

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

FIRM-IFDH (Belgian Federal Institute for the Protection and Promotion of Human Rights)

Main Areas of Work

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

If "Other", please specify

Broad mandate concerning the protection and promotion of human rights ; enabling civil society and human rights defenders ; protection and support of whistleblowers.

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

500 character(s) maximum

<https://www.institutfederaldroitshumains.be/en/accueil>

Transparency register number

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

* Country of origin

Please 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

Martien

Surname

Schotsmans

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

Introduction

The Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH) was created by the Act of 12 May 2019 to provide Belgium with a national human rights institution (NHRI). FIRM-IFDH has been operational since February 2021 and has since been accredited with a B-status by GANHRI, the Global Alliance of National Human Rights Institutions, in March 2023.

As in 2022 and 2023, FIRM-IFDH is currently drafting a report on the state of the rule of law in Belgium, which will be co-authored by a number of independent institutional human rights actors, namely Unia, the

Interfederal Centre for Equal Opportunities ; Myria, the Federal Migration Centre ; the Combat Poverty Service ; and the Central Monitoring Council for Prisons. The Belgian Data Protection Authority, the Institute for Equality between Women and Men and the Flemish Institute for Human Rights will also provide input to the report.

The latter report will first be sent to ENNHRI, the European Network of National Human Rights Institutions, which is compiling an European-wide report on the rule of law. Its 2024 thematic focus will be on the functioning of checks and balances in Belgium (including separation of powers ; access to information ; independence and effectiveness of independent institutions ; and enabling environment for civil society and human rights defenders), the impact of national security/public order measures on human rights, and non-implementation of judgments by Belgian authorities. An evaluation of the recommendations made by the Commission in 2023, will also be included.

In this context, we have limited our contribution to this targeted stakeholder consultation to elements that will not be included in FIRM-IFDH and its partners' 2024 rule of law report. The information hereunder provided should therefore be read in parallel with our forthcoming report.

General horizontal developments or trends

Three general horizontal developments are mentioned hereunder. These three trends do not exhaustively examine horizontal developments covering several Member States (including Belgium), nor are they necessarily the main horizontal problems in terms of the rule of law. However, these trends are problematic and pose clear dangers to the rule of law:

1. Non-execution of judgments by State authorities

As discussed at length in FIRM-IFDH's 2023 rule of law report, there currently exists a concerning trend of non-execution of judgments by Belgian state authorities : the authorities condemned by a tribunal or court simply refuse to comply with the judicial decision. This issue concerns both national judgments – including several thousand definitive rulings by courts and tribunals regarding asylum seekers' right to reception – and international decisions, by the European Court of Human Rights (ECHR), the European Committee of Social Rights and the European Court of Justice.

This issue has become exacerbated in 2023, with statements by some members of the federal government stating their explicit refusal to implement judicial decisions. In addition, most leading European judgments have seen little to no progress in their implementation and several major issues have worsened (prison overcrowding, lack of care for people in psychiatric internment within prisons, etc.). The issue was raised by Justice Commissioner Didier Reynders during a hearing in the Federal Parliament on 5th December 2023, as well as by leading civil society organizations and independent public institutions such as FIRM-IFDH and several others. Yet, no concrete steps have been taken by the government or parliament to address the non-implementation of judgments, despite apparent recognition of a problem. Non-implementation of judgments, especially key leading ones, has been rising for several years in Europe, as found by the Legal and Human Rights Committee of the Council of Europe's Parliamentary Assembly in its 8th, 10th and 11th report on the implementation of judgments by the ECHR.

In its 2024 rule of law report, FIRM-IFDH will provide an overview of the evolution of the implementation of specific judgments by the ECHR, as well as information on non-execution of judgments.

2. Restrictions on the right to demonstrate

Several legal and political initiatives in 2023 attempted to curtail the right to demonstrate, including a much-debated draft law and a more discretely adopted ministerial circular. These regulations will be examined in our forthcoming report, under the section "securitisation".

