadequate investigations into those cases and that impunity for abuse by law enforcement officials continues to be widespread (art. 4). Recalling its general recommendations No. 13 (1993) on the training of law enforcement officials in the protection of human rights and No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:

- (a) Adopt and effectively implement laws that define and prohibit racial profiling and racially motivated police violence, and adopt policies to counter racial profiling, including by providing intensive training on human rights to law enforcement officials in order to guarantee that, in the course of their duties, they respect and protect the fundamental rights of all persons without discrimination on the grounds of race, colour or ethnic or national origin;
- (b) Ensure that all allegations of excessive use of force by law enforcement officials are promptly and effectively investigated, that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;
- (c) Ensure that victims of racial profiling by law enforcement officials have access to effective remedies and adequate compensation, and are protected against reprisals for reporting such cases;
- (d) Establish comprehensive data-collection mechanisms to monitor all incidents of racial profiling and report on their outcome ([CERD/C/BGR/CO/23-25](#), paras 14, 15).

### **C. Efficiency of the justice system**

*Other*

**Statistics:** In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended Bulgaria to collect and publish statistics on the ethnic composition of the prison populations (CERD/C/BGR/CO/23-25, para. 5).

**Implementation of anti-discrimination provisions:** While noting the amendments to the Penal Code in 2023, as well as the amendments to the Code of Criminal Procedure in 2023, aimed at improving the criminal law provisions on hate speech and hate crime, the Committee on the Elimination of Racial Discrimination expressed concern that the Penal Code does not distinguish between crimes motivated by hooliganism and those motivated by racism or xenophobia, and that penalties are not commensurate with the gravity of the offences ([CERD/C/BGR/CO/23-25](#), paras. 6).

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

*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)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Bulgaria's reports should be made readily available and accessible to the public at the time of their submission and the concluding observations of the Committee with respect to those reports be similarly publicized on the website of the Ministry of Foreign Affairs, in the official and other commonly used languages, as appropriate ([CERD/C/BGR/CO/23-25](#), para. 34).

## **IV. Other institutional issues related to checks and balances**

### **B. Independent authorities**

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

In its 2023 concluding observations for Bulgaria, the Committee on the Elimination of Racial Discrimination welcomed the reaccreditation of the Ombudsman with category A status by the Global Alliance of National Human Rights Institutions. It also noted the increase in the number of complaints received by the Ombudsman between 2017 and 2019. However, the Committee raised concern about the low number of complaints in relation to racial or ethnic discrimination, which might indicate a lack of awareness of the mandate of the Ombudsman. While noting that the Commission for Protection against Discrimination is a quasi-judicial body in the State party, the Committee was concerned about its limited independence and the lack of clear and explicit functional immunity for its members.

Moreover, the Committee recommended that Bulgaria take effective measures to raise awareness about the mandate, competences and work carried out by the Ombudsman, including the possibility of receiving complaints about racial and ethnic discrimination, and provide the Ombudsman with the necessary resources to discharge its role efficiently. The Committee also recommended that Bulgaria strengthen the independence of the Commission for Protection against Discrimination, including by

guaranteeing in law and in practice the functional immunity of its members ([CERD/C/BGR/CO/23-25](#), paras 10, 11).

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Bulgaria intensify its efforts to give full effect to the judgments of the European Court of Human Rights in *Budinova and Chaprazov v. Bulgaria* and *Behar and Gutman v. Bulgaria*, concerning hate speech against Roma and Jews by one of the leaders of the United Patriots coalition ([CERD/C/BGR/CO/23-25](#), para. 13).

#### **D. The enabling framework for civil society**

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended Bulgaria to produce statistics, disaggregated by sex and age, on the socioeconomic situation of ethnic groups and foreign nationals, including migrants, refugees, asylum-seekers and stateless persons [...] on their participation in public and political life with a view to creating an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention ([CERD/C/BGR/CO/23-25](#), para. 5).

Moreover, the Committee on the Elimination of Racial Discrimination recommended that Bulgaria continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations ([CERD/C/BGR/CO/23-25](#), para. 33).

#### **E. Initiatives to foster a rule of law culture**

*Other*

**Racist hate speech and hate crimes:** In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination welcomed measures implemented by Bulgaria to address racist hate speech and hate crimes, including amendments to the Radio and Television Act. The Committee, however, expressed concern about the persistence of racist hate speech and hate crimes in Bulgaria, including in the media and on the Internet, in particular:

- (a) That sanctions handed down by the Council for Electronic Media in relation to hate speech disseminated through media channels are not commensurate with the gravity of the offences and

do not have a deterrent effect, and the lack of information on cases investigated by the Council and the outcome of these investigations;

(b) Racist hate speech by political party representatives and other public figures, particularly during election campaigns, as well as reports of lenient judgments by the courts against politicians and other public figures in cases of incitement to hatred and discrimination against minorities and migrants;

(c) Underreporting of racist hate crimes, the investigations carried out, the prosecution and conviction of perpetrators and penalties imposed on them, and the protection and reparation measures afforded (arts. 2, 4 and 6).

The Committee recommended that Bulgaria:

(a) Adopt effective measures to prevent and combat racist hate speech and incitement to racist violence and intensify its efforts to monitor and address the spread of racist hate speech in the media and on the Internet, in close cooperation with media outlets, Internet service providers, social media platforms and members of groups vulnerable to racist hate speech;

(b) Take all measures necessary to ensure that the Council for Electronic Media can carry out its mandate effectively and independently and ensure that all cases of racist hate speech in the media are investigated and that appropriate penalties are imposed on those responsible;

(c) Firmly condemn any expression of racist hate speech by politicians or public figures, especially during election campaigns, and ensure that such acts are investigated and adequately sanctioned; ([CERD/C/BGR/CO/23-25](#), paras. 12 and 13).

## CROATIA REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted the adoption in October 2011 of the new Criminal Code and its subsequent amendments, in which racial discrimination is prohibited under article 125, public incitement to violence and hatred is criminalized under article 325 and racist, xenophobic and hate motivation is considered an aggravating circumstance under articles 56 and 87. The Committee also noted the adoption in 2021 of the revised protocol for procedures in cases of hate crimes and the establishment of the working group for monitoring hate crimes. It further notes the adoption of the Code of Conduct for Members of the Government and Certain High-Ranking Officials and the Code of Ethics for Members of the Croatian Parliament. However, the Committee was concerned about reports on the underreporting of incidents of racist hate speech and hate crimes by members of groups vulnerable to racial discrimination owing to their lack of trust in the available complaints mechanisms and remedies. Recalling its general recommendations No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommended that the State party assess the reporting system and complaints channels against racial discrimination, racist hate speech and hate crimes to examine and ensure their availability and accessibility to those vulnerable to racial discrimination, particularly members of the Roma and Serb minority groups and non-citizens, and undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, racist hate speech and hate crimes ([CERD/C/HRV/CO/9-14](#), paras. 13 (d), 14 (f)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination further noted the adoption of the Free Legal Aid Act, in November 2013, and the amendments thereto, to simplify the procedure of granting primary legal aid and to introduce secondary legal aid that entails exemption from the costs of courts proceedings. However, the Committee was concerned about reports on shortcomings in the provision of legal aid at the regional and local levels, the long waiting time to obtain legal aid and the insufficient resources available, which prevent full access to justice for victims of racial discrimination (arts. 5 and 6). The Committee thus recommended that Croatia intensify its efforts to enhance the provision of legal aid to those vulnerable to racial discrimination, including members of the Roma and Serb ethnic minorities, migrants, refugees, asylum-seekers and stateless persons, including by allocating adequate financial resources and by ensuring the availability of legal aid at the regional and local levels. It also recommends that the State party raise public awareness about the availability of legal aid services in cases of racial discrimination ([CERD/C/HRV/CO/9-14](#), paras. 19, 20).

*Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted the information provided on the implementation of the Anti-Discrimination Act, the National Plan for Protecting and Promoting Human Rights and Combating Discrimination (2023–2027) and its two action plans, the National Roma Inclusion Plan (2021–2027) and the Operational Programmes for National Minorities (2021–2024). However, the Committee was concerned about the insufficient budget allocation to implement strategies and policies on racial discrimination and the reluctance of some local authorities to implement legislative and policy frameworks on racial discrimination (arts. 1, 2 and 5). In light of this, the Committee recommended that Croatia intensify its efforts to combat all forms of racial discrimination, including all its intersecting forms, and to address structural discrimination by ensuring the effective implementation of its policies on combating racial discrimination by allocating adequate resources and ensuring the full implementation of non-discrimination policy and legal frameworks at the local and regional levels ([CERD/C/HRV/CO/9-14](#), paras. 7 (c), 8 (b)).

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia conduct training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of racial discrimination, racist hate speech and hate crimes ([CERD/C/HRV/CO/9-14](#), para. 14 (e)).

**C. Efficiency of the justice system**

*Length of proceedings*

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination noted the adoption in 2011 by the Ministry of Justice and Public Administration of the Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991–1995, and the establishment, within the county courts and county offices of the State Attorney in Osijek, Rijeka, Split and Zagreb, of specialized departments on the prosecution of war crimes. The Committee also noted the information provided by the State party’s delegation on the adoption in July 2021 of the Act on Civilian Victims of the Homeland War, to facilitate the process of determining the status of all civilian victims of war and enable them to exercise their rights, and the statistics on pending cases and judgments handed down. Nevertheless, the Committee was concerned that the prosecution by domestic courts of persons responsible for serious violations of international humanitarian law has not yet been completed. The Committee was also concerned about reports on the overall decrease in the number of investigations and prosecutions since 2013, delays in hearing witnesses and the high number of proceedings conducted in absentia and; the alleged differences in sentencing of persons belonging to the Serb and Croatian ethnic groups who are convicted of serious violations of international law. Recalling its previous concluding observations ([CERD/C/HRV/CO/8](#), para. 15) and the recommendations made by the Special Rapporteur on the



promotion of truth, justice, reparation and guarantees of non-recurrence in his report following the visit to Croatia in 2021 ([A/HRC/51/34/Add.1](#), para. 91), the Committee recommended that the State party: Accelerate the prosecution of the remaining persons responsible for serious violations of international humanitarian law and ensure that all such cases are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and the perpetrators involved and; Take measures to monitor and combat hate speech and incitement to and the promotion of racial hatred and discrimination, including on the Internet and social media and including by its officials and public institutions, targeted at members of the Serb minority, and ensure that such incidents are effectively, thoroughly and impartially investigated and, where appropriate, prosecuted and punished with penalties commensurate to the offences ([CERD/C/HRV/CO/9-14](#), paras. 23 (a), (b), 24 (a), (b)).

*Other*

**Racist hate speech and hate crimes** - In its 2023 concluding observations on Croatia, the Committee on the Elimination of Racial Discrimination was concerned about reports on the frequent failure to adequately recognize, process and prosecute hate crimes, which are often prosecuted as misdemeanours rather than criminal offences, and on the low rate of application by the courts of provisions on racist motivation as an aggravating circumstance. The Committee recommended that Croatia firmly condemn any form of hate speech and distance itself from racist hate speech by politicians and public figures, and ensure that hate speech is investigated and appropriately sanctioned ([CERD/C/HRV/CO/9-14](#), paras. 13 (c), 14 (c)).

### III. Media pluralism and media freedom

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

*Other*

**Racist hate speech and hate crimes** – In its 2023 Concluding Observations, recalling its general recommendations No. 15 (1993) on article 4 of the Convention on the Elimination of All Forms of Racial Discrimination and No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination recommended that Croatia take measures to monitor and address the spread of racist hate speech in the media, on the Internet and in social media, in close cooperation with media outlets, Internet service providers and social media platforms and members of groups vulnerable to racist hate speech ([CERD/C/HRV/CO/9-14](#), para. 14 (b)).

### IV. Other institutional issues related to checks and balances

#### B. Independent authorities

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

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia continue to strengthen the independence of the Office of the Ombudsperson

and enable it to carry out its mandate fully, effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), by taking effective measures, particularly legal measures, to implement the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions ([CERD/C/HRV/CO/9-14](#), para. 12).

#### **D. The enabling framework for civil society**

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

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations ([CERD/C/HRV/CO/9-14](#), para. 38).

#### **E. Initiatives to foster a rule of law culture**

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia intensify its efforts to combat all forms of racial discrimination, including all its intersecting forms, and to address structural discrimination by enforcing fully the Anti-Discrimination Act, particularly in employment and education, organizing campaigns to raise awareness among individuals and groups that are most vulnerable to racial discrimination about the legal framework for protection against racial discrimination, and facilitating access to remedies for victims of such discrimination. Further, the Committee noted the information provided on the Citizenship Education programme, which covers topics on human rights and racial discrimination at certain levels of education. However, the Committee regretted the lack of information on measures taken to evaluate and enhance the programme and to promote human rights education, including regarding racial discrimination, in university and teacher-training programmes. It was concerned about lack of information on awareness-raising campaigns targeting the general public, law enforcement officials and members of the judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic understanding (art. 7). The Committee thus recommended that the State party review the Citizenship Education programme and ensure that it is provided at all levels of education and that it covers the promotion of understanding and tolerance among nations and ethnic groups. It also recommended that the State party conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the importance of ethnic and cultural diversity, tolerance and inter-ethnic understanding ([CERD/C/HRV/CO/9-14](#), paras. 8 (a), 31, 32).

## REPUBLIC OF CYPRUS REVIEW

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### I. Justice System

#### B. Quality of justice

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations on the fifth periodic report of the Republic of Cyprus, the Human Rights Committee welcomed the adoption in 2021 of the Law on Children in Conflict with the Law (No. 55(I)/2021), providing for the establishment of a criminal justice system friendly to children in conflict with the law. However, the Committee remained concerned about remaining gaps in the implementation of the above-mentioned law and reports suggesting that juvenile pretrial detainees are not completely separated from convicted juveniles. The Committee recommended that the State party intensify its efforts to ensure the effective implementation of the Law on Children in Conflict with the Law, including by setting up specialized court facilities and providing them with adequate resources, including designating trained specialized judges ([CCPR/C/CYP/CO/5](#), paras. 33, 34).

In its 2023 concluding observations, the Human Rights Committee expressed concern about the infrequent application of the International Covenant on Civil and Political Rights (ICCPR) by the domestic courts system and the low level of public awareness of the first Optional Protocol to the Covenant and of the ability for individuals to submit claims of violations of their rights under the Covenant to the Committee. It recommended that the State party should strengthen awareness of the ICCPR among lawyers, prosecutors and judges to help ensure that its provisions are, where possible, invoked before and applied by the national courts ([CCPR/C/CYP/CO/5](#), paras. 5, 6).

In its 2023 concluding observations, the Human Rights Committee welcomed the legislative and institutional steps made by the Republic of Cyprus to combat and raise awareness of discrimination and hate crimes against vulnerable groups, including lesbian, gay, bisexual and transgender persons, Turkish Cypriots and Roma communities, and notes with appreciation the creation in 2021 of an inter-agency working group on hate crimes in the Republic of Cyprus. However, the Committee was concerned by recent incidents of violence and discrimination against members of racial and ethnic minorities and against lesbian, gay, bisexual and transgender persons, especially in rural areas. The Committee recommended that the State party intensify its efforts to combat hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion, sexual orientation and gender identity, with particular attention given to rural areas, in accordance with articles 19 and 20 of the ICCPR and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. The Committee recommended that the State party should provide adequate training to national and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes and on promoting the principles of equality and diversity ([CCPR/C/CYP/CO/5](#), paras. 9, 10(e)).

In its 2023 concluding observations, the Human Rights Committee was concerned that cases of violence against women, including domestic violence, are still underreported, especially among ethnic minorities and foreign nationals, and that the prosecution and conviction rates for domestic violence remain low. The Committee urged the Republic of Cyprus to continue its efforts to curb gender-based violence, in particular by taking all the measures necessary to ensure the effective implementation of the new National Strategy and National Action Plan (2023–2028) on Preventing and Combating Violence against

Women. It should also continue its efforts to provide training on women's rights and gender-based violence to judges and prosecutors ([CCPR/C/CYP/CO/5](#), paras. 15, 16 (b)).

In its 2023 concluding observations, while noting the enactment in 2017 of Law No. 12(III)/2017, which provides for more severe penalties for offences of torture and ill-treatment, and the efforts made by the State party to ensure effective and impartial investigations, the Human Rights Committee remained concerned about the limited amount of data available on complaints of torture and ill-treatment and about the small number of investigations, prosecutions, convictions and sanctions for perpetrators in relation to such acts. The Committee recommended that the Republic of Cyprus increase its efforts to eradicate torture and ill-treatment, including by continuing its efforts to provide regular training to judges, prosecutors, lawyers and law enforcement officials on human rights, including on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles) ([CCPR/C/CYP/CO/5](#), paras. 19, 20 (d)).

