

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

Fundatia pentru Dezvoltarea Societatii Civile (Civil Society Development Foundation)

Main Areas of Work

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

If "Other", please specify

civil society and democratic participation

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

500 character(s) maximum

www.fdsc.ro; www.activecitizensfund.ro; www.instaredebine.ro

Transparency register number

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

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan

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

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

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

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

First name

Simona

Surname

Constantinescu

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

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

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

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

5000 character(s) maximum

B. Quality of justice

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

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

5000 character(s) maximum

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

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

5000 character(s) maximum

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

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

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

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

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

No progress in 2023 regarding the transparency of political parties funds whilst the public subsidies for their operations is increasing every year (according to the an anticorruption NGO Expert Forum report at <https://expertforum.ro/wp-content/uploads/2023/12/PB-160-subventii-2023-1.pdf>)

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

C. Repressive measures

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

5000 character(s) maximum

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

The contracts for the Romanian media remain opaque and very few publications cover this subject (see also the NGO Expert Forum report at <https://expertforum.ro/wp-content/uploads/2023/12/PB-160-subventii-2023-1.pdf>). One mainstream news site received 1 million Euro per year from one of the ruling parties to publish favorable articles, which are not clearly marked as paid advertising; when news agencies publish critical articles they risk losing these considerable sums of money (according to an investigation published by Libertatea on 12 December 2023 available at https://www.libertatea.ro/stiri/investigatie-un-milion-de-euro-de-la-pnl-pentru-site-ul-digi24-articolele-nu-au-fost-marcate-cu-semnul-p-publicitate-dar-au-fost-trimise-pentru-plata-la-partid-4745569?utm_source=facebook&utm_medium=social&utm_campaign=tolo-page-post&fbclid=IwAR3fbCTMjOtEgbwOfBO1wnnBwCKP9rViF_npLvS-rc3Qyt4QiskuCKRfr8s). Media organizations claim that this sort of financing distorts the local media landscape and even threaten the access to information for citizens who rely on these outlets for information (an analysis published by ActiveWatch on 23 June 2023 <https://activewatch.ro/articole/partidele-banii-si-presa-o-relatie-toxica-freeex-digest-nr-4/>).

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

One of the main online publications from Romania, Libertatea, has been marked by controversy as the owner of the publication let go several high-profile journalists, including the editor in chief Cătălin Tolontan, other senior staff and also announced it will lay off 20% of all staff; civil society groups have criticised this move and argued it is because of the pressure coming from the gambling industry which allegedly exerted pressure on the publication to not publish critical articles. Other journalists claim that the pressure also comes from real estate developers which are accused of buying favourable media coverage (according to a press-release signed by 80 ONG on 14 December 2023 available in Romanian at <https://www.stareademocratiei.ro/2023/12/14/80-de-semnatari-ai-scrisorii-de-solidaritate-cu-jurnalistele-si-jurnalistii-de-la-ziarul-libertatea/>).

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

In July 2023, a group of NGOs asked publicly to the general prosecutor of Romania to act according to the law, finalise the investigations and do the necessary proceedings in order to provide the remedies and limit the consequences of the criminal deeds against the journalist Emilia Sercan in 2022 (according to the press release here: https://apador.org/19-ong-uri-ii-cer-procurorului-general-sa-respecte-legea-in-cazul-emilia-sercan/?fbclid=IwAR21ijlhS97TIRsLnRQyzPT25JwTPCJICA0GF-cAJJ452h92r6SO9DMA_p0). In November 2023, Romanian prosecutors decided to close the investigation without pressing any charges in respect to the smear campaign against a well know Romanian investigative journalist, Emilia Sercan, by which several intimate pictures of hers were posted without consent in several adult websites (as explained in a press-article published by Emilia Sercan on 6 November 2023, available in Romanian at <https://pressone.ro/parchetul-claseaza-abrupt-dosarul-de-kompromat-fapta-de-scurgere-a-unei-probe-din-politia-romana-nu-este-prevazuta-de-legea-penala/>). The journalist started a protest against this decision and on 18th of December 2023 around 50 other journalists and activists joined her daily protest held in front of the Prosecutor General's office (As explained in a press-article from 18 December 2023, available in Romanian at <https://pressone.ro/parchetul-claseaza-abrupt-dosarul-de-kompromat-fapta-de-scurgere-a-unei-probe-din-politia-romana-nu-este-prevazuta-de-legea-penala/>).

