

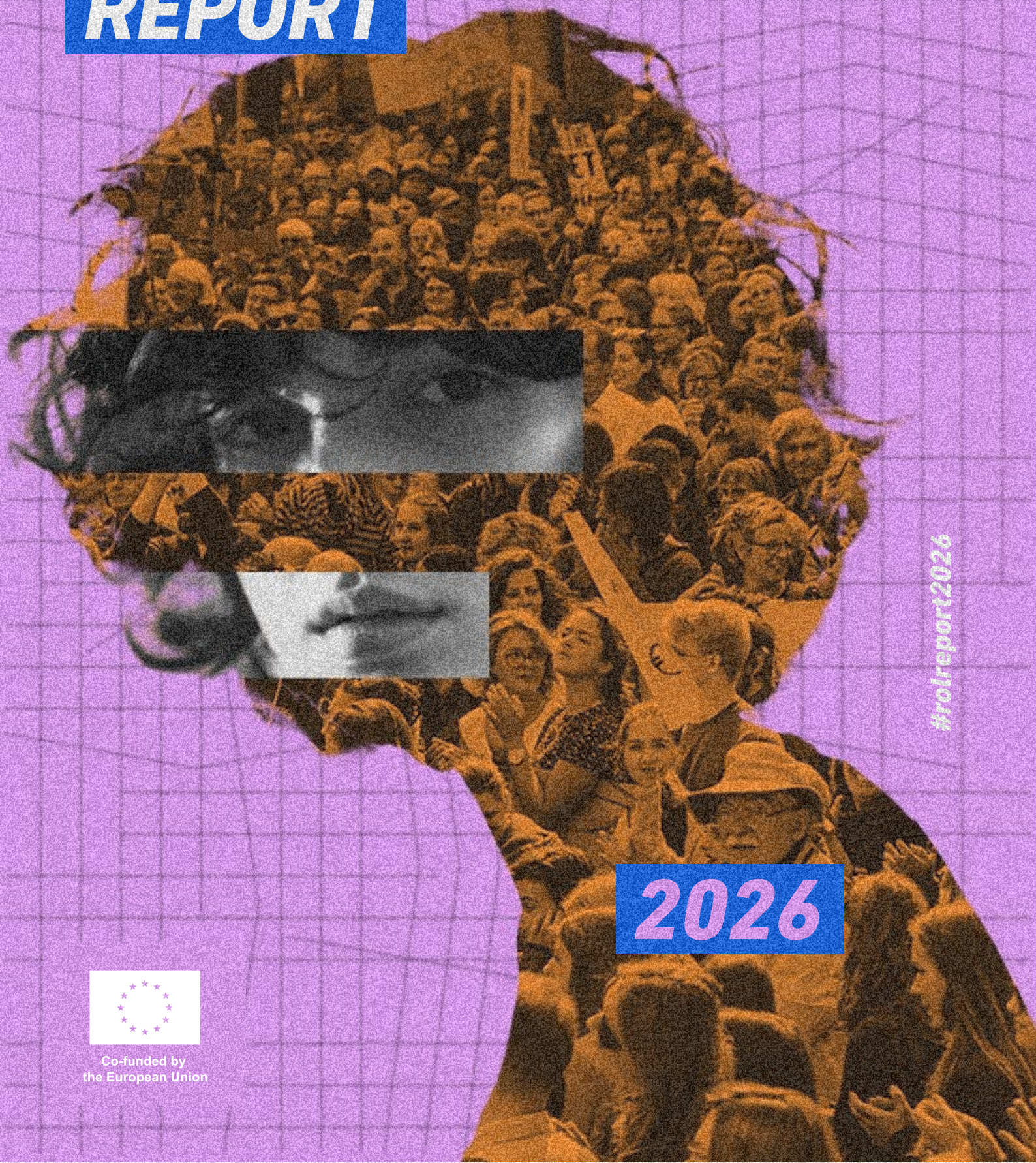
LIBERTIES

RULE OF LAW

REPORT



CIVIL
LIBERTIES
UNION FOR
EUROPE



#roireport2026

2026



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FOREWORD

The *Liberties Rule of Law Report 2026* is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

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EXECUTIVE SUMMARY

Concerted dismantling and cumulative decline sum up the state of the rule of law across large parts of the EU and increasingly within the European Institutions themselves. Strong action by both the EU and Member States is required to reverse the trend and re-establish a commitment to the rule of law.

These are the findings of the *2026 Liberties Rule of Law Report*. The report, now in its seventh iteration, is the most comprehensive civil society assessment across all four pillars of the European Commission's Rule of Law Report: the functioning of justice systems, anti-corruption, media freedom and checks and balances, with a particular emphasis on civic space. Researched by nearly 40 human rights organisations across the EU, it provides an independent analysis of the systemic challenges that continue to threaten the rule of law in Member States and within the EU institutions. This year's analysis underscores a decline, both in the constituent elements of the rule of law and in the overall support and understanding that a rules-based framework is critical and worth defending. The rapid steps to undermine the rule of law in the United States has shown how fast systems can be dismantled, and globally double standards and fragility have been exposed. The EU must decide whether to allow a continued slide in a negative direction, or offer a renewed vision of how the rule of law underpins Europe's strength, values and competitiveness.

Against this backdrop, there is little sign that the preventive aim of the European Commission's Rule of Law Cycle is achieving its intended impact within a foreseeable timeframe. The steady backsliding, and in some cases rapid decline, clearly shows that without a more consequential approach, the trend will continue. Despite consistent advocacy from civil society and anticipation of a renewed approach under the 2024-2029 Commission, there is no clear evidence that the current 2026 cycle will offer a more incisive and effective approach, yet the environment has only become more challenging.

THE IMPLEMENTATION GAP - NO PROGRESS HAS BEEN MADE

The report's central finding is one of a widening implementation gap: despite four years of European Commission recommendations, Member States have largely failed to actively engage with recommendations and commit to tangible action. 93% of all 2025 recommendations were repetitions

from previous years, with only nine new recommendations introduced.¹ This year, Liberties members assessed 100 recommendations from 2025, covering 22 Member States, thus 80% of the EU. A total of 61% show no progress or no visible progress, and 13% were deemed to be backsliding. No recommendations were found to have been fully implemented. A key problem is that structural deficiencies remain unaddressed, allowing associated vulnerabilities to emerge and widening the implementation gap. Without stronger follow-up mechanisms and clearer benchmarks, the recommendations remain aspirational but have no real impact. As Liberties' members have noted, "four consecutive rule of law reporting cycles, with repeated recommendations...have produced no structural reform" and the reporting process itself is undermined when "issues that are consistently raised...become entrenched... and the Commission accepts minimal progress... as genuine effort."

The lack of implementation of individual recommendations sets the pattern for the overall trajectory in each Member State. 10 countries remain locked in the '**Stagnator**' category with no meaningful progress in either direction, namely **the Czech Republic, Estonia, Greece, Ireland, Lithuania, the Netherlands, Poland, Romania, Slovenia and Spain**. Five '**Dismantlers**', **Bulgaria, Croatia, Hungary, Italy and Slovakia** represent the most serious concern, as these countries are actively eroding rule of law institutions, with four of them showing no change from last year. **Latvia** stands alone as the only '**Hard worker**'. The six '**Sliders**', **Belgium, Denmark, France, Germany, Malta and Sweden** are particularly noteworthy given their historically strong democratic reputations, confirming that rule of law erosion is not confined to a small number of outliers.

THEMATIC TRENDS

Justice - reform denied

A well-functioning and independent justice system is the cornerstone of the rule of law, as it safeguards citizens' rights, ensures accountability, and upholds the principles of fairness and equality before the law. Despite its importance, Liberties' member organisations assessed a general lack of progress, if not regression, in the area of justice, with only two of 22 surveyed countries making any meaningful progress, as shown in the traffic light table.

Assessment of 29 recommendations shows that progress in addressing recommendations remains very limited. 20 recommendations show no progress (or no visible progress), and two are further backsliding. Most of the recommendations address core issues around the independence and transparency

1 Civil Liberties Union for Europe 2025 Gap Analysis, <https://www.liberties.eu/en/stories/rule-of-law-2025-gap-analysis/45560>

of judicial bodies and originate from recommendations already made in 2022. This highlights the persistent nature of structural deficiencies within national justice systems and the lack of effective remedial action over several years.

An emerging trend of increasingly critical or hostile political discourse towards the judiciary and human rights institutions risks undermining public confidence in judicial institutions and weakening the normative foundations of the rule of law across the EU.

Non-enforcement of judgments has long been identified as a core concern and one that has a multiplier impact on the rule of law. Research shows that the number of European Court of Human Rights judgments waiting for full implementation stands at 650, up from 624 the previous year.² Over 10 EU Member States have judgments pending implementation for more than 15 years and up to 24 years. Despite these widespread concerns, only **Belgium** has received a recommendation on the implementation of judgments, and there has been very little focus on judgments before the Court of Justice of the European Union (CJEU), where 80% of rule of law judgments have been pending for over two years.

Anti-Corruption - continued stagnation

Effective anti-corruption measures are a fundamental pillar of the rule of law, as unchecked corruption erodes public trust, distorts governance, and hollows out the legal frameworks that protect citizens and democratic institutions alike. Yet very little progress was observed in this area overall, and only three civil society organisations reported real progress in 2025. Instead, stagnation was widespread, with 15 of the 22 countries making no progress in this field.

Assessment of 31 recommendations in anti-corruption shows persistent structural weaknesses and limited progress across EU Member States. Most outstanding recommendations originate from 2022, again indicating that long-standing issues remain unresolved and that governments have made limited efforts to implement previously identified reforms.

Across the assessed countries, a large share of the 2025 recommendations record no progress, particularly in critical areas such as lobbying regulation and the enforcement of rules against high-level corruption. For instance, despite ranking among the world's least corrupt countries, **Denmark** has still made no progress towards implementing lobbying transparency and a comprehensive anti-corruption

2 Democracy Reporting International, European Implementation Network, 2025, Justice Delayed and Justice Denied: Non-Implementation of European Courts Judgments and the Rule of Law <https://www.einnetwork.org/justice-delayed-justice-denied>

strategy. Fast-track legislation and doubts over prosecutorial independence in **Slovakia** triggered constitutional scrutiny and public protest in 2025, and the country's recent penal reform contributed to a shocking reduction in bribery charges from 129 to just 13, with an estimated 3,000 individuals benefiting from the changes.

Media - fading freedoms

A free, plural, and independent media landscape is a vital safeguard of the rule of law and democratic accountability, as it ensures transparency, enables public scrutiny of power, and protects citizens' right to information. But while these functions are central to the rule of law, only three of 22 Member States made overall progress in this area, while seven took actions that caused regression.

Assessment of 27 recommendations in the area of media freedom and pluralism shows that progress in addressing recommendations in this field remains very limited. Only a small number of Member States have made measurable improvements, while most demonstrate stagnation or regression. Just as in other rule of law areas, the majority of recommendations first issued in 2022 remain unimplemented, highlighting persistent structural deficiencies in national media systems and the lack of effective remedial action over several years.

The recommendations primarily address the independence of media regulatory authorities, transparency of state advertising and protection of public service media. So far, states have demonstrated limited progress on implementation of the European Media Freedom Act (EMFA) and the Anti-SLAPP Directive. Of key concern is the uptick in harassment and physical attacks against journalists. **Bulgaria, Croatia, Italy, Slovakia and the Netherlands** all reported increased levels of attacks. In **Slovakia**, politicians and affiliates authored more than 500 hateful or defamatory Meta ads between mid-2024 and mid-2025, frequently targeting specific journalists, prior to SLAPP suits, to discredit them in legal proceedings.

Checks and Balances - institutional resilience and civic space under pressure

Weaknesses in checks and balances increase the risk of governmental overreach and gradual restrictions that can evolve into systemic problems. However, the area of checks and balances yielded the least overall progress in 2025, as well as the most regression.

Assessment of 13 recommendations in checks and balances shows that progress remains extremely limited. This is the area with the highest levels of regression, but the least amount of attention from the European Commission. 13 Member States were deemed to have regressed, nearly double the

number compared to the other thematic areas, and none made progress. At the same time, the Commission issued significantly fewer recommendations.

Most stark is the lack of recommendations on the right to peaceful protest, despite concerns in nearly every Member State, including regressive legislation and strong penalties for attending banned protests. For example, in **Hungary**, pride events were banned, leading to criminal investigations against the Mayor of Budapest and the organiser of the Pécs Pride. In **Italy**, despite considerable opposition, a highly restrictive Security Decree was adopted, criminalising road blockades and other forms of dissent while strengthening, once again, guarantees for police officers. In a significant number of Member States, protesters, particularly climate protesters and pro-Palestine protesters, faced bans, criminalisation and disproportionate action by the police. In many countries bans on individual protests transformed into concrete legislation restricting the right to peaceful protest.

The lack of clear scrutiny leaves the system of checks and balances vulnerable to abuse. With this vulnerability, civic space violations become a gateway to further violations and systemic abuse.

THREATS WITHIN THE EU INSTITUTIONS

Rule of law decline within the EU institutions themselves emerged as a significant concern in Liberties own monitoring. In essence, the institutions have themselves engaged in questionable rule of law practices. These include exceptional law-making, a failure to ensure fundamental rights safeguards and a sustained campaign designed to undermine the legitimacy of watchdog organisations. The rapid changes in the legislative process demonstrate how quickly practices become normalised: from a single Omnibus package proposed at the beginning of 2025 to renegotiate newly adopted environmental legislation, to nine further proposals during the course of the year. All were aimed at ‘simplification’ but in reality sought to delay and weaken protections. In the European Parliament, lawmakers set up a scrutiny working group to investigate civil society, despite no findings of wrongdoing by a recent European Court of Auditors report. Combined with an overarching rhetoric that has failed to consistently defend the rule of law, both within the EU and in the EU’s foreign policy, the prospects to safeguard the rule of law are being severely tested.

WHERE FURTHER ACTION SHOULD BE TAKEN

From the early discussions on the design of a Rule of Law toolbox, it was clear that there needed to be a mechanism whereby certain thresholds would trigger action. Consistently, this has been the primary civil society concern, as while the articulation of the problems could be clearer, the real issue is with

a persistent failure to ensure effective follow-up on recommendations and a link to the other elements of the Rule of Law toolbox.

While the European Commission has launched further infringement proceedings against **Hungary** and opened a new case against **Slovakia**, Liberties members identified several other violations that, in their view, should have triggered legal action. Members noted that the “European Commission must move beyond non-binding recommendations and deploy the rule of law toolbox more strategically” and that the “rule of law concerns highlighted...would probably be sufficient to trigger an Article 7(1) procedure”.

The Commission has committed to building a close link between Rule of Law Report recommendations and financial support under the EU budget. However, for effective implementation, recommendations will need to be much clearer and linked with specific benchmarks.

The *2026 Liberties Rule of Law Report* sets out a disturbing picture of stagnation, decline and entrenchment. The European Commission’s Rule of Law Report should be a building block towards change, but for that to happen, there needs to be a more consequential approach that links to the rest of the toolbox and builds a vision that is grounded in the rule of law.

ABOUT THIS REPORT

Nearly 40 civil society organisations from across the EU contributed to the *2026 Liberties Rule of Law Report*, focusing on the four key pillars of the European Commission's own report: the functioning of justice systems, anti-corruption, media freedom and checks and balances, with a particular emphasis on civic space.

Liberties' Rule of Law Report is based on a structured questionnaire completed by its member and contributor civil society organisations in 22 EU Member States. The questionnaire was developed with particular emphasis on tracking the implementation of the European Commission's country-specific recommendations. The questionnaire then focused on identifying gaps in the Commission's reporting and the new developments in 2025. The report aims to both track developments, identify emerging issues and assess the trajectory of change.

The country reports were compiled by national member and partner organisations and are divided into two main parts: an overall assessment and the four thematic chapters. Each member assessed the trajectory in their country: whether the government was actively dismantling the rule of law framework; sliding in a negative direction; stagnating; or working to ensure positive reforms. They also identified whether further use of the rule of law toolbox would be warranted going forward.

The overall assessment is followed by a detailed evaluation of the recommendations issued by the Commission in 2025, considering the concrete steps taken by the respective Member State toward compliance, and compared to their own organisational assessment, followed by gaps and new developments in 2025. The country reports provide a standalone assessment of the situation in each of the respective countries, but also aim to specifically feed into the country visits carried out by the European Commission and the Commission's forthcoming report.

The introductory chapters written by Liberties, draw EU-wide trends in each of the four thematic areas and look at the overall trajectory and level of implementation of recommendations. Additionally, based on Liberties own research and monitoring, they provide an overview of key rule of law violations by the EU institutions themselves, and reaffirm Liberties' long-standing core recommendations on the overall rule of law cycle.

ASSESSMENT OF CHANGE



Legend

- ↓ Regression
- No progress
- ↑ Progress

TRAFFIC LIGHT INDICATORS

Over the years, Liberties has sought to develop an indicator system that presents qualitative assessments in a way that is both easy to understand and visually accessible. The first major change was the introduction of a traffic light system in 2022. This system groups developments under each of the four Rule of Law Report chapters, into three clear categories: progress, no progress, or regression, as assessed by Liberties' member organisations based on their own work and knowledge.

The latest traffic-light assessment shows that across all 22 Member States assessed and across the four rule of law pillars, 56% show no progress, 35% regression, and only 9% have made some progress. The greatest cause for concern was in the area of checks and balances, which has the highest levels of regression, approximately double compared to the other rule of law pillars. This contrasts with the least amount of attention from the European Commission, as far fewer recommendations were made in this area.

Developments in justice systems show a mixed picture. While no progress is still the most common outcome (in 13 out of 22 countries), two countries made noticeable improvements. In **Latvia** and **Lithuania**, reforms or institutional changes seem to have strengthened some aspects of judicial functioning or independence. Seven countries showed regression in this area, including both those that have long-undermined the independence of the judiciary, such as **Bulgaria**, but also **Belgium**, **Denmark** and **Ireland**, where the regression is a newer development.

In the area of anti-corruption, no progress is widespread (in 15 out of 21 countries). This suggests that most governments are not making significant reforms to strengthen corruption prevention, enforcement, or transparency systems. Three countries, **the Czech Republic**, **Slovenia**, and **Sweden**, show positive developments, indicating progress in anti-corruption measures or enforcement mechanisms. In contrast, **Bulgaria**, **Malta**, and **Slovakia** are experiencing regression in this area, reflecting ongoing concerns about the effectiveness of anti-corruption institutions or accountability.

The media environment also presents a mixed but fragile situation. Again, a large number of countries remain stagnant (12 out of 22), but declines are evident in **Belgium**, **Bulgaria**, **Denmark**, **France**, **Hungary**, **Italy**, and **Slovakia**, driven by issues like political influence over public media, concentration of media ownership, or reducing safeguards for journalists. **Ireland**, **Poland**, and **Slovenia** show some improvements.

The checks and balances show a more alarming trend, with 13 countries showing regression and only eight showing no signs of progress. None were found to have improved. **Belgium**, **Bulgaria**, **Denmark**, **Estonia**, **France**, **Germany**, **Greece**, **Hungary**, **Ireland**, **Italy**, **Latvia**, **Slovakia** and **Sweden** all show regression. In some of these countries, there are concerns about the weakening of oversight

institutions, political pressure on independent authorities, or the concentration of decision-making power in the executive.

THE EVOLUTION OF THE RULE OF LAW

After three years, Liberties found that this system helps readers quickly gauge the health of democracy in various countries and themes. As a next step, starting last year, Liberties added another qualitative assessment to look at the overall trajectory in the country. While the traffic light system gives a snapshot of changes, this framework highlights how the rule of law evolves, particularly through the actions of governments. The four categories — **dismantlers**, **sliders**, **stagnators**, and **hard workers** — help show how actively governments influence rule of law related issues.

Under this assessment, most countries have stagnated, with 10 out of 22 countries reviewed falling within this category. Three of these moved from last year: **Romania** stagnating from a dismantling position, **the Czech Republic** stagnating from having made progress the previous year and **Malta** sliding after stagnating in 2024.

Five countries remained as ‘**Dismantlers**’: **Bulgaria**, **Croatia**, **Hungary**, **Italy** and **Slovakia**. These are governments that consistently and intentionally weaken the rule of law across most areas. **Hungary**, in many ways, remains in a category of its own, continuing to pursue ever more regressive laws and policies without any sign of change.

‘**Sliders**’ are countries where democratic standards decline in certain areas without being part of a clear political strategy. Sometimes, this decline might come from neglect or failure to protect existing standards or from more nefarious intentions from certain parts of governments. Still, these issues are concerning as they gradually make weaker protections more normal and open the space for more systemic attacks. Countries in this group include **Belgium**, **Denmark**, **France**, **Germany**, **Malta** and **Sweden**.

‘**Stagnators**’ are countries where rule-of-law conditions do not improve or worsen significantly. **The Czech Republic**, **Estonia**, **Greece**, **Ireland**, **Lithuania**, **the Netherlands**, **Romania**, **Slovenia** and **Spain** largely fit into this category. This year, **the Czech Republic** was added to this group, moving down from its previous status as a hard worker. In **Poland**, the government has tried to restore key elements of the rule of law; however, the limited progress so far shows how challenging and fragile it can be to restore compromised institutional independence.

‘**Hard Workers**’ are governments that actively seek meaningful improvements in rule of law standards. In 2025, however, no EU member state showed clear signs of real and systemic improvement.

Overall, fewer countries indicate positive change compared to previous years. **Latvia** was the only country assessed to fit into this category.

This analysis largely matches those of other research organisations. For example, the 2025 Varieties of Democracy (V-Dem) report found seven EU Member States are “affected by autocratisation” with two further having joined the institute’s ‘watchlist’.³

DETAILED ASSESSMENT OF INDIVIDUAL RECOMMENDATIONS

These overarching trend assessments stem from the evaluation of specific recommendations. This year, Liberties’ members assessed all 100 recommendations across the 22 countries included in the Liberties’ report. There were 23 further recommendations made by the European Commission in the countries not assessed by Liberties - therefore this report covers 82% of all recommendations from 2025.

Liberties Assessment	Number of assessed recommendations (100)				TOTAL %
	Justice	Anti-corruption	Media	Checks and balances	
No progress / no visible progress	20	22	13	6	61%
Backsliding	2	2	5	4	13%
In progress	7	7	9	3	26%
Fully implemented	0	0	0	0	0%
Total	29	31	27	13	

3 Varieties of Democracy (V-Dem) 2025 Report, https://www.v-dem.net/documents/60/V-dem-dr_2025_lowres.pdf

Over 60% of all recommendations show no progress or no visible progress. Backsliding accounts for 13% of cases, indicating that conditions have actively worsened. Only 26% of recommendations are currently in progress. The recommendations on anti-corruption and justice carry the heaviest recommendation loads (31 and 29, respectively), yet both are dominated by stagnation and regression. The system of checks and balances has received the fewest recommendations despite the highest pattern of regression.

WHY THE RULE OF LAW MATTERS

The rule of law came under severe threat in 2025, intensifying issues that were identified in previous years. Global, regional and national violations reinforced each other, creating unpredictability and risk that puts at stake the whole rules-based legal order.

The EU's Rule of Law Reports were started in 2020 in response to democratic backsliding in several EU Member States, with a stated aim to identify trends and ensure preventive action. In the six years that have followed, not only have the reports largely failed in this objective, but the EU has deepened the rule of law challenges within its own institutions and failed to apply international law consistently in its foreign policy decisions.

Last year, Liberties reported on three key rule of law failures within the institutions themselves: the introduction of legislation that risks undermining fundamental rights; abuse of the legislative process; and organised attacks against civil society organisations from within the institutions. These three areas have deepened, alongside an alarming pattern of double standards and failure to call out abject violations of the rule of law by key allies.

At the end of 2025, the EU adopted two important frameworks: the Democracy Shield and the Civil Society Strategy. Both provide a framework for action and set out certain key goals. For example, the Democracy Shield calls for the creation of a new European Centre for Democratic Resilience alongside several initiatives to counter disinformation, and the Civil Society Strategy proposes a Civil Society Platform to ensure regular dialogue with organisations that promote EU values and importantly sets out the importance of civil society within the framework of the EU. While elements for more concrete action are included, the strategy was a missed opportunity to set new and precise actions that would imminently address the expansive threats to civic space. As called for by Liberties,⁴ the strategy could have included commitment to support a protection mechanism for human rights defenders and civil society within the EU, and clear guidance on freedom of association and assembly.

EXCEPTIONAL LEGISLATIVE PROCEDURES

Last year, Liberties reported on the exceptional steps to renegotiate the Corporate Sustainable Due Diligence Directive (CSDDD) before it was even transposed into national legislation. At the beginning

⁴ Civil Liberties Union for Europe, *Stand with civil society to protect human rights – A bold civil society strategy for the European Union*, September 2025, <https://www.liberties.eu/f/amspsy>

of 2025, the Commission proposed what became known as Omnibus I, under a little-known process used exceptionally to consolidate or align existing laws. Instead, the process reopened a directive that had been negotiated over the previous five years, significantly reduced its scope and limited key safeguards. This first Omnibus package was the start of a rapid descent from exceptionality to normality. During 2025, the European Commission proposed a total of 10 omnibus proposals, with the trend expected to continue into 2026.⁵ At the end of 2025, the Commission stated that “building on this momentum, more than half of the 2026 legislative initiatives will focus on reducing burdens.”⁶

From a rule of law perspective, these fast-track, supposedly exceptional processes, create legal uncertainty and a lack of transparency. New impact assessments were not carried out, and a very small number of organisations were consulted, often companies that stood to gain from the simplification agenda.

The Commission has touted a reduced administrative cost of €11.9 billion for the 10 Omnibus packages, yet there is no calculation of the legal uncertainty and poor-quality lawmaking that result from a rushed and non-consultative process.

In December 2025, following a complaint filed by eight NGOs, the European Ombudsman found maladministration in the preparation of several omnibus packages, and in the rolling back of key environmental and human rights protections.⁷ The Commission has an opportunity to address the recommendations of the Ombudsman through the forthcoming Better Regulation review, but to date, there have been no indications of their planned follow-up.

This use of exceptional legislative processes echoes the pattern witnessed by Liberties’ members in individual Member States and documented in the national chapters. Together, these fast-track processes represent a worrying trajectory for predictable and transparent lawmaking across the Union.

LAWS THAT UNDERMINE FUNDAMENTAL RIGHTS

In 2025, the EU continued to work on a problematic directive on the transparency of foreign interest representation services – which, despite including certain fundamental rights safeguards, bears too

5 Details of all the Commission’s Omnibus proposals: https://commission.europa.eu/law/law-making-process/better-regulation/simplification-and-implementation/simplification_en

6 European Commission Press Release, 2025, https://ec.europa.eu/commission/presscorner/detail/en/qanda_25_2415

7 European Ombudsman Press Release, 2025, <https://www.ombudsman.europa.eu/en/press-release/en/215989>

close a resemblance to the multiple ‘foreign-agent laws’ that the EU has warned against. The legislative process moved very slowly, indicative of the flaws of such legislation, which both undermine fundamental rights and likely fail to adequately address the threat of covert interference. However, the Commission has not withdrawn the proposal, which would allow for a new, tailored approach based on a proper impact assessment. Considerable emphasis is placed on ‘foreign information manipulation and interference’ (FIMI), without adequately identifying the problem and the rule of law issues, such as media concentration and closing civic space, that exacerbate the problem.

In addition to the procedural issues, the Digital Omnibus proposes a wide range of changes to critical digital legislation. The proposed changes to the Artificial Intelligence Act, GDPR and ePrivacy Directive undermine the core basis of the digital legislation, which carefully balances the protection of fundamental rights while ensuring that laws do not unduly restrict the digital single market. Renegotiating the foundational instruments would dismantle digital legislation, cause legal instability, could deter investment, and may favour incumbents with greater capacity to absorb regulatory uncertainty. True innovation within the European Union must be built on legal clarity and public service goals, not the erosion of civil liberties.

Another area of core concern is the multitude of laws on asylum and migration, including the EU Migration and Asylum Pact, which comes into full effect in 2026, rules that risk the criminalisation of migrants and people providing humanitarian assistance and plans to redefine the ‘safe third country’ concept.

Some of the problems with these laws could largely have been alleviated through proper fundamental rights impact assessments, which under EU law are required in all cases that have a potential fundamental rights impact.

However, in a report published in December 2025, the EU Fundamental Rights Agency’s (FRA) found that human rights impact assessments are not always carried out on all initiatives that have significant fundamental rights impacts, or in many cases were found to be very superficial.⁸ This echoes the findings of civil society, where, on key legislative files, impact assessments seem to have been avoided through the application of technical exceptions or a call for urgency.⁹

8 European Union Agency for Fundamental Rights (FRA), *Better legislation – Human rights impact assessments in lawmaking*, 8 December 2025, <https://fra.europa.eu/en/publication/2025/better-legislation-human-rights-impact-assessments-lawmaking>

9 Joint civil society statement, 2023, <https://civic-forum.eu/wp-content/uploads/2023/05/230-Civil-Society-Organisations-Statement-on-EU-Foreign-Interference-Law.pdf>

By contrast, the Commission announced the planned withdrawal of draft legislation that would have supported civil society organisations and created a more enabling framework. The European Cross Border Association Directive (ECBA) was proposed by the Commission in 2023 following an own-initiative report from the European Parliament and over a decade of advocacy from civil society. The ECBA would allow non-profit organisations with members across Europe to be recognised and operate in all Member States, facilitating cross-border cooperation. There was no public call for its withdrawal and no discussion with civil society, thus representing another retrograde step and an inability to create an environment that facilitates the work of civil society.¹⁰

CAMPAIGN TO ATTACK AND DELEGITIMISE CIVIL SOCIETY

Again, replicating the smear campaigns in Member States, the attacks against civil society at the EU level were ramped up during 2025, including through a new European Parliament Scrutiny Working Group.

As reported last year, at the end of 2024, several environmental NGOs received notification from the European Commission that they could no longer use funding received under the EU's 'Life Programme' for advocacy. These notifications came amidst a campaign to question the legitimacy of civil society organisations, and particularly their advocacy activities. In April 2025, the European Court of Auditors (ECA) confirmed that there was no evidence of irregularities or misuse in how NGOs are selected or how EU grants are used, thus countering the claim that NGOs are improperly influencing EU policymaking through public funding.

Despite the findings of the ECA, certain MEPs refused to accept their conclusion and continued with their campaign. Towards the end of 2025, they established a Scrutiny Working Group in the European Parliament, initially aimed at identifying illegal activities of NGOs. However, after several meetings, MEPs admitted that the problem "is not to establish whether things are illegal, it is to establish whether politically it is undesirable".¹¹ This clearly highlights the 'witch-hunt' that is at play and the aim to normalise a narrative against watchdog NGOs. The intentions, as negotiations on the new seven-year EU budget take place, are clear.

10 Open letter by 250 civil society organisations, January 2026, <https://civilsocietyeurope.eu/250-organisations-call-on-the-european-commission-to-allow-cross-border-collaboration-for-non-profits/>

11 EU Observer (2026), Why rightwing inquiry into Europe's NGOs was never about transparency, 26 February 2026, <https://euobserver.com/203164/why-rightwing-inquiry-into-europes-ngos-was-never-about-transparency/>

CONSISTENT APPLICATION OF THE RULE OF LAW

While steps were taken to undermine the rule of law within the EU institutions, 2025 also saw a disturbing failure to consistently uphold the rule of law within the Council of Europe and in foreign policy decisions.

