

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023^[1] falling under the ‘type of information’ outlined in section II.**

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

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

Type of information

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

A) Legislative developments

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

B) Policy developments

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

C) Developments related to the judiciary / independent authorities

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

D) Any other relevant developments

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

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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

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

About you

* I am giving my contribution as

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

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

* Organisation name

250 character(s) maximum

Bundesrechtsanwaltskammer

Main Areas of Work

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

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

500 character(s) maximum

<https://www.brak.de/>

Transparency register number

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

25412265365-88

* Country of origin

Please add the country of origin of your organisation

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

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

- ☐ Gambia
- ☐ Georgia
- ☒ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius

- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia

- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Dr. Ulrich

Surname

Wessels

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

* Publication of your contribution and privacy settings

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

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

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

Questions on horizontal developments

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

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both

legislative developments or implementation and practices.

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

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

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

Member State covered in contribution [only one choice possible]

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

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

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

We already stated in the last report that the so called pact for the rule of law (Pakt für den Rechtsstaat) is to be continued as a digital pact (Digitalpakt). This has also been done. A federal-state summit has already taken place at which the digitization initiative for the judiciary and the modernization of the procedural rules were the focus of the discussions.

As part of the digitization initiative for the judiciary, the federal government is providing up to 50 million euros per year until 2026, i.e. a total of up to 200 million euros. In the first year of the digitalization initiative, around 115 million euros have already been earmarked for innovative projects.

A. Independence

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

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

5000 character(s) maximum

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

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

As a general remark, it should be noted that one of the central characteristics of a lawyer is independence. It is the only way to ensure that lawyers can fulfil their duties in the constitutional state on an equal footing with the judges and public prosecutors. Ensuring this independence of lawyers is one of the main tasks of the Bars as self-governing bodies with responsibility towards their members and any citizens seeking legal advice.

Practising German lawyers (Rechtsanwälte) are registered with the respective regional Bar (27 + one for the lawyers with rights of audience in civil matters at the German Federal Court of Justice) that is competent for the lawyers established in its district. The regional Bars are independent from the State and self-regulatory within the statutory framework set by the federal legislator. They are public bodies (Körperschaften des öffentlichen Rechts) which are under the legal supervision of the legal authorities of the respective Federal State (Bun-desland). Such supervision is strictly limited to ensuring that the law and the by-laws are observed and in partic-ular, that the duties assigned to Bar are performed correctly (Rechtsaufsicht).

The regional Bars are in charge of admission to the profession, the control of compliance with legal professional rules and regulations and decisions on enforcement of violations within the limitations provided by the law. The regional Bars issue warnings and impose sanctions on a lawyer who violates his professional duties. This is in turn controlled by an independent disciplinary jurisdiction for the legal profession. Its highest instance is the Federal Court of Justice (Bundesgerichtshof). However, a big part of the work of the regional Bars is to provide profes-sional support and counselling for their members.

Furthermore, regional Bars can act as intermediary in case of disputes between their members. The regional Bars are headed by practising lawyers who are elected by their peers and fulfil their various tasks on an honor-ary basis, supported by a professional administration.

The German Federal Bar (Bundesrechtsanwaltskammer, BRAK) is a self-regulatory body incorporated under public law (Körperschaft des öffentlichen Rechts) and represents the interests of the regional Bars and thus of all 166,000 German lawyers. It is the umbrella organization of all 28 Bars in Germany. Its role is a purely repre-sentative one, vis-à-vis the legislators in Berlin and Brussels. BRAK does not have a regulatory function. The legal supervision is exercised by the Federal Ministry of Justice. Within the organization of BRAK, there is a so-called lawyers' parliament (Satzungsversammlung) that acts as a legislative body for

issues which are delegated for self-regulation to practicing lawyers. It determines the rules applicable to all German lawyers of all regional bars. BRAK is headed by elected practising lawyers on an honorary basis with support of a professional administration. So far, experiences with this system, comprising supervision of the profession through regional Bars, control exercised by an independent judiciary and representation of interests through BRAK, are very positive.

