

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

Human Rights Watch

Main Areas of Work

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

If "Other", please specify

Human rights

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

500 character(s) maximum

- <https://www.hrw.org> - The information provided in this survey was published on January 11, 2024 as part of our Human Rights Watch's annual World Report for 2023, covering rights trends in 100+ countries around the globe, including dedicated chapters for countries in the EU. Available at the following web location: <https://www.hrw.org/world-report/2024>

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

56362448807-46 <https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=56362448807-46>

* 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

Surname

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

- Concerns about declining democratic freedoms and shrinking civil society space deepened in many member states [<https://www.hrw.org/news/2023/01/04/creeping-civil-society-curbs-europe-threaten-rights-2023>].
- Two EU member states, Hungary and Poland, continue to face scrutiny under article 7 of the Treaty on European Union (TEU) over their governments' persistent disregard for the democratic and human rights values on which the EU is founded. While EU member states continued to engage in political dialogue around the article 7 procedure regarding Hungary and Poland, they avoided putting to a vote whether either state's actions constituted a "clear risk of a serious breach" of EU values or to adopt recommendations to addresses these breaches.
- Despite persistent concerns over rule of law, on December 13 the European Commission concluded that Hungary had met benchmarks linked to judicial independence and announced it was unfreezing €10 billion in EU cohesion funds. The Commission maintained a freeze on €21 billion in other funds linked to ongoing breaches of rule of law principles in Hungary [<https://www.hrw.org/news/2023/12/20/hungary-vs-ukraine-how-do-you-deal-orban>].
- Neither Hungary nor Poland have received EU COVID-19 recovery funds because of their failure to meet core benchmarks. In Poland, these relate to the justice system, and in Hungary to corruption, judicial independence, and transparent decision-making.
- Both governments continued to flout rulings of the EU Court of Justice with little consequence.
- As of mid-November, 16 EU member states had joined the European Commission's 2021 infringement against Hungary for its anti-LGBT child protection law. These proceedings are noteworthy in that they target Hungary and Poland for their breach of EU fundamental values and principles as enshrined in article 2 of TEU rather than breaches of individual EU laws.
- The European Parliament's Democracy, Rule of Law and Fundamental Rights Monitoring Group continued its scrutiny of member states, including on the follow-up of court cases concerning the murders of journalists in Malta and Slovakia; ongoing corruption investigations and the dismissal of the prosecutor general in Bulgaria; freedoms of expression and demonstration and policing in France; and the undermining of independent public bodies, freedom of the press, and civil society in Greece.
- The use of spyware against journalists, lawyers, politicians, and others in Greece, Hungary, Spain, and Poland remains a concern.

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

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

In January and July 2023, France repatriated a total of 57 children and 25 women, who were held in northeast Syria as suspected members of Islamic State (ISIS) or family members of ISIS fighters.

The UN Committee against Torture found that France’s failure to take steps to protect French women and children in northeast Syria violated its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. At time of writing, about 80 French women and 100 French children were reportedly still being held in Syrian camps. 80 French women and 100 French children were reportedly still being held in Syrian camps.

The Council of State upheld a ban on players wearing the hijab in football competitions, rejecting an appeal by the Muslim women’s collective “Les Hijabeuses” against the French Football Federation (FFF). The government banned from schools the abaya, a long robe worn by some Muslim women and girls. The Council of State upheld the ban, rejecting complaints that the ban was discriminatory and could incite hatred against Muslims.

The Council of State issued a decision in a class action suit against police ethnic profiling, brought in 2021 by six rights groups, including Human Rights Watch. While recognizing that ethnic profiling is a serious problem that is taking place and cannot be explained away as isolated cases, the court failed to order French authorities to take necessary measures to end it.

The French parliament voted to remove a provision from a 2010 law, thus allowing French judicial officials to prosecute individuals for serious international crimes even if those crimes were not criminalized in the domestic legislation of the country where the crimes were committed. The parliament did not, however, address other restrictions that hamper France’s justice system from pursuing the prosecution of serious

crimes, such as the requirement that an accused be habitually resident in France.

Two May decisions by France's Court of Cassation, related to atrocity crimes in Syria, recognized France's ability to prosecute perpetrators of serious crimes committed outside of France under the principle of universal jurisdiction.

France reaffirmed its commitment to the multilateral human rights protection system, the protection of civilians in conflict, international criminal justice, women's rights and the fight against sexual violence, the protection of journalists, and the rights of lesbian, gay, bisexual, and transgender (LGBT) people.

France voted in favor of a UN Security Council resolution condemning all violence against civilians in Israel and Palestine and calling on all parties to comply with international humanitarian law (IHL). France also voted for a resolution adopted at the UN General Assembly calling for a "humanitarian truce," the parties to respect international law, unimpeded aid to the Gaza Strip, and the "immediate and unconditional release" of all civilians held hostage.