During 2025, the European Court of Human Rights (ECtHR) came under renewed attack. In May, nine Member States, on the initiative of **Denmark** and **Italy**, published a joint letter suggesting that the interpretation of the ECtHR was to blame for the identified problems related to “irregular migration”.¹² The initiative led to a further declaration in December 2025 and a forthcoming political declaration planned for the session of the Committee of Ministers in Chişinău in May 2026. The analysis stems from frequently utilised misconceptions, in particular of the right to family life. The concern is that a highly politicised and condensed process in the lead-up to Chişinău undermines the independence of the court and results in a regression in human rights protection.

Concerns have also arisen in the EU’s foreign policy decisions. Over the last few years, the EU has rightly been decisive and unequivocal in its support for justice in Ukraine, but over a similar time period failed to condemn and identify the perpetrators of war crimes and other international law violations in Gaza. Two EU Member States have even been referred by the International Criminal Court (ICC) to its Assembly of States Parties for failing to cooperate with the Court. **Italy** failed to surrender Libyan suspect Osama Elmasry Njeem despite initially arresting him, and **Hungary** failed to arrest and surrender Israeli Prime Minister Benjamin Netanyahu. Instead, Prime Minister Viktor Orbán welcomed him to Budapest and announced his intention to withdraw from the ICC.

Following the June 2025 bombings of Iranian nuclear facilities by the US and Israel, the EU failed to condemn the strikes, with Commission President Ursula von der Leyen saying after the initial Israeli strikes that “Iran must never acquire the bomb” and “Israel has the right to defend itself.”¹³ This muted response was recently repeated following the 2026 bombings, as the EU has failed to call out the attack for being unlawful under international law. There was no attempt to seek approval from the UN Security Council and no evidence of an imminent threat that would have justified self-defence under Article 51 of the UN Charter. The EU’s statement by the High Representative on behalf of the EU called for “maximum restraint, protection of civilians and full respect of international law, including the principles of the United Nations Charter, and international humanitarian law.” It called out the

12 Letter from nine Member States, May 2025, https://www.governo.it/sites/governo.it/files/Lettera_aperta_22052025.pdf

13 Statement by President von der Leyen at the joint press conference with President Costa ahead of the G7 Summit, 14 June 2025 https://ec.europa.eu/commission/presscorner/detail/sk/statement_25_1506

human rights violations by the Iranian authorities but avoided calling out the attacks by the United States and Israel.¹⁴

The result is a failure to defend the universality of international law and its timely application, instead indicating that the rules no longer matter. With this comes a lack of trust in the systems that have been built over the last few decades, and an understanding that any state or individual could act in unpredictable and self-interested ways. This is a very perilous future and one that the European Union should take clear steps to avoid. Ambiguous language that fails to call out violations and gives cover to potential perpetrators, even if traditional allies of the Union, is dangerous.

THE RULE OF LAW TOOLBOX

The Rule of Law Toolbox only makes sense if applied effectively and, as just identified, within a framework where the rule of law is upheld and understood to be universal. The stated aim of the Rule of Law report, to identify trends and ensure preventive action, cannot be achieved if there is no action, and if the overall environment posits the rule of law as an optional extra. The rule of law cannot be seen as self-enforcing but relies on political will and accountability.

The Liberties 2025 Gap Analysis showed that most recommendations are repeated annually without change, and over the years, few have been fully implemented.¹⁵ 93% of all 2025 recommendations were repetitions from previous years, many repeated verbatim, regardless of the level or progress, gravity of the violation or implications of non-action. By contrast, only 6% of recommendations were found to be fully implemented.

Commissioner McGrath was tasked in his mandate letter at the end of 2024 to consolidate the Rule of Law Report and “work to build a closer link between the recommendations in the Rule of Law Report and financial support under the EU budget”. While it would have been difficult to implement changes within the 2025 Rule of Law cycle, changes to the 2026 cycle were expected by Liberties and others, reflecting the longstanding proposals from civil society and rule of law scholars. These could have included changes to the timing of the cycle, greater inter-institutional engagement, involvement of experts and action to follow up on recommendations. None of these are evident from the questionnaire for this cycle, or from other policy discussions. Members of the European Parliament

14 European External Action Service, Statement by the High Representative on behalf of the European Union on developments in the Middle East, Press release, 2026, https://www.eeas.europa.eu/delegations/chile/state-ment-high-representative-behalf-european-union-developments-middle-east_en

15 The Liberties 2025 Gap Analysis, <https://www.liberties.eu/en/stories/rule-of-law-2025-gap-analysis/45560>

have suggested several changes to the Rule of Law cycle, but it is also not clear which of these might be taken up.¹⁶

In 2025, the Venice Commission adopted an update to its Rule of Law checklist in response to evolving challenges and rule of law regression in several jurisdictions.¹⁷ It notes that regression has accentuated the significance of effective checks and balances and highlights the rapid developments in technology affecting certain basic premises of the rule of law. The updated checklist includes new sections, including one on the legal framework of civic space, digital technologies within the justice system and restoration of the rule of law post systemic breakdown.

Greater application of the Venice Commission checklist to the development of the Rule of Law report would be useful to ensure a more systemic approach, which answers key sets of questions and ensures that issues are addressed equally across different countries. For example, non-implementation of court judgments is not addressed systematically across all Member States, leading to recurring questions as to why a recommendation has rightly been addressed to **Belgium** but not to other Member States with similar, or even greater levels of non-implementation.

Liberties members highlight a more worrying view of implementation compared to the European Commission's own assessment, and highlight key issues where the scale of the violations should have triggered further action on the part of the Commission. As noted by Liberties' **Italian** and **Slovakian** members, the "rule of law concerns highlighted...would probably be sufficient to trigger an Article 7(1) procedure" and "to prevent backsliding from becoming irretrievably entrenched, the Commission must shift toward consistent litigation". The trigger to invoke other parts of the Rule of Law Toolbox needs to be clearer, normalised and depoliticised. It should not be seen as a rarified or per se punitive action, but one designed to help restore the rule of law for the benefit of the entire Union. This will be equally important if, as proposed, the Rule of Law Report recommendations are linked to the EU budget.

The Rule of Law Reports and associated civil society analysis provide an important baseline and, after seven years, a clear indication of the trends. But with the direction of the trends being very clear and the overarching environment challenging the notion of the rule of law itself, a simple baseline is not enough to reverse the trends and reimagine effective application and leadership on the rule of law.

16 MEP Sophie Wilmès, MEP Alessandro Zan, MEP Michał Wawrykiewicz *Towards a European Rule of Law Semester*, October 2025, https://www.sophiewilmes.be/wp-content/uploads/2025/10/Position_paper.pdf

17 Venice Commission, December 2025, Updated Rule of Law Checklist, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)002-e)

RECOMMENDATIONS RULE OF LAW CYCLE

These overarching recommendations build on prior Liberties Rule of Law reports and discussions during a roundtable event in May 2025, calling for a clearer cycle as well as a timeline that facilitates documentation and action.

ASSESSMENT: there needs to be a clearer identification and articulation of the trajectory a member state is on. Early warning signs need to be flagged, ‘foundational’ violations identified and an understanding of when an action moves from a sporadic practice to an entrenched violation.

A network of experts should be involved in the process to depoliticise the assessment, ensure critical issues are not omitted, and the trends articulated. The reports should also be accompanied by a clear and visual presentation of the trends to ensure the reports are more accessible.

The 2019 Communication on strengthening the RoL noted that while the monitoring would cover all Member States, it would need to be more intense in Member States where risks of regression, or particular weaknesses, have been identified. This has not happened and should be revisited.

ACTION: a clear assessment will guide the action and link to the rest of the EU toolbox. Action should be normalised, not such a rarefied act that it paralyses the system.

There needs to be consequences for non-action on recommendations. After six years, the understanding and trajectories are clear. There needs to be a follow-up mechanism and criteria such that persistent failure to implement change triggers action through the enforcement tools.

ALARM: outside of the annual cycle, the Commission should be able to launch an interim process where new/serious violations need to be raised. It shouldn’t be necessary to wait until the next report, and in some cases, infringement proceedings may not be possible.

ALLIANCES: should be strengthened to ensure an interconnected process, both with institutional partners, ensuring a fully inter-institutional cycle, with regional and international actors such as the Venice Commission and with civil society.

Each part of the inter-institutional cycle would be transparent and with clear entry points for civil society to contribute. The timing should be reviewed to ensure publication at a moment that promotes national debate and allows for a stepped follow-up by the three institutions.

BUDGET CONDITIONALITY

In its Communication on the 2028-2034 Multi-Annual Financial Framework (MFF), the Commission stressed that the principles of the rule of law and the Charter of Fundamental Rights are non-negotiable and set out plans confirming that the Rule of Law Conditionality Regulation will continue to apply to the entire EU budget.

According to the proposal, National and Regional Partnership Plans (NRPs) will strengthen the link between the recommendations of the Annual Rule of Law Report and financial support with the aim of consolidating major EU funds into one coherent strategy for each Member State. A mid-term review should be integrated into the Plans.

Rule of law conditionality will apply to the NRP Plans, meaning that plans should comply with the rule of law and include reforms that are based on the Rule of Law report recommendations – moving towards performance-based disbursement. **Where a Member State fails to meet these conditions and breaches of the rule of law or of the Charter persist, funds may be withheld from the Member State concerned. These can be reallocated through direct or indirect management**, in particular to programmes that support the rule of law.

This is a welcome step and an important part of the Rule of Law toolbox if certain conditions apply:

- It needs to be **integral to the overall toolbox**, ensuring that when deployed, it is the most effective solution or that it is applied cumulatively alongside other measures.
- **‘SMART’ recommendations** are needed with clear timelines and benchmarks. As pointed out by the European Court of Auditors, there are currently no clear guidelines determining why (or why not) a mechanism is triggered. There needs to be **greater transparency** in what tools are used for rule of law conditionality and clear language in the NRP Plans referring to the Charter and core elements of the rule of law.
- There needs to be a **swift and accurate follow-up on recommendations** to ensure prompt action at all stages. Decisive action to suspend funds cannot be a rarified step that only takes place after years of repeated recommendations.
- Compliance needs to be depoliticised and, as previously suggested, involve rule of law **experts** alongside Commission officials. Internally, within the Commission, there needs to be a clear separation between those responsible for the budget and for rule of law compliance to **avoid conflicts of interest**.
- Rule of law conditionality should not only be a reactive tool but also **used proactively**, albeit proportionately, to respond to risks.
- Forward planning is required to **identify and set up systems to redirect funds** to programmes that support the rule of law.

COMMON CHALLENGES FACING OUR DEMOCRACIES

EU-WIDE CHALLENGES PERSIST IN JUSTICE SYSTEMS AS LITTLE PROGRESS MADE

Overview

Justice is essential to the rule of law as independent courts and authorities provide protection for citizens against unjust practices. The state of the rule of law is strongly shaped by the functioning of the justice system, which makes it important to assess whether the European Commission's recommendations from recent years have been addressed in EU Member States.

Out of the 22 Member States assessed by Liberties' member organisations, only a small number show progress, while the vast majority exhibit either no progress or even regression.

The majority of the recommendations issued by the European Commission in 2025 derive from assessments first made in 2022, demonstrating the persistence of long-standing deficiencies within the justice systems of the Member States.

The prevailing feature of the findings is one of institutional and systemic stagnation in the field of justice. Liberties' assessment of the recommendations shows that Member States have exhibited only limited engagement with substantive reform. Such stagnation risks undermining both the idea of the rule of law and the credibility of the mechanisms established for its protection.

Reports submitted by Liberties' member organisations further demonstrate that challenges affecting the administration of justice are not confined to jurisdictions with historically fragile institutional frameworks but also arise within well-established rule-of-law systems. An emerging and concerning trend has been identified in the increasing prevalence of political discourse that is critical of or hostile towards the judiciary and human-rights protections, including statements emanating from political actors and, in certain instances, the executive branch. Such developments may contribute to the erosion of public confidence in judicial institutions and the normative framework underpinning the rule of law.

Status	Number of countries	Countries
Progress	2	Latvia, Lithuania
No Progress	13	Croatia, the Czech Republic, France, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Poland, Romania, Slovenia, Sweden
Regression	7	Belgium, Bulgaria, Denmark, Estonia, Ireland, Slovakia, Spain

Key findings

- The majority of the recommendations issued in 2025 originate from 2022, demonstrating the longstanding nature of deficiencies within the administration of justice and the absence of effective remedial action in relation to the issues identified.
- Only three Member States received no recommendations in 2025, indicating that challenges concerning the justice system are of EU-wide relevance rather than being confined to isolated jurisdictions.
- The majority of the 2025 recommendations recorded ‘no progress,’ reflecting a pattern of limited implementation and suggesting reluctance of governments to give effect to the measures proposed.
- A significant proportion of the 2025 recommendations concerned the independence and transparency of judicial bodies, underscoring the centrality of institutional safeguards for the separation of powers and the rule of law.
- Emerging trends further reveal an increase in political discourse that is critical of or hostile towards the judiciary, including statements questioning the authority of judicial decisions and the legitimacy of human-rights institutions, which may contribute to the erosion of public confidence in the administration of justice and the normative framework of the rule of law.

Progress on recommendations

A total of 29 recommendations were made, with 18 showing no progress, signalling widespread stagnation. Only two recommendations recorded limited or minor progress, in **Ireland** and **Italy**,

reflecting isolated improvements rather than systemic change. Three countries — **the Czech Republic, Greece, and Slovenia** — were assessed without recommendations.

The dominance of no progress findings suggests structural barriers to reform implementation across many jurisdictions. Limited progress cases remain exceptions, reinforcing concerns about slow or uneven advancement. Backsliding in some areas highlights the possibility of regression even where issues had previously been addressed. Overall, reform inertia and uneven development can be observed, implying that sustained monitoring and stronger implementation mechanisms remain necessary.

Number and progress of recommendations – justice system

Liberties Assessment	Number of recommendations	Countries
No progress	18	Belgium (2), Bulgaria (3), Denmark, France, Germany, Hungary (2), Latvia, Malta (2), the Netherlands, Romania, Slovakia (2), and Spain
No visible progress	2	Ireland, Italy
Backsliding	2	Belgium, Spain
In progress	7	Croatia, Estonia, Lithuania (2), Poland (2), Sweden
Fully implemented	0	-
Total	29	
No recommendations	The Czech Republic, Greece, Slovenia	

A substantial share of the 2025 recommendations originated in 2022 across countries, including **Belgium, Bulgaria, Denmark, France, Germany, Ireland, Italy, Lithuania, Malta, Poland, Romania, Slovakia** and **Spain**, indicating that many issues have persisted for several years without resolution. In 2025, only two new recommendations emerged in **Croatia** and **Poland**.

Overall, the predominance of recommendations from 2022 and limited new additions suggests that implementation gaps remain the core and longstanding challenge.

Type of recommendations – justice system

Problem	Number of recommendations	Countries
Autonomy and independence of prosecution services	3	Poland, Romania, Spain
Independence and transparency of judicial bodies	12	Bulgaria (2), Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia (2), Spain, Sweden
Compliance with domestic judgments	1	Belgium
Resources and working conditions	5	Belgium, Bulgaria, Germany, Hungary, the Netherlands
Access to justice and legal aid	3	Denmark, Ireland, Lithuania
Efficiency and digitalisation	5	Belgium, Croatia, France, Italy, Malta
Total	29	

Recommendations reveal that the most systemic concerns relate to the independence and transparency of judicial bodies, with 12 recommendations across a wide range of jurisdictions, including **Bulgaria, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Spain and Sweden**. This breadth suggests that governance of courts and judicial councils remains a core structural rule-of-law challenge across the region. Closely related are the three recommendations concerning the autonomy and independence of prosecution services in **Poland, Romania, and Spain**, highlighting persistent risks of political influence over prosecutorial decision-making. Together, these two categories point to concerns at the institutional heart of the justice system.

The single recommendation on compliance with judgments in **Belgium** is particularly significant, as non-compliance directly undermines the authority of the judiciary and the effectiveness of legal

protection. As highlighted in Liberties' 2025 Gap Analysis,¹⁸ and in the text box below, the non-implementation of judgments is observed in a number of other countries as well, underscoring the need for a unified action from the Commission.

Overall, while efficiency and resource issues are widespread, the most consequential challenges concern institutional independence and governance. The concentration of recommendations in these structural areas indicates that safeguarding the separation of powers and insulating justice systems from political pressure remains the central rule-of-law priority.

Gaps in the Commission's report

Several serious rule-of-law concerns identified by Liberties' member organisations were not adequately addressed in the European Commission's 2025 report.

Structural deficiencies surrounding **Spain's** Audiencia Nacional, the risk of an isolated and politically influenced judiciary in **Slovakia**, and systemic weaknesses in disciplinary adjudication in **Poland** point to unresolved threats to judicial independence. Executive influence over prosecutors in **Germany and France**, alongside the institutional crisis affecting judicial bodies in **Bulgaria** and opaque appointment systems in **Malta**, further illustrate governance concerns insufficiently reflected in the Commission's assessment.

Liberties members also highlighted the refusal of authorities in **Belgium** to comply with final court rulings and structural underfunding, instances of retaliation and legislative pressure against judges in **Hungary**, developments that directly undermine judicial authority and independence. Severe shortages of judges and overwhelming caseloads in **Romania**, underfunding in **France**, budget cuts affecting courts and legal aid in **Estonia**, increasing delays in **Slovenia**, and overstated reform progress in **the Czech Republic** all demonstrate structural capacity problems with direct consequences for effective justice.

Fragile legal aid reforms in **Lithuania**, reduced or underfunded legal aid schemes in **Estonia** and **the Netherlands**, restrictive eligibility thresholds in **Malta**, and uneven legal aid protections in **Sweden** collectively point to persistent structural weaknesses in access to justice that were insufficiently reflected in the Commission's 2025 assessment. Beyond legal aid, ongoing detention conditions and access-to-justice barriers in **Italy**, fair trial risks linked to proposed non-jury courts in **Ireland**, expanded surveillance powers and procedural delays in **Denmark**, and migration-related rights

18 The Liberties 2025 Gap Analysis, pp. 19-21, <https://www.liberties.eu/en/stories/rule-of-law-2025-gap-analysis/45560>

violations confirmed by courts in **Croatia** further demonstrate shortcomings affecting fundamental rights protection. Declining public confidence in the judiciary in **Greece** illustrates the cumulative effect of perceived political influence, accountability gaps, and systemic inefficiencies on the legitimacy of the justice system.

These findings suggest that the Commission's 2025 report underestimates the depth and structural nature of rule-of-law challenges identified by civil society across multiple Member States.

Key issues that arose in 2025

Liberties member organisations flagged new issues in 2025, identifying new concerns that require attention.

Judicial independence and political interference

The independence of justice systems throughout the European Union continues to be systematically compromised by various forms of political interference, including manipulation in the composition of judicial bodies, undue pressure exerted on the judiciary, personal attacks against individual judges, flawed accountability mechanisms, and the persistent non-execution of court decisions.

The criminal conviction of the sitting Attorney General in **Spain**, the first of its kind, raises new concerns about the politicisation of prosecutions and the risk that criminal proceedings may be perceived as serving partisan purposes. In **Slovakia**, constitutional amendments introducing identity-based sovereignty concepts and new definitions of sex surfaced as fresh risks of conflict with EU and human-rights standards. Institutional pressure and public attacks on judges in **Bulgaria** also appeared as newly highlighted threats to judicial autonomy in 2025. Debates over prosecutorial independence and political influence in **Germany** and **France** reflect emerging concerns rather than unresolved historical issues. These developments indicate that challenges to institutional independence are evolving and require renewed scrutiny.

Judicial appointments

The appointment processes for superior court judges and court leaders exemplify heightened vulnerability to political capture, as executive influence distorts merit-based selection and perpetuates loyalty over competence.

In **Malta**, an ongoing reform aimed at incorporating greater judicial involvement in the procedure for appointing the Chief Justice, recommended as early as 2022, has registered no substantive progress, leaving the position susceptible to partisan considerations. **Latvia** encounters comparable deficiencies,

necessitating enhanced safeguards against undue political influence, specifically in Supreme Court judge appointments, a concern flagged in 2023. **Bulgaria** provides a stark illustration through sustained attempts to discredit the President of the Supreme Court of Cassation, which the analysis deems emblematic of broader leadership targeting and necessitates the re-initiation of Supreme Judicial Council reform as the primary national bulwark for judicial independence.

Appointments to constitutional courts suffer from protracted delays and interpretive conflicts that tilt institutional balance toward political expediency.

In **Italy**, parliamentary inaction resulted in four persistent vacancies on the Constitutional Court until their filling in February 2025, a situation repeatedly critiqued by the Venice Commission for undermining collegial equilibrium. **Romania** grapples with a profound tension exemplified by Constitutional Court Decision No. 390/2021, which posits national constitutional identity as a limit to the primacy of EU law, directly contravening the CJEU's insistence on absolute EU primacy and the obligation of national courts to disapply conflicting constitutional norms. This discord has manifested in divergent judicial decisions during 2024 and 2025.

Political pressure on the judiciary and attacks against judges

Sustained political pressure on the judiciary, coupled with overt attacks, erodes public trust and judicial resolve.

In **Slovakia**, the Justice Minister's initiation of proceedings against a judge for a ruling adverse to the Interior Minister exemplifies high-level retaliation. **Hungary's** President of the highest court (Kúria) publicly condemned protesting judges, while **France** reports a surge in threats and death wishes directed at magistrates, signalling a broader climate of intimidation.

Access to justice and procedural fairness

Access to justice remains unequal, disproportionately burdening low-income individuals, migrants, Roma, and other vulnerable populations through inadequate legal aid and cost barriers.

Systemic delays and governance weaknesses in **Romania** were identified as newly significant problems in 2025, highlighting the impact of administrative shortcomings on public confidence and judicial effectiveness. Reforms to panel selection and case allocation in **Poland** introduced fresh concerns about judicial independence, even as improvements in legal aid represented positive but limited developments.

Denmark's review of the legal aid system, initiated in 2022 and rephrased in 2024, stagnates, undermining fair trial rights and enabling rights-restrictive outcomes like extended pre-trial detention.

Access-to-justice barriers in **Italy** and proposals in Ireland to restrict judicial review emerged as new risks to effective legal protection and oversight. Replacing traditional legal aid with automated solutions in **Estonia** and declining social legal assistance in **the Netherlands** surfaced as recently recognised vulnerabilities. Procedural limitations and access challenges in **Malta** further demonstrate that these problems are not legacy issues but evolving concerns. The emergence of these risks underscores the need for sustained attention to access-to-justice safeguards.

IMPLEMENTATION OF JUDGMENTS

Liberties has long highlighted the non-implementation of court judgments as a foundational issue: one that impacts on many other areas of the rule of law and thus requires heightened and consistent attention.

The European Commission has pushed **Belgium** to strengthen the implementation of judgments but hasn't consistently focused on the issue and made recommendations in all countries with poor track records of implementation. Equally the focus has been on ECtHR judgments and the implementation of CJEU judgments has received less attention.

The findings of Liberties' members echoes the overall findings of the European Implementation Network and Democracy Reporting International.¹⁹ Their 2025 annual report concludes that non implementation is concentrated in certain Member States; many leading judgments remain pending for years; and structural problems are often left unresolved.

Key statistics at the beginning of 2025

- 650 leading ECtHR judgments were still awaiting full implementation across EU Member States, up from 624 a year earlier and 616 the year before.
- The average implementation time was five years and four months.
- **Bulgaria, Hungary, Italy, Poland, and Romania** have the lowest levels of implementation.
- Ten EU Member States, **Belgium, Bulgaria, The Czech Republic, Greece, Hungary, Italy, Lithuania, Malta, Poland, and Romania** had cases that had been pending implementation for more than 15 and up to 24 years.

¹⁹ Democracy Reporting International, European Implementation Network, 2025, Justice Delayed and Justice Denied: Non-Implementation of European Courts Judgments and the Rule of Law <https://www.einnetwork.org/justice-delayed-justice-denied>

- Looking at CJEU judgments, 382 rule of law related judgments were assessed. Over one-third have not been fully complied with and within this category over 80% have been pending for more than two years.

Romania has a very serious problem, with 411 ECtHR cases pending before the Committee of Ministers, 111 of which are leading judgments. This is the highest in the region. **Belgium** ranks as a moderately poor ECtHR performer with average compliance of four years nine months and one-third of major cases from the past decade remain unresolved.

Hungary qualifies as a poor ECtHR executor lacking coherent strategy and non-compliant on CJEU, refusing implementation of the 2020 judgment on the asylum system and transit zones. As a consequence the Court imposed a €200 million lump sum fine with an additional daily penalty of €1 million that continues to accrue.

It is thus clear that the European Commission needs to take a more systematic approach and address all cases of systemic non-implementation.

Systemic implications

Across the region, several common threads emerge. Implementation is often slowest and most incomplete where judgments touch politically sensitive areas such as migration and asylum, minority and LGBTQIA+ rights, or the distribution of power between branches of state. Many governments pay financial compensation but delay or avoid general measures that require changes to legislation, institutions or entrenched practices. National frameworks for coordinating implementation are uneven, and in some cases key responsibilities are concentrated in ministries that are also litigating before the ECtHR.

The country findings in this chapter therefore support the core conclusion of the EIN and DRI mapping that non implementation is not a marginal or technical issue but a systemic one. Delayed and incomplete execution of Strasbourg and Luxembourg judgments tends to coincide with other rule of law problems described in the Justice chapter, including chronic delays, underfunded justice systems and pressures on judicial independence, and it undermines trust in both national and European courts.

The budget of the judiciary

Judicial budgets consistently fall short of requirements, directly correlating with staffing shortages, backlogs, and execution failures.

Belgium allocates merely 0.22% of GDP to justice, below the EU average of 0.31%, translating into resource deficiencies, judge/support staff shortages, and contributions to ECtHR non-compliance on detention, asylum support, and proceedings lengths. **Germany** receives repeated exhortations to

augment judiciary resources and tackle recruitment challenges, yet registers no significant advancement, with judgment publication gaps further hampering legal certainty and scrutiny.

Estonia enacts 10% multi-year budget cuts targeting the judiciary, resulting in courthouse closures despite Council warnings of quality threats. **France** devotes only 2% of the state budget, yielding half the judges and a quarter of the prosecutors relative to peer states, necessitating hikes for optimal functioning. **Romania** endures approximately 15% vacant judge posts, with government-blocked magistracy competitions exacerbating systemic strain.

Fundamental rights challenges

The tolerance of totalitarian symbols in **Croatia** emerged as a newly highlighted concern in 2025, demonstrating the ongoing need for consistent enforcement of protections against hate speech and discriminatory expression. In **Greece**, declining public confidence in the judiciary surfaced as a recent indicator of institutional strain and perceived political influence. These issues underscore the importance of legal clarity and effective enforcement in safeguarding democratic values. While debates in society are inevitable, the emergence of these risks highlights the need for robust frameworks to protect fundamental rights.

Overall assessment

The issues identified in 2025 represent both newly recognised challenges and longstanding deficiencies, demonstrating that rule-of-law vulnerabilities can emerge even in mature systems. Developments in countries such as **Bulgaria, Slovakia, and Spain** reveal fresh concerns about institutional independence and governance. Access to justice and procedural problems in **Italy, Estonia, and the Netherlands** emerged as recently identified risks to effective legal protection. Rule of law challenges in **Denmark and Sweden** further illustrate that new vulnerabilities can arise from evolving policy environments. The emergence of these issues in 2025 demonstrates the need for strengthened monitoring and implementation mechanisms to ensure that legal standards translate into practical protections.

Recommendations

The analysis shows that key concerns remain unchanged and widespread, with very limited implementation of recommendations and no progress towards implementing the vast majority of them.

The individual country chapters include specific recommendations to individual Member States – these should be supported and echoed by the European Commission to include:

- Place more emphasis on strengthening judicial self-governance, both in the area of appointments and in the administration of the courts.
- Recommend, through the formulation of stringent and measurable recommendations, the strengthening of resources for courts, including proper remuneration, the transparency of case allocation and workload distribution, administrative support and training.
- Act consistently against the non-implementation of decisions of national and international courts, ensuring recommendations for all Member States where implementation is a problem and setting up a system to monitor the implementation of CJEU judgments.
- Consider launching systemic infringement proceedings against Member States showing similar challenges regarding judicial independence, especially related to the selection and removal of judges and prosecutors, and judicial self-government.
- Use EU funding to push for tangible and specific investments in the area of justice in order to make it more accessible, fairer and more efficient for the benefit of all people in society.

STAGNATION IN ANTI-CORRUPTION INITIATIVES

Overview

Corruption poisons public life and undermines the rule of law. It is therefore essential that law-based states take every possible measure to mitigate the risks of corruption.

Liberties' member organisations reveal a troubling landscape for anti-corruption across EU Member States in 2025, dominated by a lack of progress in 15 countries. Limited gains appear in three countries, with **Sweden** advancing via inquiry proposals and **the Czech Republic** through strong enforcement actions. Outright regression affects three countries, with **Malta** blocking inquiries, **Slovakia** dismantling specialised authorities, and **Bulgaria** exhibiting a captured state.

In the field of anti-corruption, 33 recommendations were issued by the European Commission in 2025, yet most outstanding reform recommendations stem from 2022. This shows that longstanding issues remain dominant and have persisted for years, while relatively few additional priorities emerged in later years, signalling a tendency toward implementing existing measures rather than expanding the reform agenda.

Of the 2025 anti-corruption recommendations, a large share shows 'no progress' in key areas such as lobbying regulation and high-level corruption enforcement, indicating widespread stagnation. Several recommendations are formally in progress, indicating some movement on anti-corruption frameworks, but advancement is largely confined to legislative steps and lacks strong evidence of enforcement. Only isolated instances of limited or minor progress were recorded, suggesting improvements that are incremental rather than structural. Most measures stalled or partially advanced, the data point to a persistent implementation gap that raises doubts about the effectiveness of current reform efforts.

Liberties Assessment	Number of countries	Countries ²⁰
Progress	3	The Czech Republic, Slovenia, Sweden

²⁰ No assessment on Poland.

No Progress	15	Belgium, Croatia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Romania, Spain
Regression	3	Bulgaria, Malta, Slovakia

Key findings

- Most countries show no progress, with limited gains in **the Czech Republic, Slovenia and Sweden** but clear regression in **Malta, Bulgaria and Slovakia**, where The Council of Europe's anti-corruption body (GRECO) initiated an ad hoc procedure.
- Most recommendations have been in place since 2022 without progress, indicating persistent problems in the anti-corruption framework.
- The recommendations predominantly concern lobbying regulation and measures against high-level corruption, though issues related to asset declarations and conflicts of interest also remain on the agenda.
- Only two countries - **Estonia and Lithuania** - received no anti-corruption recommendations in 2025, confirming that corruption-related challenges are an EU-wide concern rather than a problem confined to specific countries or regions.
- 20 recommendations across 14 countries recorded 'no progress'.
- Public perceptions of corruption are in line with the Member States' non-implementation tendencies, with **Greece** recording a striking 97% belief that corruption is widespread (against an EU average of 69%). Italy's Corruption Perception Index fell to 54%, and **Belgium** hit a record low of 69%.