A crucial issue for the independence of lawyers is the protection of the lawyer-client confidentiality as a core value of the legal profession and a precondition for the trust between lawyers and their clients and thus for their access to justice. In principle, this essential right of the client - and the respective right and obligation of the lawyer – is protected by various legislation, in particular regarding criminal procedure law. For example, according to § 97(5) of the German Code of Criminal Procedure (Strafprozessordnung, StPO) the seizure of papers, audio and video media, data carriers, images or other depictions in the custody of lawyers shall be inadmissible insofar as they are covered by the right of such persons to refuse to testify. However, the protection offered by the law is spread through a high number of different codes and laws and in addition mostly focussed on criminal defense lawyers. Furthermore, confidentiality of the lawyer-client relationship has always been insufficiently protected particularly against search and seizure measures. This is i. a. demonstrated by examples of cases like the Jones Day case provided under section II. C. and, in general, an increasingly widespread practice of ordering the inspection of lawyer's correspondence by Public prosecutor's offices.

In addition, it should be mentioned that also on a European level it is aimed to increase the supervision on the legal profession, in particular in the field of anti-money laundering. This is to be strongly criticized to maintain the independence of the profession as a cornerstone of the guarantee of access to justice for everyone and the preservation of the rule of law.

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

5000 character(s) maximum

The German judiciary enjoys the high respect of the public. It is considered independent, impartial and corruption-free. Regular surveys testify to this perception (World Justice Project; Rule of Law Index 2023; Germany is ranked 5th in the world.) German judges are career judges who rarely have an individual public profile. In Germany, the Second State Examination provides the qualification for being a judge. It is also the entry requirement for the German legal profession. While a number of younger practicing lawyers change from the bar to the bench after having practiced for some years, there are hardly any such moves on the senior level.

In contrast to the selection of the judges at the Federal Constitutional Court, political influence on the selection of civil judges is limited. Judges are promoted on the basis of their qualifications and track record. Prior to being promoted, a first instance judge usually spends some time on secondment with the Court of Appeal (Erprobung). Many presidents of courts have also accomplished secondments with a ministry of justice on the local or federal level, or with the German Federal Court of Justice.

The German public has no significant issues with the independence of German judges. Nevertheless, there are recurring complaints about the length of proceedings and the number of civil matters is decreasing.

In September 2020, the Federal Ministry of Justice commissioned a comprehensive research project to investigate the causes of the decline in the number of cases filed with the civil courts. The 400-page final report was published in April 2023. As expected, the number of new first-instance proceedings at the local and regional courts has been declining for years. From 2005 to 2019, the number of new cases at the local courts fell by around 36% and at the regional courts by around 21%. (Available: https://www.bmj.de/SharedDocs/Pressemitteilungen/DE/2023/0424_Abschlussbericht_Eingangszahlen_Zivilurteile.html) In addition, the increased use of video interrogation is to be considered in the future. A corresponding draft bill has been published by the Federal Ministry of Justice (§128a ZPO-E) and is currently being voted on in parliament. As a matter of principle, digitalisation should not violate any principles guaranteed by the rule of law.

B. Quality of justice

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

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

5000 character(s) maximum

German court fees in civil and commercial matters are modest, they are calculated with reference to the amount in dispute and are capped at an amount in dispute of EUR 30 million.

Lawyers in civil litigation are still predominantly paid pursuant to the statutory fee schedule (Act on the Remuneration of Lawyers, Rechtsanwaltsvergütungsgesetz, RVG). Agreed legal fees in court proceedings may not undercut the statutory fee schedule. Alternative fee arrangements are permissible, though. In commercial matters, specialised litigation counsels typically charge for their services by the hour. The hourly rate is a matter of negotiation between the lawyer and the client.

However, irrespective of the agreed hourly rate, a prevailing party is only entitled to the reimbursement of the statutory legal fees for the matter. This rule manages the cost risks of the parties. In particular, a claimant can calculate the cost risk involved when bringing a matter. Such risk is capped to the court fees, the claimant's own lawyers' fees as well as the statutory lawyers' fees of the opposing party.

If a person requires legal representation in court proceedings, the plaintiff or the defendant may apply for legal aid. § 114 of the Code of Civil Procedure (Zivilprozessordnung, ZPO) stipulates that parties who, due to their personal and economic circumstances, are unable to pay the costs of litigation, or are only able to pay them in part or only in instalments, will be granted assistance with the court costs upon filing a corresponding application, provided that the action they intend to bring or their defence has sufficient prospects of success and does not seem frivolous. Legal aid may also be granted to parties by virtue of their office as well as to legal persons or an organisation that has the capacity to be a party in legal proceedings pursuant to § 116 ZPO. The decision to grant or refuse legal aid is taken by the judge who is responsible for the main proceedings.