3. Threats to human rights defenders and shrinking civic space

In 2023, FIRM-IFDH undertook a study examining pressure on human rights defenders in Belgium. The results will be published in 2024 but preliminary results have shown a deterioration in the civic space, including for public institutions. Several results will be included in our forthcoming report, under the section "enabling environment for civil society"

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

In 2023, the Commission repeated its 2022 recommendation : “further continue measures to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.”.

This question is briefly examined under the question B.1. “Resources for the judiciary”

A. Independence

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

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

5000 character(s) maximum

In February 2023, the federal government approved the first reading of a draft law requiring a security clearance and regular security checks for magistrates. The measure would aim to better protect the judiciary against feared infiltrations by criminal organizations. Upon request of the Justice Minister, the High Council of Justice raised a number of concerns in an advisory opinion dated 11 April 2023. The High Council pointed out that such a requirement would weaken the separation of powers, since the control would be made by organs of the executive power ; would impair the competence of the High Council itself, which will only be able to recommend for appointment magistrates who have cleared the security checks. The draft law could also constitute a violation of the right to a fair trial, the principles of legality, of legal certainty and would require disproportionate means in order to achieve its objectives, given the existence of other forms of integrity control for magistrates. This criticism echoes similar concerns raised by the Council of Europe's Consultative Council of European Judges in a 2018 opinion, as well as by the European Commission's 2023 rule of law report.

No further development has been reported on this draft law since the publication of the High Council's advisory opinion.

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

An evaluation of the court cases allocation is difficult to make in Belgium, following persistent lack of adequate statistical data on the “disposition time” in civil proceedings, especially in first instance.

The “disposition time” refers to “the estimated minimum time that a court would need to resolve a case while maintaining the current working conditions”. It provides information concerning the average length of the proceedings.

The State has made some efforts to produce statistics on the “disposition time” of Belgian courts and tribunals. In a 2022 Rule 9 submission to the Council of Europe’s Committee of Ministers in the *Bell v. Belgium* group of cases, FIRM-IFDH pointed out these data remain unavailable for the time being. This situation has not yet been resolved since, despite numerous condemnations by European and national courts and tribunals due to excessive length of proceedings. Lack of transparency remains an important problem leading to difficulties in identifying the causes of the judicial backlog and the impact of efforts aimed at reducing the length of proceedings.

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

FIRM-IFDH recommends that the Commission requests data on disposition time. The data should account for the disparities between judicial districts and include all Belgian judicial jurisdictions and provide specific data on redress procedures for excessive length of proceedings.

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

5000 character(s) maximum

FIRM-IFDH’s mandate includes monitoring Belgian authorities’ compliance with European Court of Human Rights decisions. In the *Loquifer* case (20 July 2021), the European Court of Human Rights found that the absence of a remedy against the suspension of a member of the High Council of Justice constituted a violation of the right to access to a court.

In its first action plan addressed to the Council of Europe’s Committee of Ministers to comply with the ruling, the Belgian government announced it would amend the coordinated acts on the Council of State in order to provide a new remedy for the suspension of members of the High Council of Justice, which would be brought before the Council of State. In a more recent action report (dated 12/10/23), the government changed its intent, claiming a flexible interpretation of the current law by the Council of State is a better solution in order to provide access to the court. The government has asked that the follow-up of its execution by the Committee of Ministers be closed. Yet, there are no indications so far that the Council of State has changed the interpretation of its own law since the *Loquifer* ruling.

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

A new law proposal has been introduced in Parliament in October 2023 in order to reinforce rules regarding disciplinary procedure applicable to the judicial order (law proposal with parliamentary reference DOC 55 3634). Law proposal differ from draft law as they are not introduced in Parliament by the government, but by a member of the Parliament.