Progress on recommendations

A total of 33 recommendations related to anti-corruption were issued by the European Commission in 2025.²¹ Of these, 20 showed no progress, signalling widespread stagnation in key areas such as lobbying regulation, asset declarations, revolving doors, and the prosecution of high-level corruption. **Bulgaria, Croatia, Denmark, France, Germany, Italy, Romania and Spain** stand out for recording exclusively no progress in the areas assessed.

Two recommendations reflect limited or minor progress in **Belgium and Latvia**, indicating isolated and marginal improvements rather than structural reform. Seven recommendations are formally in progress, notably in **the Czech Republic, Greece, Slovakia, Slovenia and Sweden**, suggesting some forward movement in strengthening anti-corruption frameworks and lobbying regulation. However, progress remains uneven and often confined to legislative initiatives rather than demonstrated enforcement outcomes.

Particularly concerning is the backsliding recorded in **Hungary and Malta**, where developments point to deterioration in integrity frameworks and high-level corruption enforcement.

Estonia and Lithuania received no recommendations in the field of anti-corruption.

Overall, the data reflect a persistent implementation gap, with the overwhelming majority of recommendations either stalled or only partially advancing, raising concerns about the effectiveness of current anti-corruption and integrity reform efforts across the European Union.

21 Assessment of the two recommendations on Poland are not indicated due to lack of data.

Number and progress of recommendations – anti-corruption

Liberties Assessment	Number of recommendations ²²	Countries
No progress	20	Belgium, Bulgaria (2), Croatia, The Czech Republic (2), Denmark, France, Germany, Hungary, Ireland, Italy (2), the Netherlands, Romania (2), Slovakia, Spain (3)
No visible progress	2	Belgium, Latvia
Backsliding	2	Hungary, Malta
In progress	7	The Czech Republic, Greece (2), Slovakia, Slovenia, Sweden (2)
Fully implemented	0	-
Total	31	
No recommendations	Estonia, Lithuania	

22 out of 31 recommendations remain unimplemented from 2022, making that year the dominant source of current reform recommendations. By contrast, five recommendations originate from 2023, showing that relatively few additional priorities were introduced and that attention has shifted toward implementation of earlier measures. Overall, the numerical distribution demonstrates that while new issues continue to emerge, the bulk of the recommendations relate to longstanding matters requiring sustained effort.

²² Assessment of the two recommendations on Poland from 2025 are not indicated due to lack of data.

Type of recommendations – anti-corruption

Problem	Number of recommendations ²³	Countries
Lobbying	13	Belgium, Denmark, France, Germany, Greece, Hungary, Italy, Latvia, the Netherlands, Poland, Romania, Slovakia, Spain
High-level corruption prosecution	11	Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Malta, Poland, Romania, Slovakia, Slovenia, Spain
Conflicts of interest and asset declarations	9	Belgium, the Czech Republic, Denmark, Hungary, Ireland, Italy, Romania, Slovakia, Spain
Revolving doors	5	Belgium, the Czech Republic, Denmark, Hungary, Sweden

Recommendations show systemic weaknesses across all four topics, with lobbying regulation affecting the highest number of Member States, indicating that transparency of influence and legislative footprints remain broadly underdeveloped.

Investigation and prosecution of high-level corruption was the next area of focus, reflecting persistent difficulties in building effective enforcement records.

Conflicts of interest and asset declaration recommendations in nine Member States demonstrate that integrity frameworks and verification mechanisms remain uneven.

²³ A single recommendation is counted as one, however some recommendations contain sub-components.

Gaps in the Commission's report

The analysis by Liberties' member organisations identifies concerns across Member States that were not addressed in the 2025 report of the European Commission.

In **Spain**, systemic weaknesses in public procurement continue to undermine efficiency and integrity, while in **Slovenia**, procedural and structural challenges risk delaying or fragmenting corruption cases. In **Croatia** and **Slovakia**, weaknesses in enforcement and earlier civic-space concerns reveal gaps in safeguarding accountability and effective rule-of-law protections. In **Romania**, legislative and constitutional issues enabled serious cases to become time-barred, highlighting risks to public trust and judicial accountability. In **Latvia**, gaps in cartel detection and evidentiary rules weaken the fight against anti-competitive agreements and limit effective sanctions. In **Italy**, complex whistleblowing rules and insufficient safeguards on conflicts of interest and revolving doors reduce the practical impact of the anti-corruption framework. In **Hungary**, corruption is described as systemic and rooted in structural governance deficiencies, requiring integrated reforms rather than isolated measures.

High perceptions of corruption in **Greece** and transparency gaps in **Germany** demonstrate that formal frameworks alone do not guarantee effective enforcement or public confidence.

In **France**, the anti-corruption accreditation system for associations lacks transparency, while in **Estonia**, weaknesses in political finance and election safeguards require stronger oversight. In **Bulgaria**, politicisation of justice and selective enforcement undermine the credibility of anti-corruption efforts, and in **Belgium**, transparency and resources for plea bargaining and investigations remain insufficient.

In **Denmark**, **the Netherlands** and **Malta**, formal anti-corruption structures exist, but enforcement gaps, limited recommendations, and governance vulnerabilities continue to hinder meaningful progress.

Key issues that arose in 2025

Many issues described in last year's report persist largely unchanged, including weak enforcement, conflicts of interest, lobbying regulation, whistleblower protection, and the criminalisation, investigation and prosecution of corruption.²⁴ Of particular concern is the fact that in some Member States, the deficiencies in the anti-corruption framework have taken on a systemic character.

²⁴ Key issues that arose in 2025 in Poland are not indicated due to lack of data.

Integrity framework implementation

The implementation of integrity frameworks across the assessed Member States remains uneven, with isolated advances overshadowed by persistent gaps in lobbying regulation, revolving door rules, conflict of interest standards, and asset disclosure requirements.

Malta continues to fall short of its obligations under GRECO recommendations, with the requirement to develop and implement an integrity strategy for persons entrusted with top executive functions remaining unimplemented due to the persistent absence of a risk assessment. While **Germany** has amended its post-office employment rules for certain public officials, the revolving door framework remains inadequate, relying on compliance without sanctions for non-disclosure, and leaving senior officials subject only to opaque internal ministry decisions with no corrective mechanisms. By contrast, **the Czech Republic** has taken a number of steps in the area of integrity. The lobbying legislation was adopted; however, implementation gaps and loopholes remain. In a landmark ruling at the end of 2025, the Czech Supreme Administrative Court confirmed that PM Andrej Babiš's conflict of interest during his first premiership rendered his Agrofert companies ineligible for both subsidies and public procurement contracts,²⁵ establishing that a formal transfer to trust funds does not eliminate control if beneficial ownership is retained.

While **the Netherlands** made limited progress in 2025 with the approval of long-awaited revolving door legislation and the publication of an anti-corruption approach, key deficiencies remain unaddressed, including the absence of a lobby register. After repeated European Commission recommendations, **Hungary** failed to adopt comprehensive lobbying, revolving door, or asset disclosure legislation by the end of 2025. Despite ranking among the world's least corrupt countries, **Denmark** lacks a comprehensive anti-corruption strategy, lobbying transparency, clear standards on conflicts of interest, and binding revolving door rules for ministers and senior officials. Similarly, in **Estonia**, revolving door restrictions beyond government members remain unresolved.

Use of public money

Public spending oversight across several Member States remains a significant area of concern, with persistent weaknesses in procurement controls, accountability mechanisms, and transparency frameworks compromising the effective and lawful use of public funds.

25 Judgment of the Supreme Administrative Court, Case No. 8 Afs 215/2024 - 74 of December 11, 2025. Available in Czech language online: <https://vyhledavac.nssoud.cz/DokumentOriginal/Text/747815>.

Serious weaknesses in public spending oversight in **Malta** are highlighted by the Auditor General's report on public accounts, which sets out over 240 recommendations addressing systemic failures in internal controls, procurement compliance, documentation standards, and standard operating procedures. **Italy** approved a reform of the Court of Auditors that narrows the definition of gross negligence, caps financial penalties for officials at 30% of assessed losses, and introduces a silence-as-sent mechanism for procurement oversight - measures presented by the government as a remedy for bureaucratic paralysis linked to EU-funded National Recovery and Resilience Plan implementation, but criticised for stripping away a key constitutional safeguard over public spending and effectively shifting the burden of losses onto taxpayers.

The removal of campaign finance limits in **Hungary** has further opened the door to unchecked spending and the potential misuse of public funds or oligarchic money, thereby linking corruption risks directly to electoral integrity. Parliamentary scrutiny in **Ireland** revealed widespread non-compliance with procurement rules and conflicts-of-interest declarations within the Health Service Executive, with 9% of reviewed spending irregular and at least a third of senior staff failing to declare interests. Major procurement irregularities and subsidy fraud investigations in **Lithuania** and **Greece** reveal systemic weaknesses in internal controls and transparency. These cases demonstrate the need for stronger procurement safeguards and effective enforcement mechanisms to protect public spending and maintain public confidence in governance.

Investigation and prosecution of corruption

Fast-tracked legislative initiatives and concerns about prosecutorial independence in **Slovakia** have triggered constitutional scrutiny and public protest, reflecting risks of perceived political influence and institutional instability, while the dissolution of the Special Prosecutor's Office and the National Crime Agency has created a significant enforcement vacuum. In **Bulgaria**, captured-state dynamics represent a deeply concerning systemic pattern, as anti-corruption institutions have been increasingly weaponised against political and business opponents rather than deployed to genuinely combat corruption.

High-level corruption cases across several Member States continued to raise concerns in 2025, with varying degrees of progress in investigations and prosecutions reflecting broader structural challenges in enforcement and accountability. Cases in **Croatia** - including European Public Prosecutor (EPPO) indictments by the EPPO and domestic prosecution - progressed amid ongoing structural rule-of-law issues, particularly the discretionary jurisdiction of the Chief State Attorney, highlighting persistent risks of fragmented investigations, political influence, and uneven enforcement despite continued EU cooperation. In **Greece**, the EPPO submitted the so-called OPEKEPE case - involving organised fraud around EU farming subsidies - to Parliament due to its exclusive jurisdiction over current and former government members, yet the government's choice of a non-criminal investigative committee

was widely criticised as a delaying tactic, with critics alleging the fraud formed part of a systematic political mechanism rather than isolated misconduct.

While **Hungary's** Prosecutor's Office continued to deny the concept of high-level corruption, a major €600 million embezzlement investigation at the Central Bank's foundations reflects an enduring pattern of selective inaction in cases implicating members or close associates of the ruling elite. By contrast, **the Czech Republic** stands out with the National Centre Against Organised Crime conducting raids across 46 sites and seizing over €100 million, while a court overturned former PM Andrej Babiš's acquittal in June 2025 and directed the trial court to enter guilty verdicts - though criminal proceedings were automatically suspended after he regained parliamentary immunity following his election, with a waiver politically uncertain given his party's coalition position and his own refusal to request one.²⁶

Shifting frameworks in the criminalisation of corruption

Recent legal reforms have altered the scope and enforcement of criminal rules, raising questions about gaps in protection and practical implementation. **Italy's** Constitutional Court upheld both the 2024 repeal of the abuse of office offence and the narrowed definition of influence peddling, acknowledging in both cases that the reforms create significant gaps in criminal protection but concluding that these are matters of parliamentary policy rather than constitutional obligation. **Slovakia's** penal reform, which contributed to a dramatic fall in bribery charges from 129 to just 13, with an estimated 3,000 individuals benefiting from the changes. **Romania's** failure to legislate following the Constitutional Court's 2018 ruling on limitation periods created a lasting legal vacuum that has allowed a significant number of serious corruption cases to become time-barred, with high-profile cases continuing to be closed on prescription grounds in 2025, severely undermining accountability and public trust in the justice system. **Germany's** 2024 introduction of Section 108f of the Criminal Code, criminalising 'undue interest representation' by MPs, has had limited practical impact, as it applies only where paid lobbying is already prohibited - covering the *Bundestag* but not most *Länder* parliaments - and had recorded no known cases of application by the end of 2025. **Malta's** enactment of Bill 125, which

26 Decision of the High Court in Prague, June 23, 2025, Case No. 3 To 34/2024; High Court in Prague, Information on the decision of the High Court in Prague in case file no. 3 To 34/2024 ("Informace o rozhodnutí Vrchního soudu v Praze ve věci sp. zn. 3 To 34/2024"), Ministerstvo spravedlnosti / Vrchní soud v Praze, 23 June 2025, <https://msp.gov.cz/documents/d/vrchni-soud-v-praze/tiskova-zprava-3-to-34-2024>; Czech News Agency, Appeals court overturns acquittal of Babiš in Čapí Hnízdo case, Brno Daily, 23 June 2025, <https://brnodaily.com/2025/06/23/news/politics/appeals-court-overturns-acquittal-of-babis-in-capi-hnizdo-case/>.

restricts private citizens' ability to request criminal inquiries into suspected government wrongdoing, has been identified as warranting infringement proceedings given its significant adverse impact on access to justice.

Whistleblower protection

In whistleblower protection, **Estonia** stands out as a positive example, with a new law entering into force in 2025, strengthening detection and reporting capabilities. In **Slovakia**, a parliamentary majority approved fast-track legislation to abolish the independent Whistleblower Protection Office and replace it with a government-controlled body: a move that would have retroactively stripped protection from approximately 100 individuals who had reported high-level corruption - before the Constitutional Court provisionally suspended the law in December 2025. **Greece**, meanwhile, exemplifies the gap between legislative commitments and real implementation, with mandatory internal reporting channels and officer appointments required since 2023, yet showing no evidence of compliance on the Ministry of Interior's own website. In **Italy**, **Spain** and **Romania**, formal transposition of the Whistleblower Directive has not translated into consistently effective protection, with reports of practical gaps and climates of fear undermining reporting and exposing weaknesses in safeguards against reprisals within public institutions. These developments collectively highlight the fragility of whistleblower protection frameworks across the EU and the need for stronger enforcement of existing obligations.

Systemic problems in the anticorruption framework

In some Member States, the problems identified go beyond isolated shortcomings and take on a systemic character. In **Bulgaria**, the extent of institutional capture within Bulgaria's prosecution service and anti-corruption bodies raises serious doubts about the capacity of national authorities to conduct genuine and impartial oversight. **Hungary** continues to exhibit systemic corruption, EU funds remaining conditional on rule-of-law reforms, and institutional passivity undermining transparency. In **Malta**, backsliding is evident through persistent disregard for recommendations from GRECO, MONEYVAL. **Slovakia**'s dismantling of key anti-corruption bodies and GRECO's subsequent ad hoc procedure further underscore a trajectory of regression.

Recommendations

The analysis shows a persistent implementation gap in the field of anti-corruption, with the overwhelming majority of recommendations either stalled or only partially advancing, raising concerns about the effectiveness of current anti-corruption and integrity reform efforts across the EU.

The individual country chapters include specific recommendations to individual Member States – these should be supported and echoed by the European Commission to include:

- Following political agreement in December 2025 on the directive 2023/0135(COD) on combating corruption, ensure formal adoption and effective transposition and implementation to ensure the required multidisciplinary approach.
- Pay particular emphasis on the impunity of high-level corruption and on investigations that have stalled in Member States.
- Considering GRECO's recommendations, prepare guidance on the regulation of asset declarations for officials of varying status, placing special emphasis on the digitalisation of these declarations.
- Closely monitor the implementation of the European Whistleblower Protection Directive, in close cooperation with non-state actors, including civil society, and act decisively in case of non-compliance.

MEDIA FREEDOM AND PLURALISM STRAINED AS EFFORTS TO IMPLEMENT EU LAW LAG

Overview

A free and plural media environment is essential for the proper functioning of the rule of law. It provides transparency, enables public scrutiny of those in power, and protects citizens' right to information.

During 2025, many of the issues reported in the previous year remained unchanged. In 12 of the 22 Member States surveyed in this report, national civil society organisations reported no overall progress in the field of media freedom and pluralism compared to 2024; seven reported regression, in some cases due to significant threats; and just three Civil Society Organisations (CSOs) reported progress in the countries where they work. While there were instances of progress towards implementing European Media Freedom Act (EMFA) and the Anti-SLAPP Directive, Member States are behind schedule, both in terms of aligning national law and in making the structural changes necessary to conform to the laws. Indeed, media regulatory bodies as well as public service media remain heavily influenced, if not controlled by, national governments. Challenges to media pluralism remain the same, and media concentration has not improved. Journalists continue to be targeted with SLAPPs in addition to verbal and physical abuse. Governments across the continent are also restricting journalists' access to information, with multiple recommendations from the Commission in this area remaining ignored.

A key finding of this year's Liberties Rule of Law Report is the lack of progress made by Member States towards implementing the Commission's recommendations. This is especially true in the field of media freedom and pluralism, where more than 20 recommendations first issued in 2022 remain unimplemented. As this report makes clear, more effort must be made by Member States to implement necessary changes, and more action may be necessary by the Commission in order to give its recommendations teeth.

Status	Number of Countries	Countries
Progress	3	Ireland, Poland, Slovenia
No Progress	12	Croatia, the Czech Republic, Estonia, Germany, Greece, Latvia, Lithuania, Malta, the Netherlands, Romania, Spain, Sweden
Regression	7	Belgium, Bulgaria, Denmark, France, Hungary, Italy, Slovakia

Key findings

- Media-related recommendations remain unimplemented, often with little or no progress by national governments. Moreover, the vast majority of recommendations have existed since 2022, the first year the Commission began issuing recommendations.
- Political influence over the process of selecting leaders of National media authorities persists.
- Threats to media pluralism have not improved over the past years, and in some countries the situation appears to have intensified as smaller media outlets close and media concentration continues.
- Public service media face political pressure — in some cases, amounting to clear government control — despite the European legislative framework established by the EMFA and the Audiovisual Media Services Directive (AVMSD).
- The transparency of state advertising expenditures has not improved, with instances of clear attempts to use these funds to prop up government-aligned media while starving independent or critical voices.
- Efforts to implement EMFA fall well short of where they should be, with problems evident across Member States in the bloc. The law entered into force in August 2025, and by December, the Commission had already launched infringement proceedings against Hungary for violating it.
- SLAPPs remain a pervasive threat to journalists across the EU, and transposition of the Anti-SLAPP Directive is progressing extremely slowly; in places where progress is noted, it almost never goes beyond the minimum requirements set down in the directive.
- Many governments, including those perceived to have strong democratic and rule of law standards, hinder the work of journalists by refusing to comply with access to information requests.
- Journalists continue to face threats, harassment and attacks, and new instances of the use of spyware against journalists were revealed in 2025.

Progress on recommendations

Number and progress of recommendations – media freedom

Assessment	Number of recommendations	Countries
No progress	13	Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, France, Italy (2), the Netherlands, Poland, Romania, Slovakia
No visible progress	0	-
Backsliding	5	Germany, Hungary (3), Slovakia
In progress	9	Croatia, Greece, Ireland (2), Malta (2), Poland, Slovenia (2)
Fully implemented	0	-
Total	27	
No recommendations	Latvia, Lithuania, Spain, Sweden	

One of the most striking findings of this report — particularly evident in the area of media freedom and pluralism — is the persistence of long-standing, unimplemented recommendations. In the area of media freedom and pluralism, more than 85% of the 27 recommendations issued by the Commission to Member States in 2025 were first made in 2022 – and remain unimplemented, often with little or no action taken. Year after year, the Commission issues the same recommendations, and year after year national governments ignore them.

Type of recommendations – media freedom

Problem	Number of recommendations ²⁷	Countries
Public service media	9	Hungary, Ireland, Italy, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia
Safety and protection of journalists	7	Croatia, Greece, Ireland, Italy, Malta, Slovakia, Slovenia
Access to information	4	Belgium, Denmark, Estonia, Germany
State advertising transparency	3	Bulgaria, Croatia, Hungary
Media ownership transparency	2	The Czech Republic, France
Independence of media authorities	2	Hungary, Poland

The issue of long-ignored, unimplemented recommendations is not confined to traditional authoritarian-leaning actors like **Hungary**, or countries moving in that direction, such as **Slovakia**. Indeed, **Belgium, Denmark, France, Germany, and Ireland** all have 2022 recommendations that remain unimplemented. And there is little to suggest there is much enthusiasm for change. Of the 27 recommendations in the area of media freedom and pluralism, national CSOs report either no progress or backsliding in 18 of them; only nine recommendations can be considered ‘in progress’ towards implementation, and even in these cases, only initial steps have been taken.

Hungary was the only country to receive three recommendations, reflecting the nearly non-existent state of media freedom and pluralism in the country. The Commission assessed “no progress” on each of the three recommendations, while Liberties’ member organisations in the country found backsliding on all three. **Croatia, Ireland, Italy, Malta, Poland, Slovakia** and **Slovenia** all had two

²⁷ A single recommendation is counted as one, however some recommendations contain sub-components.

recommendations each; **Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, France, Germany, Greece, the Netherlands** and **Romania** each have one open media-related recommendation.

The largest share of standing media-related recommendations concerns public service media (nine of 27 recommendations), most often relating to PSM independence and the existence of political influence over its operations or leadership, but also the funding models and certainty for public service media. Six recommendations relate to journalists' safety and protection, four relate to access to information, three to ad transparency, two each to ownership transparency and the independence of regulatory authorities, and one recommendation concerned SLAPPs.

Notably, there were no new recommendations issued in this area in 2025 – that is, all media-related recommendations made in the Commission's latest report were made in the previous report, with four appearing for the first time in 2024. This is surprising given some of the recent developments (discussed in greater detail below) observed in 2025 and also reported on in the *2025 Liberties Rule of Law Report* – and thus covering issues that the Commission could have issued recommendations on in its 2025 report.

It is clear that the Commission's recommendations are not enough in themselves to spur Member State governments to act. The vast majority of recommendations in the media field are now four years old. Often, national governments have not even attempted to address them. In addition to the gaps in recommendations discussed below, the Commission must address an overarching 'implementation gap' that plagues its recommendations not only in the field of media freedom and pluralism but also in the three other primary areas of its annual survey.

Gaps in the Commission's report

Member organisations reported many significant issues about which the Commission should have issued recommendations, but did not. These include both newer issues and long-standing but intensifying threats to media freedom and pluralism, as well as to journalists themselves. The gaps reported by members exist in myriad areas, including: legal restrictions and threats to journalists, including SLAPPs; attacks and intimidation; political pressure; misinformation, disinformation and the increasing use of artificial intelligence; media concentration; and the independence of media regulators, among others.

The new Penal Code in **Belgium** has broadened the definition of 'state secrets' to criminalise the reproduction, disclosure or transmission of a state secret to unauthorised persons and the unauthorised receipt of a state secret. The Commission's report should have included a recommendation on the hostile environment facing journalists in **Bulgaria**, where harassment, smear campaigns and attacks on journalists are increasing.

Our member in **Croatia** highlights the Commission's failure to issue a recommendation addressing political pressure and financial interference in the media sector. The Commission failed to address several critical issues in **Denmark**, including representation in media (e.g., gender and socio-economic diversity), issues related to misinformation, and the implications of emerging AI use in media.

France's media landscape remains heavily concentrated in the hands of a few billionaires, a persistent issue that continues to worsen and has received insufficient attention from the Commission.

In **Hungary**, the growing legislative threats and regulatory pressure on independent media, in particular around 'sovereignty', should be addressed by the Commission. The Commission should have also addressed media concentration, a severe problem in the country. The problem of media concentration also deserved a recommendation from the Commission in its report on **Italy**, where our member also urges stronger recommendations in future reports to address shortcomings in state advertising transparency.

Although **Malta** has transposed the EU Anti-SLAPP Directive, its transposition constitutes the bare minimum required and may be of little use without broadening the scope to include purely domestic cases. Furthermore, no clear recommendation was made to bolster Malta's Freedom of Information Act, which is another area where existing law is simply not fit for purpose.

In **Romania**, political parties and public authorities continue to finance private media in a non-transparent manner, under the oversight of institutions that are both politicised and ineffective. In **Slovenia**, a critical structural issue not addressed in the Commission's recommendations concerns the independence, resources and effectiveness of the regulatory bodies.

There remains a significant risk of capture of media outlets by large creditors and financial groups in **Spain**, which the Commission's recommendations have overlooked.

Key issues that arose in 2025

Independence of national media authorities

Threats to the independence of national media authorities exist in multiple EU Member States. Previous Liberties rule of law reports have documented widespread issues, in particular the existence of political influence in the appointment of these bodies' leadership. For example, **Hungary's** media landscape is overseen by entities entirely loyal to the ruling party, while **Slovakia** is quickly moving in that direction. Several new developments were noted in **Latvia**, **Romania**, **Slovenia** and in **Poland**, where the government is deciding how to restore the media landscape.

For instance, **Romania's** politicised, under-resourced National Audiovisual Council (CNA) exceeded its authority during the 2025 electoral campaign by ordering the removal of online content critical of governing politicians, while government plans to merge it with ANCOM heightened regulatory uncertainty. Similarly, **Slovenia's** media regulators, the Agency for Communication Networks and Services (AKOS) and Culture and Media Inspectorate, face persistent doubts over independence, resources, and effectiveness, as recent legislative reforms failed to address either the governmental control of AKOS leadership appointments or insufficient funding amid its expanding competencies.

Media pluralism

Media pluralism continues to wane across the EU, as powerful entities or individuals buy up smaller outlets and economic conditions shutter smaller and local publications. Challenges to media pluralism were noted in **Belgium, France, Germany, Hungary, Italy, Latvia, Slovenia** and **Spain** in 2025.

These developments often concerned the continued acquisition of smaller media companies by larger ones, such as in **Belgium, France** and **Italy**. However, pluralism was also strained in other ways, for example, threats to small, local newspapers in **Germany** and new restrictions placed on Russian-language media in **Latvia**.

Transparency of media ownership and advertising

In **Croatia**, political pressure was exerted through the allocation and withdrawal of public funding and subsidies, including funding for minority and critical media. A transparency deficit in the allocation of state advertising expenditures was also observed in **Hungary, Italy, Malta, Romania** and **Spain**, although in most cases the new developments in 2025 affected issues that have existed for years.

Additionally, civil society organisations in **Croatia, Malta**, and **Romania** reported additional transparency threats through issues with the rules governing the transparency of media ownership. Again, new developments in 2025 served to perpetuate standing threats and to highlight the absence of positive developments in this area last year.

Public service media

Most threats to public service media were not new occurrences in 2025, although there were new developments in 2025 that served to continue or worsen the situation of PSM. CSOs in **the Czech Republic, Germany, Hungary, Ireland, Italy, Lithuania, Malta, the Netherlands, Romania, Slovakia** and **Slovenia** reported serious threats to the independence or operation (such as with regard to PSM financing frameworks) of public service media.

The situation in **Slovakia**, in particular, has worsened over the past year and appears on the brink of deteriorating into a similar situation as that found in neighbouring **Hungary**, where public service media operate largely as a platform for government communications. Recent analysis in Hungary found that from February-June 2025, Fidesz-KDNP politicians received 73% of news screen time on the main public television news channel, with virtually no negative coverage, while all opposition politicians together received only 27%.

New amendments proposed in 2025 in **Lithuania** could significantly threaten the independence of the public service broadcaster, Lithuanian National Radio and Television (LRT), by lowering thresholds for dismissing the Director General via secret ballots and freezing LRT's budget, prompting large-scale protests and a petition signed by more than 144,000 citizens. In **Romania**, the leadership of national public radio (*Societatea Română de Radiodifuziune* - SRR) and television (*Televiziunea Română* - TVR) remains under political influence, with new leadership voted in parliament at the end of 2025 on the proposals of the parties in government.

Safety and protection of journalists and other actors

Journalists continue to come under attack for doing their job, with verbal and physical assaults, lawsuits, spyware and restrictions on access to information all used to intimidate or hinder their work. Vexatious lawsuits known as SLAPPs were reported in nearly all countries covered in this report, despite the passage of the EU Anti-SLAPP Directive and the requirement that countries transpose its protections by May 2026. In 2025, new instances of attacks on journalists were reported in **Croatia, Italy, the Netherlands and Slovakia**, while few SLAPP cases arose in **Croatia, Greece, Ireland, Malta, Poland, Romania, Slovakia and Slovenia**.

Last year brought a rise in verbal and physical attacks against journalists in **Croatia**, with a lack of effective accountability for perpetrators. In **Italy**, journalists faced verbal and physical attacks, plus smear campaigns by political figures. Spyware emerged as a serious issue: in January 2025, 90 WhatsApp users, including many journalists, were targeted with Paragon spyware; Copasir's (Italy's parliamentary committee on intelligence) (*Comitato parlamentare per la sicurezza della Repubblica*) June report denied Italian involvement, pointing to foreign services. An uptick in attacks occurred in the **Netherlands**. In **Slovakia**, politicians and affiliates authored more than 500 hateful or defamatory Meta ads between mid-2024 and mid-2025, frequently targeting specific journalists prior to SLAPP suits to discredit them in legal proceedings.

Strategic lawsuits against public participation (SLAPPs) continue to threaten journalists and media outlets, particularly those that are smaller and independent. Progress towards transposing the EU Anti-SLAPP Directive has been slow, and rarely extends beyond the minimum EU safeguards to

include domestic cases. The use of SLAPPs became pervasive across the bloc, with key developments in **Croatia, Greece, Ireland, Malta, Poland, Romania, Slovakia** and **Slovenia**.

Continued awareness-raising on journalist safety and anti-SLAPP measures occurred in **Croatia** in 2025, but effective protections remained unimplemented despite repeated Commission calls. In **Greece**, a November 2025 report highlighted rising Eco-SLAPPs targeting journalists and environmental groups; transposition work continued. **Ireland's** Defamation (Amendment) Bill 2024 progressed, although concerns persist that its anti-SLAPP provisions do not adequately cover cases beyond defamation.

Malta's transposition covers only cross-border cases, neglecting domestic ones; the government's January 2025 promise of a national consultation has not materialised. In **Poland**, SLAPP cases from public entities decreased, and directive transposition stalled after the third quarter of 2025, leaving unresolved CSO concerns about early dismissal mechanisms. **Romania** advanced positively by extending transposition to domestic cases, though SLAPPs persist. **Slovakia** uses SLAPPs systematically via state entities to silence watchdog journalism. **Slovenia** adopted anti-SLAPP legislation in January 2026, transposing the directive with safeguards like early dismissal.

Implementation of the EMFA

The EMFA entered into force on 8 August 2025, after years of negotiations and legislative steps. Yet Member States across the bloc are slow to bring national legislation in line with its binding provisions. This is especially true in the areas of independence of public service media or transparency of state advertising, as discussed in the section above. The implementation of this landmark legislation will be further explored by data in the upcoming Liberties Media Freedom Report, but CSOs in **Greece, Hungary, Malta, Poland**, and **Romania** noted developments on this front in 2025.

Greece has only taken limited steps towards aligning its legislation and practice with its provisions; in particular, the country has not yet introduced substantive reforms to guarantee the independence of regulators and public service media, ensure fair state funding practices, or strengthen media pluralism.