Furthermore, another form of financing court proceedings is legal expenses insurance. In Germany, legal expenses insurance is quite popular currently and many legal actions are funded by insurance companies. The policyholder has a free choice of lawyer according to sections 127, 129 of the German Insurance Contract Act (VVG) in conjunction with section 3 (3) BRAO. This German system of ensuring free choice of lawyer has also found its expression in the corresponding provisions of the European Directive 2019/138. Third-party litigation funding is also increasing. While these mechanisms ease access to justice, it must be noted that for certain parties with sufficient funds of their own, but without insurance, bringing legal action can still be prohibitively costly.

In order to further strengthen access to justice, BRAK is advocating an increase in lawyers' fees. The Ministry of Justice is currently working on the digitalization of civil litigation. The Budget Committee of the German Bundestag has already released budget funds for the following Ministry of Justice projects as part of the digitalization initiative:

- for the development and testing of an online civil court procedure;
- for the development of a digital legal application office and
- for the development of the video portal of the judiciary.

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.)

5000 character(s) maximum

In the past, the BRAK has repeatedly approached political decision-makers with demands and position papers to maintain and promote the rule of law.

The demand that the judiciary be not only adequately, but also optimally staffed and equipped, has been emphasized time and again. The challenges that had to be met in the past two years have impressively demonstrated that the ability of the rule of law to function depends to a large extent on the judiciary's ability to work - also digitally. In order to be able to meet current and future challenges it is urgently necessary to provide the judiciary with all the material and financial resources it needs to reliably ensure access to justice. The preparation of facts in online proceedings by the legal profession must remain guaranteed in order to maintain and strengthen the functionality and effectiveness of the judiciary and thus of the rule of law. Current developments are encouraging and will strengthen the structures of the rule of law.

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

5000 character(s) maximum

To be admitted as a Rechtsanwalt in Germany, one has to be qualified to become a judge in accordance with the German Judiciary Act (Deutsches Richtergesetz, DRiG). To obtain this qualification, it is necessary to first study law at a university and pass the First State Examination, then undergo practical legal training and finally pass the Second State Examination. The first examination comprises an elective subject from an academic priority area and a compulsory subject set by the state.

Pursuant to § 43a (6) of the Federal Lawyers' Act (Bundesrechtsanwaltsordnung, BRAO) the lawyer is obliged to regularly pursue continuing training. Pursuant to § 15 FAO (Fachanwaltsordnung) Bar-approved specialist lawyers are obliged to pursue continuous training in their field of expertise. Bar—approved specialist lawyers are obliged to provide proof of their continuous training vis-à-vis the Bars. Otherwise, they lose the right to call themselves a specialist lawyer.

§ 43f of the Federal Lawyers' Act will oblige lawyers to undergo mandatory training. Lawyers need to acquire knowledge of professional law in the future. In detail, Lawyers must pursue training in the amount of at least ten hours of professional law by the end of the first year of their admission at the latest. Deutsches Anwaltsinstitut, Deutsche Anwaltsakademie und Deutsche Richtera Akademie and others provide training for justice professionals. To prepare law students in addition to their mandatory education at universities for the legal profession as well as professional law issues, The BRAK, the Hans Soldan Foundation, the DAV as well as the Deutsche Juristen-Fakultätentag are jointly supporting the Soldan Moot for eleven years - a student competition on legal professional law, which is organized by the Institute for Procedural Law and Legal Profession at the University of Hannover. Furthermore, the BRAK is working together with schools in Berlin to familiarize pupils with the legal profession, its importance for the Rule of Law and the system of self-administration at an early stage.

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)

5000 character(s) maximum

The BRAK welcomes the discussions on the digitalisation of the judiciary in Germany and the willingness of all stakeholders to further advance the digitalization in areas where concrete steps towards digitalization have already taken place (e.g. pact for digitalisation – Digitalpakt). BRAK demands better technical equipment and infrastructure throughout the country, the consistent implementation and further development of electronic legal transactions, the establishment of an e-justice portal and the use of digital litigation to improve the access to justice.

