

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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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<sup>[1]</sup> 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

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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

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\* 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

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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

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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

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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*

Seven UN special rapporteurs expressed grave concern about Germany's failure to uphold its obligations under international human rights law, requiring a rights-respecting reparations process—including meaningful participation and representation of affected communities—to address the ongoing impact of crimes committed during Germany's colonial rule of Namibia.

German judicial officials continued to collect witness testimony about serious crimes committed in Ukraine as part of a structural investigation opened in 2022.

The trial on charges of crimes against humanity of Alaa M., who allegedly worked as a physician in two military hospitals in Syria, continued in Frankfurt.

The NGO Fortify Rights and 16 individuals filed a criminal complaint with German judicial officials against senior Myanmar military generals and others for genocide, war crimes, and crimes against humanity.

The Higher Regional Court of Berlin convicted and sentenced to life imprisonment a member of the Syrian Free Palestine Movement, Moafak D., for his involvement in war crimes and murder committed in Syria in 2014.

The Federal Court of Justice upheld the Higher Regional Court of Koblenz's conviction of Eyad al-Gharib, a former Syrian intelligence official, for aiding and abetting crimes against humanity. The appeal of Anwar R., a former member of Syria's General Intelligence Directorate, of his conviction for crimes against humanity was pending at time of writing.

German authorities deported Tajik opposition activist Abdullohi Shamsiddin despite serious concerns of persecution and torture upon his return to Tajikistan. In March, following an unfair trial, a Tajik court convicted him of inciting violent government overthrow and sentenced him to seven years' imprisonment.

The Supply Chain Act came into force in January. While an important step, the law—which obliges companies to identify, prevent, address, and publicly report on human rights risks in their supply chains—only allows regulators to initiate administrative action or impose penalties in limited situations set out in the act. The law does not include any provisions to hold companies liable in courts and has only limited application to entities in the value chain.

Germany ratified the International Labour Organization (ILO) Violence and Harassment Convention (C190), which sets out global standards for preventing and responding to violence and harassment at work.

Abortion remains illegal under the criminal code except in the first 12 weeks of pregnancy where there is a risk to the health of the mother, a pregnancy resulting from rape, or a doctor's certification following mandatory counseling. Women's rights groups continued to call for the decriminalization of abortion and elimination of barriers such as mandatory counseling. In a case brought by the group 40 Days for Life, a high court ruled in June that banning peaceful protests, including prayer vigils, outside of abortion clinics is unconstitutional.

## II. Anti-Corruption Framework

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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

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

*5000 character(s) maximum*

#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Safeguards against state / political interference, in particular:

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Germany dropped to rank 21, down from rank 16 last year, in Reporters Without Borders' press freedom rankings for 2023 due to rising violence and verbal attacks against journalists, decreasing media pluralism, fragmented access to information, and draft bills that "threaten the protection of journalistic sources."

After the Taliban takeover in Afghanistan in 2021, according to the Interior Ministry, Germany accepted over 28,000 former local staff and their family members and thousands of human rights defenders and journalists via other admission programs or on humanitarian grounds.

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

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

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

*5000 character(s) maximum*

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

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

[1] This includes also the consultation of social partners

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Regime for constitutional review of laws

*5000 character(s) maximum*

## B. Independent authorities

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

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## 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

In October, Berlin authorities imposed blanket bans on pro-Palestine protests following an escalation of hostilities in Israel and Palestine and a sharp rise in civilian casualties. They failed to conduct individual assessments of whether the restrictions on free assembly were necessary and proportionate.

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

Germany's rights record in 2023 was marked by a large increase in far-right motivated demonstrations as well as a rise in attacks against migrants, Jews, Muslims, Sinti, Roma, and lesbian, gay, bisexual, and transgender (LGBT) people, often constituting hate crimes.

Following the extension of the European Union's Temporary Protection Directive for displaced people fleeing Russia's full-scale invasion of Ukraine, the government extended special protection for refugees from Ukraine, with over 1 million counted in Germany, while a new humanitarian program for Afghans in response to the Taliban takeover was plagued with problems and delays in implementation.

The Commissioner for Integration and Anti-Racism called for more data collection and protective and preventive measures to fight racism, drawing attention to how racist attacks and structural racial inequalities continue to impact people's everyday lives, including in the education, housing, employment, and health sectors.

There were three times as many right-wing demonstrations in the first half of 2023 as in the first half of 2022, many featuring anti-migrant themes.

The final report of the Independent Expert Council on anti-Muslim hatred, based on three years of monitoring, concluded that anti-Muslim hatred is widespread, with openly identifiable Muslims like women or girls wearing headscarves particularly affected. Anti-Muslim racism is present in everyday life, particularly at school, at work, and online.

In June, state-level interior ministers committed to strengthening their prevention of anti-LGBT hate crimes and violence, including through law enforcement training and the introduction of designated contact persons at police stations throughout Germany. The federal interior minister said the police registered over 1,400 hate crimes against members of the LGBT communities in Germany. Several attacks occurred at Christopher Street Day Pride parades, one of which ended in the death of a man who defended two lesbian women. In May, the federal human rights commissioner expressed worries about setbacks for LGBT rights.