### III. Media pluralism and media freedom

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

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

In its 2023 concluding observations, the Human Rights Committee welcomed the entry into force in 2020 of the Law on Right of Access to Public Sector Information (No. 184(I)/2017). However, it was concerned that the Republic of Cyprus has not amended or repealed the Law on the Procedure for the Standardization of Geographical Names of the Republic, which criminalizes publications that use unofficial geographical names, and that the law could be invoked to curb freedom of expression, such as in 2019, when the Auditor General threatened to withhold subsidies from the *Cyprus Mail* by invoking that law after the newspaper had used the Turkish-language name for a village in the northern part of Cyprus. Furthermore, the Committee was concerned that the Republic of Cyprus has not indicated any measures taken to investigate or prosecute threats against the authors of the multilingual glossary of sensitive phrases entitled *Words That Matter*, published in 2018 (arts. 19 and 20). In the light of the Committee's previous recommendations,<sup>1</sup> it recommended that the State party should repeal the criminal provisions of the Law on the Procedure for the Standardization of Geographical Names of the Republic. It recommended that the State party should also review other provisions of the law to ensure that they serve a legitimate public purpose, are necessary and proportionate to the aims pursued and impose the least restrictive measures possible for the achievement of these aims, as set out in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. It recommended further that the State party should conduct prompt, effective and impartial investigations into allegations of threats or violence against journalists, including against the authors of *Words That Matter*, ensure that the perpetrators are prosecuted and, if found guilty, appropriately punished, and provide the victims with effective remedies, including compensation ([CCPR/C/CYP/CO/5](#), paras. 39, 40).

*Other*

**Non-discrimination, hate speech and hate crime** - In its 2023 concluding observations, the Human Rights Committee welcomed the legislative and institutional steps made by the Republic of Cyprus to combat

and raise awareness of discrimination and hate crimes against vulnerable groups, including lesbian, gay, bisexual and transgender persons, Turkish Cypriots and Roma communities, and notes with appreciation the creation in 2021 of an inter-agency working group on hate crimes in the Republic of Cyprus. However, the Committee was concerned by recent incidents of violence and discrimination against members of racial and ethnic minorities and against lesbian, gay, bisexual and transgender persons, especially in rural areas. The Committee recommended that the Republic of Cyprus reinforce cooperation among the relevant stakeholders, including civil society, and provide adequate training to media workers on addressing hate speech and hate crimes and on promoting the principles of equality and diversity ([CCPR/C/CYP/CO/5](#), paras. 9, 10 (e)).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In its 2023 concluding observations, the Human Rights Committee welcomed the A status reaccreditation, in 2022, of the Office of the Commissioner for Administration and Human Rights, by the Global Alliance of National Human Rights Institutions. Nevertheless, it remains concerned about the lack of Turkish-speaking staff, and about the reported need for adequate funding and for increased formal cooperation with civil society (art. 2). The Committee recommended that the State party should continue its efforts, including by implementing the recommendations of the Global Alliance of National Human Rights Institutions, to ensure that the Office of the Commissioner for Administration and Human Rights fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate effectively and independently, including by ensuring that it has the human, financial and technical resources necessary to perform its tasks effectively. In that regard, the Committee encourages the State party to take measures to ensure the presence and participation of Turkish-speaking personnel ([CCPR/C/CYP/CO/5](#), paras. 7, 8).

##### **C. Accessibility and judicial review of administrative decisions**

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

In its 2023 concluding observations, the Human Rights Committee was concerned by reports that naturalization procedures lack transparency and are applied arbitrarily, resulting, for example, in the denial of applications from individuals who have previously received State benefits, such as persons with disabilities and survivors of torture or trafficking (arts. 2 and 26). The Committee recommended that the State party should ensure that naturalization procedures are transparent and that applicants have access to information concerning the requirements for citizenship and that they receive a decision on their application for citizenship within a reasonable period of time ([CCPR/C/CYP/CO/5](#), paras. 11, 12).

##### **D. The enabling framework for civil society**

*Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process*

In its 2023 concluding observations, the Human Rights Committee welcomed the legislative and institutional steps made by the Republic of Cyprus to combat and raise awareness of discrimination and hate crimes against vulnerable groups, including lesbian, gay, bisexual and transgender persons, Turkish Cypriots and Roma communities, and notes with appreciation the creation in 2021 of an inter-agency working group on hate crimes in the Republic of Cyprus. However, the Committee was concerned by recent incidents of violence and discrimination against members of racial and ethnic minorities and against lesbian, gay, bisexual and transgender persons, especially in rural areas. The Committee recommended that the State party intensify its efforts to combat hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion, sexual orientation and gender identity, with particular attention given to rural areas, in accordance with articles 19 and 20 of the International Covenant on Civil and Political Rights and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Notably, it also recommended that the State party should promptly elaborate and adopt the proposed national action plan to combat discrimination on the basis of sexual orientation, age, disability, ethnicity and religion, ensuring effective consultation of civil society ([CCPR/C/CYP/CO/5](#), paras. 9, 10 (a)).

#### **E. Initiatives to foster a rule of law culture**

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

In its 2023 concluding observations, the Human Rights Committee expressed concern about the infrequent application of the International Covenant on Civil and Political Rights by the domestic courts system and the low level of public awareness of the first Optional Protocol to the Covenant and of the ability for individuals to submit claims of violations of their rights under the Covenant to the Committee. It encouraged the Republic of Cyprus to take appropriate measures to educate the general public about the first Optional Protocol and the mechanisms in place to submit individual complaints of violations of the Covenant to the Committee. It also recommended that the State party should put in place effective procedures, accessible in Greek, Turkish and the minority languages, to assist complainants in pursuing recourse for violations of their rights under the first Optional Protocol. In addition, the State party should strengthen awareness of the Covenant among lawyers, prosecutors and judges to help ensure that its provisions are, where possible, invoked before and applied by the national courts ([CCPR/C/CYP/CO/5](#), paras. 5, 6).

## CZECH REPUBLIC REVIEW

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### I. Justice System

#### B. Quality of justice

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

Under the 4th cycle of the Universal Periodic Review, the Czech Republic supported recommendations to intensify efforts to train professionals, especially members of the judiciary and law enforcement, to conduct prompt and independent investigations and effective prosecution of hate crimes and racist incidents ([A/HRC/53/4](#)).

#### C. Efficiency of the justice system

In light of its Universal Periodic Review, the Czech Republic supported recommendations to strengthen efforts to effectively prevent, combat and investigate cases of trafficking in persons, including the trafficking, sale and sexual exploitation of children as well as sexual exploitation of children in cyberspace. Support was also given to the recommendation to establish and strengthen support mechanisms for persons with disabilities, rather than restricting their legal capacities through the courts ([A/HRC/53/4](#)).

### III. Media pluralism and media freedom

#### 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*

Under the 4<sup>th</sup> cycle of the Universal Periodic Review, the Czech Republic supported recommendations to ensure that officials refrain from any interference with the legitimate exercise of the right to freedom of expression of journalists and media workers, that their effective protection against any kind of threat, pressure, intimidation or attack is guaranteed, and that illegal acts against journalists are thoroughly investigated and those responsible are brought to justice ([A/HRC/53/4](#)).

### IV. Other institutional issues related to checks and balances

#### B. Independent authorities

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

Under the 4<sup>th</sup> cycle of the Universal Periodic Review of the Czech Republic, the country supported recommendations to expand the role of the Office of the Ombudsman and establish a national human rights institution in conformity with the Paris Principles and allocating sufficient resources ([A/HRC/53/4](#)).



## **E. Initiatives to foster a rule of law culture**

### *Other*

**Adoption of international instruments** - In 2023, under the 4<sup>th</sup> cycle of the Universal Periodic Review of the Czech Republic, the country supported recommendations to ratify and implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention') ([A/HRC/53/4](#)).



## DENMARK REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 Concluding Observations on Denmark, the Committee against Torture expressed concern at indications that persons deprived of their liberty are not always provided with sufficient legal safeguards from the outset of their detention. Specifically, the Committee was concerned that access to legal representation is not always swiftly granted; that persons deprived of their liberty are reportedly not always adequately informed of their rights; that the right to notify a relative or another person of their choice of their detention is sometimes delayed or denied. The Committee recommended that Denmark ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty ([CAT/C/DNK/CO/8](#), paras. 12, 13).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 Concluding Observations on Denmark, the Committee against Torture took note of the training provided in postgraduate forensic medicine programmes regarding the application of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). It regretted, however, that training on the manual is currently not provided to prosecutors or members of the judiciary. The Committee recommended that Denmark ensure that all relevant staff, including judges, prosecutors and medical and psychological personnel, are specifically trained in the identification of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised ([CAT/C/DNK/CO/8](#), paras. 38, 39).

##### *Other*

**Principle of non-refoulement, migration and use of diplomatic assurances** – Following its review of Denmark's eighth periodic report, the Committee against Torture noted its concern regarding legislation that provides a basis for the externalization of Denmark's asylum policy and related plans for the processing of asylum claims in Rwanda. The Committee recommended that Denmark revisit this legislation, fully taking into account international standards and the guidance of international and regional bodies mandated to examine issues related to migration ([CAT/C/DNK/CO/8](#), paras. 14, 15, 16, 17). Concerns to that end were also expressed by the Committee on the Elimination of Racial Discrimination, that also urged Denmark to be mindful of its obligation under relevant international law regarding the protection of asylum seekers ([CERD/C/DNK/CO/22-24](#) paras. 32, 33).

Moreover, the Committee against Torture urged Denmark to refrain from seeking and accepting diplomatic assurances, in the context of both extradition and deportation, from States where there are grounds for believing that persons would be at risk of torture or ill-treatment upon return. Concerns were also expressed over plans to extraterritorially incarcerate third-country nationals who have committed crimes prior to their deportation, including the ramifications that this may have on inmates' access to health care and family visits, as well as the potentially discriminatory nature of such regime and the disciplinary authority and criminal jurisdiction for acts of torture or ill-treatment that may be committed by prison staff, access of monitoring mechanisms and investigatory competencies ([CAT/C/DNK/CO/8](#), paras. 14, 15, 16, 17).

### **C. Efficiency of the justice system**

#### *Other*

**Investigation and prosecution of acts of torture and cruel, inhuman or degrading treatment:** In its 2023 Concluding Observations, the Committee against Torture expressed concern about the low number of criminal charges that result from allegations of police misconduct lodged with the Independent Police Complaints Authority and regretted, in this regard, that the Authority lacks an explicit legal basis to investigate cases of torture and ill-treatment. The Committee recommended Denmark consider refining the mandate of the Independent Police Complaints Authority to ensure that it is empowered to adequately investigate all cases where torture and ill-treatment may have occurred ([CAT/C/DNK/CO/8](#), paras. 40, 41).

### **IV. Other institutional issues related to checks and balances**

#### **A. The process for preparing and enacting laws**

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination was concerned by the very limited number of examples that demonstrate the application of the International Convention on the Elimination of All Forms of Racial Discrimination by domestic courts. The Committee was not convinced by the reasoning of Denmark that incorporation of the Convention into the domestic legal order entails a risk of shifting powers conferred upon Parliament and the Government to the courts and recommended its full incorporation into the domestic legal order. The Committee also recommended that Denmark take steps to disseminate the provisions of the Convention among judges, prosecutors, lawyers and law enforcement officials, and train them on these provisions, so as to facilitate the citing and invocation of the Convention before, or its application by, domestic courts ([CERD/C/DNK/CO/22-24](#), paras. 6, 7).

#### **B. Independent authorities**

In its 2023 Concluding Observations, the Committee against Torture expressed concern that Denmark's national preventive mechanism still lacks a mandate to carry out preventive visits in Greenland. The Committee recommended that the national preventive mechanism be endowed with a sufficient mandate to carry out visits to all places of detention, including their installations and facilities, both within its territory and under its jurisdiction ([CAT/C/DNK/CO/8](#), paras. 10, 11).

#### **D. The enabling framework for civil society**

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination was concerned by the lack of an explicit prohibition in the Criminal Code of organizations that promote racial discrimination, and of participation in such organizations. The Committee recommended Denmark fully implement the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, including by explicitly prohibiting organizations and propaganda activities that promote and incite violence and racial discrimination, and by enhancing its efforts to provide clear evidence-based data and counter-narratives in response to propaganda and fake news on issues related to public policies ([CERD/C/DNK/CO/22-24](#) paras. 18, 19).

## ESTONIA REVIEW

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### IV. Other institutional issues related to checks and balances

#### A. The process for preparing and enacting laws

*Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase*

On 19 July 2023, the Special Rapporteur on minority issues; Special Rapporteur in the field of cultural rights and Special Rapporteur on the right to education, expressed grave concern about new legislative amendments severely limiting education in minority languages in Estonia through the mandatory transition of all pre-school and school institutions, including those operating in a minority language or bilingual institutions, to Estonian-language instruction. On 12 December 2022, the Parliament of Estonia adopted the Act on Amendments to the Basic School and Gymnasium Act and Other Acts (Transition to Estonian-Language Education). This Act appears to introduce retrogressive provisions limiting the rights of ethnic and linguistic minorities in education. Experts expressed particular concern about how the new provisions could affect members of the Russian linguistic minority, who make up a significant proportion of the country's population. Despite protests from Russian-speaking parents and children, a number of Russian-language schools have reportedly been closed in recent years. They expressed further concern that, at least in several cases, the views of the Russian-language minority on school reorganization were not taken into consideration, and this practice appears to violate the state obligation of ensuring effective and meaningful participation of minorities in decisions affecting them ([AL EST 1/2023](#)).

## FINLAND REVIEW

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### I. Justice System

#### B. Quality of justice

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

Under the 4<sup>th</sup> cycle of Universal Periodic Review, Finland supported recommendations to develop training programs and enhance capacities (including through allocation of sufficient resources) of law enforcement and justice administration authorities to deal with migrant children; women victims of violence; victims of gender-based violence; victims of violence; victims of racial discrimination and profiling. Mandatory training on combatting hate crime and hate speech in general; hate crime and hate speech specifically targeting asylum seekers/refugees/Muslims anti-discrimination and human rights is recommended for law enforcement, judicial and security authorities ([A/HRC/52/9/Add.1](#))

In its concluding observations, the Committee on the Rights of the Child recommended Finland to provide guidance and training to all professionals who work to provide services to children and adolescents and to uphold their rights, and reinforce and intensify training for all authorities responsible for applying the principle of the best interests of the child ([CRC/C/FIN/CO/5-6](#), para. 17).

#### C. Efficiency of the justice system

*Length of proceedings*

In its 2023 concluding observations on Finland, the Committee on the Rights of the Child expressed concern about the administration of child justice, notably: a) The length of trials; b) The fact that children are sometimes held in isolation during pretrial detention; c) The fact that some children serve their sentences in the same facilities as adults; d) The low quality of education in detention facilities. Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee recommended that Finland:

- (a) Develop a strategy for the prevention of child offending on the basis of research on and an analysis of the root causes of children's involvement in crime, in particular organized crime, and ensure that it provides for early intervention directed at children at risk or in vulnerable situations and support for their families;
- (b) Reduce the length of trials;
- (c) Ensure that children are not held in isolation during pretrial detention;
- (d) Actively promote non-judicial measures, such as diversion, mediation, counselling and evidence-based therapeutic services, for children accused of criminal offences and, wherever

possible, the use of non-custodial measures, such as probation or community service, establish time frames for probation and clarify that it does not imply proof of guilt;

(e) Ensure, for the exceptional situations in which deprivation of liberty is justified as a measure of last resort, that children do not serve sentences in the same facilities as adults, that the deprivation of liberty is for the shortest possible period and that it is reviewed on a regular basis with a view to its withdrawal;

(f) Systematically provide long-term services to children who are detained and ensure the quality of education in detention facilities ([CRC/C/FIN/CO/5-6](#), paras. 40, 41)

#### *Other*

In its 2023 concluding observations on Finland, the Committee on the Rights of the Child recommended Finland to establish mechanisms to monitor the impact of the application of the principle of the best interests of the child in the execution of programmes, in legislative, administrative and judicial procedures and in relation to custody and contact with parents, alternative care modalities, justice for adolescents in conflict with the law, asylum, in particular in the event of the return of parents whose asylum applications have been refused, and support for children who are victims or witnesses of crimes. The Committee is also concerned about the lack of a legislative framework to ensure multisectoral coordination and quality standards for conducting forensic interviews in a child-friendly environment, the lack of comprehensive support services for victims of violence (the barnahus model) and the fact that not all children have access to specialized support ([CRC/C/FIN/CO/5-6](#), para. 17).

#### **E. Initiatives to foster a rule of law culture**

##### *Other*

**UPR** - Under the 4<sup>th</sup> cycle of Universal Periodic Review, Finland supported recommendations made in relation to legislative amendments: a) insert a provision in the criminal code criminalizing forced marriage; b) revise anti-discrimination and equal opportunity legislation to provide better and intersectional victims protection; c) Continue strengthening national laws on offences related to violence against women and girls; d) Adopt legislation obligating regions and municipalities to establish effective preventive measures to combat violence against women; e) Decriminalize defamation and place it within a civil code in accordance with international standards; f) Review criminal legislation to adequately identify and reflect the aggravating factors required under article 46 of the Istanbul Convention; g) Ensure that government legislation, including the Animal Welfare Act, does not restrict individuals' ability to practice their religion or belief freely in a manner which is incompatible with international human rights law, including article 9 of the International Covenant on Civil and Political Rights ([A/HRC/52/9/Add.1](#))

While welcoming the legal reforms relating to the well-being services counties and the proposal put before Parliament to speed up the handling of crimes against children, the Committee on the Rights of the Child recommended that Finland:

(a) Consider the possibility of i

- (b) Take measures to strengthen children's rights impact assessments in the legislative process;
- (c) Reform legislation relating to Sami people, in particular with regard to the cultural and linguistic rights of Sami children ([CRC/C/FIN/CO/5-6](#), para 7)

## FRANCE REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women recommended that France ensure adequate victim support services, including a sufficient number of adequately funded shelters providing legal assistance ([CEDAW/C/FRA/CO/9](#), para. 22 (b)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted with concern that, according to information provided by France, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee was concerned at information that reports of racist acts were too often recorded in police registers without further action being taken, thus preventing victims of racial discrimination from gaining effective access to justice (arts. 2 and 6). In light of this, the Committee recommended that France take appropriate and effective measures to ensure that all parties who are victims of racial discrimination have access to effective remedies and appropriate reparation, including through the exclusion of crimes of a racist nature from the police register procedure ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (a)).