With regard to AI, there are no vigorous reservations about the use of decision-supporting AI systems as long as the parties involved are sufficiently informed about whether and which AI system will be used to support judicial decision-making. Nevertheless, The BRAK considers the use of AI to replace decision-making to be fundamentally excluded due to the judicial reservation (Richtervorbehalt) and the right to the lawful judge. The use of AI in criminal and law enforcement proceedings must remain excluded.

BRAK calls for audio-visual documentation of main proceedings in criminal cases. The situation in Germany has long been deficient regarding the documentation of main proceedings in criminal cases which raises serious concerns regards minimum standards of such proceedings. In 2022 the Federal Ministry of Justice finally pre-sented a draft law on its audio-visual documentation (finally adopted by the Bundestag only as audio-documentation), which was highly welcomed by BRAK. Unfortunately, by the end of 2023 we are facing the situation that the second chamber of the German Parliament, the Bundesrat, is blocking the draft law, so that it may never come into force. The deficient legal situation may continue.

It is also very welcome that the use of video hearings in civil proceedings and other specialized jurisdictions is to be used to a much greater extent. Here, too, legislation has been drafted That is currently being voted on in the parliamentary process.

Furthermore, digitalisation is based on the condition that electronic file inspection is further promoted. Therefore, a speedy introduction of the electronic file (e-file) at the courts should be actively pursued; the use of e-files will be mandatory as of 1.1.2026. BRAK welcomes the intended early introduction of e-files at the highest federal courts. BRAK furthermore suggests that e-filing should also be introduced as soon as possible at the lower instances, and in doing so, the aim should be to make the provisions applying to codes of procedure and individual instances as uniform as possible.

Many digital projects are currently being implemented by Ministry of Justice in connection with the digital pact.

The Budget Committee of the German Bundestag has already released budget funds for the following Ministry of Justice projects as part of the digitalization initiative:

- for the development and testing of an online civil court procedure,
- for the development of a digital legal application office and
- for the development of the video portal of the judiciary.

Further projects are planned and have been submitted to the Budget Committee for approval:

- for the design of a standardized nationwide justice cloud and
- for the creation of a rough concept for the development of an enforcement database.

To surveys among court users or legal professionals:

As already explained: In September 2020, the Federal Ministry of Justice commissioned a comprehensive research project to investigate the causes of the decline in the number of cases filed with the civil courts. The 400-page final report was published in April 2023. (Available: https://www.bmj.de/SharedDocs/Pressemitteilungen/DE/2023/0424_Abschlussbericht_Eingangszahlen_Zivilrichte.html)

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)

5000 character(s) maximum

Within the German court system, a tracking of cases takes place (in most Länder) to check the workload of the judges. A statistic with case numbers is published. There is, however, no quality or satisfaction evaluation of the German courts' performance. The German Federal Bar also does not do any such surveys.

The BRAK has a statutory task to provide for all the members of the Bars a secure electronic communication system for electronic legal transactions (besonderes elektronisches Anwaltspostfach - beA) and to maintain the necessary infrastructure. In Germany, the digitalization of the judiciary and the implementation of secured electronic communication in the field of justice are fairly advanced. Since the Act on the Promotion of Electronic Legal Transactions of 2013 (ERVGerFöG), electronic legal transactions in the field of justice and thus the digitalization of the judiciary has become increasingly established. Since 1 January 2018, all lawyers have been obliged to receive electronic documents sent by other parties to the proceedings in electronic legal transactions, in particular the courts, in their special electronic mailbox (beA). The use of electronic legal transactions became mandatory as of 1 January 2022 for all professional participants in court proceedings.

The courts will have to switch to electronic file management by 2026 at the latest. In addition, digitalization projects for court files are underway in different German Länder. Currently, 2026 is the deadline for the implementation of an electronic organization of court files. Furthermore, the legal foundations for additional electronic legal transactions with courts, public authorities, lawyers and notaries, as well as other "professional" participants in proceedings, are constantly further developed in the framework of legislative procedure.

Law firms have to decide for themselves how to make use of modern technology within their firms. Larger law firms are already well advanced in this respect.

Digitalization also takes place in smaller units or individual law firms. Work is becoming increasingly digital. Law firms also use standard software especially developed for law firms and online research tools.