The law proposal would create a permanent disciplinary prosecution office, which would be able to open disciplinary investigations against magistrates, start proceedings before a non-permanent disciplinary tribunal. As with other prosecution offices, the disciplinary prosecution office would not be fully independent from the executive order, even if efforts have been made to improve this aspect compared with other prosecution offices : contrarily to other prosecution offices, it would not be placed under the authority of the Justice minister but under the joint authority of the College of Courts and Tribunals and the College of the Public Prosecutor (whose members are under the authority of the Justice minister). Its members would be nominated by the government following a recommendation by the High Council of Justice.

The disciplinary prosecutors would be given the competence to appeal against the decision of the chef de corps (chief magistrate) not to inflict a sanction or only a light penalty against a magistrate guilty of a disciplinary offence. The law proposal would also reinforce the independence of the disciplinary tribunal – meaning reinforcing its independence from the magistrates' themselves – by involving external actors such as the Batonniers of the Bar associations and law professors as judges (conseiller) of the disciplinary tribunal.

In general, the law proposal seems mostly intended to break from the tradition of magistrates' disciplinary proceedings being conducted wholly by magistrates themselves, in order to improve both the effectiveness of the proceedings and its appearance of impartiality for the larger public. Yet, it also risks weakening the separation of powers and the independence of the judiciary. In other European Member States, the creation of permanent disciplinary prosecution offices has sometimes been used to make a judiciary more compliant with the executive's wishes. While some guarantees are here provided to avoid such an outcome, there remains cause for concern. Lastly, the recent policy note of the Justice minister presented to Parliament on 31st October 2023 (DOC 55 3649/023) mentions his intention to reform the magistrates' disciplinary regime to respond to criticism raised by victims' families. Few details on this initiative from the minister are known at this time.

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

Following EU Recovery Instrument funding, Belgium's Justice Minister has announced that the additional resources planned by this legislature to strengthen the judiciary amount to 300 million € per year (including 50 million for digitalization). In its 2022 contribution to the European Commission's stakeholders' consultation, FIRM-IFDH expressed concerns over the Justice Minister's 'carrot-and-stick' approach to these funds, conditioning the allocation of additional financial resources with the fulfilment of certain objectives. This criticism stemmed from the difficulty of measuring the outcomes, the weakening of the separation of powers induced by such an approach and risks to the quality of the work performed in favour of reaching those objectives. The intention to develop such an approach appears to have been maintained in 2023 but few data are publicly available in order to measure its outcomes.

The Commission should urge the Belgian State to ensure that the conditionality attached to additional resources does not have the unwarranted effect of threatening the quality of the work of the judiciary as well as the independence of the judiciary, nor impede citizens' effective access to justice. Furthermore, the conditionality should avoid leading to sanction understaffed and underfunded courts and tribunals if they fail to meet the objectives due to lack of resources.

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

As mentioned in our 2022 contribution to the European Commission's stakeholders' consultation, a new draft law has been introduced by the Belgian government to create a general legal framework for the use of remote hearings in civil and criminal matters. In January 2024, the proposal was still being discussed in the federal Parliament. The draft law sets out the circumstances in which videoconferencing may be used, and establishes as a general principle the consent of the parties, with certain exceptions also legally defined. The draft also defines the modalities of appeal against such decisions.

FIRM-IFDH has welcomed the legislator's intent to implement videoconferencing in tribunals in a manner that respects due process requirements, praising its reference to the case-law of the Belgian Constitutional Court and the European Court of Human Rights, as well as to the guidelines on videoconferencing in judicial proceedings adopted by the European Commission for the Efficiency of Justice. FIRM-IFDH recommended a number of modifications to the draft law in an advisory opinion (n° 3/2023) published in January 2023, in order to strengthen its human rights framework. Some of these recommendations have been incorporated into the draft law but others remain absent.