An analysis shows that, at times, Romanian journalists face pressure to breach the confidentiality of journalistic sources and the identify of people they discuss with during their investigation; they complain about being pressured by individuals, lawyers, police, prosecutors and even in court setting to disclose these sources; they however report that they are able to oppose and resist such pressures (according to a series of interviews conducted by ActiveWatch, published on 24 October 2023, available at <https://activewatch.ro/articole/presiuni-pentru-expunerea-surselor-norme-etice-si-legale/>).

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

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

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

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

In addition to the 2022 law proposal (https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=243&an=2022) which would basically ban any information/communication about sex changes or homosexuality, a new initiative (https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=20906) seeking to prohibit any visual, audio, or video materials related to LGBTQ+ identities, under the pretext of protecting children (press release by Mozaic on February 15, 2023: <https://www.mozaiclgbt.ro/2023/02/comunicat-de-presa-ideologiile-putiniste-isi-fac-loc-in-parlamentul-romaniei/>) was submitted to the Parliament for debate. Both proposals are pending in the Chamber of Deputies that is the decision chamber in these cases.

On 23 May 2023, ECHR found in the case of Buhuceanu and others v Romania that Romania violated Article 8 of the Convention, which protects the family life, in the case of the 42 petitioners. As a result of this decision, Romania must adopt a legal form of recognition of families made up of same-sex persons (press-release of NGO ACCEPT, on 23 May 2023, <https://acceptromania.ro/aritcol-test/>). 35 NGOs joined a campaign asking for this decision to be applied and legalizing same-sex marriage (press release of NGO ACCEPT, on 11 December 2023, <https://acceptromania.ro/35-de-ong-uri-din-romania-sustin-adoptarea-instrumentelor-adequate-de-protectie-si-recunoastere-legala-a-tuturor-familiiilor/>).

In 2023 one of the most visible human rights violations referred to an official investigation in residential centers for older persons and persons with disabilities, which showed inhuman treatment and grave human rights violations and exploitation against residents (open letter issued on 18 July 2023, <https://www.crj.ro/en/international-organisations-raise-concern-over-abuses-in-ilfov/>). The official investigation has started after several alerts sent by the NGO Centrul de Resurse Juridice (Center for Legal Resources) who repeatedly informed the authorities about the abuses and whose alerts were ignored for more than 6 months. On the other hand, the series of verifications at the public and private residence centers across the country initiated by the authorities following the public scandal around this case were made hastily, without respect to the residents in the center (e.g. persons with disabilities witnessed the raid made by the verification teams that included force institutions like the police carrying guns during the discussions with the centers' personnel), intimidating the staff of the centers outnumbered by the several control institutions coming at the same time and creating the impression that the purpose was not to find remedies but to apply as (sometimes) disproportionate fines (more on that in the analysis of FONSS – the Federation of NGOs Social Services Providers: https://fonss.ro/inchideti-amendati-si-dati-masuri-de-indeplinire-dar-cu-beneficiarii-ce-facem/?fbclid=IwAR1CVorRlm-M1RITaTVsOSQX3cPQ2RtXswd584h-pKR-2Zuo2n1P_vqmqJQ).

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

Like the previous year, the framework legislation on associations and foundations needs further changes in order to respond to the NGOs requirements related to less bureaucracy needed to set up, run and even close an NGO. The procedures governing the establishment and operation of NGOs are perceived by most representatives of the NGO sector as rigid, cumbersome, bureaucratic and time-consuming. NGOs citing unclear laws and non-uniform judicial practice, length of all procedures, lack of centralised data and communication between various state institutions (According to a report issued by the NGO Center for Nonprofit Legislation on 26 April 2023, available at <https://clnr.ro/raport-de-cercetare-privind-barierile-administrative-in-organizarea-si-functionarea-ong-urilor-din-romania/>).