The Independent Federal Anti-Discrimination Agency said it received 8,827 requests for advice in 2022, an increase of 14 percent over 2021 and 50 percent over 2019. Of all complaints, 43 percent related to racial discrimination, 27 percent to disability-based discrimination, 21 percent to gender-based discrimination, and 10 percent to age discrimination. Most people seeking advice experienced discrimination in the labor market (27 percent). The agency called for reforms to Germany's anti-discrimination law to make it applicable to public institutions, including the police and judiciary. In its coalition agreement 2021-2025, the three-party coalition government promised reforms to strengthen and widen the scope of the law but had not taken action at time of writing.

The government amended the national police law, which, among other reforms, introduced mandatory receipts of police stops to tackle racial profiling.

Asylum seekers and refugees spent weeks or months in large reception centers due to a lack of affordable housing in various regions. Despite a significant increase in reception capacity throughout the country in the aftermath of the war in Ukraine, many centers are almost full.

In March, the government temporarily suspended a special program to bring to Germany up to 1,000 at-risk Afghans per month, citing concerns with screening procedures. Though the government reinstated the program, not a single Afghan had benefited at time of writing.

According to government statistics published in July 2023, police registered 240,547 cases of domestic violence in 2022, an increase of 8.5 percent over 2021. Women comprised over 70 percent of victims. A study showed that the number of reported cases perpetrated by an intimate partner rose by 9.4 percent compared to 2021, with women comprising 80 percent of victims.

The “Citizen’s Income” scheme replaced a previous form of social security support with marginally higher allowances. Anti-poverty groups said the amount remained insufficient and criticized the punitive sanctions against recipients deemed non-compliant. At time of writing, proposed measures to tackle rising child poverty and impose caps on rent increases had not been adopted.

An increase in the cost of living, including food prices, left many unable to afford an adequate standard of living. Single-parent households, 88 percent of which are women-led, were particularly affected.

#### Other - please specify

*5000 character(s) maximum*

As the EU’s biggest greenhouse gas emitter, Germany is a significant contributor to the climate crisis and its growing toll on human rights around the globe.

Germany is still among the world’s top 10 coal producers and supports new fossil fuel infrastructure inside and outside of Germany. According to the Climate Action Tracker, the government has to do more to meet its commitments under the Paris Agreement goal to stay below 1.5°C of warming, which is necessary to limit the most catastrophic climate outcomes. The government is planning to draw up a new heat action plan to prevent heat wave deaths.

Human rights are too often a secondary concern in German foreign policy, outweighed by other interests. Germany’s foreign policy in 2023 also sought, among other things, to contain Russia’s security threats against Europe, diversify access to energy supplies and economic markets, confront the climate crisis, and realign relations with the so-called Global South.

In response to the hostilities between Israel and Hamas starting in October, the German government publicly condemned Hamas’ deadly attacks on civilians in Israel. It did not condemn publicly Israeli violations of international humanitarian law in Gaza. The German government did not highlight the need for accountability for international crimes, including at the International Criminal Court. Germany as one of Israel’s key allies provided military assistance to Israel, which risks making German authorities complicit in war crimes.

Germany continued to play a central role in coordinating the international condemnation of Russia’s full-scale invasion of Ukraine. The German government provided extensive assistance to Ukraine and also

supported the investigation of war crimes by the International Criminal Court and Ukrainian judicial authorities.

In July, Germany published its first China strategy. The strategy describes China's rights abuses and prioritizes human rights conceptually, but it does not characterize Chinese government policies in the Uyghur region as crimes against humanity and remains vague about implementation. On her visit to China in April, Baerbock publicly raised human rights concerns; but When Chinese Prime Minister Li Keqiang met with Chancellor Olaf Scholz in Berlin, journalists were not allowed to ask questions at the press conference.

Germany did too little to raise human rights concerns in its relations with other governments with poor rights records. Germany strengthened its relations with India despite the Modi government's escalating crackdown on civil society and the media and its growing discrimination against religious minorities. In February and for the G20 summit in September, Scholz traveled to India without prominently raising human rights violations.

Germany also strengthened its ties with Arab Gulf countries. The government eased arms exports to Saudi Arabia and the United Arab Emirates but continued to block fighter jet deliveries. On her trip to Saudi Arabia in May, Baerbock promoted closer economic ties but also raised human rights concerns. The German Interior Ministry stopped its training program for Saudi border forces after reports of Saudi killings of hundreds of Ethiopian migrants at the border with Yemen.

Germany failed to make serious efforts to ensure the renewal of a crucial probe on Ethiopia, and it joined a minority of countries voting against a resolution on racism, racial discrimination, xenophobia, and related intolerance.

Germany expressed human rights concerns about an EU-Tunisia migration deal announced in July but did not take any concrete action to condition its implementation on human rights improvements.

Germany is one of the main shareholders of the International Monetary Fund (IMF). But it has not taken steps within its power to reform IMF policies that threaten rights, such as conditioning its support to austerity programs that do not include prior assessments of their human rights impacts, that encourage low social spending floors, or that promote means-tested rather than universal social security.

## Contact

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