Hungary has not only refused to implement EMFA but has also filed suit against the Commission seeking to have the law invalidated by the Court of Justice. Following the entry into force of EMFA on 8 August 2025, the Commission launched an infringement procedure against Hungary in December 2025 for non-compliance with the law. As noted previously, **Malta** has begun implementing elements of EMFA, such as with regard to Article 4 protections regarding surveillance and source protection. However, civil society is warning that the body being tasked with monitoring the independence of public service media, as per Article 5(4) of EMFA, risks lacking genuine independence and effectiveness, potentially undermining the reform in practice.

In **Poland**, a draft law to reform national legislation to ensure compliance with EMFA has been proposed. It introduces a number of reforms concerning the National Broadcasting Council, in particular related to the procedure for appointing members of the Council, but CSOs have called attention to the fact that the reform does not alter the existing model, wherein members are proposed and appointed by politicians. **Romania** has not yet implemented any provision of the European Media Freedom Act (EMFA) into its national legislation. Indeed, the only hint of movement in 2025 was official declarations of intent from the Ministry of Culture to harmonise national law and EMFA during 2026.

Recommendations

The analysis shows that many key concerns remain unchanged, with very limited implementation of recommendations. New EU legislation has yet to register as implementation of both the EMFA and Anti-SLAPP Directive has been slow.

The individual country chapters include specific recommendations to individual Member States – these should be supported and echoed by the European Commission to include:

- Align the enforcement efforts of the Digital Services Act to ensure that access to information and media freedom are upheld on very large online platforms and search engines.
- Monitor the progress of Member States' transposition of the EU Anti-SLAPP Directive into national law, ensure its full enforcement, and ensure adequate training and support for judges and prosecutors to address SLAPPs.
- Monitor the transposition and enforcement of EMFA, bringing infringement proceedings where inaction warrants them.
- Continue the media monitoring project with regard to media freedom and pluralism, and the EU-level databases with regard to beneficial ownership of media companies across the EU.
- Monitor and report on the implementation of the EU Recommendation on the Safety of Journalists and other related legislation, such as the Whistleblowing Directive, in consultation with civil society and media representatives.

CIVIC SPACE UNDER PRESSURE AS MEMBER STATES REGRESS ON CHECKS AND BALANCES CONCERNS

Overview

The rule of law depends on a system of checks and balances: independent institutions that hold governments to account, the ability to access information, to challenge decisions, and for civil society to organise, and, where needed, act as a watchdog. Only with such a robust system, which can identify the early warning signs and sound the alarm, is democracy able to flourish. As such, this final chapter of the Commission's Rule of Law report underpins many of the components in the other three chapters, whether through monitoring, access to information or direct participation.

It is therefore concerning that the Commission has consistently paid less attention to this chapter, making fewer recommendations and neglecting critical areas such as the legal frameworks on the right to peaceful protest. This leaves the system of checks and balances vulnerable to abuse and further restrictions; and with this vulnerability, it becomes a gateway to preliminary violations that multiply into systemic abuse. People might not initially pay particular attention when a specific protest is restricted or a consultation process rushed, but these initial steps easily transform into more regular violations, as documented in multiple Member States.

Unfortunately, this year's report confirms the backsliding. 13 of Liberties' members identified an overall pattern of regression related to the checks and balances, only eight considered a neutral situation with no progress, and none assessed that, compared to last year, progress had been made. More regression was witnessed in this area compared to the other thematic chapters (see the traffic light graphic), which makes it even more concerning that it receives somewhat peripheral attention. Compared to regression in 13 countries on the checks and balances, regression was identified in seven countries for the media, three for anti-corruption and seven for justice. Unsurprisingly, therefore, for the 13 recommendations that the Commission made in 2025, in the 22 countries assessed by Liberties, only three show any progress towards implementation.²⁸

28 Note that Poland was not assessed by the Liberties member so the recommendations are not included.

Status	Number of Countries	Countries
Progress	0	
No Progress	8	Croatia, the Czech Republic, Lithuania, Malta, the Netherlands, Romania, Slovenia, Spain.
Regression	13	Belgium, Bulgaria, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Slovakia, Sweden.

Key findings

For the 21 countries that Liberties reviewed, a total of 13 recommendations were made in 2025 related to the checks and balances, with only three showing any signs of progress. 10 countries have no recommendations at all despite repeated concerns raised by Liberties' members.

Fast-track and untransparent legislative processes received the most attention from the Commission, reflecting a persistent problem across nearly all Member States. The resort to poor law-making was apparent across the whole region. This ranged from a basic lack of transparency and participation to determined efforts to undermine the lawmaking process, enabling, in the most serious cases, for highly problematic laws to be adopted uncontested.

While a small number of Member States have persistently failed to adopt **independent human rights or ombudsman institutions**, a growing concern is the number of institutions being undermined through funding cuts or irregular appointment procedures.

The **threats to freedom of association** have not been systematically addressed, leaving a space for a range of problematic developments in the operating environment for civil society. While some governments overtly attempt to limit the space for independent civil society organisations, even those that ostensibly aim to create a fair, transparent system, fail to do so and open the space for abuse from more malicious actors.

There is a consistent lack of willingness to address laws and policies that disproportionately restrict the **right to peaceful protest**. Again, members observed a pattern of individual restrictions that were later solidified into concrete laws and the criminalisation of protesters.

Progress on recommendations

A total of 13 recommendations were made in 2025 related to the checks and balances in 11 countries, with two recommendations each in **Malta and Romania**. Of particular concern was the absence of recommendations in 10 countries, which leaves the checks and balances with minimal scrutiny and allows initial setbacks to evolve into more egregious violations.

Number and progress of recommendations – checks and balances

Liberties Assessment	Number of recommendations	Countries
No progress	5	Greece, Malta (2), Slovakia, Romania
No visible progress	1	Ireland
Backsliding	4	Bulgaria, Germany, Hungary, Romania
In progress	3	Italy, Spain, the Netherlands
Fully implemented	0	-
Total	13	
No recommendations	Belgium, Croatia, The Czech Republic, Estonia, Denmark, France, Latvia, Lithuania, Slovenia and Sweden	

Most of these recommendations date from 2022 or 2023 when the Commission first introduced recommendations and remain, since then, at a very limited level of progress. As documented in the Liberties 2025 Gap Analysis, only 6% of all recommendations had been fully implemented and one-third showed little or no progress. In addition, 93% of all 2025 recommendations were repetitions from previous years, with 71% dating back to 2022.

Only two new recommendations were made in 2025, in **the Netherlands** to take forward a proposal by the State Commission on Rule of Law to set up a structured dialogue between the state powers on the rule of law, and in **Bulgaria** to strengthen the quality of the legislative process by ensuring the use of public consultations and impact assessments.

Type of recommendations – checks and balances

Topic of the recommendation	Number of recommendations	Countries
Transparency and predictability of the law-making process	6	Bulgaria, Malta, Romania, Slovakia, Spain, the Netherlands
Freedom of association and dialogue with civil society	6	Germany, Hungary, Ireland, Greece, Poland, Romania
Independent institutions	3	Malta, Italy, Romania
Total	15	

The largest number of recommendations was made in relation to the transparency and predictability of law-making processes, reflecting the increasing trend to deploy emergency measures and fast-track procedures to push through new laws. However, while six recommendations were made, Liberties' members identified similar concerns in a further eight countries.

Six recommendations were made on freedom of association and dialogue with civil society to either improve the operating environment for NGOs or refrain from measures that restrict the space for civil society. Particularly, the latter tend to be too general and fail to refer to specific, problematic laws. Again, Liberties' members identified issues in further countries, including some, such as **Slovakia**, where a particularly restrictive NGO law was adopted but didn't trigger a targeted recommendation. Particularly noticeable is the fact that the Commission has made no recommendations on freedom of peaceful assembly. When other entry points to effect change have been limited, taking to the streets is often a last resort and thus the legal frameworks that govern the right to peaceful protest are a core element of the rule of law. Over the years, restrictions have been cited in every Member State, yet it remains off the Commission's radar.

The third area of recommendations addresses the existence and independence of oversight bodies, in particular national human rights and ombudsman institutions, with three recommendations to **Italy**, **Malta** and **Romania** who have yet to establish an independent national human rights institution that complies with the Paris Principles. However, no recommendations were made in cases where existing institutions came under threat.

Key issues that arose in 2025

2025 did not see the emergence of totally new issues around checks and balances, but rather a consolidation and expansion of violations. In 2024, Liberties members found regression in nine Member States²⁹ whereas this year that number rose to 13 Member States. In addition, three countries registered progress last year, whereas no progress on the checks and balances was observed in 2025. Several members aptly captured the environment in their countries, from Germany, who assessed that “the current situation of checks and balances must be assessed as regressive”, to Italy, which found that the government “has been slowly eroding the rule of law and civic space...peaking with the Security Decree...targeting minorities, dissenting people and activists of all types”.

Transparency and predictability of the law-making process

Throughout 2025, fast-track legislative procedures became increasingly normalised. Laws were adopted exceptionally quickly, with limited opportunity for input or consultation. Executive power was embedded, and parliamentary oversight was a formality rather than an integral and effective part of the legislative process. The use of fast-track procedures was documented in many Member States, including **Bulgaria, the Czech Republic, Denmark, France, Estonia, Greece, Hungary, Italy, Malta, Slovakia** and **the Netherlands**. Thus, both in countries where the rule of law is rapidly declining, as well as those where the early signs are apparent.

Slovakia has been in the spotlight for the overuse of fast-track legislation, leading to a recommendation by the Commission in 2023. The percentage of laws passed through fast-track procedures has decreased, but remains entrenched with a steady 20% of all laws passed this way, without sufficient justification. For example, during the first half of 2025, 68 new laws were adopted, 21 of which were adopted in an urgent procedure. In **Bulgaria**, the preparation of the electoral reform process was prepared through a ‘secret’ working group, and amendments were published only 45 minutes before the session. In **France**, an article of the Constitution was triggered four times in early 2025 to pass laws without parliamentary vote and in **Italy**, the government repeatedly adopted decree-laws, thus bypassing parliamentary debate. In **the Czech Republic**, the Parliament ignored a Constitutional Court ruling on legislative riders and adopted a major amendment to the Code of Administrative Justice without consultation or proper debate, affecting judicial review and participation rights.

29 This figure combines the assessment of Checks and Balances and Civic Space from 2024 to reflect merging the issues into one chapter in this year’s report.

Access to information

Access to information in 2025 can be characterised by a move towards functional opacity; information was restricted through delays, weak enforcement, or institutional practice rather than direct prohibition.

A new and highly problematic approach was taken by **Slovakia** to expand governmental freedom of information obligations to NGOs receiving public funding, designating them as ‘obliged persons’. Organisations are required to respond to information requests in the same way as public authorities, but without equivalent powers. The move creates heavy administrative duties, enables targeted harassment of watchdog organisations and restricts freedom of assembly. **Romania** proposed a similar approach in the draft Administrative Procedure Code, classifying NGOs as holders of public-interest information simply because they act in the public interest or manage public funds. This would subject private organisations to extensive disclosure duties designed for state bodies, creating legal uncertainty and a chilling effect on civic activity.

In **the Netherlands**, the effective implementation of the access-to-information law remained a problem. Under the Open Government Act (WOO), response times frequently exceeded the legal deadlines, limiting journalists’ and civil society’s ability to access information, and proposals were discussed to further restrict the law. **Spain** showed another transparency gap. Despite reform efforts, access to public information remains weak in practice, and a data-protection ruling found public institutions unlawfully sold personal data of self-employed workers, exposing accountability failures despite formal legal safeguards.

Freedom of expression and the right to peaceful protest

Limits on free speech were closely intertwined with the right to peaceful protest and a widespread chilling effect, seen through the stigmatisation of activists, disproportionate restrictions on assemblies, problematic laws and policies and the criminalisation of protesters, in particular climate protesters and those supporting Palestine.

As highlighted, the Commission has never made an explicit recommendation related to freedom of assembly, yet it remains an urgent issue in most Member States. The pattern of violations, from restricting individual protests and stigmatising protesters to the excessive use of force and new legislation restricting the right to protest, is evident.

In previous years, many members reported bans on protests and specific actions, such as restricting the location of protests. This year, intrusive police practices were further documented in several countries, including the continued use of ‘pain grips’ against climate protesters in **Germany**, forceful

policing, widespread arrest and detention in **Denmark, the Netherlands and Sweden** and sanctions and repression under the Organic Law 4/2015 on Citizen Security ('Gag Law') in **Spain**.

More countries reported new or newly applied legislation affecting the right to protest, ranging from bans on assemblies related to LGBTQIA+ events in **Hungary and Estonia**, to the use of emergency orders and tougher security measures in **the Netherlands, Italy and Spain**.

This has led to several challenges before the courts. In **Hungary**, the highest court (Kúria) upheld decisions to ban Budapest and Pécs Pride. Both events took place, leading to criminal investigations against the Mayor of Budapest and the organiser of the Pécs Pride. Despite calls from civil society, the European Commission has not taken legal action on the laws banning assemblies, nor did it request interim measures in the case of the 'Propaganda Law' (on which the assembly amendments were based), which would have stopped the government from utilising the law and passing related legislation.

In **the Netherlands**, the Council of State ruled that removing peaceful protesters under emergency ordinances lacks legal grounds, and the Supreme Court of **Estonia** overturned fines imposed on demonstrators using the slogan 'from the river to the sea', affirming free expression.

Laws proposed, adopted and utilised to restrict the right to peaceful protest.

Hungary: in April 2025, Hungary modified the Act on the Right of Assembly, the Act on Petty Offences and the Act on Facial Image Analysis, making it a crime to organise and a petty offence to attend assemblies that violate Hungary's 'Propaganda Law'. This law was adopted in 2021 and prohibits the 'depiction or promotion' of homosexuality and diverse gender identities to under-18s. The modification of the Act was submitted in a way to bypass consultation requirements, leading to criticism from the Venice Commission.

Italy: after considerable debate and opposition, in April 2025, Italy adopted the Security Decree criminalising road blockades and other forms of dissent while strengthening, once again, guarantees for police officers. The Decree bypassed the parliamentary debate "without debate, without transparency, and without opposition" and became an example of unlimited use of emergency decree-making. The provisions have been applied against demonstrators, including pro-Palestinian demonstrations.

Latvia drafted amendments restricting minors' participation in LGBTQIA+ events, including proposals to amend the Law on Assemblies, Marches and Pickets and Children's Rights Protection Law. The prohibition of attending events promoting 'LGBTQIA+ ideas and values' was based on vague concepts, such as 'morality'.

The Netherlands made use of emergency orders to restrict protests, conduct mass arrests and forced removal of protesters. Despite courts confirming a lack of legal grounds for applying such extraordinary measures towards peaceful protesters (e.g. the Council of State's ruling from July 2025), there is a broader tendency to control protests through administrative measures, raising concerns about the proportionality of such measures and the protection of civic space.

Spain continued use of the 'Gag Law'. The application of the 'Gag law' led to over €1 billion in fines and over €400,000 in administrative penalties against peaceful protesters, specifically targeting journalists documenting police activity and human rights defenders, deterring civic participation.

Sweden made use of sabotage and emergency-services sabotage provisions to restrict protest. Climate activists and pro-Palestinian protesters have been prosecuted under criminal provisions originally intended for serious offences, creating a chilling effect due to the risk of imprisonment and high fines.

Freedom of association

The European Commission is cognisant of the challenges to freedom of association, having made four recommendations in this area, but has failed to act consistently and make recommendations in all Member States where regressive measures were taken. This was particularly evident in **Slovakia and Italy**, as also documented in the *2025 Liberties Gap Analysis*.

Recommendations in **Germany and Ireland** addressed longstanding issues around the tax-exempt status for non-profit organisations and the legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act. However, despite specific recommendations, progress appears to be limited, with backsliding observed in Germany.

The recommendation to **Hungary** broadly requires the government to remove any obstacles that hinder the work of civil society organisations, failing after years of regressive measures to identify specific steps that the government should take. Despite a clear decline, it is notable that the European Commission did not issue a recommendation on freedom of association in **Slovakia**. This was particularly concerning as in early 2025, the long-debated NGO law was adopted, introducing extensive reporting requirements, including the mandatory public disclosure of personal data for all individual donors contributing over €5,000 per year and for all companies and institutional donors without any limit.

Belgium, Bulgaria and the Netherlands all introduced draft laws in 2025 restricting in various ways freedom of association. In **Belgium**, the bill allows the government to ban associations, companies and other legal entities that are considered extremist, radical or dangerous. However, the proposal

lacks legal clarity and proportionality, and could impose broad and deterrent restrictions, including bans on symbols, slogans and the re-establishment of dissolved organisations. In **Bulgaria**, a ‘Russian-style’ Foreign Agents Registration Act was proposed by the Revival Party to stigmatise any individual or entity receiving more than €500 per year in cumulative foreign funding, barring them from public life, including access to schools, universities, and government ministries. It was rejected by the Parliament but may be reintroduced in a similar form.

The Netherlands also proposed a draft ‘Law on the Transparency of Civil Society Organisations’, raising concerns about data access, vague offences and preventive sanctions. The stigmatisation of organisations was evident in a name change to address ‘Undermining by Civil Society Organisations’.

The disproportionate focus on transparency and foreign influence is given credence through the steps by the European Commission to propose legislation on foreign interest representation services and the steps to delegitimise civil society within the European Parliament (see the section on why the rule of law matters). These regional and national trends reinforce the stigmatisation and enable legislation to be passed. The combination of restrictive legislation with an exceptionally challenging funding environment makes it very difficult for independent civil society to continue to ensure a watchdog role. Many members reported conditions on funding negatively affecting advocacy work, as well as a general shortage of funding opportunities. This was echoed by the EU’s Fundamental Rights Agency’s civic space consultation,³⁰ which found that 85% of respondents said that concerns around funding threaten some, all or most of their work and 44% reported unexpected funding cuts in the past 12 months.

Attacks against individual human rights defenders

Individual human rights defenders (HRDs) continued to face targeted attacks and experience the brunt of restrictive measures alongside increasing narratives of defenders being labelled as ‘anti-democratic’ or ‘traitors’.

A September 2025 report on the situation of HRDs in **Malta**³¹ highlighted trends that are seen across the region. The report found that HRDs, especially those working on anti-corruption, migration, environment, and reproductive rights, face hostile rhetoric from politicians labelling them as traitors

30 EU Agency for Fundamental Rights Civic Space Consultation covering 2024 https://fra.europa.eu/sites/default/files/fra_uploads/report-key-findings-fra-civic-space-consultation-2024_en_0.pdf

31 OSCE Office for Democratic Institutions and Human Rights (ODIHR), *The Situation of Human Rights Defenders in Malta: Good Practices and Protection Gaps* (Warsaw: OSCE/ODIHR, 2025), p. 9, para. 21, [https://odihr.osce.org/sites/default/files/f/documents/1/b/596929.sex educationpdf](https://odihr.osce.org/sites/default/files/f/documents/1/b/596929.sex%20education.pdf)

or criminal enablers, alongside online threats, smears, and physical attacks, often underreported due to distrust in the police response. Protection mechanisms like police risk assessments are limited to imminent threats, exclude HRDs' input, and fail to address broader needs. Consultation processes lack inclusivity, and migrant search-and-rescue NGOs face closed spaces.

Similar patterns were seen in **Sweden**, where environmental defenders, people protesting in solidarity with Palestine, and non-Swedish citizens have been particularly negatively impacted. In **Italy**, the criminalisation of dissenting opinions was seen through the increase of penalties, the introduction of new offences, and the strengthening of administrative measures of repression against activists, minorities, and human rights defenders. Similarly, as noted above the 'Gag Law' in **Spain** particularly impacted journalists and human rights defenders and remains in force despite calls for its repeal.

Individuals and organisations providing humanitarian assistance were fined or sentenced to community service, as was the case for a human rights defender in **Latvia**, and in **Germany**, the legal provisions for using spyware were expanded, notably putting humanitarian workers at risk of surveillance. LGBTQIA+ defenders were also particularly targeted, whether through laws restricting the right to protest, to funding and regulatory restrictions, restrictions on sex-education, limited access to healthcare and an overarching discriminatory narrative.

Independent institutions

Weakening of institutions was observed through funding cuts, political pressure, or a failure to implement judgments or recommendations. In such an environment, existing institutions become formal bodies, but without actual power and possibilities to engage in policy making, monitoring and accountability. Several members identified the difficulties faced by individuals, noting that “the physical and psychological environment for those tasked with public oversight - including independent judges, investigative journalists, and civil society - has deteriorated significantly.”

The justice chapter looked at how judgments from both regional and national courts are ignored, severely undermining the role of the courts to uphold the law and provide redress for violations. While the Commission focused on the absence of independent human rights and ombudsman institutions in several Member States, namely **Italy, Malta and Romania**, they failed to address actions that undermined existing institutions. In **Belgium**, concerns arose over a planned 25% budget cut to the Interfederal Center for Equal Opportunities and Opposition to Racism and Discrimination - Unia, and in **Hungary**, there are ongoing concerns about the independence of the Commissioner for Fundamental Rights, where key issues remain unaddressed, and reports on minorities were removed from the website.

Recommendations

The analysis shows an entrenchment of civic space restrictions and degradation of the necessary checks and balances that are essential in a functioning democracy. Individual actions were concretised through laws and policies, creating a challenging environment exacerbated by global trends and severely diminished funding.

The individual country chapters include specific recommendations to individual Member States – these should be supported and echoed by the European Commission to include:

- Ensure that the Chapter on checks and balances receives due attention and recommendations are made in a systematic manner so that similar recommendations are made in all Member States where an issue has been identified. This should include a specific focus on civic space and recommendations on freedom of peaceful assembly, which to date has been neglected.
- Recommendations should link with the rest of the EU Rule of Law toolbox, and where national laws undermine the checks and balances, threaten civic space and violate EU law, immediately review, initiate and expedite infringement proceedings, including where relevant systemic infringements that address multiple related issues.
- Review and ensure that all EU laws comply with the Charter of Fundamental Rights and promote an enabling space for civil society. Ensure a fundamental rights impact assessment and automatic review from the EU Agency for Fundamental Rights on all legislative proposals that have a significant impact on fundamental rights.
- Ensure sufficient and flexible funding to ensure a strong and vibrant civil society that can monitor, report on and protect civic space and that clear funding lines and appropriate funding is included in the new Multi-annual Financial Framework (MFF).
- Stand up alongside civil society, affirming the EU's commitment to civic space and to CSOs as an enabler of respect for the rule of law.
- Design and allocate funding to a rapid response mechanism to protect rights defenders and CSOs at risk in the EU, including rapid response funding, an avenue to directly report attacks and a place to report on reprisals.
- Ensure effective implementation and elaboration of the EU Civil Society Strategy, ensure that the core elements of an enabling civic space are set out and given meaning – including

an enabling legislative framework, rapid response protection, an early warning system and effective pathways for litigation and redress.

- Ensure that the EU institutions meet the requirements set out for member states, including the transparency of legislative processes and access to information.

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ABOUT THE CONTRIBUTING ORGANISATIONS

Ligue des Droits Humains (League of Human Rights, 'LDH')



For 125 years, the League of Human Rights ('Ligue des Droits Humains' (LDH)) has fought injustices and infringements of fundamental rights in Belgium. LDH educates the public on the respect of basic human rights (including institutional violence, access to justice, respect for minorities, women's rights), challenges political powers on issues concerning human rights, trains adults on awareness over human rights issues and the law and brings issues regarding the development of educational tools and training to the attention of stakeholders. Born in 1901, the League of Human Rights is a non-profit, independent, pluralistic and interdisciplinary organisation. It is a movement in which everyone feels concerned and acts with respect for the dignity of all. LDH works on subjects such as youth, prisoners' rights, migrants' and refugees' situation and rights, access to justice, economic, social and cultural rights, psychiatric patient's rights, equal opportunities, privacy and diversity. LDH is also a member of the International Federation for Human Rights (FIDH), a non-governmental organisation with 200 leagues worldwide.

OVERALL ASSESSMENT: SLIDER

2025 was a year marked by the arrival of a new government at the federal level and political decisions that weakened fundamental rights such as social rights, the rights of foreigners and freedom of association. In parallel with these measures, the federal, regional and community governments are challenging the countervailing powers that are essential in a democracy: 2025 was marked by unprecedented mobilisation by actors of a weakened justice system, attacks on press freedom and increased pressure on civil society (plans to dissolve organisations, cuts in public funding, etc.).

Strong-arm policies, under the pretext of budget cuts and new investments in defence, illustrate a revised and deeply disturbing vision of human rights: This government believes that our fundamental rights can never be used to undermine the foundations of a free and open society.¹ This statement was made by the Belgian Prime Minister during the debate on the ‘dissolution’ bill, a very worrisome bill which aims to allow associations to be dissolved by government decision in flagrant contradiction with basic principles of freedom of association. The same Prime Minister who, three months earlier, along with eight other European heads of state, signed a letter seeking to override the decisions of the European Court of Human Rights.

If the plan unveiled in this letter were to be implemented, it would be a further blow to the rule of law, which has been trampled on by recent governments. In 2025, the federal government is still not complying with court rulings and even boasts about not paying the penalties it owes.

Assessment of the trajectory

In this context of fragile rule of law and brutal policies, the counterbalancing powers – the judiciary, the press and civil society – are also suffering, and this is undoubtedly the most striking feature of 2025: they are all being challenged at an astonishing speed by the various powers:

- **Justice:** 2025 was marked by unprecedented mobilisation in the justice system, culminating with a public declaration by the highest representatives of the Judiciary to the legislative and executive branches of power on 27 June 2025. According to a survey by the College of Courts and Tribunals, there is a 43% shortage of magistrates. Representatives of the judiciary and the Council for Immigration Litigation have publicly denounced nothing less than an attack on their independence following the announcement of governmental plans to put an end to lifetime nomination of judges;

1 RTBF, *Radical organisations, the paradoxes of prohibition*, (“*Organisations radicales, les paradoxes de l’interdiction*”), 30 September 2025, <https://www.rtbf.be/article/organisations-radicales-les-paradoxes-de-l-interdiction-11608536>.

- **Media:** the Association of Professional Journalists describes a ‘brutalisation’ of the Belgian media space in 2025.² This is evidenced by the unprecedented number of eight alerts filed on the Council of Europe’s platform for the protection of journalists, due to attacks, threats or ministerial interference. The reduction in funding for public media (RTBF and VRT) and the reform of local media, which aims at reducing the number of media outlets by a third, will also have an impact on the quality of information. The same is true of the merger between two media majors (IPM and Rossel) which, if approved by the Belgian Competition Authority, will lead to the concentration of the overwhelming majority of the French-language daily press within a single group, causing concern in terms of pluralism and editorial independence;

- **Civil society:** NGOs, trade unions, associations, etc. have had to endure several blows in 2025. For example, the draft bill that would allow the government to dissolve by royal decree organisations that undermine national security or democratic order, or the planned cuts in subsidies to associations, or even the outright end of these subsidies for those deemed too close to political parties.

In conclusion, what is particularly striking is the growing influence of the executive branch over the conduct of public affairs and a corresponding weakening of countervailing powers. This weakening is both too deliberate and too unapologetic not to be seen as a genuine political project of ruling coalitions, rather than simply a convenient response to successive crises.

The federal, regional and community governments should instead refrain from undermining the vitality of countervailing powers and, on the contrary, should protect and support them because they are essential counterbalances in a democracy. They are what guarantees the balance of institutions, the expression of a plurality of viewpoints and the transparency of decisions.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

If the Belgian State undermines the rule of law, refuses to submit to judicial decisions and repeals the European Convention on Human Rights (ECHR), undoubtedly other parts of the rule of law toolbox should be triggered. The Article 7 prevention mechanism should be engaged. On the contrary, the Belgian State should reaffirm its full commitment to respecting international law in general and the ECHR in particular. It should respect all court decisions and the foundations of the rule of law and ensure that the countervailing powers function optimally without hindering their work.

2 Jil Theunissen, *Freedom of the press: concentration, pressure, shock* (“Liberté de la presse : concentration, pressions, sidération”), 14 January 2026, https://www.liguedh.be/wp-content/uploads/2026/01/EDH_2025_Article3_Presse.pdf.

Given the existing violations of EU law, the EU Commission should take legal action (infringement proceedings) against Belgium for the violation of EU law on issues relating to the independence of the judiciary (see below).

State of play (versus 2025)

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM

General assessment

The Belgian State does not seem to realise the scale of the problem: the justice system, with a budget of 0.22% of GDP (below the European average of 0.31% of GDP),³ is underfunded, which causes serious human rights and democratic issues. The length of proceedings is particularly long in Belgium, which is a cause for concern and has led to multiple condemnations both by international and national courts.⁴ This phenomenon is not recent; Belgium has already been condemned several times by the European Court of Human Rights (ECtHR) for violation of the right to be tried within a reasonable time. In September 2023, the ECtHR once again severely condemned the Belgian authorities in its *Van den Kerkhof v. Belgium* decision.⁵ In this particular case, the legal proceedings were lodged in 2015 and are due to be decided on appeal in 2026 (at the earliest). Following up on this issue, the Committee of Ministers of the Council of Europe issued a decision on the 4 December 2025 regarding *Bell group v. Belgium*.⁶ The Committee noted some improvement regarding statistics and budgetary measures, however, it reiterated “the importance of accelerating efforts” and stressed in particular “the need to finalise the aforementioned mapping in order to definitively address the root causes of the judicial backlog and the long processing times of certain cases.”⁷

But there is a more worrying trend at play, which can be qualified as a regression as regards the justice system: the weakening of its authority and its independence. Indeed, the federal government repeatedly contested validly rendered judicial decisions, either by stating that it will not comply with those decisions or by undermining the authority of the ECtHR (see below). It also plans to put an end to lifelong nomination of certain judges, which directly contradicts basic principles of the rule of law.

3 European Commission for the Efficiency of Justice, *European judicial systems – CEPEJ Evaluation Report, Part 1 – General analyses*, 16 October 2024, p. 20, <https://rm.coe.int/cepej-evaluation-report-part-1-en-/1680b272ac>.

4 Federal Institute for Human Rights, *Communication to the Committee of Ministers of the Council of Europe concerning the Bell v. Belgium case*, 30 April 2024, <https://institutfederaaldroitshumains.be/sites/default/files/2024-06/Communication%20IFDH%20Dur%C3%A9e%20proc%C3%A9dures%20judiciaires%202024.pdf>.

5 ECtHR, *Van den Kerkhof v. Belgium*, Judgment of 5 September 2023, (*Application No. 13630/19*), <https://hudoc.echr.coe.int/eng?i=001-226557>.

6 Committee of Ministers, *H46-7 Bell group v. Belgium*, (*Application No. 44826/05*), 4 December 2025, CM/Del/Dec(2025)1545/H46-07, <https://search.coe.int/cm?i=0912594880299299>.