At the UN Human Rights Council, France supported accountability for serious crimes in Ukraine and the renewal of the mandate of the special rapporteurs on Russia and Belarus. France also voted in favor of a resolution establishing a fact-finding mission for Sudan, but it did not support the continuation of the international commission of human rights experts on Ethiopia, despite ongoing serious abuses there and France's international commitment to fight impunity for the most serious crimes.

In April, during his visit to China with European Commission President Ursula Von der Leyen, President Macron remained silent on Chinese crimes against humanity against Uyghurs and other Turkic communities in Xinjiang and other serious abuses by Chinese President Xi Jinping's government.

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

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

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

In May, Reporters Without Borders (RSF) moved France up from 26th to 24th place in its press freedom index, citing a positive legal and regulatory framework for press freedom and editorial independence, while noting an insufficient legislative framework “to prevent vertical media concentrations in the hands of just a few owners.

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 September, after police detained journalist Ariane Lavrilleux and raided her home, media organizations denounced the threat to confidentiality of sources and press freedom.

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

5000 character(s) maximum

According to RSF, several clearly identified journalists were “assaulted by security forces while covering protests.” The UN special rapporteur on freedom of association; the Council of Europe Commissioner for Human Rights; and a group of seven UN experts, including the special rapporteur on freedom of association, reminded France of the duty to protect the rights to freedom of expression and assembly.

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

The frequent use of accelerated procedures for the adoption of laws raised concerns as it could have negative impact on freedoms and rights.

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

In June, the government dissolved Les Soulèvements de la Terre, an umbrella group of environmental activists protesting the construction of a giant water reservoir in Sainte-Soline in western France, adding to growing concerns about curbs on civil society. The Council of State, France's highest administrative court, overturned the dissolution in November, ruling that the decision to shut down the group was an infringement of freedom of association.

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

Excessive use of force by law enforcement against protesters and detainees persisted in 2023, a year marked by demonstrations and strikes. Actions taken to curb civil society activities raised concerns about the erosion of the rule of law. Numerous rights groups and independent bodies, including the CNCDH and the Defender of Rights, criticized law enforcement abuse, particularly during demonstrations and strikes.

More on oppression of civil society in France here:

- <https://www.hrw.org/news/2023/06/22/france-government-dissolves-environmental-group> French officials' decision to dissolve an environmental group appears wholly disproportionate in violation of France's obligations under international law.
- <https://www.hrw.org/news/2023/04/07/france-moves-shut-down-environmental-group> France has been in the spotlight for the wrong reasons the last few weeks. The country has faced a social, political, and human rights crisis with rights groups and independent bodies criticizing French police for resorting to excessive force during recent protests over a controversial pension reform, and the contested construction of a giant water reservoir in Sainte-Soline, western France.
- <https://www.hrw.org/news/2023/03/24/france-protests-test-governments-commitment-rights> Since January 2023, millions of protesters have peacefully taken to the streets across France, opposing a pension reform plan that increases the retirement age by two years, to 64.

Issues of surveillance in France:

- <https://www.hrw.org/news/2023/03/07/france-reject-surveillance-olympic-games-law> The members of the French National Assembly should reject a provision in a proposed law on the 2024 Olympic and Paralympic Games that would establish a worrying precedent of unjustified and disproportionate surveillance in public spaces, 38 civil society organizations, including Human Rights Watch, said on March 7 in a public letter.
- <https://www.hrw.org/news/2023/03/29/french-mps-approve-controversial-surveillance-tech-under-olympics-pretext> The French National Assembly adopted a government bill that may, for the first time in EU history, legalize the use of controversial algorithm-driven video surveillance in France. The measure is

supposedly being introduced as a precaution ahead of the 2024 Olympic and Paralympic games and constitutes a serious threat to civic freedoms and democratic principles.

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

The authorities suspended public funding for some associations and denied them authorization to conduct certain activities narrowing the civic space in the country.

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

Spillover from the hostilities in Israel and Palestine negatively impacted human rights in France with an increase in antisemitic incidents, restrictions on pro-Palestinian protests, and threats to limit rights of asylum seekers and migrants. Migrants and asylum seekers, including children, continued to face inhumane living conditions, detention, and police abuse. Discriminatory identity checks remained widespread. France continued to reaffirm its commitment to the multilateral human rights protection system but did not consistently prioritize human rights in its foreign policy.

Thirty-eight civil society organizations, including Human Rights Watch, and the National Consultative Commission on Human Rights (CNCDH) voiced concerns that a law adopted in March authorizing the use of controversial surveillance technology at the 2024 Olympic and Paralympic Games poses risks to fundamental rights.

The Council of State ruled in October against the interior minister's blanket ban on pro-Palestinian protests in the wake of hostilities in Israel and Palestine, emphasizing that risks of disturbance to public order should be assessed on a case-by-case basis.

The Controller General of Places of Deprivation of Liberty (CGLPL) again denounced prison overcrowding, a major cause of prisoners' rights violations. The European Court of Human Rights condemned France in July for inhuman and degrading detention conditions and for the lack of an effective remedy for abuses at Fresnes prison.