More specifically, the use of videoconferencing must always serve a legitimate aim and its implementation must be compatible with respect for the rights of the parties, particularly the right to a fair trial. The draft law should include an obligation to collect statistical data in order to compare the lengths of proceedings using remote hearings with those held in the presence of the parties and the severity of the criminal sanctions, following studies showing an increase in the severity of the sanctions with partly online hearings. The right to information of parties should also be strengthened and the draft law should be more precise in the criteria used to decide the pertinence of using remote hearings.

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

As in 2022, the underfunding of the justice system remains a critical problem in Belgium, leading to considerable judicial backlog. 2023 saw numerous rulings against Belgium due to excessive length of proceedings resulting from the lack of resources of the justice system. A violation was found, among else, by the European Court of Human Rights which added to its impressive list (cited in § 104) of decisions on

excessive length of proceedings with a new decision – Van den Kerkhof v. Belgium (5/9/23), the Brussels Court of Appeal and the Brussels Family Tribunal. In particular, this decision of the Court of Appeal condemned the State to publish the vacancy notices for all unoccupied magistrates and court registry personnel positions within three months of the ruling (i.e. 6 November 2023). Numerous courts and tribunals are currently severely understaffed, but it remains to be seen whether the Belgian government will comply with this ruling, challenge it before the court of cassation or ignore it, given its recent track record regarding judicial decisions it does not agree with.

Several startling examples recently showed that the judicial backlog is increasingly problematic : in late 2023, the Brussels Court of Appeal started giving hearing dates in 2040 and 2041 for fiscal matters.

FIRM-IFDH has raised concerns regarding the excessive length of proceedings in a 2022 communication to the Committee of Ministers of the Council of Europe, as a follow-up of the Bell v. Belgium group of cases. FIRM-IFDH is currently preparing a new communication which will be sent to the Committee in April 2024. In this context, FIRM-IFDH has welcomed the intent of the State to increase the funding of the justice system. It has however expressed concerns over the conditionality of performance requirements associated with the allocation of the additional resources.

Other - please specify

5000 character(s) maximum

2023 has seen a stark increase in unilateral applications to start judicial proceedings (in which only the requesting party is heard) with negative consequences for the enjoyment of certain human rights, such as the right to a fair trial, the right to strike or the right to adequate housing.

Such applications were the most notably used in labour law, in the context of several disputes between trade unions and three large retail chains. The employers made extensive use of unilateral emergency applications, which were – at least in part – favorably received by the courts and made it possible to prohibit certain strike-related actions. In 2011, however, Belgium was condemned by the European Committee of Social Rights for the abusive use of unilateral emergency applications to prohibit collective action (C.S.C., F. G.T.B. and C.G.L.S.B. v. Belgium, 13 September 2011). The European Committee found that the failure to summon both parties to the hearing was a violation of the right to a fair trial, and that their recurrent use showed the existence of a structural problem in Belgium.

FIRM-IFDH denounced the renewed use of unilateral applications to curtail human rights in an opinion published on 23 May 2023. The authorities have not yet reacted to put an end to this violation of fundamental rights. Some of these decisions have been overturned on appeal, with courts noting the abuse of the emergency unilateral procedure.

The year was also marked by the use of emergency unilateral applications to limit public participation, in particular against journalists exposing political scandals and in relation to the eviction from housing of undocumented migrants occupying public buildings, as denounced by the Ligue des droits humains on 15 November 2023. The increasing use of unilateral applications poses an acute risk to the right to a fair trial and the wider enjoyment of fundamental rights.

Our forthcoming 2024 Rule of Law report will discuss other recent developments in the judiciary, such as the penal transaction mechanism (both in its immediate and its “broadened” iterations), the conditionality of additional funding to the justice system, the law proposal of a payment order to close some criminal prosecution, the law proposal to reduce the right to an effective remedy by detainees, and the increasing use of administrative procedures to pursue criminal behavior.