##### *Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

In its 2023 concluding observations on France, the Committee on the Rights of the Child was seriously concerned about the reported increase in domestic violence against children, including young children, during the lockdown imposed in response to the coronavirus disease (COVID-19) pandemic and the fact that the measures taken to prevent such violence were delayed and ineffective owing to a lack of coordination and communication among the bodies responsible. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling target 16.2 of the Sustainable Development Goals, the Committee urged the State party to increase human, technical and financial resources for the prevention of violence, clearly define competencies among the different actors involved in child protection, as their mandates overlap to varying degrees, and ensure effective coordination and communication among them ([CRC/C/FRA/CO/6-7](#), paras. 25, 26 (c)).

Furthermore, in its 2023 Concluding observations, the Committee on the Rights of the Child regretted that, despite its previous recommendations, the situation of asylum-seeking and migrant children



remained unchanged. It remained seriously concerned that France does not give sufficient consideration to the best interests of the child as a guiding principle in all initial assessment processes and subsequent arrangements. In particular, the Committee was deeply concerned about: The continued detention of families with children and unaccompanied children in airport waiting areas and other administrative detention facilities with poor conditions that are not suitable for children, without judicial or administrative oversight and; The inadequate access of unaccompanied children to child protection, legal representation, psychological support, social assistance, health, education and shelter, in particular in the Pas-de-Calais and Nord Departments. With reference to its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee urged France, with immediate effect to guarantee sufficient human, technical and financial resources throughout its jurisdiction for the provision of specialist and child-specific support, protection, legal representation, social assistance and educational and vocational training for unaccompanied migrant children and to build the capacities of law enforcement officials in that regard ([CRC/C/FRA/CO/6-7](#), paras. 44 (a), (c), 45 (f)).

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)* In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women welcomed the dissemination of the Committee's previous concluding observations; the publication of an inter-ministerial guide to fight discrimination, in particular against women, and the training on gender equality and the protection of women from sexual and gender-based violence (SGBV) for government agents. However, it noted with concern that the Convention on the Elimination of all Forms of Discrimination Against Women, the Optional Protocol thereto and the Committee's general recommendations were not widely known in France and the lack of court decisions making reference to the Convention, which covers gender-based discrimination more comprehensively than general prohibition of discrimination. The Committee thus recommended that the State party provide systematic capacity-building and training for judges, prosecutors, the police and other law enforcement officials, government officials, as well as lawyers, on the Convention, the Optional Protocol thereto and the Committee's general recommendations ([CEDAW/C/FRA/CO/9](#), paras. 11 (a), 12). Moreover, drawing attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals, to achieve, by 2030, full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, the Committee recommended that France train law enforcement officials on the procedures and prevention of sexual harassment in the workplace, and reform legislation to increase the effectiveness of prevention procedures ([CEDAW/C/FRA/CO/9](#), para. 36. (f)).

Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, in its 2023 Concluding observations, the Committee on the Elimination of Racial Discrimination recommended that the State party assess and continue the training provided to law enforcement personnel, as well as targeted awareness-raising campaigns, in order to prevent and combat racially motivated hate crimes and

racist hate speech, including on the part of political actors ([CERD/C/FRA/CO/22-23](#), para. 12 (c)). Further, the Committee on the Elimination of Racial Discrimination noted with concern that, according to information provided by France, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee was concerned at information that reports of racist acts were too often recorded in police registers without further action being taken, thus preventing victims of racial discrimination from gaining effective access to justice (arts. 2 and 6). The Committee recommended that France strengthen the training provided to law enforcement officials to ensure that they duly consider and investigate all complaints of racial discrimination, and prevent any reprisals against persons who report racial discrimination and punish those engaging in reprisals ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (b)).

In its 2023 concluding observations, the Committee on the Rights of the Child, while noting the recent creation of the programme of youth rights ambassadors, recommended that France strengthen the training of professionals working with or for children on the provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, including the training of all child protection professionals on trafficking in children ([CRC/C/FRA/CO/6-7](#), para. 13 (b)). Furthermore, the Committee recommended that France continue its efforts to eliminate female genital mutilation by evaluating the implementation of the First National Action Plan and continuing to increase awareness among girls at risk, communities, social workers, police officers, gendarmes, judges and prosecutors ([CRC/C/FRA/CO/6-7](#), para. 30 (a)).

### **C. Efficiency of the justice system**

#### *Other*

**UPR** - Under the 4<sup>th</sup> cycle of Universal Periodic Review, France supported recommendations made in relation to justice namely criminal justice response to multiple forms of discrimination and access to justice for victims of human trafficking and nuclear testing. Once these recommendations have been examined and accepted by the State Party, they should be taken into consideration ([A/HRC/54/5/Add.1](#),

### **IV. Other institutional issues related to checks and balances**

#### **D. The enabling framework for civil society**

*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)*

In its 2023 concluding observations, in line with its General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee on the Elimination of Discrimination against Women recommended that France increase funding and resources specifically for anti-trafficking coordination and victim assistance, including adequate funding for NGOs providing assistance ([CEDAW/C/FRA/CO/9](#), para. 28 (d)).

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that France continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection ([CERD/C/FRA/CO/22-23](#), para. 38).

In its 2023 Concluding observations, the Committee on Economic, Social and Cultural Rights noted with concern that the recent reforms to the unemployment insurance system, which provide for a tightening of the rules on benefits, including a reduction in the length of time during which benefits are paid, were introduced against a backdrop of high inflation that has pushed a large section of the population into a vulnerable situation. The Committee was also concerned that the pension reform was not debated in the National Assembly. It noted with concern that this reform would have a negative impact on the most disadvantaged persons, particularly women, because of their career paths (art. 9). In light of this the Committee urged France to conduct, with the participation of social partners and civil society, a comprehensive assessment of the effects of the recent reforms to unemployment insurance and pensions on the most disadvantaged persons who have been affected by them, with a view to taking the necessary corrective measures ([E/C.12/FRA/CO/5](#), paras. 30, 31).

#### **E. Initiatives to foster a rule of law culture**

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

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women was concerned about the low prosecution and conviction rates in cases of discrimination based on gender. In line with its general recommendation No 33 (2015) on women's access to justice, the Committee recommended that France enhance women's knowledge and awareness of their rights and the remedies available to claim them ([CEDAW/C/FRA/CO/9](#), paras.13, 14 (b)). Moreover, recalling its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommended that the State party provide capacity-building to women politicians and candidates on political campaigning, leadership and negotiation skills, and raise awareness, in collaboration with the media, among politicians, the media and the general public, of the importance of gender parity in political and public life as a requirement for fully implementing the human rights of women ([CEDAW/C/FRA/CO/9](#), para. 32 (a)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination, noted with concern that, according to information provided by the State party, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the

underreporting of racist acts and racial discrimination. The Committee recommended that France conduct campaigns to raise rights holders' awareness of the provisions of the Convention and the legal framework on protection from racial discrimination ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (c)).

In its 2023 concluding observations, with reference to its general comment No. 12 (2009) on the right of the child to be heard, and while noting good practices such as the regular exchange between delegations of children and the Prime Minister, the Committee on the Rights of the Child recommended that France provide regular, in-depth continuing education for professionals working with and for children, including in the justice system, on the right of the child to be heard and awareness-raising programmes for the general public and; promote the meaningful and empowered participation of all children within the family, communities and schools and increase the involvement of children in the monitoring, implementation and evaluation of public decisions, policies and plans that affect them ([CRC/C/FRA/CO/6-7](#), paras. 19 (c), (d)). Moreover, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling target 16.2 of the Sustainable Development Goals, the Committee urged the State party to further strengthen awareness-raising and education programmes, including campaigns and including on the use of the 119 national child protection hotline, with the involvement of children, in order to streamline the reporting of cases of violence against children ([CRC/C/FRA/CO/6-7](#), para. 26 (b)).

In its 2023 Concluding observations, the Committee on Economic, Social and Cultural Rights welcomed the adoption of Act No. 2017-399 of 27 March 2017 on the Duty of Care of Parent and Subcontracting Companies (Duty of Care Act), as well as the National Action Plan for the implementation of the United Nations Guiding Principles on Business and Human Rights. However, the Committee was concerned about the fact that some companies are not covered by the Duty of Care Act, because of their size, and also about the effectiveness of how the Act is applied, in particular compliance by companies with the obligation to draw up and publish a care plan. The Committee also noted France's commitment to European projects, including those designed to include the financial sector in the new European Union directive on corporate sustainability due diligence. In light of this, the Committee recommended that the State party conduct campaigns to raise awareness of the provisions of the Act among the administrative and judicial authorities responsible for its application ([E/C.12/FRA/CO/5](#), paras. 6, 7 (d)).

#### *Other*

**UPR** - Under the 4<sup>th</sup> cycle of Universal Periodic Review, France supported recommendations in relation to ensuring effective safeguards against the excessive use of force by law enforcement authorities against protesters during demonstrations ([A/HRC/54/5/Add.1](#)). The same issue was raised by UN Special Procedures in the context of the criminalization of environmental and human rights defenders in May 2023 ([FRA 5/2023](#)) and protesters mobilized against the pension reforms ([FRA 4/2023](#)) in April 2023. The same issue was raised by UN Special Procedures in the context of the criminalization of environmental and human rights defenders in May 2023 ([FRA 5/2023](#)) and protesters mobilized against the pension reforms ([FRA 4/2023](#)) in April 2023.



UNITED NATIONS  
**HUMAN RIGHTS**  
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## GERMANY REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations on Germany, the Committee on the Rights of Persons with Disabilities expressed concern about the use of a medical model of disability in many areas of the law, at the federal and Länder levels. The Committee recommended, among other things, that Germany systematically review the conformity of existing laws, policies and administrative practices with the obligations under the Convention on the Rights of Persons with Disabilities; review the statutory bases of the right of associations to take legal action to enforce the rights under the Convention, at the federal and Länder levels, enact a generally applicable right of associations to take legal action, provide effective remedies beyond merely declaratory judgments and remove undue burdens such as the risk of prohibitive litigation costs and excessive admissibility requirements. The Committee also recommended that Germany, in particular its courts, determine the justiciability of the provisions of the Convention, including rights subject to progressive realization based on article 4 (2) of the Convention, in close alignment with the Committee's jurisprudence under the Optional Protocol ([CRPD/C/DEU/CO/2-3](#) paras. 5, 10).

In its 2023 concluding observations on Germany, the Committee on the Rights of Persons with Disabilities expressed concern that Germany's laws do not define the denial of reasonable accommodation as a form of discrimination throughout the legal system and recommended that Germany amend its laws in line with article 2 of the Convention on the Rights of Persons with Disabilities. Moreover, the Committee expressed concern about barriers to access to justice for persons with disabilities and recommended Germany develop a national disability justice strategy with the aim to amend the procedural rules in criminal, civil, labour and administrative law to ensure that procedural and age-appropriate accommodations are provided to persons with disabilities in all proceedings on a no-cost basis; to ensure appropriate training for those working in the field of administration of justice, including members of the judiciary, police officers and prison personnel, on Convention standards and principles to ensure access to justice; and to ensure that judicial facilities and information and communications are accessible ([CRPD/C/DEU/CO/2-3](#) paras. 12, 27, 28).

Furthermore, in its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination remained concerned that a significant number of migrant workers, in particular those in irregular situation, are affected by precarious working conditions. The Committee was also concerned by reports that migrant workers, in particular female domestic and care workers, are especially exposed to abuses and labour exploitation (arts. 2 and 5). The Committee recommended that the State party: ensure that all migrants have access to justice and effective remedies in cases of labour exploitation, without fear of arrest, detention or deportation ([CERD/C/DEU/CO/23-26](#), paras. 39, 40 (c)). Moreover, the Committee

recommended that Germany adopt the necessary measures to ensure that victims of racial discrimination affected by human rights abuses that occur abroad and that directly or indirectly involve German companies have adequate access to effective remedies, including remedies providing for civil liability. The Committee encouraged Germany to advocate for a strong European Union regulation regarding access to justice for corporate human rights abuses ([CERD/C/DEU/CO/23-26](#), para. 44).

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on Enforced Disappearances recommended that Germany improve the training provided to staff involved in asylum, return, surrender or extradition procedures on the concept of “enforced disappearance” and on the assessment of the related risks ([CED/C/DEU/OAI/1](#), para. 18 (c)).

Moreover, in its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women reiterated its previous recommendations (see [CEDAW/C/DEU/CO/9](#), para. 32) that Germany strengthen its efforts to increase the number of women in elected decision-making bodies at the federal and State levels and in appointed positions at these and the municipal levels, including through awareness-raising activities to promote understanding that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women’s human rights. The Committee recommended that Germany provide judicial training on the non-discriminatory nature of temporary special measures, such as statutory quotas, and amend any needed legislation so that courts no longer consider parity laws unconstitutional ([CEDAW/C/DEU/CO/9](#), para. 40).

Furthermore, in its 2023 concluding observations, recommended that Germany provide training to strengthen the investigative and appraisal capacities of law enforcement officials, prosecutors and the judiciary with regard to cases of hate speech and hate crimes and conduct awareness-raising campaigns on the importance of cultural diversity and inter-ethnic understanding among the general populace ([CERD/C/DEU/CO/23-26](#), para. 16 (b)). Additionally, the Committee urged Germany to adopt adequate measures to combat discrimination against ethnic Muslim communities, including awareness-raising campaigns among public authorities, civil servants, law enforcement officials and the public at large on the negative effects of discrimination against ethnic Muslim communities ([CERD/C/DEU/CO/23-26](#), para. 36 (a)).

### **C. Efficiency of the justice system**

*Length of proceedings*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination reiterated its previous concern regarding the General Equal Treatment Act and regretted the insufficient progress made on its amendment process, which continues to hinder access to effective remedies for victims of



racial discrimination. In particular, the Committee noted with concern that barriers to obtaining compensation in cases of racial discrimination persist, as well as the lack of possibility for collective action, and that the time frame to submit complaints is limited to two months (art. 6). The Committee recommended that Germany ensure that amendments to the General Equal Treatment Act include provisions guaranteeing victims of racial discrimination adequate access to effective remedies, whether those acts of discrimination are committed by private individuals or by State officials, and the right to seek just and adequate reparation for any damage suffered. The Committee also recommended that Germany provide a sufficient time frame for the submission of complaints for acts of discrimination; allow for collective action; and make sure that rules concerning the shift of the burden of proof in civil law cases enables victims of discrimination to make their claims in an effective manner ([CERD/C/DEU/CO/23-26](#), paras. 41, 42).

#### *Other*

**Liberty and security of person** - In its 2023 Concluding Observations on Germany, the Committee on the Rights of Persons with Disabilities expressed deep concern about forced institutionalization and forced treatment of persons with disabilities and recommended that Germany prohibit these practices and strengthen all judicial and administrative protections to prevent the deprivation of liberty of children and young persons with disabilities on an equal basis with others. The Committee also recommended Germany amend and/or repeal legislation that restricts the legal capacity of persons with disabilities ([CRPD/C/DEU/CO/2-3](#) paras. 12, 27, 28, 33, 34).

**Applicability of the Convention on the Elimination of All Forms of Racial Discrimination** – In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination took note of the direct applicability of the Convention on the Elimination of All Forms of Racial Discrimination in the legal order of Germany. However, the Committee regretted the lack of information on the number of cases and on concrete case law in which the provisions of the Convention have been invoked before domestic courts or applied by them (art. 2). The Committee recommended that Germany redouble its efforts to raise awareness and knowledge of the provisions of the Convention and its justiciability among judges, lawyers and public officials, enabling them to apply the Convention in relevant cases, and to extend those efforts to the members of parliament (Bundestag), the authorities in the 16 constituent federal states (Länder) and the general public ([CERD/C/DEU/CO/23-26](#), paras. 7, 8).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women noted with concern the lack of measures to strengthen the mandate of the German Institute for Human Rights in order to ensure the transparent, coherent and consistent implementation of the Convention on the Elimination of All Forms of Discrimination Against Women. The Committee encouraged Germany



to strengthen the mandate of the German Institute for Human Rights, granting it the authority to support and monitor the transparent, coherent and consistent implementation of the Convention throughout its territory ([CEDAW/C/DEU/CO/9](#), paras. 23, 24).

#### **D. The enabling framework for civil society**

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Germany continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of its next periodic report and in follow-up to the present concluding observations ([CERD/C/DEU/CO/23-26](#), para. 54).

#### **E. Initiatives to foster a rule of law culture**

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

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women welcomed training activities for judges, public prosecutors and members of the legal profession on gender-based violence and recommended that Germany further strengthen its efforts to combat all forms of gender-based violence against women, including femicide, and take steps to develop a comprehensive prevention strategy to address domestic violence, including through awareness-raising campaigns and; regulate the dissemination of artistic content that promotes gender-based violence against women, develop educational programmes in schools and conduct awareness-raising campaigns, with a special focus on youth, on the negative impact of misogynistic audiovisual content available on the Internet, including songs and music videos. ([CEDAW/C/DEU/CO/9](#), paras. 31, 32 (a), (g)).