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

5000 character(s) maximum

C. Efficiency of the justice system

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

2)

Length of proceedings

5000 character(s) maximum

German first instance court proceedings in civil and commercial matters at the district court level can be accomplished within a year.

However, in many complex matters they take much longer, notably if the court appoints an expert. There is a general public sentiment that German civil courts are overworked and that therefore some cases take too long to be decided. Efforts are underway to strengthen the judiciary by increasing the number of judges and supporting the court administration.

German judges traditionally actively assist the parties in amicably settling their dispute. Accordingly, many cases are concluded not by a judgement, but by a pre-judgment settlement. Accordingly, statistics on the length of proceedings do not necessarily properly reflect the actual time span of a dispute from the commencement of the dispute until judgment.

In the last ten years, German civil cases have decreased. In September 2020, the Federal Ministry of Justice commissioned a comprehensive research project to investigate the causes of the decline in the number of cases filed with the civil courts. The 400-page final report was published in April 2023. As expected, the number of new first-instance proceedings at the local and regional courts has been declining for years. From 2005 to 2019, the number of new cases at the local courts fell by around 36% and at the regional courts by around 21%. (Available: https://www.bmj.de/SharedDocs/Pressemitteilungen/DE/2023/0424_Abschlussbericht_Eingangszahlen_Zivilgerichte.html)

In the past, alternative dispute resolution was supported by the State with a view to relieving the courts of their caseload. Digitalization should also help here and promote, for example, the increased use of video hearings in civil jurisdiction and in other specialized jurisdictions. The Federal Ministry of Justice has published another draft law in this regard (§128a ZPO-E), which is currently being voted on in the parliamentary process.

Other - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these

authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

In the fight against corruption, the prevention of money laundering plays a decisive role. The non-financial sector is very complex. Unlike the financial sector, it is not a standardized mass business. Its multitude of different sectors and occupational groups is subject to an equally diverse multitude of regulations.

Obligations to prevent money laundering also apply to the legal profession. In Germany, the regional Bars are competent with regard to the supervision of lawyers in this area, and they have been subject to increased obligations since 2017. The Bars have established a joint working group which provides a forum for an intensive exchange of information. The Bars have jointly developed assessment programmes which include record sheets that are used to determine whether lawyers are affected by these special obligations, they contain on-site inspections of law firms and sanctions in the event of violations. In 2022, 177 II no. 8 BRAO came into force. It gives BRAK additional competences in the field of anti-money laundering (AML). BRAK has established its own AML committee to support us in political decisions regards AML. The working group of the bars will remain in charge of coordination of day to day supervisory tasks.

The criticism often voiced by the EU about the lawyers' alleged lack of risk awareness fails to recognize the underlying facts. Even though it is true that lawyers do report a lower number of suspicions, critics fail to appreciate the reasons for this: In most instances, lawyers are only misused for money laundering at the third stage, i.e. to feed illegally acquired assets into the legal cycle. At this stage, the criminal origin of the funds is difficult to recognise, as they have previously been channelled through the banking sector.

Furthermore, unlike tax advisors and auditors, for example, lawyers do not have a comprehensive insight into the origins of the funds, as funds hardly ever pass through third-party accounts anymore. The low number of reports filed by lawyers compared to those of the financial sector, is due in particular to the fact that EU legislation itself provides for exceptions from the reporting obligation in certain cases. Since lawyers are subject to confidentiality under national law, they are, accordingly, not allowed to submit a report when there is no explicit obligation to report, because of the obligation of confidentiality. It is therefore paradoxical to establish far-reaching exceptions to the reporting obligation in order to satisfy the right to a fair trial and at the same time to accuse the legal profession of filing a relatively low number of reports. Finally, only about 30 % of all German lawyers per year participate in transactions that are relevant in terms of anti-money laundering legislation and which qualify them as being subject to reporting obligations.

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

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

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- 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 (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

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

5000 character(s) maximum

German Act implementing DAC-6 – Directive on mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements.