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

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

Belgium has transposed Directive 2019/1937 into national law through several legal instruments, including two laws at the federal level : the Act of 24 November 2022 (for the private sector) and the Act of 8 December 2022 (for the public sector). Corresponding legislation has also been adopted by the regional and community parliaments.

At the federal level, the legislator opted for a strong protection system but a fragmented and sometimes difficult to read material scope. At the public level, the material scope is quite broad, and also applies to the police, with some specificities . Yet, the transposition at the public level has also been incomplete as it excludes the judiciary and the armed forces from its application. The Belgian government apparently intends to draft specific legislation for those two sectors but no proposals have been made public yet. For the private sector, the law largely copied the material scope of the directive, which leads to a fragmented situation – where some whistleblowers would be covered by the Whistleblowers' Protection Act and others falling outside of its scope of application. A recent EU-wide study of Transparency International comparing whistleblowers' protection regimes praised Belgium's extensive support measures for whistleblowers and strong oversight and enforcement measures but criticised the material scope of the regulations and the limited possible redress in case of retaliation.

The protection and support regime is largely entrusted to two independent human rights institutions:

- The Federal Ombudsman is the main external channel for the public sector and, in the absence of a more specific external channel, for the private sector. In addition, he acts as the coordinating authority for the external channels for the private sector. He plays a key role in the implementation of protection against reprisals.
- FIRM-IFDH has four specific competences in relation to whistleblowers: (1) it is responsible for legal, financial, psychological, technical, media and social support measures (2) it has a general mission to provide information on the protection of whistleblowers to all interested persons; (3) it has to promote a whistleblower-friendly culture in Belgium ; and (4) biennially, it has to evaluate the functioning of the regime implemented by the Belgian authorities. FIRM-IFDH has refused additional funding to conduct these missions, leading to the recruitment of two dedicated members of its personnel.

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

In 2023, the Commission repeated a 2022 recommendation aimed at improving the right of access to public documents : “[c]ontinue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents”.

Two draft laws were introduced in 2022 in order to improve the right to access to documents but they have not yet been adopted. Question C.42 “access to official documents by the public at large and journalists” provides a short overview of those proposals, of some government efforts. The topic will also be examined in FIRM-IFDH and its partners’ 2024 rule of law report.

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

Belgian journalists have been confronted with increased violence in recent years, as highlighted in surveys, studies and parliamentary discussions. In June 2023, the French-speaking (AJP) and Flemish (VVJ) professional Journalists' Associations published their third study "Portrait of Belgian journalists" surveying almost 1400 journalists on a variety of subjects, including threats and violence they had experienced. 55,8% of journalists reported having been confronted with transgressive behaviours, including verbal violence (41,3%), threats and intimidation (29,2%), sexually transgressive behaviours (7,1%) and physical violence.

The picture gets considerably darker when distributed by gender : 64,1% of female journalists reported having been targeted by transgressive behaviours, compared with 51,4% of men. The difference is mainly due to a much more prevalent forms of sexual transgressive behaviours (18,6 % of female journalists, compared to 1,2% of male journalists), discrimination (14,8% of female journalists compared to 4,4% of male journalists). Physical violence also appears to have a gendered component : twice as many men as women were victims (6,6 % to 3,2%). Concern over increasing online intimidation against female journalists, especially those of colour, arise as well as illustrated by other studies and highlighted in FIRM-IFDH 2023 contribution to the European Commission's stakeholders consultation on the rule of law.

This situation is particularly problematic given that there are significantly more male than female journalists : 2/3rd of journalists in Belgium are male, a noticeable difference with comparable countries such as France (45% of female journalists) or Italy (42%). The gender imbalance considerably worsens for older journalists : women constitute slightly more than half (51,7%) of journalists under 35 years old, this drops precipitously for next age category (35-44) with 35,7% to 64,3%. Only 22,6% of journalists over 55 are female. The median age for a journalist in Belgium is 46 years old. This drop does not seem to be only – or principally – attributed to past exclusions of female journalists, since there are slightly more female journalists in the 45-54 age bracket than in the 35-44 one. The threats and experiences of violence and the difficulty to combine journalism with a family life – in a society where women still undertake the lion share of household and child-rearing tasks – are likely to be contributing factors.