Moreover, in its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination expressed concern about the numerous cases of racial discrimination and racist acts against athletes belonging to ethnic minorities, in particular football players and about the lack of effective measures to combat such acts. The Committee recommended that Germany adopt adequate measures to prevent and combat all manifestations of racism in sports and ensure that all cases of racist violence and abuse in sports are investigated and that those responsible are sanctioned. The Committee also recommended that Germany develop robust and meaningful awareness-raising programmes to tackle racial stereotyping and discrimination in sports, with the participation of the concerned communities ([CERD/C/DEU/CO/23-26](#), paras. 25, 26). Concerns were also expressed at the increase in antisemitic sentiment, hate crimes and hate speech, in particular after the outbreak of the armed conflict in Gaza, despite the measures adopted to counter them (art. 2). The Committee recommended that Germany increase its vigilance, reinforce measures to combat antisemitism and continue raising awareness about antisemitism in order to promote tolerance among the various ethnic groups in its population ([CERD/C/DEU/CO/23-26](#), paras. 33, 34). Finally, the Committee recommended that Germany: Increase its efforts to raise public awareness of the importance of ethnic and cultural diversity and the fight against racial discrimination; Take measures to

ensure that human rights education programmes, including programmes concerning the fight against racial discrimination and racism, respect for diversity and the promotion of equal treatment, are included in school curricula at all levels; Include in school curricula the history of Germany with regard to colonialism and slavery and their lasting consequences and ensure that all teachers are trained on these curricula ([CERD/C/DEU/CO/23-26](#), para. 50).

## GREECE REVIEW

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### I. Justice system

#### B. Quality of justice

##### *Other*

**Reception and collective expulsion of asylum seekers:** Information received concerning the extrajudicial, arbitrary and collective expulsion of asylum seekers from Greece, prompted UN Special Procedures mandate holders<sup>2</sup> to issue a communication to Greece in August 2023 ([AL GRC 2/2023](#)). On 23 August, the mandate holders urged Greece to take steps to ensure a transparent and impartial investigation into allegations of violations of the principles of non-refoulement and non-discrimination and of the right to life involving Greek law enforcement personnel, including the Hellenic Coast Guard, and border violence. Particular concern was also expressed at by their failure to provide prompt and effective assistance to migrants in distress and ensure safe disembarkation and adequate reception of migrants ([Greece: UN experts call for safe, impartial border policies and practices | OHCHR](#)). In a separate communication by UN Special Procedures mandate holders<sup>3</sup>, concern was raised at information about the halt of food provision to migrants, asylum seekers and refugees in the Mavrovouni Closed Controlled Access Centre (C.C.A.C.) on the island of Lesbos in Greece ([UA GRC 1/2023](#)).

#### C. Efficiency of the justice system

##### *Other*

**Shipwreck in the Mediterranean Sea:** Information received about 82 persons on the move and probably up to 600 persons reportedly disappeared following the sinking of the fishing boat “Adriana” off the Greek coast on 14 June 2023, prompted UN Special Procedures mandate holders<sup>4</sup> to issue a communication to Greece in August 2023 ([AL GRC 3/2023](#)). The mandate holders expressed serious concern at reports of failure to assist and/or engage in coordinated emergency assistance for people in distress at sea by Greek authorities and underscored that State authorities have an obligation under international human rights law to prevent violations of the right to life and to conduct prompt, effective, thorough, independent and impartial, and transparent investigations into potentially unlawful deaths and disappearances. On 16 June, the UN High Commissioner for Human Rights spoke out on the tragedy and underscored the need to investigate people smugglers and human traffickers and ensure they are brought to justice. ([Loss of life in Mediterranean “horrific tragedy” – Türk | OHCHR](#)).

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<sup>2</sup> Working Group of Experts on People of African Descent; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the human rights of migrants and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

<sup>3</sup> Special Rapporteur on the right to food; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and Special Rapporteur on the human rights of migrants

<sup>4</sup> Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Working Group on discrimination against women and girls.

#### **IV. Other institutional issues related to checks and balances**

##### **D. The enabling framework for civil society**

*Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders.*

On 13 January 2023, the UN Human Rights Office (OHCHR) issued a statement on the trial of 24 human rights defenders charged over their role in helping to rescue migrants in distress at sea began in Lesbos in Greece. Deep concern was expressed about those trials because they criminalize life-saving work and set a dangerous precedent. OHCHR emphasized that there has already been a chilling effect, with human rights defenders and humanitarian organisations forced to halt their human rights work in Greece and other EU countries and reiterated its call for charges against the 24 to be dismissed ([Trial of human rights defenders in Greece for helping migrants | OHCHR](#)).

## HUNGARY REVIEW

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### I. Justice System B. Quality of justice

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

In its 2023 concluding observations on Hungary, the Committee on the Elimination of Discrimination against Women noted with concern persistent barriers to women's and girls' access to justice, in particular for women and girls facing intersecting forms of discrimination who have limited access to justice owing to social stigma, the inaccessibility of the judicial system and gender bias among law enforcement officers, including the police. The Committee further noted that priority is given to mediation and reconciliation procedures in cases involving gender-based violence against women, women's limited awareness of their rights and limited knowledge among judges and law enforcement officials of the Convention on the Elimination of All Forms of Discrimination Against Women, the Optional Protocol thereto and the Committee's general recommendations. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommended that Hungary address the barriers to women's and girls' access to justice, including by: Conducting a study to identify barriers faced by women and girls, in particular those who experience intersecting forms of discrimination, in accessing justice, and by taking effective measures to remove those barriers, including by raising the awareness of women of their rights and improving the accessibility of the judicial system; Ensuring women's and girls' access to justice, including through procedural accommodations, and encouraging reporting of gender-based violence to law enforcement bodies, including through affordable and, if necessary, free legal assistance; relaxing the burden of proof for complainants; ensuring affordable access to forensic evidence; and continuing to build, as a mandatory part of their professional training, the capacity of judges, prosecutors, the police and other law enforcement officers on gender-sensitive investigation and interrogation methods, and on the Convention, the Optional Protocol thereto and the Committee's jurisprudence and general recommendations; Raising awareness among women and girls, including in rural areas and among Roma women, women with disabilities and older women, on the legal remedies available to claim violations of their rights ([CEDAW/C/HUN/CO/9](#), para. 13, 14).

### C. Efficiency of the justice system

#### *Other*

Several Special Procedures mandate holders<sup>5</sup> ([AL HUN \(1.2022\)](#)) received information concerning the alleged unlawful dismissal by the Budapest City hall of one of its workers, Mr. Gàspàr Bèkès, which appears

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<sup>5</sup> Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues

to be related to Mr. Bèkès' legitimate exercise of his rights to freedom of thought, conscience and religion, including his right not to profess any religion and to practice his beliefs as an atheist and a member of a belief minority; his right to freedom of opinion and expression; as well as death threats received by Mr. Gàspàr Bèkès through social media. On 24 May 2021, the first instance Metropolitan Administration and Labor Court of Budapest upheld Mr. Bèkès's appeal against his dismissal by the Budapest City Hall, ruling that he was terminated unlawfully. The Court ordered to reinstate Mr. Bèkès in his post and condemned his employer to compensate Mr. Bèkès in full for his loss of earnings. On 8 June 2021, the Budapest City Hall filed an appeal before the Budapest Court of Appeal against the decision of the first instance Court. For this reason, Mr. Bèkès has not been reinstated in his post pending the decision of the Court of Appeal.

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women recommended that Hungary: Establish, within a clear time frame, a government institution at the highest level with adequate human, technical and financial resources, external to and independent from the Ministry of Culture and Innovation, responsible exclusively for the promotion and advancement of women's rights and gender equality, establish local gender focal points and gender coordination units in all relevant ministries, and clearly define their mandates and responsibilities in the implementation of national legislation and policy frameworks on gender equality; Conduct an impact assessment of the Strategy for the Promotion of Gender Equality 2010–2021; Conduct systematic training on women's rights and gender equality for civil servants on initial appointment and regular refresher courses, and monitor progress in relation to gender mainstreaming across all sectors; Strengthen cooperation between the national machinery for the advancement of women and women's rights organizations ([CEDAW/C/HUN/CO/9](#), para. 18).

The Committee also recommended that Hungary strengthen the Office of the Commissioner for Fundamental Rights by providing it with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; General Assembly resolution 48/134). It furthermore, recommended that Hungary support the Commissioner in implementing the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the process ([CEDAW/C/HUN/CO/9](#), para. 19).

##### **E. Initiatives to foster a rule of law culture**

*Other*

In its 2023 concluding observations on Hungary, the Committee on the Elimination of Discrimination against Women recommended that Hungary: Adopt a comprehensive law on gender-based violence against women, in line with general recommendation No. 35 (2017), and the Committee’s jurisprudence under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which includes a definition of gender-based violence against women, measures and policies aimed at its elimination, institutions responsible for its implementation and coordination mechanisms, and takes into account the special protection needs of disadvantaged and marginalized groups of women, including Roma women, women with disabilities and lesbian, bisexual, transgender and intersex women; Amend the discriminatory provisions to ensure the timely and effective issuance, enforcement and monitoring of protection orders, including, where appropriate, expulsion orders, in cases of domestic violence, and impose adequate deterrent penalties for non-compliance with such orders; Repeal provisions on mandatory mediation in cases of child custody and visitation rights, introduce a legal requirement to examine the history of violence in such cases, remove the obligation to pay mediation procedure fees for “non-cooperation” and give priority to criminal proceedings over mediation and reconciliation in cases involving gender-based violence against women; Encourage reporting of all forms of gender-based violence against women and girls, including domestic and sexual violence, without fear of reprisals, stigmatization or re-victimization, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted ex officio and adequately punished; and ensure that police officers who fail to take action or discourage victims from filing complaints are held accountable; Strengthen victim support services and protection, including a 24/7 hotline, adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the State party, as well as introduce voluntary and mandatory help services for violent partners ([CEDAW/C/HUN/CO/9](#), para. 26).

## IRELAND REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure that child victims of past abuse by the clergy and in Magdalene laundries, mother and baby homes and reformatory and industrial schools have access to justice and effective remedies, and in particular examine the situations of persons whose complaints have not received adequate attention ([CRC/C/IRL/CO/5-6](#), para. 24 (I)).

Further, recalling its previous recommendations ([CRC/C/IRL/CO/3-4](#), para. 68), the Committee on the Rights of the Child recommended that Ireland implement long-term solutions for the regularization of children without a regular residence status who were born in Ireland, ensure their access to independent legal representation and strengthen measures to prevent their social exclusion ([CRC/C/IRL/CO/5-6](#), para. 41).

In addition, the Committee on the Rights of the Child remained seriously concerned about the access of children to justice in Ireland. and urged the country to bring its child justice system fully into line with the Convention on the Rights of the Child and other relevant standards and to consider replicating the child justice court model in Dublin throughout the country, with a view to ensuring that all children in Ireland have access to a child justice court and/or specialized judges and prosecutors exclusion ([CRC/C/IRL/CO/5-6](#), paras. 44, 45 (c)).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure systematic training on children's rights, the Convention on the Rights of the Child and its Optional Protocols, and a child rights-based approach to actions and decisions affecting children for all professionals working for and with children ([CRC/C/IRL/CO/5-6](#), para. 12 (b)).

In addition, the Committee on the Rights of the Child welcomed the establishment of the Anti-Racism Committee but remained concerned about persistent discrimination against children of minority groups and those in disadvantaged situations. In light of this, the Committee recommended that Ireland ensure systematic training on the protection of children from discrimination, including hate speech and hate crime, for law enforcement officials, the judiciary, prosecutors and other professionals working with and for children ([CRC/C/IRL/CO/5-6](#), paras. 14, 15 (c)).

The Committee on the Rights of the Child also recommended that Ireland ensure that all professionals working with and for children in the education, health, justice (judiciary and prosecutors) and other sectors receive specialized training on identifying and effectively responding to cases of violence, including on applying the Children First: National Guidelines for the Protection and Welfare of Children ([CRC/C/IRL/CO/5-6](#), para. 24. (a), (i)).

##### *Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the*



*justice system and with court users, procedural rules, access to judgments online*

In its 2023 concluding observations, recalling its general comment No. 25 (2021), the Committee on the Rights of the Child recommended that Ireland improve digital inclusion for children in disadvantaged situations and promote the equality and affordability of online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies ([CRC/C/IRL/CO/5-6](#), para. 22(a)).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure that the Office of the Ombudsman for Children has sufficient financial resources allocated directly to it and a clear statutory mandate to receive, investigate and competently address children's complaints on all matters affecting them by amending the Ombudsman for Children Act 2002 to remove or clarify the limits to the jurisdiction of the Office concerning the investigation of complaints in certain areas ([CRC/C/IRL/CO/5-6](#), para. 11(a)).

##### **C. Accessibility and judicial review of administrative decisions**

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

In its 2023 concluding observations, the Committee on the Rights of the Child noted with deep concern the barriers faced by some groups of children in accessing birth registration and the restrictive legislative framework for obtaining Irish nationality. The Committee recommended that Ireland ensure the right of all children, without exception, to be registered at birth, including by simplifying documentation requirements for children of minority groups, asylum-seeking and migrant children, and children without regular residence status ([CRC/C/IRL/CO/5-6](#), para. 19(a)).

##### **D. The enabling framework for civil society**

*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)*

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that the Ireland incorporate a child rights based approach into the State budgeting process (a) to implement a tracking system for the allocation, use and monitoring of resources for children in all areas of their rights, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of the child; (b) to define specific budget lines for all children, including in the national recovery and resilience plan, paying special attention to those in disadvantaged situations that may require affirmative social actions, especially Traveller and Roma children and children with disabilities; (c) to encourage all government entities to participate in the performance budgeting and

equality budgeting initiatives, including by providing incentives and building relevant capacities; and (d) to ensure transparent and participatory budgeting processes at national and local levels in which civil society, the public and children can participate effectively ([CRC/C/IRL/CO/5-6](#), para. 9).

Furthermore, the Committee on the Rights of the Child recommended that Ireland strengthen support for the social integration and individual development of children with disabilities, including by ensuring their access to early detection and early intervention programmes, providing capacity-building to child protection professionals on the rights and specific needs of children with disabilities, ensuring their personal assistance, rehabilitation and assistive devices, and allocating sufficient resources for the implementation of the Irish Sign Language Act ([CRC/C/IRL/CO/5-6](#), para. 29 (c)).

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

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure the realization of children's rights in accordance with the Convention on the Rights of the Child, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urged the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children ([CRC/C/IRL/CO/5-6](#), para. 5).

Moreover, the Committee on the Rights of the Child recommended that Ireland introduce mandatory requirements for the business sector to undertake assessments of, consultations on and full public disclosure of the environmental, health related and children's rights impacts of their business activities and their plans to address such impacts ([CRC/C/IRL/CO/5-6](#), para. 13 (b)).

The Committee on the Rights of the Child also recommended that the State party ensure that the research on introducing a system of gender recognition for children under 16 years of age is conducted in close consultation with children, including transgender children, and that if the research results in the introduction of such a system, it is implemented in line with children's rights, including the right to be heard and the right to identity, in accordance with their evolving capacities, to free and informed consent and with appropriate safeguards ([CRC/C/IRL/CO/5-6](#), para. 20 (c)).

Additionally, the Committee on the Rights of the Child recommended that the State party ensure the right of children with disabilities to be heard in all decisions that affect them ([CRC/C/IRL/CO/5-6](#), para. 29 (d)).

Furthermore, the Committee on the Rights of the Child remained seriously concerned about the low age of criminal responsibility, the access of children to justice, the insufficient training of relevant officials, the use of detention and the overrepresentation of children belonging to minority groups therein, the limited use of non-custodial measures throughout the State party, racial profiling of children by law enforcement officials and insufficient measures for ensuring the social reintegration of children leaving the justice system. Recalling its general comment No. 24 (2019), the Committee on the Rights of the Child also urged the State party to bring its child justice system fully into line with the Convention and other relevant standards and to develop measures, in consultation with affected children and their families, to prevent racial profiling by law enforcement authorities ([CRC/C/IRL/CO/5-6](#), paras. 44, 45 (h)).

## E. Initiatives to foster a rule of law culture

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

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland (1) raise awareness among children of their right to file a complaint under existing mechanisms; (2) continue its awareness-raising regarding children's rights among the public and promote the active involvement of children in public outreach activities; and (3) ensure systematic training on children's rights, the Convention on the Rights of the Child and its Optional Protocols, and a child rights-based approach to actions and decisions affecting children for all professionals working for and with children ([CRC/C/IRL/CO/5-6](#), paras. 11(b), 12).

Recalling its previous recommendations, the Committee on the Rights of the Child also recommended that the State party fully incorporate the Convention into national legislation, conduct a comprehensive review of all its legislation to align it with the Convention and address any inconsistencies, and develop systematic child-rights impact assessment procedures for national and subnational legislation and policies relevant to children. ([CRC/C/IRL/CO/5-6](#), para. 6).

In addition, the Committee on the Rights of the Child also recommended that Ireland further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, to raise public awareness of child sexual abuse and exploitation, including the need for online safety ([CRC/C/IRL/CO/5-6](#), para. 24 (j)).