7 *Ibidem*, pt. 5.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system (first made in 2022)

In 2025, the Brussels Court of Appeal has suspended the judgment of certain disputes due to a lack of magistrates and clerks.⁸ The court has denounced this situation for years without receiving a positive response commensurate with its critical role in a federal, European and international capital. Discontent in the judicial world has intensified throughout 2025. According to a survey by the College of Courts and Tribunals, there is a 43% shortage of staff, which is causing a huge backlog of cases, particularly in Brussels.⁹ In June, some 800 magistrates, clerks, lawyers and judicial staff denounced this underfunding and called for an urgent refinancing of this constitutional power.¹⁰

- 8 Le Soir, *Brussels Court of Appeal suspends judgement in certain disputes due to lack of resources* (“La cour d’appel de Bruxelles suspend le jugement de certains contentieux, faute de moyens”), 10 March 2025, <https://www.lesoir.be/660665/article/2025-03-10/la-cour-dappel-de-bruxelles-suspend-le-jugement-de-certains-contentieux-faute-de>.
- 9 College of Courts and Tribunals, *Our courts and tribunals need 43% more judges* (“Nos cours et tribunaux ont besoin de 43% de juges en plus”), 20 February 2024, <https://www.rechtbanken-tribunaux.be/sites/default/files/media/news/files/communiqu-de-presse-mesure-de-la-charge-de-travail-college-cours-et-tribunaux-20-fevrier-24.pdf>.
- 10 The First President of the Court of Cassation and the First Presidents of the Courts of Appeal and Labour Courts, the Attorney General at the Court of Cassation, the Attorneys General at the Courts of Appeal and the Federal Prosecutor, *Statement by the representatives of the Judiciary and appeal to the Executive and Legislative branches* (“Déclaration des représentants du pouvoir judiciaire et appel au pouvoir exécutif et au pouvoir législatif”), 27 June 2025, <https://www.om-mp.be/sites/default/files/D%C3%A9claration%2027.06.2025.pdf>; RTBF, *Unprecedented action in the judicial world: packed courtroom at the Brussels courthouse before the country’s highest magistrate* (“Action inédite du monde judiciaire : salle comble au palais de justice de Bruxelles devant les plus hauts magistrats du pays”), 27 June 2025, <https://www.rtb.be/article/action-inedite-du-monde-judiciaire-salle-comble-au-palais-de-justice-de-bruxelles-devant-les-plus-hauts-magistrats-du-pays-11568374>.

It is to be noted that the federal government has allocated an extra sum of €1 billion to the Justice department following a November budget meeting. However, this amount is insufficient to cover the needs in that field.¹¹ Indeed, the budget allocated to the justice system in Belgium is 0.22% of GDP, which is below the European average of 0.31% of GDP, and has a ratio of 14.4 judges per 100,000 inhabitants, the average being 22 in Europe.¹²

The recommendation itself is not sufficiently compelling given the severity of the situation. The lack of resources allocated to the justice system being the main reason, it is necessary to heavily invest in the judicial sector and give the judiciary control over the management of its budget. The Belgian State should also invest in judicial staff to cut down the dramatic backlog of cases in all jurisdictions, with a special attention to the situation in Brussels.

Commission's 2025 assessment: Some further progress

LDH's current assessment: No progress

Recommendation: Continue ongoing efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data (first made in 2024)

If the Belgian government has made efforts to produce more reliable statistics and to address staff shortages in certain courts and tribunals, the measures adopted remain insufficient to resolve the structural problem of the backlog of cases in Belgium. As underlined by the Committee of Ministers of the Council of Europe, it is fundamental to “definitively address the root causes of the judicial backlog and the long processing times of certain cases”. It is also necessary “to improve the quality of statistics, in order to facilitate the management of courts and tribunals and thus reduce the length of proceedings”.¹³

11 La Libre, *The judiciary remains cautious about Annelies Verlinden's additional billion: 'This money will clearly be insufficient.'* (“La magistrature reste prudente face au milliard supplémentaire d'Annelies Verlinden: ‘Cet argent sera manifestement insuffisant’”), 27 November 2025, <https://www.lalibre.be/belgique/judiciaire/2025/11/27/la-magistrature-reste-prudente-face-au-milliard-supplementaire-dannelies-verlinden-cet-argent-sera-manifestement-insuffisant-KTRC34NC3VHHZAHV4CYYZQ4ZCU/>.

12 House of Representatives, *Question from Sarah Schlitz to Annelies Verlinden (Justice, responsible for the North Sea) on “The alarm raised by professionals regarding the underfunding of the justice system”* (“Question de Sarah Schlitz à Annelies Verlinden (Justice, chargée de la Mer du Nord) sur “La sonnette d'alarme tirée par les professionnels concernant le sous-financement de la justice”), 11 June 2025, p. 24, <https://www.lachambre.be/doc/CCRA/pdf/56/ac141.pdf>.

13 Ibidem, pt. 6.

There is a need for complete, disaggregated and consistent data to be made available to allow an accurate assessment of the efficiency of the justice system and to identify the need for structural reform, particularly in jurisdictions where backlogs persist.

Commission's 2025 assessment: Some further progress

LDH's current assessment: No progress

Recommendation: Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights (first made in 2024)

This recommendation of the Commission missed the point stating that the Belgian State should, "Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights." Indeed, the problem is far deeper: the Executive powers consciously, openly and deliberately declare their intention not to comply with the law and court rulings. This trend doesn't limit itself to national courts - it also affects international courts: according to the European Implementation Network and Democracy Reporting International, Belgium is labeled a "moderately poor" performer on ECtHR judgments¹⁴ and performs even worse before the Court of Justice of the European Union (CJEU), where it is classed as a "weak complier".¹⁵ For further discussion on this area, see the 'Gaps in the Commission's Report' and 'Implementation of Judgments' sections below.

Commission's 2025 assessment: Some further progress

LDH's current assessment: Backsliding

Gaps in the Commission's Report

Failure of the political authorities to respect court rulings

The previous recommendation of the Commission missed the point, stating that the Belgian State should, "Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights." Indeed, the problem is far deeper: the executive powers consciously, openly and deliberately declare their intention not to comply with the law and court rulings.

14 European Implementation Network and Democracy Reporting International, *Justice delayed and Justice denied – Non-implementation of European Courts Judgments and the Rule of Law*, 2025, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>

15 Ibid., p. 20.

An extremely worrying trend has emerged – previous and the present legislatures have seen the accentuation of the failure of the political authorities to respect court rulings, and even openly refuse to comply with them. Indeed, non-compliance with validly rendered judicial decisions has reached levels never before seen in the country. The fact that a Federal Minister stated that she would not comply with judicial decisions has sparked outrage from top magistrates.¹⁶ As the field of asylum law is the main area of non-compliance, there is growing concern about a risk of contagion into other areas of the law particularly problematic for the Executive (prison overcrowding, arms trade, etc.).

New Issues that Emerged in 2025

Plans to challenge the independence of judges

On 22 May, the Belgian Prime Minister signed a letter, along with eight other EU heads of state, complaining that “the evolution of the [ECtHR]’s interpretation has, in some cases, limited our ability to make political decisions in our own democracies”, citing the example of the expulsion of “criminal foreign nationals”, which he claims is no longer possible due to the limits imposed by the court on Member States.¹⁷ In reality, nothing could be further from the truth: the court does not oppose such expulsions. It has, in fact, validated numerous expulsions of this type, including by the Belgian State.¹⁸ However, what is true is that the court verifies that, in this case as in others, the persons concerned are not subjected to acts of torture or inhuman or degrading treatment. This can, in some cases, make expulsion complicated or even prohibited. In reaction, six Belgian national human rights institutions (NHRIs) called for the respect of the independence of the European Court of Human Rights.¹⁹

16 Le Soir, *Brussels public prosecutor condemns attack on justice by Minister Van Bossuyt* (“Le procureur général de Bruxelles dénonce une attaque de la justice par la ministre Van Bossuyt”), 29 September 2025, <https://www.lesoir.be/701751/article/2025-09-29/le-procureur-general-de-bruxelles-denonce-une-attaque-de-la-justice-par-la>.

17 See the open letter, 22 May 2025, https://www.governo.it/sites/governo.it/files/Lettera_aperta_22052025.pdf.

18 See for example ECtHR, *El Khouardi v. Belgium*, 27 September 2022, (Application No. 39864/16), <https://hudoc.echr.coe.int/eng?i=001-220407>. See also, among others, ECtHR, *El Aroud and B.S. v. Belgium*, 5 December 2024 (Application Nos. 25491/18 and 27629/18), <https://hudoc.echr.coe.int/eng?i=001-238612>, stating that “Issues relating to the granting, loss and (...) deprivation of nationality fall within an area in which Contracting States must be accorded a wide margin of appreciation”; Le Soir, *The European Court of Human Rights: an obstacle to migration policies? Between misinformation and monstrosities*, 26 May 2025, <https://www.lesoir.be/677761/article/2025-05-26/la-cour-europeenne-des-droits-de-lhomme-obstacle-dans-les-politiques-migratoires>.

19 Federal Institute for Human Rights, Central Prison Monitoring Council, Institute for Gender Equality, Myria, Service for Combating Poverty, Precariousness and Social Exclusion and Unia, *Six human rights institutions call for respect for the independence of the European Court of Human Rights*, (“Oproep van zes mensenrechteninstellingen: respecteer de onafhankelijkheid van het Europees Hof voor de Rechten van de Mens”), 27 May 2025, <https://www.institutfederaaldroitshumains.be/en/node/322>.

This challenge to international human rights law is unfortunately part of a broader trend, which makes it all the more dangerous. Indeed, the political offensive is not only targeting international courts but also national courts. In addition to the chronic underfunding of the judiciary and the persistent failure to comply with court rulings, political parties in the Federal government now wish to target ‘activist judges’ and subject the Constitutional Court to a ‘popular appeal’ (*volksberoep*).²⁰ This would involve establishing a mechanism whereby Parliament could ignore the decisions of the Constitutional Court, thereby removing one of the last safeguards against the omnipotence of political power.

Additionally, the federal government plans to take measures to undermine the independence of the court responsible for appeals against decisions on residence and asylum, the Immigration Appeals Tribunal (*Conseil du contentieux des étrangers*). Indeed, among other things, the federal government agreement states that “a judge shall be appointed for a renewable term of five years.”²¹ Appointing judges for renewable five-year terms, with their reappointment contingent upon a government decision, seriously threatens one of the fundamental pillars of the rule of law. The proposed measures, as set out in the coalition agreement, are unprecedented: all professional judges in Belgium are appointed for life, which is a basic guarantee of the independence of the judicial power.²² The measures are unheard of, as they violate the separation of powers, judicial independence and fundamental rights. As a result, the Federal Institute for the Protection and Promotion of Human Rights declared itself “particularly concerned about certain measures announced in the federal government agreement that affect the judiciary”, and announced reforms concerning the Immigration Appeals Tribunal.²³

Implications and Recommendations for 2026

The refusal to comply with court decisions is a very worrisome issue of non-respect of a fundamental element of the rule of law. It undermines the entire democratic structure.

20 De Morgen, *N-VA wants parliament to rein in “activist” judges* (“N-VA wil parlement ‘activistische’ rechters laten terugfluiten”), 28 February 2023, <https://www.demorgen.be/snelnieuws/n-va-wil-parlement-activistische-rechters-laten-terugfluiten~bd454454/>.

21 Federal Coalition Agreement, 2025-2029, p. 182, https://www.belgium.be/sites/default/files/resources/publication/files/Accord_gouvernemental-Bart_De_Wever_fr.pdf.

22 De Standaard, *Unprecedented, unheard of and unconstitutional: the federal government wants to influence judges* (“Ongezien, ongehoord en ongrondwettelijk: de federale regering wil rechters beïnvloeden”), 20 February 2025, <https://www.standaard.be/opinies/ongezien-ongehoord-en-ongrondwettelijk-de-federale-regering-wil-rechters-benvloeden/42133103.html>.

23 Federal Institute for the protection and promotion of Human Rights, *Rule of law under pressure: Federal Institute for Human Rights calls for concrete action*, 15 October 2025, <https://www.institutfederaaldroitshumains.be/fr/letat-de-droit-sous-pression-linstitut-federal-des-droits-humains-demande-des-actions-concretes>.

Suggested recommendation: The Belgian State should always comply with court decisions, even (and above all) those that are unfavorable to it. Political authorities who openly refuse to comply with judgments and court decisions should be tried.

Given the new developments that occurred in 2025, the Commission should issue a second, similar recommendation regarding the ECtHR.

Suggested recommendation: The Belgian State should renounce undermining the ECtHR as well as all judicial courts; it should respect judicial decisions and the separation of powers; it should refrain from undermining the independence of judges and should guarantee that all judges are appointed for life.

Implementation of Judgments

There is an ongoing issue regarding the trend of Belgian authorities disregarding judicial decisions from national courts (see above). But this trend does not limit itself to national courts - it also affects international courts, as revealed by the country fact sheet of the Department for the Execution of Judgments of the European Court of Human Rights.²⁴ Its last report, dating from 16 November 2025, highlights the fact that Belgium has a poor record of implementation in areas like conditions of detention and prison overcrowding, detention of people with mental disabilities, support to asylum seekers and excessive length of judicial proceedings.

The more emblematic case that could be highlighted is the *Bell* case,²⁵ in which the European Court of Human Rights condemned Belgium due to the excessive length of civil proceedings in Belgium. The case was decided in 2008 and has not yet been implemented so far.²⁶ The Council of Europe Committee of Ministers expressed concern about the persistent lack of data on the length of civil proceedings and it called on the authorities to ensure that courts and tribunals have sufficient staff. It also decided to transfer the Abboud group of cases to the enhanced monitoring mechanism, the Vandroemme case, decided in 2020 and, finally, the Van den Kerkhof case, which was decided in September 2023 and concerned the excessive length of judicial proceedings before the civil divisions

24 Department for the Execution of Judgments of the European Court of Human Rights, *Country factsheet – Belgium*, 16 November 2025, <https://rm.coe.int/belgium-eng/4880299225>.

25 ECtHR, *Bell v. Belgium*, Judgment of 4 November 2008 (Application No. 44826/05), <https://hudoc.echr.coe.int/?i=001-89249>.

26 Federal Institute for Human Rights, *Communication to the Committee of Ministers of the Council of Europe concerning the Bell v. Belgium case*, 30 April 2024, <https://institutfederaaldroitshumains.be/sites/default/files/2024-06/Communication%20IFDH%20Dur%C3%A9e%20proc%C3%A9dures%20judiciaires%202024.pdf>

of the Court of Appeal and the Court of First Instance in Brussels. In its December 2025 session, the Committee kept the case open and called for updated information by June 2027:²⁷ almost 20 years later, the Belgian State still does not fully comply with the ECtHR decision.

According to the European Implementation Network and Democracy Reporting International, Belgium is labeled a ‘moderately poor’ performer on ECtHR judgments.²⁸ The country needs four years and nine months on average to comply and about a third of its major Strasbourg cases from the past decade - 17 in total - remain unresolved.²⁹ Belgium performs even worse before the CJEU, where it is classed as a ‘weak complier’:³⁰ of 28 rulings between 2019 and 2025, the country fully implemented only 16 and eleven cases have been waiting more than two years for action.

27 Council of Europe Committee of Ministers, *Bell v. Belgium*, 1545th meeting, 2-4 December 2025, <https://hudoc.exec.coe.int/ENG?i=004-1201>.

28 European Implementation Network and Democracy Reporting International, *Justice delayed and Justice denied – Non-implementation of European Courts Judgments and the Rule of Law*, 2025, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>

29 Ibid., p. 17.

30 Ibid., p. 20.

ANTI-CORRUPTION FRAMEWORK –

General assessment

Belgium is ranked 22nd in the rankings published by the NGO Transparency International. Every year, the NGO lists cases of corruption in the public sector. Based on expert estimates, countries score between 0 (corrupt) and 100 (corruption-free). Belgium scored 69/100: it lost 4 points since 2023 and 6 since 2016.³¹ It is at its lowest since the index was created. According to the 2024 Eurobarometer survey, 66% of Belgians stated that they believe corruption is widespread in the country.³²

This feeling of widespread corruption is equally present inside the police force. Indeed, a press inquiry revealed that, according to an internal report of the federal police, a significant number of members of the judicial police have reported situations involving unethical or even illegal behavior within the institution.³³ Produced by the Integrity Department of the Federal Police, it is the result of several months of work during which some 1,776 members of the Judicial Police were surveyed. According to this report, a significant number of police officers (more than one third) declared that they had encountered corruption attempts during their career. Despite these findings, the Minister of Interior downplayed the report, raising doubts regarding its methodology and findings.³⁴

It is to be noted in March 2025, the OECD has published an evaluation report about the implementation of the anti-corruption convention by Belgium. On this occasion, it states that, despite some positive developments, “investigations and prosecutions for transnational corruption remain too few in view of Belgium’s economic situation and commercial profile”.³⁵ It is therefore necessary that the

31 Transparency International, *Corruption Perception Index 2024*, 11 February 2025, <https://transparency-france.org/2025/02/11/ipc-2024-la-corruption-joue-un-role-devastateur-dans-la-crise-climatique/> and <https://www.transparency.org/en/countries/belgium>.

32 European Commission, *Citizens’ attitudes towards corruption in the EU in 2024*, July 2024, <https://europa.eu/eurobarometer/surveys/detail/3217>.

33 Le Soir, *This explosive report on corruption and interference is rocking the federal police force* (“Ce rapport explosif sur la corruption et l’ingérence qui secoue la police fédérale”), 13 December 2025, <https://www.lesoir.be/716661/article/2025-12-13/ce-rapport-explosif-sur-la-corruption-et-lingerence-qui-secoue-la-police>

34 Le Soir, *Groen attacks Bernard Quintin: ‘This looks like an attempt to cover things up.’* (“Groen s’en prend à Bernard Quintin : « Cela ressemble à une tentative de dissimulation »”), 13 December 2025, <https://www.lesoir.be/716700/article/2025-12-13/groen-sen-prend-bernard-quintin-cela-ressemble-une-tentative-de-dissimulation>

35 OECD, *OECD Anti-Bribery Convention – Phase 4 Evaluation Report on Belgium– Implementation of the Convention and related instruments* (“Convention anti-corruption de l’OCDE – Rapport d’évaluation de Phase 4 de la Belgique”), 13 March 2025, p. 7, https://www.oecd.org/content/dam/oecd/fr/publications/reports/2025/03/oecd-anti-bribery-convention-phase-4-report-on-belgium_39a2856e/03f9a61a-fr.pdf.

Central Office for the Suppression of Corruption, the Federal Public Prosecutor's Office and the investigating magistrates' offices be provided with the human, financial and technical resources necessary to carry out investigations and prosecutions in corruption cases. In this regard, it is to be noted that the federal government has announced that it is going to create a national financial prosecutor's office, based on the French model.³⁶ It is undoubtedly a step in the right direction.

The OECD report also criticised Belgium for its plea bargaining system (*'transaction pénale'*), considering that its most significant factor of opacity is the lack of publication of the agreements reached.³⁷ As a result, it is impossible for civil society to determine what factors were taken into account in each case and whether, in practice, there is consistency in the decisions to use this instrument. Therefore, legislators should amend the law³⁸ as to develop clear and transparent criteria for the use of plea bargaining, make public the key elements of plea bargains, including the essential facts and the natural and/or legal persons involved, and ensure that the penalties incurred as part of the plea bargain are transparent, effective, proportionate and dissuasive.³⁹ For its part, the High Council of Justice proposes improving certain elements of the procedure in order to increase the effectiveness, efficiency and transparency of this tool: several recommendations were classified as important and concerned the availability of figures relating to transaction files and the need for a high-performance IT tool to ensure uniform and detailed recording of all transaction files.⁴⁰

36 Le Soir, *Ten specialised magistrates, police reinforcements... the outlines of the future national financial prosecutor's office*, ("Dix magistrats spécialisés, des renforts policiers... les contours du futur parquet national financier"), 24 November 2025, <https://www.lesoir.be/712800/article/2025-11-24/dix-magistrats-specialises-des-renforts-policiers-les-contours-du-futur-parquet>.

37 OECD, *op. cit.*, p

38 Art. 216bis of the Criminal Procedure Code.

39 OECD, *op. cit.*, p. 54.

40 High Council of Justice, *Audit- Extended plea bargaining*, 12 December 2024, <https://csj.be/admin/storage/hr-j/20241212-rapport-audit-transaction-penale-elargie.pdf>.

Implementation of 2025 Commission recommendations

Recommendation: Strengthen the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and rules on revolving doors for government and their private offices (first made in 2022)

Focusing on a register for gifts and benefits of members of the Parliament is not in itself a bad idea, but it is insufficient regarding the matter at stake. Indeed, as revealed by international reports (OECD,⁴¹ GRECO⁴²), Belgian authorities do not allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

The Commission's recommendation misses crucial issues. The struggle against corruption is a serious issue that goes far beyond lobbying and rules on gifts and benefits. It has to deal with insufficient staff, a lack of means and resources, legal shortcomings and political will to tackle the issue.

A better recommendation to address this issue would be:

Belgian authorities should allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

Commission's 2025 assessment: Some progress

LDH's current assessment: No real progress

Recommendation: Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government (first made in 2022)

This recommendation is repeated yearly since the first 2022 report and has not seen real progress. It seems that the Belgian State doesn't take it seriously.

- 41 OECD, *OECD Anti-Bribery Convention – Phase 4 Evaluation Report on Belgium– Implementation of the Convention and related instruments* ("Convention anti-corruption de l'OCDE – Rapport d'évaluation de Phase 4 de la Belgique"), 13 March 2025, https://www.oecd.org/content/dam/oecd/fr/publications/reports/2025/03/oecd-anti-bribery-convention-phase-4-report-on-belgium_39a2856e/03f9a61a-fr.pdf.
- 42 Group of States against Corruption (GRECO), *Fifth evaluation round – Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Addendum to the second compliance report – Belgium*, 18-21 November 2025, <https://rm.coe.int/grecore5-2025-22-final-eng-add-to-the-2nd-compliance-report-belgium-pu/488029e00e>.

The Commission's recommendation is clear and precise, however lacking of impact if issues related to staff, means and resources are not met. A better recommendation to address this issue would be:

Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government and allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

Commission's 2025 assessment: No further progress

LDH's current assessment: No progress

Gaps in the Commission's Report

Transparency in plea bargaining system

As underlined by the above-mentioned OECD report, there is a transparency issue about the plea bargaining system in Belgium on one hand, an issue about the investigation and prosecution forces' means on the other hand.

There was no significant development in 2025, except for the announcement of the creation by the federal government of a national financial prosecutor's office, based on the French model (see above). It remains to be seen whether this announcement will be followed by action.

Implications and Recommendations for 2026

As already stated, there is a widespread belief that corruption is endemic in Belgian society, even among the investigative and prosecution bodies, with a drop in international rankings.

Suggested recommendation: Belgian authorities should allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption: it is therefore necessary that the Central Office for the Suppression of Corruption, the Federal Public Prosecutor's Office and the investigating magistrates' offices be provided with the human, financial and technical resources necessary to carry out investigations and prosecutions in corruption cases. In this regard, the Belgian State should create a national financial prosecutor's office.

Suggested recommendation: Belgian authorities should also amend the plea bargaining law⁴³ in order to develop clear and transparent criteria for the use of plea bargaining, make public the key elements of plea bargains and ensure that the penalties incurred as part of the plea bargain are transparent, effective, proportionate and dissuasive.

43 Art. 216bis of the Criminal Procedure Code.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

If concerns were high in 2024,⁴⁴ the year 2025 was even more worrying for press freedom in Belgium. Whether they came from public or private actors, the (attempted) interference with this fundamental freedom gave cause for concern. The conclusion of the Commission's 2024 Rule of Law Report that "Public service media maintain their independence through well-established safeguards"⁴⁵ is no longer true.

In theory, freedom of expression and freedom of the press are particularly well protected in Belgium. The former is guaranteed by Article 19 of the Constitution, which provides for the freedom to express one's opinions in all matters. The latter is set out in Article 25, which states: "The press is free. Censorship can never be established."⁴⁶ These are unequivocal constitutional guarantees, which testify to the significance attached to the free expression of ideas and the ensuing public debate. However, the merger of two major companies in the press sector (IPM and Rossel), along with cuts in the public media (RTBF and VRT) funding, reform of local media, editorial cuts, threats of violence against journalists, denigration and attempts at interference depict the fact that the year 2025 was a particularly problematic year for the press and those who produce it.

While each of these episodes is cause for concern, it is only when viewed together that the full extent of the phenomenon becomes apparent. Between the reduction of pluralism, the weakening of the sector and the precariousness of journalists, there is a real risk of undermining public debate, which is essential to any democratic society. Therefore, it can be stated that, regarding the situation regarding media environment and media freedom, Belgium is on a slippery slope: if the fundamentals are strong, there is a clear regression for the press, the ones that make it and, it is to be feared in the future, its recipients.

44 Civil Liberties Union for Europe, *Liberties Rule of Law report 2025*, 17 March 2025, p. 122, <https://www.liberties.eu/f/vdxw3e>.

45 European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Belgium*, SWD(2024) 801 final, 24 July 2024, p. 22.

46 Belgian Constitution, Art. 25, ("The press is free. Censorship can never be established"), <https://www.dekamer.be/kvvcr/showpage.cfm?section=/publications/constitution&language=nl&story=constitution.xml>

Implementation of 2025 Commission recommendations

Recommendation: Further continue 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 (first made in 2022)

To our knowledge, there was no development whatsoever on this topic in 2025.

The various entities that make up the federal state have adopted legal standards, within the scope of their powers and on their territories, in order to regulate the right to access public documents. At the federal level, the Law of 11 April 1994 on the transparency of the administration established a Commission for Access to Administrative Documents (CADA). In the Communities and Regions, several legal instruments create similar bodies and set out the conditions for exercising this right of access to administrative documents. Some of those bodies have the power to overturn decisions and issue binding decisions. They replace the administrative authority's decision with their own and themselves provide the applicant with the requested document if the administrative authority in question refuses to do so. This is particularly the case with the Walloon CADA and the Brussels CADA. But it is not the case for all CADAs, especially for the federal one.

Belgian authorities should grant the competence to issue binding decisions to all state bodies responsible for the transparency of public administration (at federal, regional and community levels). It should also eliminate restrictions already in place to administrative transparency.

Commission's 2025 assessment: Some progress

LDH's current assessment: No progress

Gaps in the Commission's Report

Broadened definition of 'state secrets'

The new Penal Code has broadened the definition of 'state secrets',⁴⁷ extending the scope of the offenses of disclosing and receiving state secrets. Indeed, Article 582 criminalises the reproduction, disclosure or transmission of a state secret to unauthorised persons and Article 586 criminalises the unauthorised receipt of a state secret. The Federal Institute for the protection and promotion of Human Rights (FIHR) has criticised this extension, arguing that the government has not adequately

⁴⁷ Law of 29 February 2024 introducing Part II of the Penal Code, M.B. 8 Avril 2024.

justified the need for it, relying instead on vague grounds.⁴⁸ The broad and ambiguous definition of these secrets poses practical problems, making it difficult to distinguish between what is punishable and what is not. It could also threaten press freedom, as journalists risk prosecution for receiving or divulging information without knowing it was classified as a state secret.⁴⁹

The Association of professional journalists also denounces the considerable widening of the scope of offenses relating to the disclosure and receipt of state secrets without sufficient justification.⁵⁰ New situations are now included under the notion of ‘state secret’, which could prohibit the disclosure of information of public interest, such as institutional malfunctions, criticism of policies or international trade agreements. Furthermore, the penalties for disclosing or receiving state secrets are disproportionate, ranging from 5 to 10 years’ imprisonment for disclosure and 3 to 5 years for receipt. These penalties risk undermining the work of journalists, whistleblowers and NGOs who make public information of general interest, thus creating a climate of intimidation. Indeed, this legislation could have a direct impact on press freedom and the protection of sources, essential tenets of investigative journalism.

New Issues that Emerged in 2025

New threats from changes to media landscape

2025 has seen a weakened media sector undergoing major reorganisation, which will have an impact on pluralism and information, in both local and public services. In June, it was announced that one of the two major French-speaking press companies, Rossel, planned to take over the print media activities of the other major press group in French-speaking Belgium, the IPM group.⁵¹ This is a media earthquake: if the project is approved by the Belgian Competition Authority, the overwhelming majority of the French-language daily print media (94% of the audience) will belong to a single

48 Federal Institute for Human Rights, *Bill introducing Part II of the Penal Code – Opinion N° 12/2023 of 5 October 2023*, <https://www.foderalesinstitutmenschenrechte.be/sites/default/files/2023-10/FIRM-IFDH%20Avis%202023-12%20Livre%20II%20CP.pdf>

49 European Network of National Human Rights Institutions, *Rule of Law Report 2024*, 2 May 2024, <https://institutfederaaldroitshumains.be/sites/default/files/2024-08/Rapport%20Etat%20de%20droit%202024%20FR.pdf>.

50 Association of professional journalists (Belgium), *State secrecy: AJP, VVJ and Ligue des droits humains take case to Constitutional Court*, 14 October 2024, <https://www.ajp.be/secret-detat-lajp-la-vvj-et-la-ligue-des-droits-humains-saisissent-la-cour-constitutionnelle/>

51 Le Vif, ‘Tsunami’, *‘threat’ for the press: Rossel and IPM formalise their merger project* (“« Tsunami », « menace » pour la presse: Rossel et IPM officialisent leur projet de fusion”), 23 June 2025, <https://www.levif.be/media/presse-et-medias/un-changement-majeur-dans-la-presse-francophone-rossel-et-ipm-officialisent-leur-projet-de-fusion/>.

group. Issues of pluralism, editorial independence and staff retention are at the heart of concerns, with particular fears for local news, as the main cuts are expected to be made at this level.

The merger between the IPM and Rossel press groups has reached a decisive stage on 17 December 2025 when an agreement was officially signed.⁵² One crucial step remains: the review of the case by the Belgian Competition Authority.

Implications and Recommendations for 2026

With regard to the broadened definition of ‘state secret’, the new wording could penalise the publication of information that is essential to the public. In addition, the terms used in the legislation are considered imprecise, which could lead to arbitrary prosecutions. Disclosure of important state dysfunctions could become impossible, calling into question the crucial role of journalists in a democratic society. The ECtHR regularly stresses that freedom of the press also protects the dissemination of ideas and information that disrupts the established order, making it all the more essential to protect journalists, whistleblowers and NGOs, particularly when state actions escape democratic or judicial control.

Suggested recommendation: The Belgian State should remove Articles 582 and 586 from the Penal Code.

The changes to Belgium’s media landscape in 2025 are significant. Media pluralism and press independence are pillars of democracy. This is all the more true when democracy is under attack from all sides. Editorial independence must therefore be guaranteed with regard to media owners. In this sense, autonomous editorial teams for each publication currently existing must continue to exist.

Suggested recommendation: Establish guidelines that enable the maintenance of independent, pluralistic and diverse information and to provide the human resources necessary for genuine pluralism of content, in the service of the public.

52 *La Libre, IPM/Rossel merger – Final agreement signed between IPM and Rossel, fears of economic unemployment in L’Avenir* (“Rapprochement IPM/Rossel – Accord définitif signé entre IPM et Rossel, craintes de chômage économique à L’Avenir”), 17 December 2025, <https://www.lalibre.be/dernieres-depeches/2025/12/17/rapprochement-ipmrossel-acord-definitif-signe-entre-ipm-et-rossel-craintes-de-chomage-economique-a-lavenir-J5UYGACKDRDAFHONZCEP-WUROKA/>

CHECKS AND BALANCES

General assessment

In an opinion poll conducted in September 2025, the Federal Institute for Human Rights looked at questions relating to the knowledge and respect of human rights in Belgium.⁵³ Results show most human rights are well known to Belgians, especially freedom of speech and the right to privacy, displaying the fact that human rights occupy a real place in society. However, 41% of Belgians believe that their right to an adequate standard of living is not being respected.