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

5000 character(s) maximum

Journalists are currently not included in the Criminal Code among those professionals performing a societal function – e.g. medical professionals, police officers – against whom violence may lead to harsher sentences. A draft law introduced in Parliament in July 2023 to reform the Criminal Code proposes adding journalists to that list of professions (future art. 79). Following the adoption of the Criminal Code, murder (future art. 103 bis), incitement to suicide (future art. 109 and 110), torture (future art. 115/1), inhumane treatment (future art. 122/1) and violence (future art. 189) against a journalist will be more severely punished than against a person not exercising such a societal function. Because there is currently no specific qualification of facts for violence against journalists within the police nomenclature, the General National Database does not include information on the number of registered complaints.

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

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

In addition, Belgium's transposition of the GDPR regarding the processing of personal data for journalistic purposes (art. 85 GDPR) has been criticised by the legal doctrine. Belgium opted for a strict definition of the notion of journalist, which is now contrary to the case law of the European Court of Justice (*Buivids v. Datu valsts inspekcija*, C-345/17). Under Belgian law, only persons who are subject to "journalistic ethics" (déontologie/deontologische regels) are able to invoke the exemptions provided for journalists by the GDPR. However, a recent law proposal (DOC 55 2694) seeks to amend the 2018 Belgian Data Protection law, bringing it in line with European case law. FIRM-IFDH will shortly publish an advisory opinion on this law proposal, which will be discussed in FIRM-IFDH and its partners' 2024 rule of law report, under the section "access to information".

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)

Over the course of 2022, FIRM-IFDH published two advisory opinions calling for a reform of the legal regimes for access to public information and documents. The first followed the introduction of several law proposals in Parliament in 2021 and 2022. The second was drafted at the request of the Interior minister, which was considering several possible ways to reform the procedure to access to information and public documents.

Publicity of official documents currently foresees a complex procedure, placing little emphasis on the proactivity of the administration (principle of active publicity) to make documents more easily accessible. Three different publicity regimes co-exist at federal level, and two different appeal bodies exist to challenge refusal of access to documents by a federal authority, namely the Commission d'accès et de réutilisation des documents administratifs (CADA) and the Commission fédérale de recours pour le droit d'accès à l'information en matière environnementale. Yet those two appeal bodies' rulings are only recommendations, having no binding power for the public authorities. The effectiveness of this system has been put into doubt and it needs to be simplified in order to improve the right of access to public documents.

FIRM-IFDH believes simplification of these different federal regimes requires adopting one joint appeal procedure for all publicity regimes in a clear and easily accessible legislative text. FIRM-IFDH also recommends merging and reforming the two appeal bodies in a unified Commission or reforming the currently existing CADA in several important ways :

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

Furthermore, the procedures for effective access to documents are relatively long in Belgium. This is particularly detrimental to journalist who often need swift access to certain documents due to publishing deadlines. It would be advisable to provide an emergency procedure, allowing a decision to be obtained within a shorter period of time if the circumstances justify this.

Little progress has been made in the last year on this issue, despite the recommendation issued by the European Commission in its 2023 rule of law report on Belgium. The two law proposals have remained unvoted at the Parliament and currently remain under discussion at the commission level, and show a lack of progress in recent months. No draft law has been introduced at the initiative of the Interior minister despite its 2022 intent to reform this issue. On a positive note, the government did introduce a draft law in order to ratify the Tromsø Convention (DOC 55 3619). This draft law would allow the government to respect its 2021 commitment to this end. FIRM-IFDH repeatedly pleaded in favour of the ratification of the Tromsø Convention and will keep following the draft law in the coming months.