The Romanian Ministry of Justice proposed a draft law, pending before Parliament, which has been developed in consultation with NGOs and which would bring several modifications to existing legislation including cutting down on bureaucracy, simplifying judicial procedures relating to the organization of NGOs and digitalizing existing procedures, including the National Register of Non-Profit Legal Entities, kept by the Ministry of Justice and the unification of NGO registers. However, further clarifications on the typologies of legal persons covered by the law, the public utility status, the economic activities of NGOs and the publicity, accessibility, and range of information available to the third parties in the National Register have to be considered.

A law proposal from 2022 (can be tracked here: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=20099) which sought to impose severe restrictions on NGOs, would limit their right to access to a court

and would limit the ability of environmental NGOs in particular to challenge (especially) real estate development projects continued to raise concerns among NGO, and 108 NGOs asked the president not to pass this law (press-release from 7 March 2023, available in Romanian at: <https://www.stiri.org/ong/drepturile-tuturor/108-organizatii-neguvernementale-cer-presedintele-klaus-iohannis-sa-nu-promulge-o-lege-care-incalca-cel-putin-patru-articole-din-constitutie>). Despite the NGOs criticisms and the severe consequences for NGOs to pursue their mission for public interest, the law was adopted in April 2023 and includes the provisions that minimise to the possibility to challenge administrative decisions and initiate public interest litigations.

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

An analysis published in December 2023 shows that SLAPP cases continue to be an issue in Romania, consisting mostly of civil defamation cases, brought either under the general provisions on tort or under the special provisions of the Civil Code on the protection of non-pecuniary subjective rights (the right to private life, the right to personal dignity, the right to one's image, the right to protection of personal data). In practice, in many cases the claimants specifically aim at silencing the targets by asking the courts to forbid the targets to make further public statements in their respect (Diana Hatneanu, SLAPP in Romania – Case Study, <https://cji.ro/en/slapp-in-romania-case-study/>).

As presented in the 2023 report there is a worrying trend in which NGOs are targeted by real estate developers in a series of SLAPP cases by which they seek their closure. In 2024 another court ruled against an NGO and decided that because the NGOs could not pay the exorbitant legal expenses sought by the developer, it had to be closed down (as explained in a FB post from 22 December 2023 from Salvati București NGO - https://www.facebook.com/photo.php?fbid=771622698339174&set=a.554200323414747&type=3&ref=embed_post). The decision prompted large support from civil society organizations and the NGOs managed to fundraise the remaining funds and it may overturn the decision on appeal (as explained in a Facebook post from 28 December 2023 from Salvati București NGO - https://www.facebook.com/permalink.php?story_fbid=pfbid02idbS92cSdq9GQ9sSTufcuuND57ABSt8saNba59FrrHNCd3ufUFKcbWogpwKaM64jI&id=100064743517221).

Although the Whistle-blower law was passed in December 2022 (Information on its history is available on APADOR-CH's website, updated on 2 February 2023 <https://apador.org/cronologia-adoptarii-legii-de-protectie-a-avertizorilor-de-integritate/>) issues with its implementation still exist, one such issue is access to legal aid for whistle-blowers, although the right is prescribed by law, irrespective of the income of the person seeking it, in practice petitioners are not afforded access and are asked for proof that they cannot afford legal counsel (according to an analysis done by APADOR-CH published on 1 September 2023 <https://apador.org/tara-in-care-nici-barourile-de-avocati-nu-respecta-legea/>).