CNCDH's annual report, released in July, noted "the rise of xenophobic identity-based rhetoric" in public debate and the persistence of racist, antisemitic, anti-Roma, and anti-migrant prejudices.

The interior minister said in early November that the escalation of hostilities in Israel and Palestine had

triggered an “explosion” in antisemitic acts on French territory and that the police had carried out almost 500 arrests for such acts since October 7.

In January, the government presented its overdue national plan to combat racism, antisemitism, and discrimination. While a positive step, the plan has significant shortcomings, including a lack of measures to address ethnic profiling and systemic racism.

The UN Committee on the Elimination of Racial Discrimination called on France to address the structural and systemic causes of racial discrimination, including by the police, following the killing of Nahel M., a 17-year-old French citizen of Algerian descent, during a traffic stop. The UN Office of the High Commissioner for Human Rights (OHCHR) called on France to address “deep issues” of racism in policing.

Senate toughened a highly controversial government bill on immigration that threatens to limit the rights of asylum seekers and migrants. At time of writing, the bill was still pending before parliament.

A police operation launched in Mayotte in April to dismantle informal settlements of undocumented migrants was met with widespread criticism that it violated the rights of migrants and vulnerable people, including children. The CNCDH urged the government to cease the operation, as did United Nations Children’s Fund (UNICEF) France, citing the risk of harm to children, particularly unaccompanied children.

People continue to make the dangerous journey across the English Channel in the absence of safe migration and asylum routes to the United Kingdom. France and the UK signed agreements focused on increased surveillance, securitization of the border, and new detention centers.

18 nongovernmental groups denounced “the pushbacks, confinement, and the lack of care” for unaccompanied children in Menton and Nice and the deterioration of their situation in Alpes-Maritimes department.

The UN Committee on the Rights of the Child in May and the Committee on Economic, Social and Cultural Rights in October pressed France to urgently improve the situation of child asylum seekers and migrants. In its annual report for 2022 published in April, the Defender of Rights voiced concerns about the number of children held in administrative detention. France continued to detain children, despite repeated calls against it by the CGLPL and two European Court of Human Rights judgments in May, which ruled that detaining migrant children, including infants, violated their rights to liberty and security and constituted inhuman and degrading treatment.

The Defender of Rights highlighted to the Committee on the Rights of the Child violations of children’s rights in Mayotte, including the separation of migrant children from their families, their treatment afterward, and reports that police had altered birth dates on official paperwork to facilitate the administrative detention or deportation of unaccompanied migrant children.

UNICEF and the Fédération des acteurs de la solidarité highlighted the increasing number of migrant children left to sleep in the streets.

Other - please specify

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Oxfam said in January that women in France earn on average 28.5 percent less than men, earn 15.8 percent less than men for the same work, and are disproportionately affected by rising prices.

French President Emmanuel Macron announced plans to enshrine in the Constitution “the freedom of women to resort to voluntary termination of pregnancy” as part of a broader constitutional reform. In November, he announced that the proposed constitutional change would be presented to the Council of Ministers by the end of the year.

The High Council for Equality said in its annual report that sexual violence against women in France had increased by nearly one-third in recent years.

France ratified the International Labour Organization (ILO) Violence and Harassment Convention (C190) in April.

Government figures released in September show that intimate partner femicides occur every 2.5 days in France.

The UN Committee on the Rights of the Child voiced concerns in June that children with disabilities, notably children with intellectual and psychosocial disabilities, continue to face discrimination, particularly in overseas territories and rural areas. It also criticized France for institutionalizing children with disabilities, urging it to take measures to decrease institutionalization and ensure regular monitoring.

The government implemented measures to mitigate the effects of the cost-of-living crisis, but the impact on the most vulnerable remained a major concern.

France’s National Institute of Statistics (INSEE) said that at the beginning of 2022, 9 million people in metropolitan France—14 percent of the population—were living in material and social deprivation, with 10 percent of people living in households lacking the financial means to heat their homes properly.

In its annual report on housing in France, the Abbé Pierre Foundation found that low-income and precarious workers are disproportionately affected by the rising costs of energy and food.

The rights group SOS Homophobia said the number of cases of transphobia sharply increased from 2021 to 2022.

In June, for the second time in less than a year, Macron received the crown prince and de facto ruler of Saudi Arabia, Mohammed bin Salman, known as MBS, at the Elysée Palace, with the aim of boosting France’s partnership with Saudi Arabia. Their meeting took place despite ongoing brutal repression under MBS and his approval of the murder of journalist Jamal Khashoggi, according to US intelligence.

The French president made Indian Prime Minister Narendra Modi his guest of honor for the July 14 military parade and awarded him the highest rank of France’s Legion of Honor, despite the Modi government’s increasing repression of Muslims and other minorities, and crackdown on civil society and media freedom. During the visit, India announced a multibillion-dollar arms deal with France.

France also pursued its close partnership with the United Arab Emirates (UAE) despite widespread human rights abuses under President Mohammed bin Zayed al-Nahyan. France’s annual report on arms exports lists the UAE as its biggest arms buyer in 2022.