Moreover, the Committee on the Rights of the Child welcomed legislative measures to remove exceptions allowing for marriage under 18 years of age and recommended that the State party adopt a national action plan aimed at preventing female genital mutilation, with the participation of affected children, and ensure that it is adequately resourced and includes awareness-raising campaigns, specialized support for victims and the training of relevant professional groups to identify potential victims ([CRC/C/IRL/CO/5-6](#), para. 25(b)).

The Committee on the Rights of the Child further recommended that the State party undertake awareness-raising campaigns to combat discrimination against children with disabilities and promote a positive image of them as rights-holders ([CRC/C/IRL/CO/5-6](#), para. 29(e)).

The Committee on the Rights of the Child also welcomed the decriminalization of abortion in 2018 and recommended, among other things, that Ireland (1) integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training, and ensure that it includes education on gender equality, sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention; (2) strengthen measures to provide adolescents with access to information on family planning and modern contraception, and ensure that relevant professionals receive appropriate training on adolescents' right to sexual and reproductive healthcare services; and (3) ensure that the teen parents support programme includes measures to raise awareness of and foster responsible parenthood, with particular attention paid to boys, and protect the rights of pregnant teenagers, adolescent mothers and their children ([CRC/C/IRL/CO/5-6](#), para. 33 (b), (c), (d)). All schools were required to have a programme for this and teach all aspects, including family planning, sexual orientation and sexually transmitted infections ([Experts](#)

[of the Committee on the Rights of the Child Commend Ireland on Receiving Ukrainian Children, Raise Questions about Roma and Traveller Children and Children with Disabilities | OHCHR](#)).

In its 2023 concluding observations, the Committee on the Rights of the Child welcomed the measures to guarantee the right to education for children, including the free education scheme and increased funding under the 2023 budget but is concerned about (a) the persistent barriers faced by children in disadvantaged situations to accessing quality education; (b) the discriminatory effect of the school-leaving certificate and alternative methods of certification on children in disadvantaged situations; (c) the lack of education-related data, disaggregated by ethnic origin, socioeconomic background and residence status, to assess the impact of educational policies on such children; (d) The establishment of special classes for children with disabilities; and (e) racist and negative stereotyping of migrant and ethnic minority communities in curricula that perpetuate discrimination against such groups of children. In light of this, the Committee recommended that the State party adopt the Traveller culture and history in education bill and establish an expert advisory group within the National Council for Curriculum and Assessment to eliminate racist and negative stereotyping of ethnic minority groups in textbooks and curricula and develop educative materials that promote intercultural dialogue and foster respect for and appreciation of racial, cultural, gender and other diversities ([CRC/C/IRL/CO/5-6](#), paras. 36, 37 (i)).

Additionally, the Committee on the Rights of the Child recommended that the State party strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education ([CRC/C/IRL/CO/5-6](#), para. 38).

*Other*

**Respect for the views of the child** - In its 2023 concluding observations, the Committee on the Rights of the Child recommended, among other things, that Ireland (a) ensure the right of all children to express their views and to have them taken into account in all decisions affecting them, including in the courts and in all forms of family law proceedings, and that they are given adequate support to engage an expert to present their views at no cost to them or their family and (b) strengthen measures to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, within the family, the community, schools and in the realm of policymaking at the local, municipal and national levels ([CRC/C/IRL/CO/5-6](#), para. 18).

## ITALY REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to ensure that victims of racist hate speech are provided with effective remedies; and to establish a coherent data collection mechanism to record systematically incidents of racist hate speech, the application of relevant legislation, penalties imposed on the perpetrators and remedies provided to the victims ([CERD/C/ITA/CO/21-22](#), para. 13).

In a communication addressed to Italy, the UN Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty and human rights expressed concern in relation to draft law No. 566, titled “Introduction of Article 614-bis on the Criminal Code, on the protection of the inviolability of the home from arbitrary occupation, as well as provisions concerning the reinstatement of the owner or rightful holder in possession”. According to the Special Rapporteurs, the law, if adopted with proposed amendments would introduce a new offense in the Criminal Code and provide for accelerated proceeding for the immediate forced eviction of persons without tenancy status of occupied property, including immediate arrest. Persons committing arbitrary occupation of property can be punished with a prison term between 2 and 7 years. Additionally, it foresees the disconnection of utilities within 15 days upon a simple complaint by the owner. This law, if passed unchanged, will lead to the criminalization of persons in precarious situations, and reduce procedural guarantees to protect the occupants of a dwelling from being pushed into homelessness.

Concern was further expressed that the proposed law would authorize the judicial police, but not independent judicial bodies, to carry out forced evictions with the use of force, only establishing a posteriori the possibility that judicial bodies ascertain whether such evictions have been justifiable. It would reduce and undermine the procedural guarantees, aimed at ensuring that evictions are carried out in compliance with international human rights standards.

The mandate holders thus recommend that draft law No. 566 not be adopted without such adoption being preceded by a detailed legal assessment, particularly to ensure that occupations stemming from vulnerable and fragile situations, including families with minors, are clearly distinguished from organized-crime-led occupations ([ITA 5/2023](#)).

In the context of a 2017 case of medical negligence and obstetric violence during and after childbirth, and the resulting physical and mental health complications suffered by Ms. Regina Michele Tedsen; several Special Procedures mandate holders<sup>6</sup> have requested the government of Italy to: a) indicate whether any investigation has been launched into the case, and if so, provide information on the outcome of such investigation and measures taken to guarantee her right to adequate redress and compensation for the alleged violations; b) Provide detailed information on the legal frameworks and redressal mechanisms in place to combat obstetric violence in Italy; c) Provide recent statistics and qualitative data gathered by the ItOSS on the prevalence of and trends in obstetric care including investigations into maternal deaths and reports of obstetric violence ([AL ITA \(2.2023\)](#)).

In the context of alleged due process violations and other worrying developments related to the ongoing trial of human rights defenders in Trapani and the regulation of civilian search and rescue in Italy, several Special Procedures mandate holders<sup>7</sup> have expressed serious concern, in particular: as to the failure to provide the defendants with crucial documents in the case in a language they understand and to ensure their full and effective participation in the court proceedings through the provision of suitable interpretation. Concern was also raised that such failings may be systematic in court proceedings brought against non-Italian speaking defendants in Italy and represent a much broader trend of impingement of the right to a fair trial. The Special Rapporteurs have requested Italy to: a) Provide information as to the rationale and factual basis motivating the request of the Prime Minister's Office and Ministry of Interior to join the case against the Luventa crew and others as plaintiffs. In particular, as to the compatibility of this action with the State's responsibility to create and maintain a safe and enabling environment for human rights defenders and NGOs and their work; B) Provide information as to the measures put in place to guarantee the right of the Luventa crew members and others accused in the trial to a fair trial, in particular by ensuring adequate translation of documents relevant to the case and suitable interpretation during court proceedings ([AL ITA \(1.2023\)](#)).

#### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to strengthen the training of law enforcement officials to properly examine and investigate cases of racial discrimination effectively, and prevent and punish any reprisals against anyone who reports acts of racial discrimination ([CERD/C/ITA/CO/21-22](#), para. 19).

## **B. Independent authorities**

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

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<sup>6</sup> Mandates of the Working Group on discrimination against women and girls; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women and girls, its causes and consequences

<sup>7</sup> Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the human rights of migrants

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to adopt the pending draft law to establish a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), ensuring that such institution is provided with adequate human, financial and technical resources to enable it to discharge its mandate effectively and independently. The Committee also urged Italy to take the necessary measures to ensure the independence of the National Office against Discrimination (UNAR), in law and practice, in order to enable it to effectively discharge its mandate as a national equality body, in particular its mandate to combat racial discrimination ([CERD/C/ITA/CO/21-22](#), para. 9, 11).

#### **D. The enabling framework for civil society**

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to repeal the provisions that restrict organizations and individuals from carrying out humanitarian work and rescue operations of migrants and to ensure that human rights defenders and humanitarian workers can freely exercise their functions. The Committee further recommended that the State party adopt all necessary measures to protect human rights defenders, in particular those working on the rights of groups protected under the Convention, enabling them to carry out their work free from fear of harassment and reprisals of any sort. ([CERD/C/ITA/CO/21-22](#), para. 19).

In the same context, UN Human Rights Chief Volker Türk expressed serious concerns that a and that it could hinder the provision of life-saving assistance by humanitarian search and rescue (SAR) organisations in the Central Mediterranean. If passed, the law would effectively punish both migrants and those who seek to help them. This penalization of humanitarian actions would likely deter human rights and humanitarian organisations from doing their crucial work.



## LATVIA REVIEW

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### IV. Other institutional issues related to checks and balances

#### A. The process for preparing and enacting laws

*Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.*

In 2023, several Special Procedure mandate holders<sup>8</sup> continued dialogue with the Latvian Government regarding a bill that would require that all pre-school and school institutions, including those operating in minority-language or bilingual institutions, transition to Latvian-language instruction. The mandate-holders raised concerns that this bill severely limits education in the minority languages of Latvia and would likely lead to a breach of Latvia's international obligations under a number of human rights instruments. Further concerns were raised that the amendments were developed without effective and meaningful participation of the affected minorities (see OHCHR contribution regarding Latvia in 2023 and a [press release](#) by Special Procedures).

#### D. The enabling framework for civil society

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

In March 2022, several UN Special Procedure mandate-holders entered into a dialogue with the Latvian Government regarding the alleged undue use of criminal proceedings against human rights defenders Ieva Raubiško and Egils Grasmanis. Ms. Ieva Raubiško and Mr. Egils Grasmanis were human rights defenders and members of I Want to Help Refugees (Gribu palīdzēt bēgļiem - GPB), an association that offers practical and immediate support, including assistance with integration, to refugees and asylum seekers in Latvia. The mandate holders expressed their serious concern as to the opening of the criminal investigation against Ms. Raubiško and Mr. Grasmanis, which might have been initiated in direct response to their legitimate acts of solidarity with asylum seekers, undertaken with the sole aim of seeking to prevent human rights violations. They also underlined their serious concern as to the continuing state of emergency in the border region with Belarus, in particular in relation to its violation of human rights – most prominently the human rights of migrants and the right to seek asylum as well as its impact on human rights defenders seeking to monitor the human rights situation in the affected areas. The mandate holders asked for information as to the justification for the opening of the criminal investigation against Ms. Raubiško and Mr. Grasmanis and the status of the investigation. They also requested information

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<sup>8</sup> Special Rapporteur on Minority Issues; Special Rapporteur on the right to education, Special Rapporteur in the field of cultural rights



about the state of emergency's impact on human rights defenders, particularly those working for the rights of migrants, refugees and asylum seekers, as well as journalists seeking to report on the situation in the border region ([AL LVA 1/2023](#)).

## LITHUANIA REVIEW

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### 1. Justice system

#### B. Quality of justice

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

In its 2023 concluding observations, the UN Committee on Economic, Social and Cultural Rights regretted the lack of specialized training on the Covenant on Economic, Social and Cultural Rights and the justiciability of the rights therein for judges, prosecutors, lawyers and law enforcement personnel and of awareness-raising activities for the relevant actors responsible for the implementation of the Covenant. The Committee also expresses concern regarding reports of discriminatory attitudes among some judges when delivering judgments. The Committee recommended Lithuania to provide judges, prosecutors, lawyers and law enforcement personnel with regular specialized training on the provisions of the Covenant and on the justiciability of economic, social and cultural rights to ensure their independence and that the judges adjudicate without prejudice ([E/C.12/LTU/CO/3](#), paras. 4, 5).

### II. Anti-Corruption Framework

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

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

In its 2023 concluding observations, the UN Committee on Economic, Social and Cultural Rights noted the measures taken by Lithuania to address corruption. It was concerned, however, about reports that corruption was still persistent in the public procurement sectors, particularly in the health sector, and by the increase in the size of the shadow economy, which may negatively affect the realization of economic, social and cultural rights. The Committee regretted the lack of information on the sentences passed on those found to be involved in corruption. The Committee recommended that Lithuania to intensify its efforts to combat corruption and related impunity and ensure the effective implementation of anti-corruption laws, including by investigating and prosecuting corruption effectively. It further recommended to continue to enhance the investigative capacity and independent functioning of the Special Investigation Service and the public prosecutors ([E/C.12/LTU/CO/3](#), paras. 28, 29).

### IV. Other institutional issues related to checks and balances

#### B. Independent authorities

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

In its 2023 concluding observations the UN Committee on Economic, Social and Cultural Rights welcomed the accreditation to A status of the parliamentary ombudsmen’s office, as well as the steady increase in its budgetary allocation, but was concerned that the office did not have an explicit mandate on economic, social and cultural rights. The Committee remained concerned that the office may still lack sufficient human, technical and financial resources to carry out its mandate effectively in relation to economic, social and cultural rights. The Committee regretted the lack of information about complaints of violations of economic, social and cultural rights received by the office, the resulting investigations and their outcome. The Committee recommended Lithuania to take measures to address the observations and recommendations made in March 2017 by the Global Alliance of National Human Rights Institutions. The Committee further recommended that the parliamentary ombudsmen’s office be strengthened so it can discharge its mandate effectively and independently in full compliance with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that the mandate include appropriate attention to economic, social and cultural rights ([E/C.12/LTU/CO/3](#), paras. 6, 7).

## LUXEMBOURG REVIEW

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### I. Justice system

#### B. Quality of justice

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

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to further improve access to justice by victims of discrimination and domestic violence by providing free legal aid, promoting greater awareness on proper legal remedies and strengthening the competence of institutions and public officers ([A/HRC/54/12](#)).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In the context of the fourth Universal Periodic Review, Luxembourg accepted recommendations to continue to strengthen efforts to counter and prevent trafficking in persons, including increasing victim services funding, improving training for judges on the impact of trafficking on victims, and developing more safeguards to protect victims against traffickers freed on suspended sentences ([A/HRC/54/12](#)).

##### *Other*

**Effective investigation and prosecution of hate speech-** In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to continue its efforts to prevent and combat hate speech directed at groups that are at risk of racial discrimination and ensure that all reported cases of racial hate speech were investigated effectively and, where appropriate, prosecuted and punished ([A/HRC/54/12](#)).

**Sexual and gender-based violence-** In its concluding observations on Luxembourg, the UN Committee against Torture expressed concern that Luxembourg law does not criminalize femicide and recommended that all cases of gender-based violence, including domestic violence, especially those involving actions or omissions by State authorities or other entities that entail the international responsibility of the Luxembourg under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are thoroughly investigated, that alleged perpetrators are prosecuted and, if found guilty, punished appropriately, and that the victims or their families obtain redress, including adequate compensation. The Committee also urged Luxembourg to raise the statute of limitations for rape, which – currently set at 10 years – it found abnormally low ([CAT/C/LUX/CO/8](#) paras. 33, 34).

#### C. Efficiency of the justice system

##### *Other*

**Juvenile justice** – In the context of the fourth Universal Periodic Review, Luxembourg accepted recommendations to align the juvenile criminal justice system to the standards set up by the Convention on the Rights of the Child, ensure the minimum age for penalties of deprivation of liberty and that under no circumstances, children be subjected to isolation and establish alternative mechanisms to reclusion and punishment ([A/HRC/54/12](#)). In its 2023 concluding observations on Luxembourg, the UN Committee

against Torture took note of the ongoing reform of the youth protection system, including bills No. 7991 introducing a juvenile criminal procedure and No. 7992 on the rights of child victims and witnesses in criminal proceedings. The Committee urged Luxembourg, among other things, to continue the ongoing reform of the system for the protection of young persons so that young persons in detention are kept strictly separate from adults and to actively promote the use of alternatives to pretrial detention within the prosecution service and among judges ([CAT/C/LUX/CO/8](#) paras. 21, 22).

**Pretrial detention** – In its concluding observations on Luxembourg, the UN Committee against Torture expressed concern about the existence of a presumption of risk of flight when the person is a foreigner or does not have legal residence in Luxembourg. The Committee recommended that Luxembourg adopt the necessary measures, including legislative measures, to put an end to the presumption of a risk of flight in criminal cases based solely on the fact that the person concerned is a foreigner or does not have legal residence in Luxembourg, and, as regards a coercive measure involving deprivation of liberty, base the imposition of pretrial detention on an individualized determination that it is reasonable and necessary in all the circumstances ([CAT/C/LUX/CO/8](#) paras. 11, 12).

**Trafficking in persons** – In its 2023 concluding observations on Luxembourg, the UN Committee against Torture noted the efforts made by Luxembourg to eliminate trafficking in persons, while expressing concern about the increase in the number of cases and the emergence of forced labour as a new predominant form of exploitation in Luxembourg, particularly in the construction and catering sectors. The Committee recommended, among other things, that Luxembourg establish formal procedures for evaluating the vulnerability of a person subjected to human trafficking, including for the purpose of sexual exploitation, and ensure that cases of human trafficking in its various forms are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective protection and redress and the means for as full rehabilitation as possible. It was also recommended that Luxembourg continue to provide specialized training to law enforcement officials, border guards, immigration officials, prosecutors, labour and mining inspectors, medical professionals and other relevant actors on detecting and identifying victims of trafficking in persons, with a specific focus on persons in vulnerable circumstances. ([CAT/C/LUX/CO/8](#) paras. 31, 32).

## II. Anti-Corruption Framework

### B. Prevention

*Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

In the context of the fourth Universal Periodic review, Luxembourg supported recommendations to transpose European Union rules on whistleblower protection, enabling the reporting of breaches of European Union rules in a confidential manner and to swiftly adopt and implement the law on the protection of whistleblowers, Draft Law No. 7945 ([A/HRC/54/12](#)).