The Centre for Legal Resources (CLR), a non-governmental human rights organization, which exposed grave human rights violations in social care homes in Romania, claims that the Ministry of Labour, instead of addressing the violations raised by the NGO following its monitoring visits in such centres, decided to unilaterally terminate the cooperation agreement for unannounced visits to social care homes, thus not allowing the NGO to continue its work in investigating and reporting on human rights abuses (as explained in an open letter issued by CRJ on 9 July 2023, <https://www.crj.ro/en/crj-urges-the-labour-minister-marius-constantin-budai-to-resign/>).

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

In August 2023 a group of lead organizations mobilized in the defense of the fiscal facilities related to sponsorship and the 3.5% funding mechanism for NGOs (early August, a draft law for the adjustment of the Fiscal code, leaked to the media, included the government's intention to change and limit the benefits for both mechanisms, with extensive negative effects on the sector's funding sources). A public letter signed by over 1300 NGOs was publicly addressed to the Government proposals, requesting them to back off (the letter is available at: <https://docs.google.com/document/d/1LjDHjXjBWaXlXkFnB7k4b3dbWODHWY/edit?pli=1#heading=h.lsraxes2630> and one media article on the topic here: <https://www.presshub.ro/peste-1-000-de-ong-uri-cer-premierului-sa-nu-anuleze-mecanismele-de-sponsorizare-281201/>). Following a consultation meeting with the prime minister and his office in September 2023 (<https://www.facebook.com/guv.ro/posts/pfbid02MnWiaMdikXMRyQ9BhbsDVSJcZeKxW4Pptxv1Rv4QdLy3LigPGwCaugafpSxeSZV4I>) the intention to change the sponsorship and 3.5% mechanism of funding for NGOs was dropped off in the Fiscal Code changes at the time. However, the intention was announced again in December 2023 when the Government issued an Emergency Ordinance that introduced significant changes to the Fiscal Code. The NGOs mobilisation and the discussion with the Government (according to Asociatia pentru Relatii Comunitare press release here: <https://www.facebook.com/AsociatiaPentruRelatiiComunitare/posts/pfbid0sMZst9krZYyBQnMM9QA3v6PBrtjA3V6ttvsa9UfwEPX9U3AyKmFWbu7gJuUjMx7ol>) managed to safeguard only partially the sponsorship mechanism for NGOs, and the self-employed persons, the independent professionals and the microenterprises (companies with a turnover up to 60.000 Euro that are taxed 1% on the revenues or up to 500.000 euro that are taxed with 3% on the revenues instead of on their profit) can no longer make sponsorships.

Amongst others, the Emergency Ordinance in December 2023 introduced the obligations for NGOs that receive money through sponsorship and other similar mechanisms to conduct a compulsory procedure that would generate a new declaration submitted along the annual financial statements. The technical details on this additional financial reporting procedure are to be defined in the secondary legislation issued by the Ministry of Finance in 2024. Several concerns remain to be addressed in the secondary legislation (will any external verification entailing costs will be necessary, will it be any income threshold required for this additional reporting, the technical details related to the purpose, scope and costs of this procedure, the methodology used by the fiscal authorities to analyse these declarations and the conditions for the storage, processing and disclosure of the information received etc).

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

Human Rights NGO APADOR-CH criticised the fact that although Law 52/2003, on decision-making transparency, establishes a minimum term of 10 days for debate, in practice, public authorities set a maximum of 10 days for consultations, regardless of the workload required to study a package of laws; such was the case for three law proposals which would modify 7 legal texts and for which NGOs had only 10 days to share their input (According to a press-release issued by APADOR-CH on 19 October 2023, available in Romanian at <https://apador.org/cum-se-mimeaza-dezbaterea-publica-pe-repede-inainte/>).

A report from Open Spending EU shows that, out of 10 countries analysed, Romania is at the bottom of this ranking when it comes to transparency on how it spends funds received through the European Union's Recovery and Resilience Mechanism, publishing only 28% of recommended information in a manner which

is only 36% user-friendly, the lowest scores from selected countries (<https://www.open-contracting.org/wp-content/uploads/2023/05/RRF-transparency-report.pdf>).

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

rule-of-law-network@ec.europa.eu