Despite a high level of protection under the law, civic space remains narrowed, following CIVICUS' assessment,⁵⁴ which raises concerns regarding new obstacles to the right to demonstrate or regarding the arrest of Muslim and Palestinian militants.⁵⁵ In the same way, the Federal Institute for Human Rights "alerts on the gradual reduction of the space available to people in Belgium to express themselves freely, demonstrate and participate fully in democratic life".⁵⁶ A real concern related to this issue is a draft bill by the Interior Minister regarding a governmental ban of associations and organisations, causing great concern for fundamental freedoms (see below). If adopted, this bill would undermine freedoms of expression, of association and of assembly, create a chilling effect for NGOs and leave a dangerous tool in the hands of the Executive. It would be an undoubted regression of checks and balances in a democratic state.

As regards public funding available for civil society, troubling elements are to be signaled, both on the French and Dutch speaking sides.

53 Federal Institute for the protection and promotion of Human Rights, *2025 opinion poll: Belgians know their rights, but are concerned about their right to an adequate standard of living*, 10 December 2025, <https://www.institutfederal-droitshumains.be/en/node/353>

54 CIVICUS Monitor, *People Power Under Attack 2025*, August 2025, <https://monitor.civicus.org/country/belgium/>.

55 CIVICUS Monitor, *People Power Under Attack 2025*, August 2025, pp. 71 and 83, <https://civicusmonitor.content-files.net/media/documents/GlobalFindings2025.EN.pdf>.

56 Federal Institute for the protection and promotion of Human Rights, *FIRM sounds the alarm in its annual report: the right to protest under pressure*, 16 June 2025, <https://www.institutfederaldroitshumains.be/en/node/324>.

As regards the Dutch-speaking part of the country, several NGOs critical of the government have been targeted by cuts in public funding despite positive assessments by competent authorities.⁵⁷ The main reason put forward by the government is that these targeted organisations did not explicitly distance themselves from violent actions led by other organisations. However, they all had been previously positively evaluated by independent evaluation committees and such claims were never raised before. It is all the more surprising that several of these organisations represent the movement for peace in Belgium and therefore reject all kinds of violence, promoting peace as a means of conflict resolution. This move is therefore interpreted as a politically motivated action and a serious violation of freedom of speech and freedom of association.⁵⁸

On the French-speaking side, following a budgetary conclave, the Government of the Wallonia-Brussels Federation has decided to withdraw subsidies granted to organisations deemed to be close to political parties.⁵⁹ Targeting associations in this way because of their proximity to the political ambitions of democratic parties in the Wallonia-Brussels Federation raises fears in the socio-cultural sector of a serious attack on pluralism and the abusive assimilation of civic actions into partisan actions. Such a measure appears to contravene constitutional principles of pluralism and freedom of association.

Implementation of 2025 Commission recommendations

The European Commission issued no recommendations in this area in its 2025 report.

57 De Standaard, *Flemish government cuts subsidies to left-wing non-profit organisations due to 'violent extremism'* ("Vlaamse regering snoeit in subsidies van linkse vzw's wegens 'gewelddadig extremisme"), 13 November 2025, <https://www.standaard.be/politiek/vlaamse-regering-snoeit-in-subsidies-van-linkse-vzws-wegens-gewelddadig-extremisme/104667446.html>; MO, *Six organisations appeal to the Council of State against subsidy cuts*, 19 November 2025, <https://www.mo.be/nieuws/zes-organisaties-stappen-naar-raad-van-state-tegen-schrappen-subsidies>.

58 MO, *A critical and autonomous civil society is crucial to combating democratic erosion*, 14 November 2025, <https://www.mo.be/opinie/een-kritisch-en-autonoom-middenveld-is-cruciaal-om-de-democratische-afbraak-te-bestrijden>.

59 Federation of Employers in the Continuing Education and Adult Training Sectors, *In a democracy worthy of the name, no authority can decide which voices can be silenced!* ("Dans une démocratie digne de ce nom, aucun pouvoir ne peut décider quelles voix peuvent être réduites au silence!"), 27 November 2025, <https://fesefa.be/dans-une-democratie-digne-de-ce-nom-aucun-pouvoir-ne-peut-decider-quelles-voix-peuvent-etre-reduites-au-silence/>.

Gaps in the Commission's Report

No recommended action on Unia budget cut

The EU Commission noted that the federal government agreement announced a 25% budget cut to the Interfederal Center for Equal Opportunities and Opposition to Racism and Discrimination (Unia),⁶⁰ and that this budget cut will lead to a reduced level of human rights protection, but did not recommend any action to the Belgian State. However, this is a very critical issue as NHRIs are at risk of being silenced.

The Federal government agreement announced a 25% budget cut to the Interfederal Center Unia, that an audit of the Institute for the equality of women and men will be conducted by the Court of Auditors and that collaboration with the country's human rights institutions must be maximised via a "landscape simplification",⁶¹ raising fears of drastic budget cuts.

New Issues that Emerged in 2025

Draft bill on banning 'extremist' groups

A draft bill from the Interior Minister "on the administrative prohibition of legal persons, unincorporated companies, associations or de facto groups posing a serious and present threat to national security or the sustainability of democratic and constitutional order" aims to allow the government to ban associations, companies, de facto groups and other legal entities that are considered extremist, radical or dangerous.⁶²

As pointed by the Federal Institute for Human Rights, there are serious risks to freedom of association and freedom of expression in the Interior Minister's draft bill that would allow the government

60 European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Belgium*, SWD(2025) 901 final, 8 July 2025, p. 16.

61 Federal Coalition Agreement, 2025-2029, p. 85, https://www.belgium.be/sites/default/files/resources/publication/files/accord_gouvernemental-Bart_De_Wever_fr.pdf.

62 Federal Government, *Legal framework relating to the administrative prohibition of radical organisations* ("Cadre légal relatif à l'interdiction administrative d'organisations radicales"), 25 July 2025, <https://news.belgium.be/fr/cadre-legal-relatif-linterdiction-administrative-dorganisations-radicales>.

to ban certain organisations.⁶³ The text contains significant restrictions on freedom of association and expression, which are guaranteed by the Constitution and the European Convention on Human Rights, lacks legal clarity, violates procedural rights and is grossly disproportionate. A ban could apply not only to an organisation's activities, premises or property, but also to the use of symbols or slogans. Such restrictions are likely to have a general deterrent effect on the exercise of these rights. Furthermore, the ban on re-establishing an association that has been banned by the government is contrary to the Constitution. This measure amounts to a preventive and disproportionate restriction on the exercise of the fundamental right of freedom of association.⁶⁴

Implications and Recommendations for 2026

With regard to the Unia budget cut, governments should refrain from undermining the vitality of countervailing powers and, on the contrary, to protect and support them because they are essential counterbalances in a democracy. They are what guarantee the balance of institutions, the expression of a plurality of viewpoints and the transparency of decisions.

Suggested recommendation: Independent institutions should receive additional human and financial resources to help carry out their tasks effectively and Belgian authorities should put an end to the fragmentation of the landscape of fundamental rights protection and ensure that all human rights monitoring bodies comply with the Paris Principles.

The new bill on banning associations provides for the dissolution of de facto groups, which, by their very nature, have no legal existence. And to do so, the draft bill could allow for the gradual creation of a list of terms and slogans that would be prohibited for use by the entire population. Indeed, the bill confers excessive power on the executive branch through an expedited procedure, without any real guarantee of the right to defence or respect for the right to a fair trial. The terms

63 Federal Institute for the protection and promotion of Human Rights, *Preliminary draft law on the administrative prohibition of legal persons, companies without legal personality, and de facto associations or groups that pose a serious and current threat to national security or the survival of the democratic and constitutional order* ("Voorontwerp van wet betreffende het administratief verbod van rechtspersonen, vennootschappen zonder rechtspersoonlijkheid, en feitelijke verenigingen of groeperingen die een ernstige en actuele bedreiging vormen voor de nationale veiligheid of het voortbestaan van de democratische en grondwettelijke orde"), 18 September 2025, <https://www.institutfederaldroitshumains.be/sites/default/files/2025-09/Advies-FIRM-Verbod-radicale-organisaties-09-2025.pdf>.

64 Le Soir, *Dissolving an association by government decision? Our freedom of association is under threat* ("Dissoudre une association sur décision du gouvernement? Notre liberté d'association est menacée"), 3 November 2025, <https://www.lesoir.be/708631/article/2025-11-03/dissoudre-une-association-sur-decision-du-gouvernement-notre-liberte>.

used – such as ‘radicalism’ and ‘misappropriation’ – are extremely vague and have no clear legal basis, leaving room for overly broad interpretation by those who will enforce the law.

Suggested recommendation: Withdraw the draft bill on the administrative prohibition of legal persons, unincorporated companies, associations or de facto groups posing a serious and present threat to national security or the sustainability of democratic and constitutional order.

CONTACTS

Ligue des Droits Humains (LDH) League of Human Rights

For over a hundred years, the Ligue des Droits Humains (LDH, League of Human Rights) has combated injustices and infringements of fundamental rights in the French Community of Belgium. LDH works on subjects such as: youth, prisoners' rights, migrant and refugees situation and rights, access to justice, economic, social and cultural rights, psychiatric patient's rights, equal opportunities, privacy and diversity.

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RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Bulgarian Helsinki Committee



The Bulgarian Helsinki Committee (BHC) is an independent, non-governmental, not-for-profit civil society organisation for defending fundamental human rights in Bulgaria: political, civil, cultural, and social. It was established in 1992. Among other things, the organisation works in the field of rule of law and independence of the judiciary.

Anti-Corruption Fund



The Anti-Corruption Fund is an independent, expert-led non-governmental organisation that investigates cases of alleged corruption, misuse of public funds, and conflicts of interest among public officials in Bulgaria. The organisation aims to assist public authorities and journalists in investigating and prosecuting corruption-related violations. Its goal is to help address systemic factors leading to high corruption levels and to raise public awareness about existing mechanisms to counteract corruption.

Association of European Journalists – Bulgaria



Association of European Journalists – Bulgaria (AEJ-Bulgaria) is a non-profit association and professional community of journalists whose goal is to improve the media environment and the quality of journalism in Bulgaria, as well as to support journalists who are prevented from freely performing their work. BHC is also a member of AEJ-International and the European Federation of Journalists.

OVERALL ASSESSMENT: DISMANTLER

In January 2025, the Citizens for European Development of Bulgaria (GERB), the political party that had held the parliamentary majority since 2009 and took part in all but two of the seven regular governments in that period, managed to form a new regular government. Officially, the government was formed in coalition with the Bulgarian Socialist Party and the right-wing populist There Is Such a People (ITN). Informally, the government was supported in the parliament also by the Movement for Rights and Freedoms (DPS), which was recently headed by Delyan Peevski, an oligarch and media mogul sanctioned for ‘serious corruption’ by the United States in 2021 under the Global Magnitsky Act and by the United Kingdom in 2023 under the Global Anti-Corruption Regime. Together with Boyko Borisov, GERB’s leader, for a couple of decades, Peevski has been accused of being a major figure behind the captured state, high-level corruption, and influence peddling in the judiciary.

On 5 February 2025, speaking to reporters in the corridors of the National Assembly, Borisov declared that no further legislative or constitutional steps regarding the judiciary would be initiated by his party. His comments were seen as a sharp pivot away from the reformist agenda that had characterised the previous two years.¹

In July 2025, Varna Mayor Blagomir Kotsev (from the opposition coalition PP-DB) was arrested in a high-profile operation by the Anti-Corruption Commission. He was charged with bribery and leading an organized criminal group, specifically involving an alleged 15% kickback request on a 1.5 million BGN contract for social services. Kotsev remained in custody for nearly five months before being released on 200,000 BGN (more than EUR 102,000) bail in late November 2025. The case was widely branded as political repression due to the arrest occurring just hours before a crucial municipal budget vote; the tip-off coming from a businesswoman with documented links to the rival GERB

1 *Lachezar Lisitsov: Borisov Declared the Judicial Reform Complete, the Truth About the “Eight Dwarfs” Will Not Be Revealed* (Лъчезар Лусицов: Борисов обяви съдебната реформа за приключила, няма да се разкрива истината за „Осемте джуджета“), Club Z, 05 February 2025, <https://clubz.bg/158403>

party; the case being moved to Sofia under the pretext of an “unidentified MP” being involved;² as well, Kotsev himself claiming he was pressured to join Delyan Peevski’s MRF party.³

Following massive national protests, the government resigned on 11 December 2025.⁴

Throughout the year, the situation with freedom of media (especially in relation to the public television and SLAPPs), electing credible members of various public bodies with expired terms of office, as well as with the quality of legislative process did not improve.

Pressure over political opposition, issues with investigating high-profile corruption scandals, and issues in the judiciary portray Bulgaria as increasingly descending into a captured state, with key institutions incapable of producing independent investigations or prosecutions of serious corruption or human rights violations.

Assessment of the trajectory

Unlike the Hungarian and the former Polish government, the parties that were constantly involved directly or indirectly in the government of Bulgaria or holding parliamentary majority since mid 2009 – GERB and DPS (Movement for Rights and Freedoms; now split into two parties) – are not known for loudly attacking or defying EU institutions but rather for declarations of good partnership with them and for claims to working stringently to adhere to European standards. However, careful examination of actions and positions expressed by their decisive actors – MPs and ministers, as well as appointments in various institutions like the Constitutional Court – reveals quite a different picture. All key stakeholders related to those parties, as well as to various parties of systemic opposition and

2 Mila Edreva and Metodi Yordanov: *Varna Mayor Blagomir Kotsev Released from Custody*, Bulgarian News Agency (BTA), 28 November 2025, <https://www.bta.bg/en/news/bulgaria/1017636-varna-mayor-blagomir-kotsev-released-from-custody>; Elitsa Simeonova: *Who is Plamenka Dimitrova, Who Turned Out to Be a Witness against the Mayor of Varna*, Radio Free Europe/Radio Liberty – Bulgarian Service (‘Елица Симеонова: Коя е Пламенка Димитрова, която се оказва свидетел срещу кмета на Варна, Свободна Европа’), 03 November 2025, <https://www.svobodnaeuropa.bg/a/33469369.html>

3 Blagomir Kotsev Hinted at Pressure from Peevski in a Letter sent from the Investigation Detention Facility (‘Благомир Коцев намекна за натиск от Пеевски с писмо от ареста’), Actualno.com, 15 November 2025, https://www.actualno.com/politics/blagomir-kotsev-namekna-za-natisk-ot-peeovski-s-pismo-ot-aresta-news_2499355.html

4 Vera Alexandrova: *Rosen Zhelyazkov: The Bulgarian Government Resigns*, Bulgarian National Television (BNT) (‘Вера Александрова: Росен Желязков: Правителството подава оставка, Българска национална телевизия (БНТ)’), 11 December 2025, <https://bntnews.bg/news/rosen-zhelyazkov-pravitelstvoto-podava-ostavka-1369207news.html>.

satellite parties, demonstrate systematic opposition to any attempts of meaningful judicial reform, especially against securing a majority of judges electing peers in the Supreme Judicial Council, against introducing a truly independent institution for investigating the Prosecutor General and their deputies, and against appointments of magistrates critical towards the way judicial system functions. Furthermore, smear campaigns against critical voices – judges and civil society organisations – are a regular thing in media outlets associated with and amplifying the narratives of those political parties. The usual strategy for sabotaging reforms includes stalling substantial changes or saturating public debates with loud voices in support of alternative reforms that do not bring any change or give any chance of independent voices.

These strategies led to a serious level of captured institutions following 2020 – entirety of the Supreme Judicial Council except two members,⁵ the entirety of the Prosecutor's Office, the National Investigation Service, the national anticorruption body (now split into two institutions), many judges (especially from the now closed Specialised Criminal Court and Specialised Appellate Criminal Court), the National Agency for State Security, the National Bureau for Control of Special Means of Surveillance, serious number of judges in the Constitutional Court, various independent agencies. Many cases of investigations of high-profile corruption and other crimes have either failed completely or failed in establishing the heads of operations behind them (stark examples among many others being the case of the Corporate Commercial Bank's collapse,⁶ the Trakia motorway case,⁷ the Euro

5 Doroteya Dachkova: This Supreme Judicial Council Has Become a Council for Life (Доротея Дачкова: Този Висш съдебен съвет стана доживотен'), Segabg.com, 4 May 2025, <https://www.segabg.com/category-observer/tozi-vissh-sudeben-suvet-stana-dozhivoten>.

6 Parliamentary committee: *Corporate Commercial Bank was a financial pyramid from the outset*, Bulgarian National Television, 8 July 2015, <https://bnt.bg/news/parliamentary-committee-corporate-commercial-bank-was-a-financial-pyramid-from-the-outset-update-128039news.html>; *Parliamentary Hearing: Tsvetan Vasilev Reveals CCB's Massive Financing of Peevski's Media Empire*, Novinite.com, 15 August 2024, <https://www.novinite.com/articles/227774/Parliamentary+Hearing%3A+Tsvetan+Vasilev+Reveals+CCB%27s+Massive+Financing+of+Peevski%27s+Media+Empire>

7 The Anti-Corruption Fund: *The Hemusgate Case, Part 1: Hemusgate's Monitoring Prosecutor Claims the Investigation Was Thwarted. No One in the Supreme Court of Cassation or the Prosecutor's Office Wants to Verify His Claims* ('Казусът „Хемусгейт“, част 1: Наблюдаващ прокурор на „Хемусгейт“ твърди, че разследването е било осуетено. Никой във ВКС и прокуратурата не иска да провери твърденията му'), 30 September 2025, <https://acf.bg/bg/kazusat-hemusgeyt-chast-1-nablyudava/>; *The Hemusgate Case, Part 2: How 54 Million Leva in Cash for Hemus Ended up in a Warehouse in Blagoevgrad and Why the Prosecutor's Office Didn't Indict the People Behind the Scheme* ('Казусът „Хемусгейт“, Част 2: Как 54 млн. лева в брой за „Хемус“ се озовават в склад в Благоевградско и защо прокуратурата не обвини ръководителите на схемата'), 2 October 2025, <https://acf.bg/bg/kazusat-hemusgeyt-chast-2-kak-54-mln-le/>

Lab testing laboratory at Kapitan Andreevo border crossing,⁸ the Ruja Ignatova OneCoin case,⁹ two organised crimes groups for influence peddling in the judiciary where magistrates were complicit and still in office to date, three cases of high-profile assassinations of people from the Bulgarian underworld – Krasimir Kamenov “Karo”¹⁰, Alexey Petrov¹¹, and Martin Bozhanov “The Notary”,¹² and the bomb attack against the former Prosecutor General Ivan Geshev in 2023¹³).

All these portray Bulgarian institutions as incapable of producing meaningful reform from within, incapable of investigating people from the ruling status quo, and operating in a general situation of impunity and in private interests.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The European Commission should maintain and expand the suspension of payments under the Recovery and Resilience Facility (RRF). Tranches related to the anticorruption framework must remain frozen until the Anti-Corruption Commission and the Commission for Forfeiture of Illegal Assets

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- 8 Marin Nikolov: *Private Business at the Border: Why the State Pays 10 Million Leva to the Company with the Laboratory* (‘Марин Николов: Частният бизнес на границата: Защо държавата плаща 10 млн. лв. на фирмата с лабораторията?’), bTV Media Group, 14 April 2024, <https://btvnovinite.bg/predavanja/120-minuti/chastni-jat-biznes-na-granicata-zash-to-darzhavata-plashta-10-mln-lv-na-firmata-s-laboratorijata.html>
- 9 *The Missing Cryptoqueen: Dead or Alive?* – BBC World Service Documentaries, BBC, 3 June 2024, <https://www.youtube.com/watch?v=FTnTToWEHvI>
- 10 *Photos and Documents: Taki, Karo, Ami... the Brother of the Head of the Parliament: A Freeze-Frame of the Captured State* (‘Снимки и документи: Таки, Къро, Ами... братът на шефа на Парламента: Стоп-кадър на превземата държава’), Bird.bg, 5 June 2024, <https://bird.bg/taki-karo-ami/>; Daniel Dumev: *The Murder of Karo Becomes a Cold Case* (‘Даниел Думев: Убийството на Къро става студено досие’), BGDnes.bg, 31 May 2025, <https://www.bgdn.es.bg/krimi/article/20612340>
- 11 *FBI Asks Apple to Unlock Alexey Petrov’s Phone* (‘ФБР поиска от Apple да отключи телефона на Алексей Петров’), Eurocom.bg, 8 September 2025, <https://eurocom.bg/2025/09/08/fbr-poiska-ot-apple-da-otkly-uchi-telefona-na-aleksey-petrov/>
- 12 *New Revelations: What Did the Notary’s Killer Do After the Shooting?* (‘Нови разкрития: Какво прави убиеца на Нотариуса след разстрела’), Eurocom.bg, 29 April 2025, <https://eurocom.bg/2025/04/29/novi-razkritiya-kak-vo-pravi-ubietsa-na-notarius-a-sled-razstre-la/>
- 13 *An Explosion Occurred next to Ivan Geshev’s Car near Samokov. The Prosecutor’s Office Is Investigating a Terrorist Act.* (‘Взрив е избухнал до колата на Иван Гешев край Самоков. Прокуратурата разследва терористичен акт’), Svobodnaevropa.bg, 1 May 2023, <https://www.svobodnaevropa.bg/a/32386988.html>

are managed by leadership appointed through a transparent, merit-based, and politically neutral process. The Commission needs to give a public and very clear (direct) signal against the ‘weaponization’ of regulatory bodies against independent officials. The recent decision by the Anti-Corruption Commission on the incompatibility of the deputy-governor of the Bulgarian National Bank Andrey Gyurov and his subsequent removal from office—despite the European Central Bank’s emphasis on central bank independence¹⁴—highlights a systemic failure to protect institutional integrity from political motives.

The Commission should consider whether the European Prosecutor’s Office security breach amounts to breach of the principle of sincere cooperation between the Member State and the EU (see section Anti-Corruption Framework below, subsection Gaps in the Commission’s Report).

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

¹⁴ See European Central Bank’s statement during the hearing in Case C-611/24 before ECJ on 18 November 2025.

JUSTICE SYSTEM

General assessment

The prolonged instability of the Bulgarian judiciary, with key institutions turned into ‘forever rulers’ despite long-expired mandates, is gradually consolidating power over this branch of government. By stalling essential reforms recommended in the Commission’s 2025 report, the authorities have eroded the accountability of institutions such as the Prosecutor’s Office. The lack of progress on last year’s recommendations is exacerbated by inter-institutional attacks from the Prosecutor’s Office directed at the Supreme Court of Cassation and its President and amounts to de facto regression. While overt repression, smear campaigns, or arbitrary removal of judges remain either rare or completely absent, the prevailing atmosphere exerts a chilling effect and encourages self-censorship and compliance among magistrates. Dissenting voices, such as the Union of Judges in Bulgaria, suffer from limited media visibility and declining active membership.

Implementation of 2025 Commission recommendations

Recommendation: Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges (first made in 2022)

In the entire 2025 neither the government nor the parliament introduced and advanced new draft Judicial System Act or amendments in the current one relevant to the recommendation.

Commission’s 2025 assessment: No progress

BHC’s current assessment: No progress

Recommendation: Advance with the draft legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members (first made in 2022)

The new draft JSA mentioned in Commission’s 2024 report was never advanced and tabled beyond publication on the web portal for public consultations.¹⁵ This might be due to the fall of the 102nd Bulgarian government on 9 April 2024 that was followed by two interim governments until 16 January 2025. The next regular government in power since then did not advance with the issue.

Commission’s 2025 assessment: No progress

BHC’s current assessment: No progress

¹⁵ See <https://strategy.bg/bg/public-consultations/8665>

Recommendation: Re-initiate the process to reform the Supreme Judicial Council, in particular its composition, to ensure its independence and effectiveness, taking into account European standards on Councils for the Judiciary (first made in 2022)

The newly elected government in power since January 2025 did not discuss or advance the matter of restructuring the SJC. The Commission should use the next report to demand the immediate and complete renewal of the Supreme Judicial Council (SJC) and its Inspectorate (ISJC). The continued operation of these bodies under expired mandates undermines the constitutional order and prevents effective judicial accountability.

Commission's 2025 assessment: No progress

BHC's current assessment: No progress

Gaps in the Commission's Report

Critical justice system institutions operate with expired terms of office

Terms of office of several critical institutions for the judicial system in Bulgaria have long expired – the Supreme Judicial Council (3 October 2022), the Inspectorate to the Supreme Judicial Council (March/April 2020), the Prosecutor General (held by an interim since 16 June 2023), and the President of the Supreme Administrative Court (22 November 2024). Following Boyko Borissov's statements of 5 February 2025 (see Overall Assessment above), the government took no measures in advancing any of the issues related to the judiciary or anticorruption framework in the entire 2025.

Interim heads of the Prosecutor's Office and the Supreme Court of Cassation are appointed by bodies with no power to make such appointments

Both the interim Prosecutor General – Borislav Sarafov, and the interim President of the Supreme Court of Cassation – Georgi Cholakov and later Marinka Cherneva, have been respectively appointed by the Prosecutorial and the Judicial chambers of the Supreme Judicial Council. Heads of the Prosecutor's Office and the two supreme courts, however, should be elected by the Plenary of the Supreme Judicial Council (Article 129 (2) of the constitution). Hence, the same body should be appointing the interims.

Futile mechanism for investigating the Prosecutor General

The mechanism for independent investigation of the Prosecutor General and their deputies – the central matter for execution of the European Court of Human Rights' judgment in the case *Kolevi v.*

*Bulgaria*¹⁶, remains futile and unfit for the purpose that it was created for, for it lacks de facto independence from the Prosecutor General and their deputies.¹⁷ Thus, since that judgment entered into force in 2010, 2026 will mark 16 years of failure of multiple governments and parliaments to introduce a robust legal framework allowing for independent investigation. This happens on the backdrop of serious corruption allegations against the interim Prosecutor General and his close family members – ex-wife and son – remaining not investigated.¹⁸

Failure to investigate two major influence peddling scandals in the judiciary

Bulgarian authorities continue to fail in investigating two major influence peddling scandals in the judiciary revolving around two criminal figures – Petyo Petrov a.k.a. the Euro, a former investigative magistrate and lawyer (currently a wanted person), and Martin Bozhanov a.k.a. the Notary (assassinated in January 2024).¹⁹

In April 2025, the Sofia City Prosecutor's Office terminated the main pre-trial proceeding regarding the alleged extortion and bribery of magistrates by Petyo Petrov. The prosecution claimed a lack of evidence to prove the crimes, effectively “clearing” the high-level judicial figures involved.²⁰ In September 2025, the Sofia City Court acquitted Konstantin Sulev, the prosecutor who had originally tried to investigate Petyo Petrov and his links to the current acting Prosecutor General, Borislav Sarafov.²¹ In their 2025 report, the Investigative NGO Anti-Corruption Fund (ACF) highlights that Daniela Taleva (the special prosecutor for investigating the Prosecutor General) closed multiple investigations into Borislav Sarafov's alleged links to the Eight Dwarfs network due to a lack of evidence.²²

16 *Application no. 1108/02, judgment of 5 November 2009.*

17 *See the chapter on Bulgaria in Liberties' 2025 Rule of Law Report, pp. 146–148.*

18 *See the chapter on Bulgaria in Liberties' 2025 Rule of Law Report, p. 143.*

19 *See the chapter on Bulgaria in Liberties' 2025 Rule of Law Report, pp. 142–144.*

20 *Main Pre-Trial Proceedings in the “Eight Dwarfs” Case Have Been Terminated (‘Прекратиха основно досъдебно производство по казуса „Осемте джуджета“’), News.bg, 24 April 2025, <https://news.bg/crime/prekratih-osnovno-dosadebno-proizvodstvo-po-kazusa-osemte-dzhudzheta.html>*

21 *The court acquitted the prosecutor; SJC to decide on Sarafov's nomination; Construction in Varna on hold, Capital Insights, 30 September 2025, <https://kinsights.capital.bg/4834857>*

22 *The Anti-Corruption Fund: Annual Monitoring Report: Anti-Corruption Institutions in 2024, Anti-Corruption Fund (ACF), June 2025, https://acf.bg/wp-content/uploads/2025/06/ACF_Report2025_EN_web.pdf*

The investigation into Bozhanov's murder remained at a standstill. Furthermore, no magistrates have been formally charged for their participation in his network.²³

New Issues that Emerged in 2025

A smear campaign against the President of the Supreme Court of Cassation is going unsanctioned or addressed by the authorities

Following several instances of courts challenging the legitimacy of the interim Prosecutor General, several smear campaigns against the President of the Supreme Court of Cassation, Galina Zaharova has been launched.

In August 2025, the Varna Appellate Court filed a case in the Constitutional Court requesting it to either declare Article 173 (15) of the Judicial System Act void as incompatible with the constitution or to give an interpretation of it in the light of the constitution.²⁴ The central matter of that provision and the case before the Constitutional Court is whether Borislav Sarafov could be regarded as a legitimate interim Prosecutor General following 21 July 2025. This is the date by which the newly adopted Article 173 (15) allows for the same person to hold the interim office.

While the case was pending in the Constitutional Court, on 2 October 2025, in two consecutive rulings²⁵, the Supreme Court of Cassation declared Borislav Sarafov an illegitimate interim Prosecutor General and refused to grant his requests for reopening two criminal cases where final judgments had already delivered. Next, the Prosecutor's Office published a statement on its website declaring the two rulings an "action dictated by the relentless attempts to destabilise the judiciary". In the statement, the

23 Boris Mitov: *A Year After the Murder. No Charges for the Notary's Group, not a Single Magistrate Has Been Indicted*, Radio Free Europe/Radio Liberty – Bulgarian Service ('Борис Митов: Година след убийството. Няма обвинени за групата на Нотариуса, нито един уличен магистрат, Свободна Европа'), 27 January 2025, <https://www.svobodnaeuropa.bg/a/niama-obvineni-grupa-notariusa-nito-edin-ulichen-magistrat/33298142.html>

24 *The Constitutional Court Gave a Deadline to the Administrative Court – Varna to Clarify Its Request for the Legitimacy of Sarafov as Acting Chief Prosecutor* ('КС даде срок на АС – Варна да уточни искането си за легитимността на Сарафов като и.ф. гл. Прокурор'), DeFakto.bg, 8 January 2026, <https://defakto.bg/2026/01/08/ks-varna-za-utochniya-iskaneto-na-as-varna-za-legitimnostta-na-sarafov-kato-i-f-gl-prokuror/>

25 *Rulings nos. 2035 and 16950 of 2 October 2025* (Разпореждане № 2035 от 02.10.2025 г. по вх. № 16950 от 18.09.2025 г. и Разпореждане № 2036 от 02.10.2025 г. по вх. № 16595 от 15.09.2025 г. на ВКС). Retrieved from <https://www.vks.bg/pregled-akt.jsp?type=ot-spisak&id=0F77681CF21824A6C2258D17004701A3> and <https://www.vks.bg/pregled-akt.jsp?type=ot-spisak&id=196AD3E4E16A3CBCC2258D17004795F5>.