*Sectors with high-risks of corruption in your Member State: List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to make efforts to reduce financial opacity in the country, given the harmful aspects related to respect for human rights that may result; and to pursue efforts to step up the fight against tax evasion and fiscal fraud, particularly concerning funds from third countries ([A/HRC/54/12](#)).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to strengthen its efforts to enhance the effectiveness and independence of the Advisory Commission on Human Rights including by providing adequate financial and human resources to allow the Commission to discharge its mandate fully ([A/HRC/54/12](#)).

##### **D. The enabling framework for civil society**

*Measures regarding the framework for civil society organisations and human rights defenders.*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to ensure the implementation of a support platform for human rights defenders ([A/HRC/54/12](#)).

## MALTA REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its preliminary conclusions of 7 July 2023 on Malta, the UN Working Group on discrimination against women and girls welcomed the availability of free legal aid and the facilitation of interpretation services where necessary. However, the UN Working Group heard that the quality of legal aid is not always optimal and that training on women’s human rights and cultural diversity should also be provided to members of the legal profession to ensure that gender and cultural bias can be overcome. The UN Working Group recommended to Malta to strengthen the quality and resourcing of legal aid, ensuring also that interpretation and translation services are provided to foreign offenders. They were deeply concerned by the fact that about half of the women detained are awaiting trial, often for many years and recommended that Malta deploy all possible efforts to address the judicial backlog, in accordance with Malta’s international commitments ().

##### *Resources of the judiciary (human/financial/material)*

In its preliminary conclusions of 7 July 2023 on Malta, the UN Working Group on discrimination against women and girls found that there were considerable backlog and delays in courts due to the lack of magistrates and judges. Indeed, it can take years for the justice system to resolve a case. The fact that women are financially highly dependent on their partner also prevents them from seeking access to justice. The UN Working Group welcomed the positive practice of police and magistrates who request the presence of social workers throughout the justice process and who do not necessarily accept the requests from certain victims to withdraw their complaint before the case is heard (*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*). In its preliminary conclusions of 7 July 2023 on Malta, the UN Working Group on discrimination against women and girls were informed by victims and also high level officials that both police and magistrates sometimes used discriminatory language in cases of gender-based violence (for instance, “what were you wearing?”, “did you provoke him?”). While they were informed that members of the judiciary and police officers benefit from training, several stakeholders insisted that the training given is not sufficient or adequate. They also met with very committed police officers, judges and magistrates who expressed the need for increased support by the State in their determined endeavours. To address the various shortcomings in the prevention and protection chain, the UN Working Group recommended that compulsory regular gender-responsive training based on international and regional human rights standards and jurisprudence be provided to all actors ().

### **C. Efficiency of the justice system**

#### *Length of proceedings*

In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls welcomed the positive changes which have taken place in the past years in the administration of justice, in particular, through the incorporation into domestic law of the Istanbul Convention, including the modification of the Criminal Code in June 2022 to include murder ‘with femicidal intent’, the establishment of specialized courts, the Victim Support Agency, the Gender-based and Domestic Violence Unit within the Police (GBDVU), tailored social services provided by APPOGG, sexual assault response teams in hospitals as well as the very recently established Multi Agency Risk Assessment mechanism established to ensure a coordinated and timely response to serious cases of domestic violence. However, the UN Working Group have heard consistently from various stakeholders that women face many obstacles in their path to justice, with delays, cumbersome procedures, and an inconsistent response based on who they encounter in the system. Indeed, Victims expressed that the reporting process is often very long and inadequate, and that the victim already had to describe her case at a district police station before being re-directed to the GBDVU. This leads to the revictimization of the woman and can also have a dissuasive effect in terms of pursuing a complaint. Stakeholders involved in cases of domestic violence insisted that improvements still had to be made in the whole complaint procedure and hoped that the project to open two additional hubs dedicated to gender-based violence cases would help ().

### **IV. Other institutional issues related to checks and balances**

#### **C. Accessibility and judicial review of administrative decisions**

*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)*

In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls noted that women detained at the closed immigration detention centre seemed to have a limited possibility for successfully challenging an order of deportation and no judicial recourse. The UN Working Group recommend that Malta consider alternatives to immigration detention and in any case determine detention on the basis of a judicial decision and adopts judicial review of immigration related decisions ([Microsoft Word - EoM STATEMENT MALTA FINAL.docx \(ohchr.org\)](#)).

#### **D. The enabling framework for civil society**

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



In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls were concerned about the intimidating environment surrounding the debate on sexual and reproductive health rights, and in particular, online and offline attacks against women activists in Malta. These include gender-based threats and hate speech on social media, smear campaigns, blackmail, intimidation and stigmatization, with comments such as “Here come the troublemakers”. The UN Working Group also heard of one instance of physical attack and two instances of online death threats. Independent women’s and girls’ organisations and networks play a critical role in ensuring a healthy democracy and the fulfilment of human rights. They should be granted adequate resources, be able to carry out their work without fear of reprisals and be included in policy-making. Any harassment of activists must be prevented and duly sanctioned ( ).

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

In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls recommended that the authorities in Malta must ensure that all women activists are safe and can work without fear of reprisals. Indeed, independent and well-resourced women’s and girls’ organisations and networks play a critical role in a healthy democracy. Malta benefits from a vibrant civil society which should be supported and consulted with. ( ).

#### **E. Initiatives to foster a rule of law culture**

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

In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls identified some proposals and promising practices in the areas of menstrual hygiene, teen pregnancy prevention with one-on-one individual coaching of girls and their parents about sexuality education and contraception in addition to the class courses provided. Moreover, in relation to gender equality education in the school curriculum, the UN Working Group was pleased to learn that there is a stream on Personal, Social and Cultural Development (PSCD) which focuses on human rights broadly and also specifically examines gender equality, sexuality and relationships education, including respect for different sexual orientations and gender identities. Many interlocutors described the difficulties for some teachers in properly teaching this program, particularly where the teacher holds conflicting views to the content being taught, or where they do not have the tools and understanding to effectively deliver the content. The UN Working Group believed it would be valuable for the Government to evaluate the effectiveness of the current curriculum with a view to strengthening it so it is delivered in a systematized manner. Furthermore, the UN Working Group was also concerned by the difficult paths towards naturalisation for women. The fact that apart from the criteria foreseen in the law, there are criteria added in internal policies of the Citizenship Office, which are not published nor public, raises concerns about the rule of law in a democratic society as experienced by persons seeking (or possibly unknowingly deserving) citizenship. They were surprised to learn that there is often no explanation or legal foundation and

justification given for the decisions denying citizenship, and that there is no administrative nor judicial recourse to challenge such decisions ().

*Other*

**Implementation of international law and lack of monitoring** - In its preliminary conclusions of 7 July 2023, the UN Working Group on discrimination against women and girls found that despite its comprehensive legal, policy and institutional framework for the protection and promotion of women’s and girls’ human rights, Malta lags in implementation. The lack of comprehensive available disaggregated data and strong monitoring capacity is a key barrier to identifying gender equality challenges and measuring change ().

## THE NETHERLANDS REVIEW

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### I. Justice System

#### B. Quality of justice

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee on Enforced Disappearances regretted that it has not been provided with specific information on cases in which the International Convention for the Protection of All Persons from Enforced Disappearance has been invoked and directly applied before the national courts in all parts of the Kingdom. The Committee called upon the Netherlands to ensure the direct applicability of the Convention both in law and in practice, including through appropriate training to enhance awareness of the Convention, including with regard to its scope, significance and direct applicability. The Committee also recommended that the Netherlands review the definition of enforced disappearance in the International Crimes Act to ensure its full compliance with article 2 of the Convention ([CED/C/NLD/OAI/1](#), paras. 7, 10).

*Other*

**Disappearance of migrants:** in its 2023 concluding observations, the Committee on Enforced Disappearances expressed concern about reports of alleged disappearance of migrants at sea while attempting to reach Dutch territories in the Caribbean and about the high number of unaccompanied minors that have disappeared from asylum reception centres in the European part of the Netherlands, including in the context of suspected human trafficking. Among other things, the Committee recommended that the Netherlands redouble its efforts to prevent and effectively investigate the disappearance of migrants by sea to Dutch territories in the Caribbean and of unaccompanied minors from asylum reception centres in the European part of the country ([CED/C/NLD/OAI/1](#), paras. 13, 14, 23, -224).

**Access to information by persons with a legitimate interest:** In its 2023 concluding observations, the

Committee on Enforced Disappearances recommended that the Netherlands ensure that any person with a legitimate interest can effectively access at least the information contained in article 18, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also reiterated that Netherlands should guarantee that those persons have access to prompt and effective judicial remedies to obtain that information without delay and the possibility of appealing against a refusal to disclose this information ([CED/C/NLD/OAI/1](#), paras. 21, 22).

### **III. Media pluralism and media freedom**

#### **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*

Under the 4<sup>th</sup> cycle of the Universal Periodic Review, the Netherlands supported recommendations to strengthen measures to ensure the safety of journalists and other media experts, particularly regarding acts of aggression and intimidation against journalists, and their protection against hate crimes. The country also committed to continue its strong global leadership on the protection of media freedom. ([A/HRC/52/16/Add.1](#)).

### **IV. Other institutional issues related to checks and balances**

#### **A. Independent authorities**

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

Under the 4<sup>th</sup> cycle of the Universal Periodic Review, the Netherlands supported the recommendation to establish measures to formalize and strengthen the human rights institute and to take concrete steps to eliminate differences in human rights protection and welfare levels between the European and the Caribbean Netherlands. The Netherlands also committed to taking necessary measures in curbing structural racism and discrimination, including by strengthening the work of the National Coordinator against Discrimination and Racism and to review the current formation of the national mechanism for the prevention of torture with a view to bringing it fully into line with the guidelines on national preventive mechanisms and the Paris Principles ([A/HRC/52/16/Add.1](#)).

#### **C. Accessibility and judicial review of administrative decisions**

*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)*

Under the 4<sup>th</sup> cycle of the Universal Periodic Review, the Netherlands supported recommendations to guarantee safeguards and judicial oversight in decision-making by public authorities to prevent bias and discrimination, including racial profiling through the use of semi-automated systems and to adopt a framework to prevent human rights violations in relation to the use of algorithmic decision-making systems. ([A/HRC/52/16/Add.1](#)).

## POLAND REVIEW

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### III. Media Freedom and Pluralism

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

##### *Other*

In 2023, under the Universal Periodic Review, Poland supported a recommendation to strengthen media pluralism and refrain from actions that may undermine media freedom ([A/HRC/52/15/Add.1](#), para. 114.112).

### IV. Other institutional issues related to checks and balances

#### B. Independent authorities

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

In 2023, under the Universal Periodic Review, Poland supported several recommendations related to strengthening the Office of the Commissioner for Human Rights by allocating the appropriate human and financial resources for the fulfilment of its mandate ([A/HRC/52/15/Add.1](#), paras. 114.44, 114.45).

#### D. The enabling framework for civil society

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

In March 2023, some UN Special Procedures<sup>9</sup> strongly condemned the sentencing of Justyna Wydrzyńska, a Polish woman human rights defender who was found guilty of assisting in the process of obtaining abortion and demanded her acquittal from all charges. They said that the charges against Ms. Wydrzyńska appear to be intended to punish her work as a human rights defender and to instil fear among those who are supporting Polish women in accessing safe abortion care, and already working in a hostile environment ([UN experts urge Poland to acquit woman human rights defender Justyna Wydrzyńska | OHCHR](#)).

In March 2023, the UN Special Rapporteur on violence against women and girls, its causes and consequences, in the preliminary findings and recommendations after her official visit to Poland raised concern over the ongoing criminalisation of human rights defenders in the country, especially individuals

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<sup>9</sup> Mr. Fernand de Varennes, Special Rapporteur on Minority Issues; Farida Shaheed, Special Rapporteur on the right to education, Alexandra Xanthaki, UN Special Rapporteur in the field of cultural rights

and organisations advocating for the rights of women and girls, LGBTQI+ persons, migrants and refugees. The Special Rapporteur called on the Government of Poland to allow for Polish civil society to remain active and vibrant, and to not let regressive forces impede their essential work, including on LGBTQI+ rights, refugee and migrant rights, and women's and girls' sexual and reproductive health and rights. The Special Rapporteur said that the case of Justyna Wydrzyńska illustrates the shift towards the criminalisation of women's human rights defenders for claiming their rights, and I reiterate my call to drop all charges brought against her. The Special Rapporteur stated that the crackdown has also been experienced through restricting the access of these organizations to funding opportunities provided by the State and urged the Polish authorities to end the unequal treatment and discrimination of civil society organizations and their access to financial resources ().

## PORTUGAL

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended Portugal: expedite the adoption of the draft legislation to establish a new legal framework for access to justice, ensuring the provision of adequate legal aid and interpretation services, especially for persons belonging to the most disadvantaged ethnic or racial groups, to ensure their full access to justice, including in criminal matters; build awareness of the right to and availability of free legal aid in various contexts ([CERD/C/PRT/CO/18-19](#)).

The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment recommended that Portugal take steps to improve access to environmental information, strengthen public participation and facilitate access to justice, including by considering the establishment of specialized environmental courts. ([A/HRC/52/33/ADD.1](#))

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Human Rights Committee recommended that Portugal provide adequate training to judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, including on procedures for identifying victims of trafficking in persons ([CCPR/C/138/2/Add.3](#)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Portugal redouble its efforts to raise awareness and knowledge of the provisions of the ICERD and its justiciability among members of the judicial and legal professions, enabling them to apply it in relevant cases and to extend these efforts to the members of the parliament and the general public. It also requested that Portugal include, in its next periodic report, specific examples of the application of the Convention by domestic courts, including lower courts and administrative bodies, and detailed information on the impact of the training and awareness-raising efforts delivered to members of the judicial and legal professions and the parliament on the provisions of the Convention ([CERD/C/PRT/CO/18-19](#)).

Similarly, the Committee recommended that Portugal redouble its efforts to combat all forms of racist hate speech and hate crimes directed towards minority groups, including Roma, Muslims and Africans and people of African descent, by effectively applying its anti-discrimination legislation, providing training for and strengthening the investigative capacities of law enforcement officials, prosecutors and the judiciary

and conducting awareness-raising campaigns on the importance of cultural diversity and inter-ethnic understanding among the general public ([CERD/C/PRT/CO/18-19](#)).

In its 2023 concluding observations , the Committee on Economic, Social and Cultural Rights recommended that Portugal continue its awareness-raising efforts on the justiciability of economic, social and cultural rights for members of the judiciary and civil servants ([E/C.12/PRT/CO/5](#)).

### **C. Efficiency of the justice system**

#### *Length of proceedings*

In its 2023 concluding observations , the Human Rights Committee recommended that Portugal continue promoting non-custodial alternative measures and reduce the length of investigations and legal procedures ([CCPR/C/138/2/Add.3](#)). The Committee also urged Portugal to take further steps to ensure that pretrial detention is used only as a measure of last resort and for the shortest possible time, in line with the provisions of the Covenant, and that it is reviewed on a regular basis. The Committee stressed that Portugal should continue promoting non-custodial alternative measures and apply the measures in a systematic manner, and it should reduce the length of investigations and legal procedures to improve judicial efficiency ([CCPR/C/138/2/Add.3](#)).

#### *Other*

**Racial discrimination complaint mechanisms** - In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Portugal: expedite the amendment of article 240 of the Criminal Code, ensuring that it is brought fully into alignment with article 4 of the Convention and introducing racial discrimination as an aggravating circumstance for all crimes; research and assess the underlying reasons motivating the low number of complaints relating to racial discrimination, including victims' lack of awareness of their rights, fear of reprisals, limited access to available complaint mechanisms, existing barriers to accessing justice, such as language and financial barriers or lack of confidence in the law enforcement and judicial bodies, or authorities' insufficient awareness of or lack of sensitivity to cases of racial discrimination;

c) Redouble its efforts to conduct awareness-raising campaigns addressing the general public about the existence of criminal law provisions penalizing racially motivated acts and behaviors and encourage victims of such crimes to lodge complaints;

d) Provide, in its next periodic report, updated information on the number of complaints made to law enforcement bodies relating to racial discrimination and their outcomes, including on cases initiated by prosecutors, on convictions and sentences against perpetrators and on remedies provided to victims of such crimes ([CERD/C/PRT/CO/18-19](#), para. 10(d)).

**Legislative review** - The Committee on the Elimination of Racial Discrimination also recommended that Portugal broaden the scope of article 2 (1) of Law No. 93/2017, which establishes the legal framework for the prevention, prohibition and fight against discrimination based on racial and ethnic origin, colour,



nationality, ancestry and territory of origin, to bring it into alignment with article 1 of the Convention and ensure that it covers the prohibition of racial discrimination in all spheres of public and private life ([CERD/C/PRT/CO/18-19](#), para. 12(a)).

**Legislative review** - In its 2023 concluding observations, the Committee on Economic, Social and Cultural Rights recommended that Portugal amend the current anti-discrimination legislation and framework in order to ensure equality and address direct, indirect, multiple and intersecting forms of discrimination on any grounds, guided by general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights ([E/C.12/PRT/CO/5](#)). It also recommended that Portugal intensify its efforts to effectively implement its legislation for the prevention of sexual harassment and discrimination in the workplace and provide victims with an effective remedy. ([E/C.12/PRT/CO/5](#)).