The Directive imposes reporting obligations with regard to cross-border tax arrangements also on intermediaries. The Directive provides for an exemption of the legal profession; the German Act implementing the Directive, however, does not. Thus, lawyers, insofar as they act as intermediaries, are subject to reporting obligations. Such gold-plating is per se not prohibited. The German implementing Act provides for the possibility to release the lawyer from professional secrecy obligations in accordance with § 138 f of the German Fiscal Code (Abgabenordnung, AO). In this case, the lawyer has to report all the information listed in § 138 f AO. Where the client decides not to lift the obligation of secrecy, the lawyer still has to report some of the information and the client has to report the remainder, even if the client could be identified on the basis of the information that remains to be provided by the lawyer. Furthermore, the lawyer's professional secrecy obligations are also at risk in two other respects. On the one hand the existing obligation for intermediaries to disclose cross-border tax arrangements in accordance with Section 138d AO should also be extended to particular domestic tax arrangements. In addition, the introduction of mandatory invoicing in the B2B sector is being sought in the German implementing act. Here, too, the lawyer's professional secrecy obligations are at risk: according to Directive 2014/55/EU, an invoice must also include information on the recipient of the service - i.e. the client in the case of lawyers, as well as information on the service.

The BRAK submitted two position papers on this issue, criticizing that the German legislator did not make use of the possibility of exemption as provided for in the Directive. The reporting obligations are contrary to the relationship of trust between the lawyer and the client, which is fundamental for the access to justice and a corner-stone of the lawyer's professional practice.

C. Repressive measures

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

5000 character(s) maximum

In the “Jones Day” case, currently before the European Court of Human Rights, the applicants – three lawyers of the law firm Jones Day and the law firm itself are claiming a violation of Article 8 ECHR due to a search of the law firm and of the seizure of documents and electronic data.

The search was carried out on 15 March 2017 in the Munich premises of the law firm in investigation proceedings targeting Audi AG for alleged fraud offences related to the use of unauthorised emissions control devices in diesel vehicles. It was aimed at the discovery of documents which the law firm had collected or created in the context of its internal investigations at Audi regarding the manipulation of emissions of diesel engines. The law firm had carried out these internal investigations at the request of its client, Volkswagen AG, which Audi is a 100% subsidiary of.

In our view, the applicants are affected to a considerable extent in terms of professional law as regards their position as a lawyer and as a law firm. The search and seizure of documents and electronic data by the public prosecutor’s office in the Munich premises of the law firm seriously affects the applicants’ rights as lawyers and as a law firm, especially in relation to their clients.

In addition, it is as striking as it is regrettable that the Jones Day decision of the German Federal Constitutional Court appears to be misused increasingly by investigation authorities to justify searches of law firms. It appears this is being done with misleading arguments, i.e. by (at least implicitly) referencing the Jones Day decision even though the facts of the case would differ significantly from the facts on which the search warrant decisions are based.

In this context:

For some time now, the German Federal Bar has become aware of a development that is highly questionable in terms of the rule of law: public prosecutors are increasingly ordering the inspection of privileged defence correspondence. Both the order itself and the subsequent actual review are unacceptable – any privileged correspondence with defence counsel must not be subject to review by investigation authorities. In fact, it is protected by a ban on seizure under Section 97 (1) of the Code of Criminal Procedure. The BRAK is campaigning for an immediate end to this unlawful practice.

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Safeguards against state / political interference, in particular:

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

The BRAK would like to point out that sanctioning lawyers who act in lawsuits which qualify as SLAPP (as originally suggested in the European Commission's recommendation on SLAPP) raises serious constitutional concerns in Germany. The right to freely choose one's profession (Article 12 of the German Basic Law, Grundgesetz, GG) has a protective effect vis-à-vis rules which either relate directly to professional activity or which at least have an objective tendency to regulate the profession. Every citizen has the right to legal assistance in court proceedings. Sanctioning lawyers in this regard would constitute a disproportionate limitation of this basic right and the access to justice. The result must never be that the decision about SLAPP or non-SLAPP is shifted to the legal advice area.

It also contravenes the basic principle of lawyer-client confidentiality which is based upon the client's trust in the lawyers' independence. The independence of a lawyer requires independence in all directions and includes client independence as well as social and political independence – both, confidentiality as well as the lawyers' independence are guaranteed and protected by law in Germany.