Prosecutor's Office openly criticised "the leadership of the Supreme Court of Cassation" for remaining silent on unspecified attacks against judges.²⁶

Shortly after that, Angels on the Road, a civil society organisation of relatives of road accident victims, publicly called for Zaharova's resignation for allowing delayed justice in cases of road incidents and light sentencing. Their representative Nikolay Popov called the Supreme Court of Cassation "Politburo of the justice system".²⁷ He further challenged Zaharova in a Facebook post for undermining the interim Prosecutor General.²⁸ This was coupled with tabloid media publications also attacking the courts for questioning the legitimacy of Sarafov.²⁹

Again, in October Boyan Novansky, a member of the Supreme Judicial Council, raised concerns that the Russian anti-virus software of Kaspersky Labs is used by the Supreme Court of Cassation and said it is compromising national security. He further insinuated that the 2 October 2025 rulings of the court might have been stating that Borislav Sarafov is a legitimate interim Prosecutor General, but Russian hackers might have rewritten the contents of the rulings. Novansky defended replacing Kaspersky's product with Trellox – another software solution also criticised for its capabilities to share files with foreign governments or edit their contents without the knowledge of the user.³⁰

26 *Position statement of the Prosecutor's Office of the Republic of Bulgaria* ('Позиция на прокуратурата на Република България'), Prosecutor's Office of the Republic of Bulgaria, 3 October 2025, <https://prb.bg/bg/news/aktualno/75417-pozitsiya-na-prokuraturata-na-republika-balgariya>

27 *Siyan's Father Organises a Petition for the Resignation of Galina Zakharova from the Supreme Court of Cassation*, Radio Free Europe/Radio Liberty – Bulgarian Service ('Бащата на Сияна организира подписка за оставката на Галина Захарова от ВКС, Свободна Европа'), 21 November 2025, <https://www.svobodnaevropa.bg/a/bashta-siya-na-podpiska-ostavka-galina-zaharova-vks/33598147.html>

28 *Siyan's Father Organises a Petition for the Resignation of Galina Zakharova from the Supreme Court of Cassation*, Radio Free Europe/Radio Liberty – Bulgarian Service ('Бащата на Сияна организира подписка за оставката на Галина Захарова от ВКС, Свободна Европа'), 21 November 2025, <https://www.svobodnaevropa.bg/a/bashta-siya-na-podpiska-ostavka-galina-zaharova-vks/33598147.html>

29 *Victoria Georgieva: Judges Against Society – Another Episode*, Trud Newspaper ('Виктория Георгиева: Съдиите срещу обществото – епизод пореден, Труд'), 8 October 2025, <https://trud.bg/a/articles/съдиите-срещу-обществото%C2%A0-епизод-пореден>

30 *They Unsuccessfully Tried to Implicate Galina Zakharova, Chairperson of the Supreme Judicial Council, in a Scandal Involving Russian Software Installed by the Supreme Judicial Council back in 2012*. ('Неуспешно опитаха да оплетат Галина Захарова, председател на ВКС, в скандал с руски софтуер, внедрен от ВСС още през 2012 година'), DeFakto.bg, 27 November 2025, <https://defakto.bg/2025/11/27/neuspeshno-opitaha-da-opletat-galina-zaharova-predsedatel-na-vks-v-skandal-s-ruski-softuer-vnedren-ot-vss-osthe-prez-2012-godina/>

None of those two instances of attacks against the court and of Zaharova were addressed by the Supreme Judicial Council or any other institution. In mid-December, ambassadors of Germany and France in Bulgaria met with Zaharova and publicly declared their support for the independence of judges in Bulgaria.³¹

Interim Prosecutor General asking a judge to recuse herself from a case against him for being a member of the Union of Judges in Bulgaria

In October 2025, acting Prosecutor General Borislav Sarafov requested the recusal of Judge Miroslava Todorova from a case regarding a refusal to investigate him. The case stems from a complaint by the NGO BOETS following an ad hoc prosecutor's decision not to launch proceedings based on the 'Euroleaks' files—alleged archives of Petyo Petrov (see ***Gaps in the Commission's Report*** above) purportedly proving Sarafov obstructed investigations. Sarafov cited three grounds for recusal:

1. Todorova belongs to the Union of Judges in Bulgaria, a professional NGO which called for his resignation after he exceeded the legal six-month limit for acting heads.
2. Alleged disciplinary files against Todorova were found in Petrov's archives.
3. The statute of limitations for appeal has expired.

This move is seen as part of a broader systemic failure to ensure independent oversight of the Prosecutor General. Critics, including legal experts from the Anti-Corruption Fund, argue the judiciary is failing to hold high-level figures accountable amidst these 'influence broker' scandals.³²

Implications and Recommendations for 2026

The gaps in the Commission's report, the continued inaction to address long-standing recommendations from past reports, and the new issues that emerged over 2025 necessitates further action. BHC would like to see the next report include the following recommendations.

31 *Stefan Milanov: Why Did the Ambassadors of Germany and France Have to Defend the Chairperson of the Supreme Court of Cassation? And from Whom? ('Стефан Миланов: Защо се наложи посланиците на Германия и Франция да бранят председателя на ВКС? И от кого')*, ClubZ.bg, 16 December 2025, <https://clubz.bg/169016>

32 *Borislav Sarafov Demands the Disqualification of Judge Miroslava Todorova from a Case Related to Refusal to Be Investigated ('Борислав Сарафов иска отвод на съдия Мирослава Тодорова от дело, свързано с отказ да бъде разследван')*, DeFakto.bg, 14 October 2025, <https://defakto.bg/2025/10/14/borislav-sarafov-iska-otvod-na-sadiya-miroslava-todorova-ot-delo-svarzano-s-otkaz-da-bade-razsledvan/>

Suggested recommendation: Demand the immediate and complete renewal of the Supreme Judicial Council (SJC) and its Inspectorate (ISJC). The continued operation of these bodies under expired mandates undermines the constitutional order and prevents effective judicial accountability.

Suggested recommendation: Reform the mechanism for investigating the Prosecutor General and ensure the selection of a new, permanent head through a procedure that excludes political ‘influence brokers’ and ensures genuine public transparency.

Suggested recommendation: Cease attempts to discredit the President of the Supreme Court of Cassation and highlight the need to re-initiate the reform of the Supreme Judicial Council—the national body responsible for safeguarding the independence of the judiciary.

Implementation of Judgments

While individual measures in the form of monetary compensations defined in ECtHR’s judgments are usually promptly executed, Bulgaria lags in executing prescribed general measures, especially in issues deemed ‘controversial’ like legalising same-sex families (*Koilova and Babulkova v. Bulgaria*, no. 40209/20), registration of NGOs of people with Macedonian ethnic identity (the *UMO Ilinden and Others* group of cases), registration of Christian Orthodox churches other than the Bulgarian Orthodox Church (*Bulgarian Orthodox Old Calendar Church and Others v. Bulgaria*, no. 56751/13), allowing prisoners to vote in general elections (*Kulinski and Sabev v. Bulgaria* group of cases), etc. While procedural laws provide for reopening court cases following ECtHR’s judgments, instances where legislative measures are needed, as well as some other situations where measures are generally left to the discretion of the legislative branch, executive branch or local authorities, remain unregulated. Bulgarian legislation lacks any provisions capable of forcing the executive or legislature to take specific measures for removing a violation embedded in legislation or administrative practices. The body vested with responsibilities to monitor and foster the execution of ECtHR’s judgments is the same department in the Ministry of Justice responsible for the representation of Bulgaria before the ECtHR.

ANTI-CORRUPTION FRAMEWORK

General assessment

Bulgaria's captured-state situation has transformed the anti-corruption framework from a mechanism for combating corruption into a tool used against political and business opponents of the de facto controllers of state institutions. There was a significant increase in such institutional attacks in 2024, a trend that deepened further in 2025. Anti-corruption bodies initiated arbitrary criminal proceedings against several political figures with the explicit intention of reshaping the political landscape through the use of criminal justice.

Implementation of 2025 Commission recommendations

Recommendation: Ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases and take further steps to ensure the effective performance of the Anti-Corruption Commission (first made in 2022)

There has been no progress towards implementing this recommendation. The Commission's recommendations are mainly of technical nature and are made on the assumption that Bulgaria is a functioning democracy with some flaws that can be addressed through technical measures such as the introduction of new laws, amendments to existing laws, strengthening the capacity of current institutions, etc. The recommendation is not applicable to a country like Bulgaria, which has serious systemic problems with the rule of law in its very core. High-profile criminal investigations for alleged corruption are being used as smokescreen for politically motivated attacks. If there was a "robust track record of final judgments in high-level corruption cases", initiated by the captured anti-corruption institutions against the political and business opponents of their de facto owners, this would not mean an improvement in the rule of law, but a further decline. In its current state, if the Anti-Corruption Commission becomes more effective, this would mean even more arbitrary actions.

Given the state of Bulgaria's democracy, the Commission should revise their recommendations, pushing for:

- *a fundamental change through evolution of professional ethos and political culture in the very way public authority is exercised in Bulgaria*

- comprehensive reform of the criminal justice system regarding in particular: 1) the structure of the Supreme Judicial Council and enforced in practice better selection criteria for its members; 2) the Prosecutor's Office including its leadership, structure and forms of external control; 3) the rules of criminal procedure and substantive criminal law
- full audit of the Anti-corruption Commission, followed by large-scale reform including its leadership, powers and forms of external control

Commission's 2025 assessment: No progress

BHC's current assessment: No progress

Gaps in the Commission's Report

Key judicial/anticorruption institutions are controlled by political figures

In 2025, Bulgarian judicial/anticorruption institutions continued operating in an environment of a "captured state".³³ The most important judicial/anticorruption institutions (or at least key parts of them) are controlled behind the scenes by major political figures (who also hold significant economic power) and do not act in public, but in private interests. Failure to recognise and name this issue is failing to identify the shortcomings in achieving a functioning democracy in the country.

33 A. Yankulov, D. Peneva: *Anti-Corruption Institutions: A "New" Beginning* (p. 10), ACF, 2025: https://acf.bg/wp-content/uploads/2025/06/ACF_Report2025_EN_web.pdf; A. Yankulov, D. Peneva: *Anti-Corruption Institutions: A Freezing Point* (pp. 9-10), ACF, 2024: https://acf.bg/wp-content/uploads/2024/06/ACF_Report2024_EN_web.pdf; Antoaneta Roussi: *Mafia state pushes Bulgarian democracy to the brink*, Politico, 29 May 2024, <https://www.politico.eu/article/bulgaria-election-delyan-peeovski-boyko-borissov-state-capture-democracy-mafia/>; Philip Volkmann-Schluck: *"Offenbart das Versagen Europas" – Wie ein Oligarch seine Macht im Euro-Beitrittsland ausbaut*, die Welt, 17 July 2025, <https://www.welt.de/politik/ausland/article256407088/bulgarien-offenbart-das-versagen-europas-wie-ein-oligarch-seine-macht-im-euro-beitrittsland-ausbaut.html>; *The Captured State: In Search of Anti-Corruption Results (Завладяната държава: в търсене на антикорупционни резултати.)* Policy Brief No. 144, Center for the Study of Democracy, 2024, https://csd.eu/fileadmin/user_upload/publications_library/BRIEF_CSD_144_BG_WEB.pdf.

For example, the Commission sees the clear evidence that there are virtually no positive results, i.e. final convictions, from the investigation and prosecution of high-level corruption³⁴ and recommends that Bulgaria ensure a solid track record of investigations, prosecutions and final judgments in high-level corruption cases. What the Commission fails to see are the real reasons behind this lack of results. To achieve final convictions has not been the aim of the anticorruption institutions up to now. High-profile criminal investigations for alleged corruption are being used as a smokescreen for politically motivated attacks. The criminal investigation itself and/or Information obtained during the investigation has been used selectively and temporarily for public shaming and political pressure towards the investigated individual and a chilling effect towards others. When these paralegal goals are reached, no one cares what happens to the criminal investigation itself.

If the high-profile criminal investigations for high-level corruption continue to be directed only against the political and business opponents of the de facto owners of the institutions, while at the same time they and their political and business partners enjoy virtually immunity from criminal prosecution, and these investigations begin to result in final convictions, then the technical criterion 'final convictions' will be met, but this will not mean that the rule of law has improved – on the contrary, quite the opposite.

In 2025 we witnessed a further deepened trend of arbitrary and politically motivated actions of the most important anticorruption institutions in Bulgaria – the Public Prosecutor's Office and the Anti-Corruption Commission. As it was the case also in 2024, in 2025 all high-profile criminal investigations for corruption or related crimes were directed against political figures who happen to be political opponents or connected to political opponents of Delyan Peevski – political leader of

34 ACF has closely examined the development of these criminal proceedings in six consecutive annual monitoring reports. According to the organization's methodology for identifying the most significant criminal cases of alleged corruption in Bulgaria out of 66 cases reviewed since 2014, of which 39 have been concluded, final convictions have been achieved in only 4. Of these, an actual prison sentence has been imposed in only 1 of the analysed cases – A. Yankulov, A. Slavov: *Anti-Corruption Institutions: Activity without Visible Results*, Anti-Corruption Fund, 2020, https://acf.bg/wp-content/uploads/2020/06/ACF_ENG_2020-1.pdf; A. Yankulov, N. Kiselova: *Anti-Corruption Institutions: Escalating Problems*, Anti-Corruption Fund, 2021, https://acf.bg/wp-content/uploads/2021/07/ACF_ENG_Online_Jul15-1.pdf; A. Yankulov, A. Kashumov, *Anti-Corruption Institutions: a Zero Year*, Anti-Corruption Fund, 2022, https://acf.bg/wp-content/uploads/2022/07/ACF_Report_ENG_2022_interactive2.pdf; A. Yankulov, D. Peneva: *Anti-Corruption Institutions: Eyes Wide-shut*, Anti-Corruption Fund, 2023, https://acf.bg/wp-content/uploads/2023/06/ACF_Report2023_EN_web.pdf; A. Yankulov, D. Peneva: *Anti-Corruption Institutions: A Freezing Point*, Anti-Corruption Fund, 2024, https://acf.bg/wp-content/uploads/2024/06/ACF_Report2024_EN_web.pdf; A. Yankulov, D. Peneva: *Anti-Corruption Institutions: A "New" Beginning*, Anti-Corruption Fund, 2025, https://acf.bg/wp-content/uploads/2025/06/ACF_Report2025_EN_web.pdf

the party DPS (Movement for Rights and Freedoms). Peevski was sanctioned for corruption by the United States in 2021 under the Global Magnitsky Act³⁵ and by the United Kingdom in 2023 under the Global Anti-Corruption Regime³⁶, but was never investigated for corruption by the Bulgarian authorities in an official criminal proceeding.

At the same time, no high-profile investigations for alleged corruption were initiated in 2025 against any political figures from the current ruling majority. Although Peevski's party is not an official partner in the formal 4-party coalition that forms the government, it supports the government in all major decisions.

In May 2025, Ivan Demerdziev,³⁷ former minister of interior in a caretaker government appointed by the president Rumen Radev (not a candidate from the ruling coalition parties), was charged for alleged mismanagement of public funds. In October he was indicted, but in December Sofia City Court referred the case back to Sofia City Prosecutor's Office due to procedural infringements.

In June 2025, Nikola Barbutov,³⁸ a deputy-mayor of Sofia from the party PPDB (Continue the Change/ Democratic Bulgaria coalition), was charged with alleged participation in an organised criminal group, a general abuse of office and bribery, and was detained (together with other public officials) during criminal proceedings initiated by the Anti-Corruption Commission under the supervision of Sofia City Prosecutor's Office. In November, an indictment was filed.

In July 2025, Blagomir Kotsev,³⁹ a mayor of the third largest city, Varna, from the coalition PPDB (Continue the Change/ Democratic Bulgaria), was charged with alleged participation in an organised criminal group and influence peddling and was detained (together with other public officials) during criminal proceedings initiated by the Anti-Corruption Commission under the supervision of Sofia City Prosecutor's Office. In November, an indictment was filed.

35 *Treasury Sanctions Influential Bulgarian Individuals and Their Expansive Networks for Engaging in Corruption*, US Department of the Treasury, 2 June 2021, <https://home.treasury.gov/news/press-releases/jy0208>

36 *UK sanctions high profile Bulgarian figures involved in corruption*, gov.uk, 10 February 2023, <https://www.gov.uk/government/news/uk-sanctions-high-profile-bulgarian-figures-involved-in-corruption>

37 *Ex-Caretaker Interior Minister Demerdzhiev Charged with Mismanagement*, BTA, 25 April 2025, <https://www.bta.bg/en/news/bulgaria/878816-ex-caretaker-interior-minister-demerdzhiev-charged-with-mismanagement>

38 *Newly Dismissed Sofia Deputy Mayor Barbutov Charged with Participating in Organized Crime Group and Bribery*, BTA, 25 June 2025, <https://www.bta.bg/en/news/bulgaria/918180-newly-dismissed-sofia-deputy-mayor-barbutov-charged-with-participating-in-organ>

39 *Bulgaria's arrest of liberal, pro-EU mayor sparks protests*, DW, 26 July 2025, <https://www.dw.com/en/bulgarias-arrest-of-liberal-pro-eu-mayor-sparks-protests/a-73425408>

Both remained in pre-trial custody for several months before being released near the end of the year.

The criminal proceedings against them match at least several indicators used by European Court of Human Rights case-law⁴⁰ to identify criminal proceedings used as a smokescreen for achieving paralegal goals (in countries like Russia, Turkey, Georgia, Azerbaijan).

These markers/indicators include:

- disproportionately long detention given the nature of the charges and the accused persons' profiles;
- selective evidence gathering – ignoring key witnesses, one-sided collection of evidence;
- use of media and institutional pressure, public statements of guilt;
- procedural anomalies – e.g. evidence of forum shopping; long periods of inactiveness of the investigation followed by short periods of rapid procedural action; leaks to certain media outlets of evidence obtained during the investigation;
- strong political context – the criminal proceedings can be directly linked to political events.

New Issues that Emerged in 2025

The EPPO scandal

Videos, allegedly taken with a hidden camera, were published in 2025 in the media suggesting that a Bulgarian European Prosecutor involved with an influence peddling criminal group was appointed in the European Public Prosecutor's Office (EPPO).

In February 2025, the weekly outlet Capital published an interview⁴¹ with the Bulgarian European Prosecutor Teodora Georgieva who is quoted as saying that she encountered institutional pushback on

40 For example: *Merabishvili v. Georgia*, ECHR, 2017; *Selabattin Demirtaş v. Turkey (No. 2)*, ECHR, 2018; *Kavala v. Türkiye*, ECHR, 2022; *Navalnyy v. Russia*, ECHR, 2018; *Ilgar Mammadov v. Azerbaijan*, ECHR, 2014; *Rasul Jafarov v. Azerbaijan*, ECHR, 2016

41 European Prosecutor Teodora Georgieva: Public Procurement Is a Well-Established Scheme to Drain Funds ('Европрокурорът Теодора Георгиева: Общественият поръчки са отработена схема за източване на средства'), capital.bg, 28 February 2025, https://www.capital.bg/politika_i_ikonomika/pravo/2025/02/28/4748542_teodora_georgieva_obshtestvenite_poruchki_sa/.

cases involving influential individuals and the lack of willingness of the police to assist with investigations into suspected corruption, including the expansion of the Chiren natural gas storage facility⁴².

In March 2025, a letter and two videos were disseminated to the media from an anonymous account claiming to represent Petyo Petrov, known as ‘The Euro’, a former investigator featured in the ACF investigation *The Eight Dwarfs*—which exposed a criminal network for influencing the judiciary. The letter referred to a report allegedly sent by the person claiming to be Petrov to various public institutions. According to the letter, the report contained information concerning unlawful conduct, including corruption, by Bulgarian magistrates, among them Teodora Georgieva. The source of the leak asserted that the videos had been recorded using a hidden camera at *The Eight Dwarfs* restaurant. The footage shows Petrov and another individual, alleged to be Teodora Georgieva, discussing what appears to be Georgieva’s appointment to the European Public Prosecutor’s Office (EPPO) in 2020. In one of the recordings, Petrov is heard saying: “Anyway, we consider it an important position. We have decided. You take it and so be it.”⁴³

To date, Georgieva has not denied the allegations or contested the legitimacy of the recordings.

In March 2025, the EPPO issued an unprecedented announcement stating that the European Chief Prosecutor had informed the European Parliament, the Council of the European Union, and the European Commission of the initiation of an administrative inquiry into possible wrongdoing by the Bulgarian European Prosecutor, and had ordered the temporary suspension of Teodora Georgieva.⁴⁴ Georgieva did not issue a public statement. However, in interviews with several Bulgarian media outlets, she stated that she had withdrawn from the Chiren investigation because she felt threatened by Delyan Peevski. According to her, a subcontractor removed from the project had identified Peevski as the individual exerting pressure on them. Georgieva further claimed that she had received threats involving the release of compromising materials.

Despite the fact that their main goal is to undermine the credibility of the Bulgarian European Prosecutor, the leaked recordings – which the implicated person has so far not denied – show the ugly truth about high-level appointments, in the Bulgarian criminal justice system and beyond, which appear

42 *The issues surrounding this project have been described extensively in ACF’s investigation Chiren: Tenders with Convenient Incline*, ACF, 26 November 2024, <https://acf.bg/en/razsledvane-na-akf-darzhavata-se-e-otka/>

43 “*They have both the bread and the knife.*” *The Euro and the Notary are gone, but the scheme with kompromat materials is working* („Държат и хляба, и ножа“. Еврото и Нотариуса ги няма, но схемата с компромати работи), *svobodnaevropa.bg*, 21 March 2025, <https://www.svobodnaevropa.bg/a/33346346.html>

44 *European Prosecutor suspends its Bulgarian member*, EURACTIV, 28 March 2025, <https://www.euractiv.com/news/epo-suspends-european-prosecutors-bulgarian-member/>

to have been secured with the help of the criminal organisation of Petyo Petrov ‘The Euro’. The level of certainty regarding Petrov’s involvement is so high because the subjects of discussion in the leaked videos coincide with events that did occur – for example, the reshuffling in the list of the candidates for the position of Bulgarian European Prosecutor which took place after a decision by the Bulgarian government in 2020.

The case against Varna mayor Blagomir Kotsev

The mayor of the third-largest city in Bulgaria was arrested in a case revealing alarming ECtHR indicators for a sham process.

In 2025, pre-trial detention during corruption investigations involving high-level public officials continued to be used as a tool of pressure against political opponents. This practice was aimed at influencing political processes and reshaping the political landscape. During the year, this model was applied in new and more far-reaching ways.

The clearest example is the case against Varna mayor Blagomir Kotsev. He was deprived of his liberty for nearly five months during a pre-trial investigation with numerous procedural anomalies started by the Anti-Corruption Commission and supervised by Sofia City Prosecutor’s Office. In addition to the procedural anomalies, it should also be considered that Kotsev is a public figure, with no prior criminal record, a father of two young children, one of whom is a baby. He was not accused of committing violent crimes, but of corruption-related ones, which were essentially either some forms of preparatory criminal activity or unsuccessful attempts, i.e. without actual harm occurring for anyone or anyone’s enrichment. The almost five-month lengthy pre-trial detention in such a case was legally and practically incomprehensible.

Some examples of procedural anomalies: the criminal proceedings were initiated by the Anti-Corruption Commission on 19 November 2024 with the interrogation of a witness. After that, there was extremely low procedural activity – in January 2025 traffic data was requested (denied by the court), and in June 2025 the same witness was interrogated again. Nearly eight months after the start of the investigation and with almost no investigative actions taken, the so-called ‘realisation’ was carried out, during which Kotsev was detained on 8 July 2025. Another main witness, former deputy mayor, was questioned for the first time on the evening of 8 July 2025, after the arrest. Information that he had been given incriminating testimony against the mayor leaked earlier that day from the Anti-Corruption Commission to the media. On 16 July 2025, the witness made a public statement that the incriminating testimony was given under pressure from the Anti-Corruption Commission officers and submitted a written statement to this effect to Sofia City Prosecutor’s Office. He was questioned about these statements only on 2 October 2025.

After he was released from detention, Kotsev said in a TV interview that before his arrest he had received persistent messages to join the party of the “new sheriff in town” DPS (Movement for Rights and Freedoms) led by Delyan Peevski.⁴⁵ In 2025, many mayors and other local leaders from other parties and factions joined Peevski’s camp and took pictures with him in his office as a display of loyalty to him.⁴⁶ A Varna elected MP from GERB (Citizens for European Development of Bulgaria), the main party in the current ruling coalition, said in a radio interview that Kotsev did not listen to him to resign as mayor of Varna and this led to his arrest.⁴⁷

Implications and Recommendations for 2026

The gaps in the Commission’s report and new issues that have emerged require action by the Commission. The real picture of high-level corruption in Bulgaria remains obscured. The most high-profile criminal proceedings for alleged corruption are initiated by the Prosecutor’s Office and Anti-Corruption Commission in a selective and arbitrary manner and do not reflect the actual level of corrupt activity among high-ranking public officials⁴⁸. At the same time, substantial evidence of alleged corruption published by independent media and civil society organisations is completely ignored by the institutions if it concerns the political actors (or their political or business partners) who exercise the behind-the-scenes control over the independent on paper state anticorruption bodies.

By way of illustration, in 2025 the ACF published a comprehensive three-part investigation on one of the most closely guarded secrets of Bulgaria’s energy sector: the informal energy cartel dubbed “Orion”. This complex web of corporate entities comprised over 150 companies with ostensibly unrelated owners across multiple jurisdictions. The ACF’s findings revealed a range of serious malpractices, including illicit financial incentives for public officials, six-figure loans for politicians, multi-million-euro tax and social security fraud, carbon quota fraud, and leakage of sensitive information

45 *Blagomir Kotsev Received Persistent Messages to Join the “New Sheriff”* (‘Благомир Коцев получавал упорити послания да се присъедини към “новия шериф”’), *dnevnik.bg*, 7 December 2025, https://www.dnevnik.bg/bulgaria/2025/12/07/4861508_blagomir_kocев_poluchaval_uporiti_poslaniiia_da_se/.

46 *They Changed Their Master: Delyan Peevski’s Mayors* (Те смениха господаря: кметовете на Делян Пеевски), *DW*, 1 May 2025, <https://www.dw.com/bg/te-smeniba-gospodara-kmetovete-na-delan-peevski/a-72404707>

47 *GERB MP: Blagomir Kotsev Did Not Listen to Me to Resign, That’s Why He Is in the Investigation Detention Facility* (Депутат от ГЕРБ: Благомир Коцев не ме послуша да подаде оставка, затова е в ареста), *dnevnik.bg*, 28 September 2025, https://www.dnevnik.bg/bulgaria/2025/09/28/4833765_deputat_ot_gerb_blagomir_kocев_ne_me_poslusha_da/

48 See annual report on anti-corruption institutions of the Anti-Corruption Fund, *supra* note 35.

about forthcoming investigations by the European Public Prosecutor's Office⁴⁹. The latter security breach of EU investigative data suggests also a breach of the principle of sincere cooperation between the Member State and the EU. To date, state institutions have failed to verify the information and to hold those involved accountable.

This leads to low levels of public trust in the work of the anticorruption institutions that receive significant funding from the state budget, i.e. the taxpayers' money.⁵⁰

It does not help that after the Commission for Anti-Corruption and the Forfeiture of Illegally Acquired Property was split into two institutions in 2023 (the Commission for the Forfeiture of Illegally Acquired Property and the Commission for Counteracting of Corruption, a.k.a. the Anti-Corruption Commission), the new bodies are yet to be constituted. The deadline for electing new leadership expired in January 2024. Meanwhile, under the leadership of its former deputy chair (now acting chair) Anton Slavchev, the Anti-Corruption Commission exercises its expanded powers⁵¹, joining the Prosecutor's Office in the selective application of repressive measures against opponents of Delyan Peevski.

Even more disturbing is the fact that the current acting Prosecutor General Borislav Sarafov retains his factual power despite the explicit legal prohibition.⁵²

Given the manifest indicators of institutional capture within the Bulgarian prosecution service and anticorruption institutions, the Commission should acknowledge that national authorities are currently incapable of impartial self-scrutiny. Consequently, we recommend that the Commission

49 *Mr. Grass Head's Holding Company: ACF Reveals Best-Kept Secret of Bulgaria's Energy Sector*, ACF, 28th May 2025, <https://acf.bg/en/holdingat-na-chichko-trevichko-razsl/>

50 Public attitudes towards corruption in Bulgaria and the anti-corruption actions of the Bulgarian Government. Results of a public perceptions survey 2024, Basel Institute of Governance, September 2024, <https://baselgovernance.org/sites/default/files/2024-09/240923%20Bulgaria%20public%20perceptions%20report%20FINAL.pdf>

51 For further details, see *"ACF Analyzes New Act on Preventing and Fighting Corruption: Creation of New Investigative Bodies Cannot Compensate Lack of Vision for Comprehensive Criminal Justice Reform"*, ACF, 23 October 2023, <https://acf.bg/en/analiz-na-akf-na-noviya-zakon-za-protivo/>; *The New Law on Combating Corruption: What Changes Should We Expect in the Activities of Detecting and Investigating Corruption Crimes* ('Новият закон за противодействие на корупцията: каква промяна да очакваме в дейностите по разкриване и разследване на корупционни престъпления'), ACF, 2023, https://acf.bg/wp-content/uploads/2023/10/ZPK_web.pdf

52 *Supreme Court of Cassation removes Borislav Sarafov as acting chief prosecutor*, Bulgarian National Radio, 10 February 2025, <https://parliament140.bnr.bg/en/post/102219632/supreme-court-of-cassation-removes-borislav-sarafov-as-acting-chief-prosecutor>

facilitate direct oversight by the EPPO's central office in Luxembourg over all Bulgarian cases (at least those linked to the 'Orion' cartel). Furthermore, the Commission should initiate infringement proceedings against Bulgaria for failing to protect the integrity of EU investigative data, treating the leak not as an administrative error, but as a systemic breach of the Treaty obligations regarding the protection of the Union's financial interests. We recommend the activation of the Rule of Law Conditionality Mechanism, suspending EU funds linked to energy and infrastructure projects where the National Revenue Agency and financial regulators have failed to demonstrate effective oversight. The Commission must conclude that the risk to the EU budget is 'systemic' and that no national remedy is currently viable until the leadership of these 'captured' agencies is replaced through a transparent, internationally monitored process.

Regarding the EPPO scandal, the Commission should urge the Council of the European Union and the EPPO to conduct a comprehensive review of the selection and vetting procedures for European Prosecutors. Where there are credible allegations of undue influence by criminal or political networks over national selection processes, the EU must implement enhanced, independent background checks that bypass national security services if those services are suspected of institutional capture. Structural reforms should ensure that the appointment of high-level EU judicial officials is insulated from informal 'power brokers' at the national level, thereby safeguarding the de facto independence of the prosecutors.

A formal, independent audit of the Bulgarian EPPO Office should be initiated, covering its operational history since inception. This inquiry must go beyond administrative checks to include a thematic review of work allocation and the handling of high-profile cases involving politically exposed persons. Structurally, the EPPO should establish a permanent internal oversight mechanism tasked with identifying patterns of 'strategic inaction' or procedural delays in national offices. This should include an analysis of cases where national law enforcement institutions have systematically obstructed investigations, ensuring that such obstruction is formally documented and reported to the European Commission as a breach of the Principle of Sincere Cooperation.