The Committee further recommended that Portugal take the necessary steps in law and in practice to ensure that migrants in irregular situations have access to all necessary health-care services, without discrimination, in accordance with articles 2 and 12 of the Covenant on Economic, Social and Cultural Rights ([E/C.12/PRT/CO/5](#)).

## **B. Independent authorities**

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Portugal continue to strengthen the independence of the Office of the Ombudsperson, ensuring that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it is able to carry out its mandate fully, effectively and independently, including by introducing and implementing a transparent, participatory and merit-based process for the selection of the Ombudsperson and an objective dismissal process for its deputies ([CERD/C/PRT/CO/18-19](#), para. 20).

## **D. The enabling framework for civil society**

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

Noting the communication sent to Portugal by various UN Special Procedure mandate holders on 23 October 2020, the Committee on the Elimination of Racial Discrimination was concerned about reports indicating that human rights defenders, members of civil society organizations, social activists and journalists engaged in anti-racism work have increasingly become targets of intimidation, harassment, hate speech and online threats as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to racial discrimination.

The Committee on the Elimination of Racial Discrimination recommended that Portugal develop and adopt all necessary measures to protect human rights defenders, in particular those working on the rights of groups under the protection of the International Convention on the Elimination of All Forms of Racial Discrimination, enabling them to carry out their work free from fear of harassment and reprisals of any sort. The Committee also recommended that the State party investigate allegations of intimidation, attacks or reprisals against human rights defenders, particularly those combating racism and racial discrimination, and hold accountable those responsible for such acts ([CERD/C/PRT/CO/18-19](#), para.38).

## ROMANIA REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the Committee against Torture took note of Romania's establishment of a unified national register on deprivation of liberty. However, the Committee was concerned that despite legislation which establishes fundamental legal safeguards for persons deprived of their liberty, such safeguards are not always applied in practice. In particular, the Committee expressed its concern at reports that detained persons are not always afforded the opportunity to consult with legal counsel and that the confidentiality of their conversations is sometimes violated. In addition, detained persons were not always sufficiently informed of their rights or the charges against them in a manner they understand, be it due to challenges in comprehension, excessively formalistic provisions contained in the documentary materials provided, lack of interpretation or translation, or the failure of the detaining authorities to provide any information at all. The Committee thus recommended that Romania should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including the rights: to be fully and comprehensively informed of their rights, the reason for their arrest and any charges against them, in a language that they understand and in an accessible manner and; to have access to and consult with a lawyer prior to, during and after interrogation, have the confidentiality of privileged conversations guaranteed and, if necessary and applicable, have access to free legal aid ([CAT/C/ROU/CO/3](#), paras. 9, 10 (a), (b)).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee against Torture took note of information provided by Romania on the training of personnel in subjects related to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including courses on the application of the Istanbul Protocol for doctors and medical assistants. However, it regretted that it has received no information regarding the provision of similar training to prosecutors, judges and other relevant staff (art. 10). The Committee recommended that the Romania should: further develop mandatory initial and in-service training programmes to ensure that all public officials are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately punished; ensure that all relevant staff, including medical and psychological personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the

revised version of the Istanbul Protocol; develop a methodology for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible ([CAT/C/ROU/CO/3](#), paras. 25, 26 (a), (b), (c)).

More specifically, the Committee against Torture urged Romania to ensure continued training of law enforcement officials, prosecutors and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes with relation to police violence and attacks on Roma. The Committee further noted the positive steps Romania has taken in order to combat and respond to gender-based and domestic violence, including sexual offences against minors. Nevertheless, the Committee recommended that Romania provide mandatory training on the prosecution of gender-based violence to all justice officials and law enforcement personnel in order to combat the social stigma experienced by victims of domestic and gender-based violence and build trust between victims and the relevant authorities. Romania should also continue to strengthen its efforts to combat trafficking in human beings, ensuring that such cases are thoroughly investigated, including in the absence of a complaint, and that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. Romania should also ensure that victims obtain full redress, including adequate compensation and rehabilitation, have access to free legal and medical assistance, and are not criminalized for offences which they have committed as a result of their being trafficked. In that regard, Romania should train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services (, paras. 16 (c), 19, 20, 22).

Moreover, the Committee against Torture was concerned over reports of pushbacks at the border of Romania, which in some cases have been accompanied by various forms of ill-treatment, including beatings and degrading treatment. In addition, the Committee was concerned that there is a lack of experienced, qualified interpreters to assist in victim identification processes, and in the asylum system more generally, and border officials and others participating in the asylum process lack adequate training in identifying victims of trafficking in human beings, gender-based persecution and violence, and other vulnerable aspects of asylum-seekers. The Committee recommended that Romania should ensure that all acts of torture and ill-treatment committed in any territory under its jurisdiction, including at the Romania's borders, are thoroughly investigated and that suspected perpetrators, including those suspected of having consented to or acquiesced in acts of torture and ill-treatment, are prosecuted and, if convicted, punished with appropriate sanctions. Further, Romania should provide adequate training to law enforcement agents, judges and all others who participate in the asylum process on the identification of and assistance to vulnerable categories of persons, and on international refugee law and international human rights law, with specific reference to the principle of non-refoulement (,, paras. 23 (c), 24 (b)).

### **C. Efficiency of the justice system**

*Other*

**Psychiatric institutions and social care facilities** - In its 2023 Concluding observations, the Committee against Torture expressed its deep preoccupation over allegations of torture, ill-treatment, overcrowding, lack of trained and specialized staff and poor material conditions in both psychiatric institutions and social care facilities in Romania. The Committee recommended that Romania should ensure that sufficient legal and procedural safeguards for patients in psychiatric institutions and social care facilities are implemented, both in law and in practice, and that they are accompanied by periodic judicial reviews of, and effective avenues of appeal against, both de jure and de facto involuntary institutionalization (, paras. 17, 18 (e)).

**UPR** - Under the 4<sup>th</sup> cycle of Universal Periodic Review, Romania-supported recommendations made in relation to justice namely criminal justice response to human trafficking and access to justice for victims of sexual and domestic abuse ([A/HRC/54/7/Add.1](#))

## **II. Anti-Corruption Framework**

### **C. Repressive measures**

Under the 4<sup>th</sup> cycle of Universal Periodic Review Romania supported recommendations made in relation to anti-corruption measures namely investigation and prosecution and in areas of administration, health and the judiciary ([A/HRC/54/7/Add.1](#)).

## **IV. Other institutional issues related to checks and balances**

### **B. Independent authorities**

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

In its 2023 concluding observations, the Committee against Torture regretted that despite Law No. 9/2018, amending Law No. 35/1997, which took steps towards ensuring the conformity of the People's Advocate to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), along with previous attempts to accredit the Romanian Institute for Human Rights, still lacked an accredited national human rights institution which conforms to international standards (art. 2). The Committee recommended that Romania make the necessary legislative amendments to bring its national human rights institution into full compliance with the Paris Principles and ensure its accreditation, including through guaranteeing the full independence of the institution and its members and ensuring the provision of sufficient financial and human resources to enable it to adequately carry out its mandate ([CAT/C/ROU/CO/3](#), paras. 31, 32).

### **D. The enabling framework for civil society**

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

In its 2023 Concluding observations, the Committee against Torture regretted the continued reports that members of the Roma community experience disproportionate levels of police violence and that investigations and prosecutions of instances of alleged police violence against Roma were inadequately conducted and in some cases not conducted at all. The Committee urged Romania to encourage participation of members of the Roma community in affirmative action schemes, notably with regard to Roma representation in the police force, in order to guarantee that State policies are not only administratively instituted but are meaningfully implemented ([CAT/C/ROU/CO/3](#), paras. 15, 16(e)).

#### **E. Initiatives to foster a rule of law culture**

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

In its 2023 Concluding observations, the Committee against Torture regretted the continued reports that members of the Roma community experience disproportionate levels of police violence and that investigations and prosecutions of instances of alleged police violence against Roma were inadequately conducted and, in some cases, not conducted at all. The Committee urged Romania to adopt awareness-raising measures to counter prejudice and stereotypes, and the continued creation and implementation of policies to combat and prevent racially motivated crimes and discrimination. Furthermore, the Committee against Torture noted the positive steps that Romania has taken in order to combat and respond to gender-based and domestic violence, including sexual offences against minors. Nevertheless, the Committee was concerned that allegations of domestic and gender-based violence were not always recorded when reported to the police, especially in rural areas, and that legislation relating to domestic violence was too narrow in scope, excluding former spouses and family members who do not reside with the victim from its purview. The Committee was also concerned over the lack of ex officio investigations into domestic and gender-based violence in cases where victims dropped charges against or reconcile with their abuser, and considered that the lack of such investigations may result in impunity for perpetrators. The Committee further regretted that acts of gender-based and domestic violence are often underreported, especially among minority communities, due to social stigma (arts. 2, 12–14 and 16). In light of this, the Committee recommended that Romania increase its efforts in outreach and education to the general public, and in particular to members of minority communities, regarding domestic and gender-based violence, including through education and awareness-raising among men and boys, in order to combat the social stigma experienced by victims of domestic and gender-based violence and build trust between victims and the relevant authorities ([CAT/C/ROU/CO/3](#), paras. 15, 16(d), 19, 20).

## SLOVAKIA REVIEW

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### I. Justice System

#### A. Quality of justice

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

In its 2023 concluding observations on Slovakia, the UN Committee on the Elimination of Discrimination against Women welcomed measures being adopted to improve the administration of justice and quality of judicial decisions, including those concerning gender discrimination, and the amendment to the Labour Code to facilitate access to justice in cases of violations of the principle of equality in the workplace. The Committee also noted the efforts made to consolidate data collection and analysis on anti-discrimination cases. However, the Committee was concerned about: the judicial hold outs and lengthy judicial proceedings in cases of sex-based and gender-based discrimination and the lack of information on measures taken to implement the shift in the burden of proof by the courts, provide adequate judicial remedies, including financial compensation, and combat the fear of potential stigmatization and victimization for affected women; and the few references to the Convention on the Elimination of all Forms of Discrimination Against Women in national court decisions and the insufficient provision of capacity-building to judges, prosecutors, police officers and other law enforcement officials on the rights enshrined in the Convention. The Committee recommended to Slovakia to take all necessary measures to improve the efficiency and effectiveness of judicial proceedings, ensure the implementation of the shift in the burden of proof in cases of sex-based and gender-based discrimination, provide adequate and timely judicial remedies, including financial compensation, and combat the fear of potential stigmatization and victimization for affected women; and to take all necessary measures to eliminate obstacles in obtaining access to justice encountered by women and girls who face intersecting and multiple forms of discrimination, in particular Roma women and other vulnerable groups of women ([CERD/C/SVK/CO/13](#), paras. 12 (a). 13 (a, b)).

In its 2023 concluding observations, the UN Committee against Torture was concerned that detained persons do not always have effective access to free legal aid from the beginning of the deprivation of their liberty and there have been cases in which access to legal aid has only been provided upon their arrival in court or following their remand into custody; despite positive improvements in the provision of information to detainees regarding their rights, such information is not sufficiently comprehensive; juvenile suspects were detained in unsuitable surroundings and may be interrogated without the presence of a parent, lawyer or other trusted person. The Committee recommended that Slovakia ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of the deprivation of their liberty, including the right to be assisted by a lawyer, including during interrogations and, if necessary, be granted access to free legal aid; to be fully and comprehensively informed of their rights, the reason for their arrest, and any charges against them, in a language they understand and in an accessible manner; to be detained and interrogated in a manner that takes into account their age, vulnerability and understanding, in particular with regard to juveniles ([CAT/C/SVK/CO/4](#), paras. 9 (a), (c), 10 (a), (c), (e)).

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

In its 2023 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern about the lack of awareness and application of the Convention on the Elimination of Discrimination against Women in the national judicial system. The Committee recommended to Slovakia to provide systematic capacity-building and training for government officials, judges, prosecutors, police officers and other law enforcement officials, as well as lawyers, on the Convention, the Optional Protocol thereto and the Committee's general recommendations. The address the lack of measures in place to identify victims of trafficking among women in prostitution and to ensure victims are able to report such cases to law enforcement authorities without fear of reprisal, the Committee also recommended that Slovakia provide capacity-building for judges, prosecutors, police officers and other law enforcement officials, border control personnel, health-care providers and other first responders in order to ensure the identification of victims of trafficking, including those among women in prostitution, and their referral to appropriate protection and rehabilitation services and the effective investigation and prosecution of all cases and the punishment of the perpetrators. While expressing concern over an increasingly hostile environment for transgender women, the Committee recommended to Slovakia to publicly condemn homophobic discourse and violence against lesbian, bisexual, transgender and intersex women and ensure, through mandatory and continuous capacity-building for judges, prosecutors, police officers and other law enforcement officials, that the legal prohibition of hate crimes and hate speech is enforced ([CEDAW/C/SVK/CO/7](#), paras. 10, 11 (b), 24 (b), 25 (b), 44 (b) and 45 9b)).

The UN Committee against Torture, in its 2023 concluding observations, regretted that that judges and lawyers are not trained on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) or, more generally, on recognizing the signs of torture. The Committee recommended that all relevant public officials, in particular members of the security forces and the military, prison officials, judicial officials, lawyers and doctors, are trained on the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular on the absolute prohibition of torture, and that they are fully aware that violations of these provisions must not be tolerated and must be investigated, and that those responsible must be prosecuted and, upon conviction, appropriately punished. In addition, Slovakia should monitor and evaluate such training to assess its effectiveness, and ensure that all relevant personnel, including judges and lawyers, are specifically trained to identify cases of torture and ill-treatment, including through training on the Istanbul Protocol ([CAT/C/SVK/CO/4](#), paras. 31, 32).

*Other*

**Roma women:** In its 2023 concluding observations, the UN Committee on the Elimination of



Discrimination against Women welcomed Slovakia's statements of June 2021 and November 2021, in which it offers apologies to the Roma population for the intervention of the national police force in Moldava Nad Bodvou in 2013 and for the cases of illegal sterilization of Roma women in the 1966–2004 period, respectively. The Committee also noted the legislative initiative to offer a €5,000 compensation to Roma women who were victims of illegal sterilization in the 1966–2004 period. However, the Committee noted with concern inter alia the recent cases of involuntary sterilization of Roma women under coerced consent or absence of informed consent and the lack of access to medical records, pretrial evidence disclosure and effective mechanisms to facilitate access to justice and fair compensation. Therefore, the Committee recommended Slovakia to ensure that Roma women are not subject to involuntary sterilization and facilitate victims' access to justice, including by raising awareness, removing financial barriers, extending the time to lodge complaints and facilitating their access to medical records and the disclosure of pretrial evidence to support their claims ([CEDAW/C/SVK/CO/7](#), paras. 42 (c), 43 (c)).

Also, the UN Committee against Torture in its 2023 concluding observations raised concern that current proposals regarding Slovakia's compensation scheme limited the window for submitting compensation claims to two years, which may affect the ability of victims living abroad or those with limited access to information to receive compensation. The Committee was also concerned about the relatively low amount of compensation proposed, which is limited to 5,000 euros per victim, and that financial barriers, such as the cost of legal affidavits and travel to regional centres in order to complete documentation for claims, may preclude some victims from obtaining adequate redress. Therefore, the Committee recommended that Slovakia increase the window for the submission of compensation claims for involuntary sterilization, conduct a proactive analysis to identify all those who may have suffered involuntary sterilization, and engage in proactive outreach to victims, in order to raise awareness of the proposed compensation scheme, both prior to and during implementation. In circumstances where victims require an affidavit attesting to involuntary sterilization, Slovakia should ensure that victims have access to free legal aid in obtaining such an affidavit. More generally, Slovakia should remove all financial barriers to obtaining compensation, including the costs associated with travel to regional centres to lodge documentation for claims. Slovakia should also ensure that the compensation provided is commensurate with the harm experienced by the victims, taking into account the financial awards in similar cases in the region, including those granted by the European Court of Human Rights ([CAT/C/SVK/CO/4](#), paras. 23, 24).

**Gender-based violence:** In its 2023 concluding observations, the UN Committee against Torture noted the positive steps taken by Slovakia to combat and respond to gender-based and domestic violence. However, the Committee was concerned that, despite the introduction of legislation, the number of cases of domestic violence, including matricide and death at the hands of close relatives or partners, rose sharply during the coronavirus disease (COVID-19) pandemic. The Committee was also concerned that acts of gender-based and domestic violence among members of the Roma community were often not reported, resulting in limited access of victims to protective and rehabilitative services and redress, and lack of accountability for perpetrators. The Committee recommended that Slovakia ensure that all acts of gender-based and domestic violence are thoroughly investigated, that the alleged perpetrators are

prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation and rehabilitation, and have access to legal assistance, safe shelters and the necessary medical care and psychosocial support ([CAT/C/SVK/CO/4](#), paras. 21, 22).

## **B. Efficiency of the justice system**

### *Length of proceedings*

In its 2023 concluding observations, the UN Committee against Torture, remained concerned about cases of excessively lengthy judicial proceedings and the lack of legislative initiative to amend the Code of Criminal Procedure, which allows for a duration of pretrial detention of up to five years (arts. 2, 11 and 16). The Committee recommended to Slovakia to amend its legislation with a view to reducing the duration of pretrial detention, which should be used as an exceptional measure, applied for a limited period, clearly regulated and subject to judicial supervision at all times, in order to guarantee fundamental legal and procedural safeguards. The Committee also recommended that Slovakia should continue and expand the use of non-custodial measures in lieu of pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) ([CAT/C/SVK/CO/4](#), paras. 13, 14).