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

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

[1] This includes also the consultation of social partners

5000 character(s) maximum

The German Federal Bar urgently calls for the separation of powers of the legislative, executive and judiciary to be preserved, even and especially in times of crisis, despite all the tension and existing special challenges. The principles of the rule of law must be observed, regardless of whether the country is witnessing a special situation or not. The crisis must not be the 'hour of the executive', even if quick action is required. Greater parliamentary participation in law-making is imperative. Otherwise, the impression that will arise is that of the executive branch of government 'overrunning' the legislative and judicial branches. Each power is equally important and fulfils its specific role in a state governed by the rule of law. Anyone who threatens to upset this balance forfeits acceptance and trust in the rule of law.

Therefore, we would like to stress the following with regard to the elaboration of legislative proposals and the course of legislative procedures: Legislative acts must follow parliamentary procedure with all its deadlines and hearings in an orderly and unhurried manner. This is the only way to give all actors involved the opportunity to give the proposed acts sufficient thought. For this reason, the Joint Rules of Procedure of the Federal Ministries (Gemeinsame Geschäftsordnung der Bundesministerien, GGO) provide rules for deadlines and participation procedure within the federal government and participation by the Länder, local authority organisations, experts and associations.

The coalition agreement of the new German government of the SPD, Grüne and the FDP which were sworn in on 08.12.2021 mentions that stakeholders should be involved in the legislative process already at an early stage. At present, this is being complied with. Generally speaking, feedback periods are appropriate.

In the past, we have criticized that feedback periods were too short. This has changed. The Federal Ministry of Justice now includes the BRAK in legislative projects from an early stage of the process. Thus, participation and transparency are ensured. This strengthens confidence in the rule of law and independent authorities.

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

5000 character(s) maximum

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

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

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

5000 character(s) maximum

Despite numerous calls in this regard, it has not been possible to establish an independent supervisory data protection authority at the legal profession's self-regulatory bodies as still no national legal basis for it has been created. In 2023 this, once again, led to a situation in which a data protection authority (LfDI Bremen) misinterpreted rules of the profession of lawyers on confidentiality and on this basis demanded lawyer-client communication to be end-to-end-encrypted even if the client prefers a less secure communication channel. This constitutes an unacceptable barrier for clients seeking access to law. Furthermore, it undermines the independence of lawyers. Nor have any legislative efforts been made to centralize the supervision of data protection and implement a more sectoral orientation of such supervision in general. At present, data protection supervision in Germany is essentially assigned (apart from only a few sectoral supervisory bodies) to 17 different Länder authorities and one federal authority. This leads to inconsistent legal interpretations and divergent supervisory practice. This also complicates data protection compliance in law firms.

Still no legislation has been initiated to implement the much-needed limitation of supervisory powers also for cases of Article 58 (1) (a) to (c) of the General Data Protection Regulation (GDPR) in addition to the limitations already provided for in Germany in § 29 (3) of the Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG). The BRAK is of the opinion that, notwithstanding the opening clause of Article 90 (1) of the GDPR, which is limited to cases of Article 58 (1) (d) and (e) of the GDPR, the national legislator is authorised to enact corresponding restrictions of powers, provided that this merely implements the principle of proportionality, which is also recognised under European law. Therefore, BRAK calls on the German government to promote the enactment of a corresponding provision and for further protection of lawyer-client confidentiality at EU level. To this end, BRAK calls on the federal government to advocate for an extension of the opening clause of Article 90 (1) of the GDPR to the cases of Article 58 (1) (a) to (c) of the GDPR.

Following the ECJs ruling *SpaceNet* and *Telekom Deutschland* (C-793/19 und C-794/19) Germany has still not replaced its laws allowing for general and indiscriminate retention of data. A first draft of the ministry of justice (BMJ) of October 2022, replacing the general indiscriminate retention with a "quick freeze" approach, has still not been put to vote because the ministry of the interior (BMI) demands to add a minimum storage period for IP addresses. German lawyers, to the contrary, had called for further restrictions of the BMJ draft in order to protect client-lawyer communication (BRAK position paper 52/2022). As a side note – the Commission's proposal for a regulation against child sexual abuse online (CSAM) has raised similar concerns. It would require service providers to scan all communications regardless of whether they are covered by the legal professional privilege – using tools that are known for their very high false-positive (as well as false-negative) outcome.

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

Judicial review of administrative decisions:

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

D. The enabling framework for civil society

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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.)

5000 character(s) maximum

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.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

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