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

The protection of civic space, including from SLAPPs directed at human rights defenders and journalists, is one of the topics highlighted in the forthcoming FIRM-IFDH and its partners' 2024 report on the rule of law in Belgium. Several such cases could be highlighted for 2023 and there is cause for some concern, as well as some positive steps to combat SLAPP. In 2023, FIRM-IFDH was given a mandate by the Justice Ministry to

become Belgium's focal point on SLAPP.

The point I.D regarding the use of unilateral applications against journalists hereabove can also be relevant on the topic of measures taken to safeguard against manifestly unfounded and abusive lawsuits.

Other - please specify

5000 character(s) maximum

In order to establish instances of illegitimate police violence, video footage produced by the victim or by bystanders can be crucial evidence. It can also be used in order to exonerate police officers that have been targeted by malicious complaints. While Belgian legislation does not prohibit the filming of police officers if this is done in the public interest, a number of incidents have been reported pertaining to citizens – and even journalists – filming police officers, despite its protection as an element of freedom of expression. A notable case is the one of Ibrahima Barrie, a twenty-three-year-old man who died in police custody after having been arrested for what bystanders said was his attempt to film police officers who were conducting Covid-related checks. In another incident, police seized camera equipment and erased footage of journalists, who had explicitly identified themselves as such. The police officers were later convicted of theft. In the context of this event, the Flemish Journalists' Association (VVJ) stated that, as a general rule, it is not forbidden to film the police during their work, and that the seizure of camera equipment and the erasure of footage by police is not allowed.

Many prominent human rights organisations in Belgium – including the French and Dutch-speaking Leagues of Human Rights and Amnesty International – assert that the exercise of the right to film police officers, as part of the right to freedom of expression, is a fundamental safeguard against illegitimate violence by police officers. In practice, however, this right is often disregarded and the exercise thereof prevented, especially when citizens are forced to hand over their phones or other devices to the police.

A 2022 law proposal (DOC 55 2694) intends to create a legal framework in order to improve legal security on this issue. The law proposal is currently under discussion in Parliament. FIRM-IFDH welcomes the law proposal's intent to clarify the legal framework applicable to filming the police in an upcoming advisory opinion. Yet it will also recommend some changes to the law proposal, including the adoption of a specific legal instrument rather than changes to the law regulating personal data protection. This advisory opinion will further develop some arguments raised by FIRM-IFDH in its 2021 parallel report to the United Nations Committee against Torture.

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

The EU Commission did not make any particular recommendation to Belgium regarding checks and balances. FIRM-IFDH's 2024 rule of law report will closely examine issues related to checks and balances, discussing among else rule of law issues relating to:

- Separation of powers, including the conditionality of the additional resources attributed to the justice system, the increased use of penal transaction mechanisms, the increasing use of administrative law to pursue and sanction criminal violations, the soon to be established national prevention mechanism in Belgium, the need to maintain an effective remedy for detainees ;

- The process for preparing and enacting law, including the integration of gender mainstreaming in legislation ;
- Access to information, including a new legal provision in the draft Criminal Code against disclosure of state secrets and the right to film police agents in the exercise of their functions ;
- The independence and effectiveness of independent institutions, including elements from our forthcoming study on the protection of human rights defenders (“Room for Human Rights Defenders”), the proposed reform of the Basic Law regarding the treatment of detainees and the functioning of the Central Monitoring Council for Prisons, the creation of the Flemish Institute for Human Rights ;
- And finally, the independence and effectiveness of the two Belgian NHRIs (FIRM-IFDH and Unia), including reform of the regulatory framework for FIRM-IFDH to broaden its mandate to cover whistleblowers’ support and information and to act as the focal point of Strategic Lawsuit against Public Participation (SLAPP), and the follow-up of GANHRI’s subcommittee on accreditation (SCA) recommendations regarding FIRM-IFDH, and their role to foster a rule of law culture.

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

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