### *Other*

#### **Excessive use of force by law enforcement officials, including violence against Roma:**

In its 2023 concluding observations, the UN Committee against Torture was concerned about the low number of complaints, prosecutions and convictions in cases related to excessive use of force, along with verbal threats and verbal abuse, by law enforcement officials, notably against members of the Roma community and noted that, in cases where charges are filed against law enforcement personnel, they usually related to the crimes of bodily injury or abuse of authority, rather than torture or cruel, inhuman or degrading treatment. The Committee was further concerned that, in the well-publicized case of alleged violence in Moldava nad Bodvou, in 2013, law enforcement personnel implicated in the incidents were cleared of any wrongdoing, despite the findings of the European Court of Human Rights that torture or ill-treatment had occurred. More generally, the Committee was concerned that, in other previous judgments, the Court found that the Slovakia had failed to adequately investigate the discriminatory motives related to the excessive use of force by law enforcement personnel against members of the Roma community. The Committee recommended that Slovakia carry out prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed; prosecute persons suspected of having committed torture or ill-treatment under article 420 of the Criminal Code and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress in a timely manner; and ensure that motives relating to discrimination are sufficiently investigated when they are suspected to have played a role in the commission of an offence,

and ensure that such motives are considered as an aggravating circumstance in criminal prosecution ([CAT/C/SVK/CO/4](#), paras. 15, 16 (a), (b), (c)).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

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

In its 2023 concluding observations, the UN Committee on the Elimination of Discrimination against Women noted the measures adopted by Slovakia to increase the capacity of the National Centre for Human Rights to offer free legal services and assistance. The Committee was concerned, however, about the Centre's insufficient availability of technical, human and financial resources, as well as the clarity of its mandate and its budgetary resources to perform its mandate independently. The Committee recommended that Slovakia strengthen its efforts to allocate sufficient technical, human and financial resources to the Centre and ensure full compliance with the Paris Principles, in particular, by taking measures to guarantee the political and budgetary independence of the Centre ([CEDAW/C/SVK/CO/7](#), paras. 16, 17).

Also, the UN Committee against Torture, in its 2023 concluding observations, remained concerned about the Centre's limited mandate, the insufficient clarity about and transparency in the selection of its members, its curtailed independence and the lack of clear and explicit functional immunity of its members while commending the progressive increases in the allocation of funding to the Slovak National Centre for Human Rights and the associated increase in the Centre's human resources. The Committee recommended that Slovakia amend the relevant legislation with a view of strengthening the mandate and independence of the Slovak National Centre for Human Rights, in order to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including through establishing in law the functional immunity of its members ([CAT/C/SVK/CO/4](#), paras. 11, 12).

## SLOVENIA REVIEW

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### I. Justice System

#### B. Quality of justice

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

In its 2023 concluding observations, the UN Committee against Torture noted with concern of reports that access to free legal aid, which should be provided from the very outset of deprivation of liberty, is in practice provided in Slovenia only prior to the court hearing and after police questioning. The Committee recommended that Slovenia should ensure unimpeded access to an independent lawyer of their choice or, if necessary, to free legal aid, including during the initial interrogation and inquiry, in line with the Basic Principles on the Role of Lawyers and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. The Committee was also concerned that the amendments to the Aliens Act introduced in 2021, namely articles 10 (a) and 10 (b), which curtail normal access to asylum proceedings under the exceptional procedures that could be activated in the context of the declaration of a “complex crisis”, would not include a right to appeal with automatic suspensive effect against decisions made under the above-mentioned procedures ([CAT/C/SVN/CO/4](#), paras. 10, 11 (b), 26 (b) and (c)).

The UN Committee on the Elimination of Discrimination against Women took note of the availability of free legal aid for women without sufficient means and of the possibility for victims of gender-based discrimination to lodge a complaint either with the Advocate of the Principle of Equality or in court proceedings. However, the Committee noted with concern that sentences for perpetrators of gender-based violence are often lenient and not commensurate with the gravity of the crimes. The Committee recommended that Slovenia ensure that the justice system provides women with effective protection and meaningful redress for any harm that they may suffer, in particular: ensure that sentences in cases of gender-based violence against women are commensurate with the gravity of the harm suffered. Redress for victims should include, as appropriate, restitution (reinstatement), compensation (whether provided in the form of money, goods or services) and rehabilitation (medical treatment, psychosocial counselling and social services), and conduct and facilitate qualitative studies and critical gender analyses of the justice system, in collaboration with civil society organizations and academic institutions, in order to highlight practices, procedures and jurisprudence that promote or limit women’s full access to justice ([CEDAW/C/SVN/CO/7](#), paras. 15, 16).

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

In its 2023 concluding observations, the UN Committee against Torture Strengthen recommended training programmes of all relevant staff, including medical and psychological personnel, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Committee also recommended to strengthen the training provided to law enforcement officials, judges,

medical professionals and other relevant professionals, particularly on the forms and consequences of domestic violence and on gender-responsive techniques to interview and accompany the victims of gender-based violence ([CAT/C/SVN/CO/4](#), paras. 21 (c), 37(b)).

*Other*

#### **Trafficking and exploitation of prostitution**

The UN Committee on the Elimination of Discrimination against Women in its 2023 concluding observations noted with concern the low number of investigations, prosecutions and convictions in cases of trafficking and the fact that courts resort to physical violence, restrict freedom of movement, confiscate personal documents, limit the use of electronic communications for findings on trafficking and impose lenient sentences such as fines. The Committee recommended that Slovenia strengthen the criminal justice response to human trafficking and ensure that all cases of trafficking are prosecuted and traffickers adequately punished and address legislative gaps to strengthen support services for victims of trafficking, including free legal assistance and medical treatment ([CEDAW/C/SVN/CO/7](#), paras. 27 (b) (c) and 28 (b) (c)).

#### **IV. Other institutional issues related to checks and balances**

##### **D. The enabling framework for civil society**

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

The UN Committee on the Elimination of Discrimination against Women in its 2023 concluding observations welcomed the commitment of Slovenia to cooperating with women human rights defenders. However, it noted with concern that no civil society organization has engaged with the Committee in preparation of the consideration of the seventh periodic report. The Committee recommended that Slovenia ensure an enabling environment for women's organizations and women human rights defenders to advocate for women's human rights, including through cooperation in the implementation of the present recommendations, and their consultation in the preparation of the next periodic report, preparation of a national action plan on women rights, prevention of domestic violence and prevention of trafficking activities ([CEDAW/C/SVN/CO/7](#), paras. 33, 34).

## SPAIN REVIEW

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### I Justice System

#### B. Quality of justice

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee against Torture recommended Spain to ensure that law enforcement staff continue to receive training on the absolute prohibition of torture, on the detection and investigation of cases of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, and on non-coercive interrogation and investigation techniques, which should incorporate the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles); it should also continue to train all medical staff in contact with persons deprived of their liberty on the detection of cases of torture and ill-treatment in accordance with the Istanbul Protocol, ensuring that all suspected cases of torture and ill-treatment are brought to the attention of the competent judicial authorities ([CAT/C/ESP/CO/7](#)).

In its 2023 concluding observations, the Committee on the Elimination of All Forms of Discrimination against Women recommended that Spain strengthen capacity-building and further application of the relevant legislative framework to eradicate gender stereotypes in the judiciary, with a focus on the systematic integration of the Convention on the Elimination of All Forms of Discrimination Against Women in legal reasoning and decision-making ([CEDAW/C/ESP/CO/9](#)).

#### C. Efficiency of the justice system

In its concluding observations, the Committee on the Elimination of All Forms of Discrimination against Women welcomed the many legislative and policy efforts made by Spain to build a policy to prevent and address gender-based violence against women, such as the adoption of Organic Law No. 10/2022 on the comprehensive guarantee of sexual freedom, removing the burden of proof from the victim. It noted with concern, however, that gender-based violence against women is prevalent with a high rate of femicide and that women and girls with intersecting identities are particularly vulnerable, notably to forced marriage and female genital mutilation. It also noted that legislation and efforts to address specific forms of gender-based violence against women and girls, such as incest and pervasive cyberviolence against women and girls, are insufficient. It recommended, inter alia, that Spain conduct an assessment of the domestic legal framework to combat gender-based violence against women and of its implementation, with a view to strengthening its efficiency ([CEDAW/C/ESP/CO/9](#)).

##### *Other*

**Sexual violence against women and girls** - In her communication to Spain, the Special Rapporteur on Violence against Women and Girls has highlighted several positive aspects of the Organic Law 10/22 on Comprehensive Guarantee of Sexual Liberty, known as the “Only Yes is Yes Law” such as providing free

legal and psychological assistance to victims; reparation measures; considering sexual aggression under chemical submission; recognizing victims' rights.

However, the Special Rapporteur also highlighted some concerns: the elimination of the difference between sexual abuse and sexual aggression which allows now for more arbitrary interpretation of committed crime and also for the reduction of the penalties; there is a concern regarding the use of consent as a proof for sexual violence. The Special Rapporteur reminded that General Recommendation 38 of the Committee on the Elimination of Discrimination against Women as well as Palermo Protocol from 2000 have rendered consent irrelevant and have stressed the importance of punishing the conduct of those who use or abuse the victim even with her consent.

The Special Rapporteur expressed a strong concern that sentences are not complied with and one third of the victims do not receive the total compensation stipulated in the sentence ([AL ESP \(4.2023\)](#)).

## SWEDEN REVIEW

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### I. Justice System

#### B. Quality of justice

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 Concluding Observation, the UN Committee on the Rights of the Child recommended that Sweden provide guidance and training to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration. In addition, the Committee recommended that all relevant professionals working with and for children, including the judiciary, systematically receive appropriate training on children's right to be heard and to have their views taken into account ([CRC/C/SWE/CO/6-7](#) paras. 18, 20).

*Other*

**Children's rights and the business sector** - In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child noted with appreciation the action plan for businesses and human rights but raised concern about the lack of legal accountability for business enterprises that have violated children's rights. Among other things, the Committee recommended that Sweden establish a clear regulatory framework for business enterprises and their subsidiaries operating in or managed from Sweden's territory and to establish monitoring mechanisms for the investigation and redress of violations by the business sector of children's rights, with a view to improving accountability and transparency ([CRC/C/SWE/CO/6-7](#) para. 15).

**Non-discrimination** - Raising concern about regional disparities in access to quality health-care services, social services and education, and in relation to the justice system, the Committee on the Rights of the Child recommended that Sweden strengthen the legal framework on discrimination, including the Discrimination Act, simplify and guarantee the provision of child-friendly complaint procedures and ensure that children know how to report cases of discrimination and that reports are investigated by a competent authority ([CRC/C/SWE/CO/6-7](#) paras. 16, 17).

**Violence against children and harmful practices** – In its 2023 concluding observations, the Committee on the Rights of the Child noted with deep concern reports of the use of coercive measures in alternative care settings and recommended that legislative measures to explicitly prohibit the use of solitary confinement, isolation and restraint in alternative care settings are taken, that all staff receive training on non-coercive methods of care and that children have access to confidential, child-friendly and independent complaint mechanisms for reporting cases, in particular in alternative care settings. The Committee also urged Sweden to ensure the effective investigation of and intervention in all cases of violence against children, in and outside of the home, and ensure that, in cases of sexual exploitation and abuse, perpetrators are prosecuted and punished with penalties commensurate with the gravity of their



acts. The Committee further raised concern about the number of children who have been or are at risk of being subjected to child marriage and female genital mutilation, and the lack of criminal prosecutions in this regard. It was recommended that Sweden strengthen the reporting of child marriage, female genital mutilation and other harmful practices to relevant authorities and ensure that perpetrators are brought to justice ([CRC/C/SWE/CO/6-7](#) paras 23, 26, 27).

**Asylum-seeking, refugee and migrant children, including unaccompanied children** – In its 2023 concluding observations, the Committee on the Rights of the Child expressed deep concern about the impact of the amendments in 2021 to the Aliens Act (2005) restricting family reunification and eligibility for permanent residence permits and social security, and the 33 reforms envisaged in the Tidö Agreement to further restrict the rights of asylum-seeking, refugee and migrant children. Among other things, the Committee urged Sweden to ensure that all asylum claims are individually assessed in a child-sensitive manner; that unaccompanied children are promptly assigned to a qualified guardian and to continue to investigate reports of disappearances of unaccompanied children during the asylum procedure, establish their whereabouts, prosecute those responsible for crimes involved in such disappearances, and take measures to prevent such disappearances and to protect those children from sexual exploitation and abuse ([CRC/C/SWE/CO/6-7](#) paras. 42, 43).

### **C. Efficiency of the justice system**

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child expressed deep concern at the current moves to lower the minimum age of criminal responsibility, the increasing involvement of children in organized crime, the lack of specialized courts or appropriately trained judges for children, the solitary confinement of children and recent legislative amendments introducing more severe sentences and invasive measures by law enforcement authorities. Among other things, the Committee urged Sweden to maintain the minimum age of criminal responsibility at 15 years of age; to provide specialized judges and prosecutors for children who have completed appropriate training on child justice principles and procedures; to actively promote non-judicial measures, such as diversion, mediation and counselling and evidence-based therapeutic services, for children accused of criminal offences and, wherever possible, the use of non-custodial measures such as probation or community service; to prevent and limit the use of pretrial detention by ensuring that, in accordance with the law, children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of deprivation of liberty or its continuation; to ensure that deprivation of liberty is used only as a measure of last resort; to ensure that law enforcement authorities comply with children's right to be promptly and directly informed of their rights and the charges brought against them in a child-friendly manner; to broaden the conditions under which a public defense counsel may be appointed for children facing criminal charges, with a view to ensuring that effective legal representation is promptly provided to all children without exception ([CRC/C/SWE/CO/6-7](#) paras. 44-45).

### **IV. Other institutional issues related to checks and balances**

#### **A. The process for preparing and enacting laws**

*Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase*

In its 2023 concluding observations, the UN Committee on the Rights of the Child recommended that Sweden ensure that the principle of the best interests of the child is consistently applied in programmes and legislative, administrative and judicial proceedings, including in relation to parental custody and contact, alternative care, child justice, asylum and support for children who are victims or witnesses of crime and ensure legislative amendments are made to clarify the procedures and criteria for assessing and determining the best interests of the child in the Aliens Act (2005) and the Act concerning Support and Service for Persons with Certain Functional Impairments (1993), in accordance with the inquiry on children's rights ([CRC/C/SWE/CO/6-7](#) para. 18).

#### **E. Initiatives to foster a rule of law culture**

*Measures to foster a rule of law culture*

Following her country visit to Sweden in 2023, the UN Special Rapporteur on freedom of religion or belief urged the country to strengthen its engagement and dialogue with faith communities to combat religious or belief intolerance in the light of numerous challenges both nationally and globally, and in the context of the concerning and repeated instances of the burning of the Holy Qur'an. She also recommended that both freedom of religion or belief, and its manifestation, be understood and protected more broadly in the Swedish legal order. The incorporation of the International Covenant on Civil and Political Rights into domestic law would lend support to a more robust protection of freedom of religion or belief ([End of mission statement](#); Report will be presented at the 55<sup>th</sup> session of the Human Rights Council).

### **IV. Other institutional issues related to checks and balances**

#### **A. The process for preparing and enacting laws**

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

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child welcomed the incorporation of the Convention on the Rights of the Child into national law and the inquiry on the compatibility of national legislation and practice with the Convention. The Committee recommended Sweden to address the incompatibilities identified in the inquiry and ensure that the Convention prevails whenever there is a conflict with domestic legislation or common practice; and to ensure that child-rights impact assessments are an integral part of inquiries conducted in preparation for new legislation and provide child-friendly avenues for the participation of children in the development of national and subnational legislation and regulations relevant to the fulfilment of children's rights. The Committee also

recommended that Sweden ensure that all children can express their opinion and be heard in all decisions affecting them, including in courts and administrative proceedings and in decisions regarding migration and asylum, custody, residence and contact, placement in alternative care, social services and domestic violence, without the requirement for the consent of a parent or guardian ([CRC/C/SWE/CO/6-7](#) paras. 6, 20, 31).

## **B. Independent authorities**

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

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child welcomed the establishment of the Institute for Human Rights in 2022 but expressed deep concern that the Ombudsman for Children in Sweden does not have the mandate to receive complaints from children, despite previous recommendations from the Committee, that procedures for filing complaints under specific mechanisms are complex, and that the independence of the role of the Ombudsman for Children in Sweden could be brought into question owing to its reliance on funding linked to specific government assignments.

To this end, the Committee recommended that Sweden allocate sufficient resources to the Ombudsman for Children in Sweden to allow for the monitoring of the incorporation of the Convention in national legislation; ensure, as a matter of priority, that the Ombudsman for Children in Sweden has the mandate to receive, investigate and competently address complaints from children in a child-friendly manner; simplify procedures for filing a complaint under existing mechanisms and ensure that all children are aware of their right to file a complaint and receive the necessary support to do so; continue to take measures to guarantee the independence of the Ombudsman for Children in Sweden in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including by ensuring that all government assignments are agreed through a consultative process ([CRC/C/SWE/CO/6-7](#) paras. 11, 12).