The EPPO and the Commission must establish a robust protocol for the protection of European prosecutors against threats and intimidation from political and economic actors. In instances where a European Prosecutor alleges threats from high-profile political figures (such as those under international sanctions), the EU must ensure a fully independent, cross-border investigation into these claims. The failure of a Member State to provide genuine security or to investigate such threats must be considered a primary indicator of a breakdown in the Rule of Law.

With regard to the case against Varna mayor Blagomir Kotsev, the Commission should reiterate the urgent necessity for a comprehensive reform of the Supreme Judicial Council specifically regarding its composition and the method of selecting its members. To secure a truly independent judiciary,

the Judicial Chamber of the SJC must consist of a clear majority of judges elected directly by their peers, thereby mitigating the influence of the ‘political quota’ appointed by parliament. The reform must ensure that the Prosecutorial Chamber is also insulated from informal political ‘power brokers’, with selection processes that prioritise professional integrity over political loyalty. The Commission should monitor the correlation between criminal proceedings and political alignment, ensuring that anticorruption bodies do not function as de facto instruments for ‘reshaping’ the political landscape or enforcing loyalty to specific political factions.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

In 2025, Bulgaria showed no progress with the transposition and implementation of key EU legislation aimed at safeguarding press freedom and guaranteeing freedom and competitiveness of the media market. The country is lagging the implementation of EMFA and DSA, as noted by multiple reports, stated below, and has not yet transposed the EU anti-SLAPP directive, although vexatious lawsuits against journalists and civil society activists have become a persistent problem for the Bulgarian media and civil society. On the contrary, successful and failed attempts for amendments of the national legislation have posed threats of effectively limiting the opportunities for journalists in Bulgaria to independently practise their profession.

The conflict between the media regulator Council for Electronic Media (CEM) and the public broadcaster Bulgarian National Television (BNT) deepened in the past year, leaving the controversy over the appointment of a new DG of BNT still open. Despite the country's progress in the Reporters Without Borders ranking over the past few years, in 2025 we have witnessed concerning cases of overt political pressure and harassment of journalists.

Implementation of 2025 Commission recommendations

Recommendation: Complete the work aimed at improving transparency in the allocation of state advertising, in particular regarding state advertising contracted through intermediaries, such as media agencies (first made in 2022)

Despite Bulgaria having a stable government until December 2025, no particular progress in the field of transparency of state advertising or press freedom as a whole was achieved. The recommendation is relatively clear but still does not address another issue in regard to state advertising – funding media with unclear ownership which regularly breach the Code of Ethics. It has been noted multiple times that media that spread anti-EU and anti-democratic disinformation have access to state and EU public funding for communication, which is a consistent bad practice. At present, Bulgaria does not have a national regulatory body to oversee the allocation of state advertising funds to the media.

In order to fully address the existing challenges that the Bulgarian media environment faces in terms of access to state and EU advertising, the recommendation should cover not only the need for more transparency, but also for legal and procedural guarantees that taxpayer's money are not used for buying media comfort (especially on local level) and funding outlets that disseminate anti-democratic propaganda narratives.

Commission's 2025 assessment: Some progress

BHC's current assessment: No progress

Gaps in the Commission's Report

There are multiple issues that were covered in the Rule of Law Report, yet no concrete recommendations have been made. They include:

- Legal pressure against journalists in the form of SLAPPs
- Culture of pressure in the public and private media that leads to sacking journalists criticising the ruling parties and widespread self-censorship
- Slow progress in the transposition and implementation of key EU legislation aimed at protecting the rights of journalists, press freedom, democracy and the free market. This includes: the EU anti-SLAPP directive; the Media Freedom Act, the Digital Services Act and the AI act that enters into force in 2026.
- Proposition and/or introduction of legal amendments that could seriously impact the work of investigative reporters
- Increased hostility against journalists, also on highest political level, which leads to additional risks to the safety of journalists covering public events and online
- Widespread disinformation and harassment against fact checkers

In 2025, we saw an increasingly hostile environment against journalists and fact-checkers. Following Meta's decision to halt its funding to fact-checking operations in the US, fact-checking organisations in Bulgaria, namely Factcheck.bg, became a target of smear campaigns, threats and harassment.⁵³ In a number of cases, politicians directly attacked journalists for asking questions.⁵⁴ In fact, abusive attitude against journalists has become a regular practice in the Bulgarian Parliament, which led to the AEJ – Bulgaria calling for sanctions against MPs for offensive treatment of journalists. A number of the reported incidents throughout the year were linked to Delyan Peevski, a politician and business

53 AEJ-Bulgaria: Attacks on Factcheck.bg Show the Need for Fact-Checking ('Атаките срещу Factcheck.bg показват нуждата от проверка на факти'), 10 January 2024, <https://aej-bulgaria.org/factcheck-bg/>

54 AEJ-Bulgaria: MPs Owe Answers to Journalists ('Депутатите дължат отговори на журналистите'), 11 April 2025, <https://aej-bulgaria.org/?p=42730>

figure who has been sanctioned under the US anticorruption Magnitski act and member of his party – MRF New Beginning.⁵⁵

The sharp return of political pressure over the media – that we have been witnessing during the cycle of political instability, marked by a series of seven parliamentary elections until October 2024, – has continued throughout 2025. It resulted in the sacking of high-profile TV anchor Maria Tsantsarova⁵⁶ from the morning show of BTV – one of Bulgaria largest private TV channels owned by the Central European Media Enterprises (CME) that is owned by PPF Group N.V. Tsantsarova's removal from air right before Christmas provoked two protests of journalists and citizens against the decision of the media companies BTV and CME and the resignation of Stoyan Georgiev – a top investigative reporter from the TV channel.

Notorious SLAPP cases include the one against the journalists Venelina Popova⁵⁷ (ordered in 2025 to pay costs and taxes for enforcement proceedings following unsuccessful appeal of denial to access to information decision), Boris Mitov and Mediapool⁵⁸ (journalist and media outlet against whom a 2025 final decision allowed a judge's claim for reporting well-known facts), and Bird.bg⁵⁹ (an investigative media that announced in December 2025 that 20 court cases are pending against them amounting to about €250,000 in claims and no less than €25,000 in costs).

New Issues that Emerged in 2025

Proposed legal amendments challenge the independence of Bulgarian media and journalists

55 AEJ-Bulgaria: *MPs to Be Sanctioned for Offensive Behavior Towards Journalists* ('Денятматуме да бъдат санкционирани за обидно поведение спрямо журналисти'), 31 January 2025, <https://aej-bulgaria.org/?p=42526>

56 AEJ-Bulgaria: *Top Bulgarian TV Anchor Taken Off Air Amid Fears of Political Interference*, 22 December 2025, <https://aej-bulgaria.org/en/top-bulgarian-tv-anchor-taken-off-air-amid-fears-of-political-interference/>

57 Elitsa Simeonova: *"A Desire to Be Punished". How a Journalist Ended Up with Blocked Accounts Because of the Questions She Asked* ('Елица Симеонова: "Желание да бъде наказана". Как журналистка се оказа с блокирани сметки заради въпроси'), *svobodnaevropa.bg*, 5 September 2025, <https://www.svobodnaevropa.bg/a/zburnalistka-venelina-popova-delo-galabovo-insinator-dostap-do-informatsiya/33522461.html>

58 See the chapter on Bulgaria in *Liberties' 2022 Rule of Law Report*, p. 53.

59 *Strategic Lawsuits Against Public Participation (SLAPP) Totalling Half a Million Leva Filed Against Journalists from BIRD* ('Дела шамари за половин милион лева срещу журналисти от BIRD'), *Bird.bg*, 8 December 2025, <https://bird.bg/slapp-dela/>

The Ministry of Justice has successfully pushed through amendments that would limit the issuance of uncertified copies of documents filed in the Property Register at the Registry Agency.⁶⁰ These are most often ownership deeds, but also mortgages, exchange contracts, public property contracts, etc. According to the amendments, to obtain a copy of such a deed, the applicant will have to prove a legal interest. The explanation is that this will limit access to ‘sensitive data’, such as personal identification numbers and bank accounts, to allegedly prevent property fraud.

Reducing transparency can hardly lead to limiting any abuses, including property fraud. However, such a restriction will deal a serious blow to investigative journalism. It will be deprived of an objective source of information – a tool that has helped to uncover hundreds of cases of corruption, conflict of interest, money laundering, tax violations, and mismanagement.

The controversial amendments were proposed right before the summer vacation and voted right before the New Year’s Eve, leaving little space for discussion, although they will seriously affect investigative journalism and anticorruption activism in Bulgaria.

In addition, on October 7, the populist There Is Such a People Party, a junior coalition partner in the governing coalition, introduced a bill to parliament that proposed amendments to the penal code that, if adopted, would have introduced prison sentences of up to six years and fines for disseminating personal information about an individual without their consent. The bill defined “personal life” broadly, covering personal, family, intimate relations or health status, and criminalised their disclosure through any medium, including print and online publications. The proposal also allowed for the use of special surveillance means, such as wiretaps, for investigating such offences, which are typically reserved for serious crimes. No exemptions were made for legitimate public interest journalism and journalist associations, and unions were not consulted. The following day, 8 October, the bill was approved at the first reading by the parliamentary Legal Affairs Committee. It was supported by members of the governing majority and opposition parties. Representatives of the Prosecutor’s Office and judiciary were not present due to the extraordinary and accelerated scheduling of the session. The bill was met with strong criticism from Bulgarian media, 9 journalist associations and international press freedom organisations, who warned it could be used to censor legitimate public interest journalism and risked jailing journalists for doing their job. The bill was later dropped on October 13 after the international outcry. However, the initial introduction of the bill and swift passing, without proper

60 Elitsa Simeonova: *War with the Mafia or with Transparency. Why the Government Has Restricted Access to Information About Properties* (‘Елица Симеонова: Война с мафията или с прозрачността. Защо правителството ограничава достъпа до информация за имоти’), 26 November 2025, <https://www.svobodnaeuropa.bg/a/imo-ti-dostyp-informaciya-dokumenti/33606075.html>

public consultation, remains highly alarming. If ultimately passed, the bill would have shattered slow progress on criminal defamation reform in recent years.⁶¹

In 2025, the problem with the proper access of parliamentary reporters to the National Assembly and the MPs not only did not find a resolution but worsened.⁶²

In recent years, including 2025, journalists working for popular online platforms have been denied access to the building of the National Assembly. These cases fit into the broader context in which, for years, parliament has been implementing a policy that has led to limiting the transparency and access of journalists to its work. Since moving to the current building – the former Communist Party House, journalists have been deprived of the conditions they had in the original building of the Bulgarian parliament – the one on Narodno sabranie Square. In 2023, 85 parliamentary reporters sent an open letter to the leadership of the National Assembly, demanding that they be provided with better working conditions. However, the problem remains and even worsens.

AEJ-Bulgaria has issued a call on the National Assembly to clarify the rules for access to accreditation. This is also part of the broader issue of the lack of synchronised regulation of concepts such as media and journalism, in the context of the European Media Freedom Act, which came into force in August of this year.

Implications and Recommendations for 2026

So far, the Commission has focused solely on the issue of state advertising, which undoubtedly is distorting the Bulgarian media market. However, all the issues listed above have contributed to a fragile media environment, lacking the necessary legal safeguards for journalists, widespread disinformation that challenges the work of professional reporters and factcheckers, and overall lack of public trust in professional media which has detrimental effects on the democratic debate.

Suggested recommendation: The swift and robust implementation of EMFA as a key legal safeguard of a free, pluralistic and independent media market should be recommended as currently the implementation is stumbling.

61 Council of Europe's Safety of Journalists Platform and the Media Freedom Rapid Response (MFRR): Bulgaria: Fragile Media Freedom Progress at Risk of Backsliding Without Urgent Reform, 2025, <https://www.ecpmf.eu/wp-content/uploads/2025/10/MFRR-Bulgaria-Report-2025.pdf>

62 AEJ-Bulgaria: Parliament Must Guarantee Equal Access for Journalists ('Парламентът трябва да гарантира равноправен достъп на журналисти'), 23 October 2025, <https://aej-bulgaria.org/?p=43415>

Suggested recommendation: The Ministry of Justice should reconsider the new legislation and propose less restrictive measures that would both protect citizens against property scams and guard the public's right to know. The swift and robust implementation of EMFA as a key legal safeguard of a free, pluralistic and independent media market should be recommended, as currently the implementation is stumbling.

CHECKS AND BALANCES

General assessment

Two instances of flagrant violations in the legislative process in 2025 triggered widespread national protests that led to the resignation of the government in December. The first instance was in November and concerned the tabling and adoption of amendments in the Administrative Regulation of Economic Activities Related to Petroleum and Petroleum Products Act. A parliamentary committee passed these amendments in just 28 seconds, while the opposition was absent and had not been notified of the session of the committee. In a subsequent incident, the ruling parties attempted to fast-track the 2026 budget. On this occasion, the committee's session was halted when opposition MPs from the PPDB coalition entered the room to disrupt the proceedings in protest. Rather than a mere failure to advance, these extraordinary violations mark a clear regression in the rule of law, as they demonstrate a move away from established democratic standards towards a legislative environment where transparency and opposition rights are discarded for political expediency.

Implementation of 2025 Commission recommendations

Recommendation: Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place (first made in 2023)

The recommendation is not important for improving the situation in a country like Bulgaria, which has serious systemic problems with the rule of law in its very core. The Commission sees this recommendation as a technical issue and cites that there are no formal rules on integrity checks and on incompatibilities of persons hired as advisers to senior political officials; no comprehensive code of conduct and enforcement mechanism for persons in top executive functions; fragmented integrity provisions for top executive functions; lack of clear rules for declaration of gifts to persons in top executive functions. The integrity of top-level public officials in Bulgaria is a political and cultural issue – even if these technical criteria were met, there would be no change in the very way the institutions in Bulgaria operate under oligarchical control. Instead, in order to achieve progress in this area, it is necessary for:

- a fundamental change through evolution of professional ethos and political culture in the very way public authority is exercised in Bulgaria

- comprehensive reform of the criminal justice system regarding in particular: 1) the structure of the Supreme Judicial Council and enforced in practice better selection criteria for its members; 2) the Prosecutor's Office including its leadership, structure and forms of external control; 3) the rules of criminal procedure and substantive criminal law
- full audit of the Anti-Corruption Commission, followed by large-scale reform including its leadership, powers and forms of external control

Commission's 2025 assessment: Some progress

BHC's current assessment: No progress

Recommendation: Strengthen the quality of the legislative process by ensuring the use of public consultations and impact assessments for legislative initiatives by Parliament (first made in 2025)

The government has failed to take any substantive steps towards the implementation of this recommendation. On the contrary, there are evident signs of regression, as demonstrated by several instances where legislation flagrantly circumvented established parliamentary procedures, including crucial legislation on electoral process just three months ahead of preliminary elections. Furthermore, contentious policies have been fast-tracked despite significant criticism and grave concerns regarding fundamental issues, such as journalists' access to information.

The legal framework should mandate public consultations for all draft legislation on a uniform basis, irrespective of the initiating institution—whether the executive or the legislature. Ideally, all bills should be published on a centralised public consultation portal. These requirements should also extend to amendments introduced between the first and second readings of a bill. Where an expedited legislative procedure is invoked, the framework must nonetheless provide for minimum safeguards, including the timely publication of the draft law and the formal notification of the opposition at every stage, whether in committee or prior to plenary votes.

Commission's 2025 assessment: N/A

BHC's current assessment: Backsliding

Gaps in the Commission's Report

Legal framework for civil society led to a state of acute institutional hostility

In 2025, the Bulgarian legal framework for civil society maintained a formal alignment with European standards, yet the operational environment deteriorated into a state of acute institutional hostility. This regression was characterised by a persistent cycle of restrictive legislative initiatives, aggressive

political rhetoric against minority groups and independent media, and a systemic breakdown in cooperation between state bodies and the non-profit sector.

A primary driver of this tension was the repeated introduction of a Russian-style Foreign Agents Registration Act by the Revival Party (Vazrajdanе).⁶³ This proposal sought to stigmatise any individual or entity receiving more than €500 in cumulative foreign funding within a year by barring them from public life, including access to schools, universities, and government ministries. The draft legislation mirrored the Hungarian Transparency Act previously struck down by the Court of Justice of the European Union, specifically targeting freedom of association and expression by prohibiting ‘agents’ from engaging in activities deemed capable of influencing domestic policy. Despite being rejected in plenary sessions twice, the bill’s frequent resurfacing created a permanent state of legal uncertainty for the civil society organisations.

New Issues that Emerged in 2025

The use of ‘accelerated’ procedures

The use of ‘accelerated’ procedures—including a 28-second committee vote for the Lukoil refinery and 45-minute notice for Electoral Code amendments, state-led “de facto nationalisation” of energy infrastructure (Lukoil), as well as efforts to restrict access to public property deeds and the use of “secret” working groups for electoral reform signal failure of checks and balances system in Bulgaria.

On 8 May 2025, the government approved a ‘Program for Exercising Rights over State-Owned Properties’. The program identified approximately 4,400 properties across the country that were deemed to be “no longer needed”.⁶⁴ The announcement turned into a scandal when the specific list of properties was leaked and mapped by the civil activists and blogger Boyan Yurukov. The list included national heritage (parts of the Roman Amphitheatre of Serdica in downtown Sofia), strategic zones (land located directly on the state border and parts of the Black Sea coastline), infrastructure and health (portions of active dams, and military barracks), green spaces (large plots in Sofia that were slated for construction instead of being turned into public parks).⁶⁵ In late July 2025, just before the summer

63 The bill of the Foreign Agents Registration Act is available at <https://www.parliament.bg/bg/bills/ID/165804>

64 PM Zhelyazkov: Unused state property to be sold online, Bulgarian National Radio, 8 May 2025, <https://bnrnews.bg/en/post/132985/prime-minister-zhelyazkov-unused-state-property-to-be-sold-via-electronic-platform>

65 More Calls for Greater Transparency and Focus on Public Interest in Plans for Sale of 4,400 State-Owned Properties, Bulgarian Telegraph Agency, 12 August 2025, <https://www.bta.bg/en/news/bulgaria/947536-more-calls-for-greater-transparency-and-focus-on-public-interest-in-plans-for-sa>

recess, the National Assembly passed amendments to the State Property Act.⁶⁶ These changes were designed to allow the sale of properties belonging to companies on the ‘forbidden list’ for privatisation without an explicit vote by MPs, simplify the procedure for selling assets managed by the Ministry of Defence, and move sales to an electronic platform that critics argued lacked sufficient transparency and favoured ‘insider’ buyers. The president vetoed the amendments⁶⁷ which was overridden in parliament without deliberations.⁶⁸

In August, the Ministry of Justice announced it is planning to tackle real estate fraud – an issue that was not a subject of public discussion in 2025 – by limiting access to uncertified copies of property deeds – documents intended to be public and widely used by journalists and civil society in corruption investigations.⁶⁹ Despite public criticism, the government successfully pushed the amendments forward.⁷⁰

Institutional harassment against civil society organisations reached a peak in November 2025 with the establishment of an ad hoc parliamentary committee tasked with investigating the foundations of George and Alexander Soros (Open Society Foundations).⁷¹ This committee, initiated by Delyan Peevski’s MRF party, was designed to map insinuated financial links between foundations and Bulgarian magistrates, media, and businesses, effectively weaponising parliamentary mechanisms to intimidate independent actors. Meanwhile, essential reforms committed to under the EU Recovery and Resilience Plan remained stalled. Although a controversial draft lobbying law—which had threatened to criminalise public advocacy as ‘indirect lobbying’—was withdrawn in early 2025, the Ministry of Justice failed to present a transparent alternative by the end of the year, leaving a critical gap in the country’s anticorruption and transparency framework.

66 Promulgated in State Gazette, Issue 74 of 9 September 2025.

67 Bulgarian President Radev vetoes amendments to State Property Act, *SofiaGlobe.com*, 11 August 2025, <https://sofiaglobe.com/2025/08/11/bulgarian-president-radev-vetoes-amendments-to-state-property-act/>

68 Bulgarian MPs override presidential veto of State Property Act amendments, *SofiaGlobe.com*, 4 September 2025, <https://sofiaglobe.com/2025/09/04/bulgarian-mps-override-presidential-veto-of-state-property-act-amendments/>

69 Elitsa Simeonova: War with the Mafia or with Transparency. Why the Government Has Restricted Access to Information About Properties (‘Елица Симеонова: Война с мафията или с прозрачността. Защо правителството ограничава достъпа до информация за имоти’), 26 November 2025, <https://www.svobodnaevropa.bg/a/imoti-dostup-informaciya-dokumenti/33606075.html>

70 See section Media Environment and Media Freedom above.

71 The parliament’s decision to establish the committee is available at <https://www.parliament.bg/bg/decision/ID/166709>

In a further escalation, the Revival Party introduced⁷² amendments to the Pre-School and School Education Act proposing punitive fines of between €5,000 and €10,000 for foreign-funded CSOs engaging with students or faculty. These measures, tabled before the bill's second reading, target organisations receiving at least 50% of their revenue from abroad and represent a significant threat to the EU-guaranteed freedom of association. By seeking to criminalise educational outreach based on funding sources, these amendments contribute to the systemic stigmatisation of civil society and likely constitute a breach of fundamental EU rights regarding the free movement of services and capital. The bill did not reach second reading vote in the reported period.

On 7 November, the ruling coalition sparked a significant controversy by passing amendments to the Administrative Regulation of Economic Activities Related to Oil and Petroleum Products Act in a process that lasted only 28 seconds.⁷³ The legislation was pushed through during the second reading with no debate, no reading of the texts aloud, and almost instantaneous voting in a parliamentary committee. This rapid procedure was specifically designed to appoint a special commercial administrator with expansive powers over the Lukoil Neftohim Burgas refinery – one of the largest oil refineries in the Balkans and the largest industrial enterprise in Bulgaria, owned by Russian oil giant LUKOIL. The amendments effectively stripped the Russian owners of their voting and management rights to pre-empt the impact of US-imposed sanctions. The legislation, which some opposition members labelled a “de facto nationalisation”, allows this state-appointed manager to oversee operations and even initiate the sale of the refinery's assets, with the current owners losing their right to appeal these administrative decisions.⁷⁴

In the meantime, the government introduced the first draft budget in euros for 2026. It sparked widespread outrage due to proposed tax hikes, including a two-percentage-point increase in social security contributions and a doubling of the dividend tax. These measures, combined with a lack of dialogue with social partners, led to mass street protests involving tens of thousands of people in Sofia and other major cities. The session of the Parliamentary Budget Committee on 26 November resulted in intense clashes and was ultimately interrupted by the opposition coalition, PP-DB. The coalition criticized the opaque manner in which the legislation was advanced and warned that the proposed measures posed a significant risk of a high fiscal deficit in 2026.⁷⁵ Several massive national

72 Proposal no. 51-554-04-330 of 5 November 2025, available at <https://www.parliament.bg/bills/51/51-554-04-330.pdf>

73 Video from the vote is available at <https://www.facebook.com/watch/?v=1522619672259306>.

74 Aleksandra Sotirova-Delcheva: On an unprecedented fast track: The state partially nationalizes Lukoil, *Economic.bg*, 7 November 2025, <https://www.economic.bg/en/a/view/on-an-unprecedented-fast-track-the-state-partially-nationalizes-lukoil>

75 Scandal in the Committee on Budget and Finance: PP-DB block the session (‘Скандал в Комисията по бюджет и финанси, ПП-ДБ блокираха заседанието’), *vesti.bg*, 26 November 2025, <https://www.vesti.bg/bulgaria/skan-dal-v-komisiyata-po-biudzhnet-i-finansi-pp-db-blokiraha-zasedanieto-videosnimki-6245127>

protests followed, with hundreds of thousands of people participating and a blockade of the National Assembly. Under immense public and political pressure, the government was forced to permanently withdraw the 2026 budget package and subsequently resigned on 11 December 2025. Ultimately, parliament unanimously voted to send the budget back for revision, reverting to a temporary spending framework to ensure financial stability as the country entered the Eurozone in January 2026.⁷⁶

In January 2025, five political parties introduced distinct draft bills to amend the Electoral Code. These proposals were consolidated into a single bill and referred to an expert working group, which was subsequently dissolved in April without a clear timeline for further review. Following the government's collapse in December, a member of the ruling coalition unexpectedly announced that a new working group had been reviewing the legislation in secret until early December, and that the bill would be tabled before the end of the year. According to the news outlet Dnevnik, both opposition MPs and independent experts stated they had been neither informed of nor invited to participate in this group. On 15 January 2026, Dnevnik reported that parliament was proceeding to a second-reading vote during an extraordinary committee session scheduled that same day by the ruling coalition. Crucially, the consolidated report containing the final versions of the provisions was published only 45 minutes before the session, effectively precluding any meaningful public or stakeholder scrutiny. The proposed amendments are substantive and highly controversial, including: the abolition of machine voting in favour of ballot-counting scanners; the setting of technical specifications for scanners to be procured just three months prior to the forthcoming preliminary elections; the termination of access to the software's source code ten days before election day; and the removal of safeguards against the use of pre-filled ballots.⁷⁷ At the time of finalising this report, the legislative process remains ongoing. During a session on 19 January 2026, ruling coalition MPs attempted to close debates on numerous provisions without a vote—a tactic designed to bypass quorum requirements. Consequently, discussions on 55 of the 222 amended provisions were closed without adequate deliberation.⁷⁸

76 *After massive protest the ruling coalition freezes budget for 2026*, Bulgarian National Radio, 28 November 2025, <https://bnrnews.bg/en/post/392929/after-massive-protest-the-ruling-coalition-freezes-budget-for-2026>

77 Yordanka Veselinova: *The Secret Working Group of the Ruling Party Has Prepared the Elimination of Machine Voting* (Йорданка Веселинова: Тайната работна група на управляващите е подготвила ликвидирането на машинното гласуване'), Dnevnik.bg, 15 January 2026, <https://www.dnevnik.bg/4873029>

78 *The Legal Committee Has Completed Its Work for the Day* ('Правната комисия приключи работата си за днес'), Dnevnik.bg, 19 January 2026, https://www.dnevnik.bg/politika/2026/01/14/4872647_zapochva_novoto_prekroiavane_na_izbornite_pravila/#4874463

Implications and Recommendations for 2026

Notwithstanding the failure to adopt the Foreign Agents Registration Act, the initiative serves to complement a broader suite of measures targeting civil society (see New Issues below). This approach mirrors the strategy successfully deployed in 2024, characterised by the repeated and systematic introduction of anti-LGBTI amendments to the Pre-School and School Education Act⁷⁹—a tactic that has already demonstrated its efficacy.

Regarding new issues that arose during 2025, Bulgaria should adopt and strictly enforce mandatory minimum timeframes for the publication of legislative reports, including the consolidated ones of proposals between committee stages and plenary votes. Legislation should not only contain a requirement for a formal ‘Statement of Consultation’ to accompany all bills, proving that civil society and relevant stakeholders were given adequate time to review texts, but also contain procedural safeguards that incompatibility with these requirements is attached to consequences in regard to adoption of the bill or the legality of the adopted legislation.

While the Treaties do not offer explicit legal bases that allow the EU to harmonize national democratic processes or set out common democratic standards, fair elections for national parliament are source of legitimacy of EU institutions whose composition and operations are based on national institutions like the government. Hence, the Commission should indicate that in line with Venice Commission standards, Bulgaria must refrain from adopting fundamental changes to the Electoral Code less than one year before a general election.

The Commission should monitor the use of ad hoc parliamentary committees to ensure they are not weaponised to intimidate independent civil society actors or magistrates.

Suggested recommendation: The Commission should urge the Bulgarian authorities to ensure a stable and enabling environment for civil society by refraining from the introduction of legislation that stigmatises non-governmental organisations (NGOs) based on their funding sources.

Suggested recommendation: The government must move forward with transparency and lobbying reforms in full consultation with the non-profit sector, ensuring that such regulations do not criminalise legitimate public advocacy or infringe upon the freedom of association.

⁷⁹ See the chapter on Bulgaria in *Liberties’ 2025 Rule of Law Report*, p. 168.

CONTACTS

Bulgarian Helsinki Committee

The Bulgarian Helsinki Committee (BHC) is an independent, non-governmental, not-for-profit civil society organisation for defending fundamental human rights in Bulgaria: political, civil, cultural, and social. It was established in 1992. Among other things, the organisation works in the field of rule of law and independence of the judiciary.

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REPORT

2026



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OVERALL ASSESSMENT: DISMANTLER

In 2025, there was no progress regarding different aspects of the rule of law in Croatia. After the 2024 parliamentary elections, the coalition of Croatian Democratic Union (HDZ) and Domovinski pokret, a far-right party, holds a parliamentary majority and forms the government.¹ Therefore, certain issues visible in the last two terms of the Croatian government, led by Andrej Plenković, continued in this period, while there were serious regressions in several areas. The public use of the ‘Za dom spremni’ salute and other Ustaša symbols surged (used by the Ustaša regime during the Nazi-puppet state NDH in Croatia),² notably during a concert by a singer who glorifies the pro-fascist NDH regime, attended by several Ministers and Members of Parliament (MPs), and endorsed by the Prime Minister.³ Despite repeated facts that the salute is unconstitutional, lower courts began acquitting individuals for chanting it, often invoking non-binding political documents or non-existent legal exceptions. This judicial practice, coupled with political endorsement, has contributed to the downplaying and relativization of the salute in public discourse. Public trust in the judiciary remained low, and no serious steps were taken to restore the trust and to solve the main issues in the judiciary. Moreover, Croatia has made little progress in strengthening its anti-corruption framework, with systemic weaknesses persisting in judicial independence, prosecutorial leadership, and enforcement of key legislative reforms. Transparency deficits in lobbying and public procurement remain, while high-profile corruption cases continue without visible accountability, undermining public trust. Without decisive reforms, this stagnation risks becoming structural and further entrenching corruption. The situation has also been worsening regarding the freedom of the media. Formal initiatives are failing to address long-standing concerns or protect independent journalism. Politically motivated pressure, attacks on journalists, and structural weaknesses continue to chill public-interest reporting, while key recommendations on state advertising transparency and anti-Strategic Lawsuits Against Public Participation (anti-SLAPPS) protections remain unimplemented. Limited procedural measures exist, but without binding reforms and genuine political commitment, these problems risk becoming increasingly entrenched. When

1 Index.hr, Zna se kojih 78 je potpisalo za Plenkovića (It is known which 78 signed for Plenković), 10 May 2024, <https://www.index.hr/vijesti/clanak/evo-tko-je-sve-dao-potpise-plenkovicu/2563898.aspx>.

2 The origins of this salute are linked to a specific period, the period of World War II and to the Ustaša regime. In the quisling Independent State of Croatia (NDH), created under Ustaša leadership, the salute “ZDS” was officially used. It came to represent a regime grounded in hatred as state policy—terror and the destruction of Serbs, Jews, Roma, and others deemed incompatible with the NDH’s racist ideology. The salute appeared on official documents, including orders for persecution, expropriation, imprisonment, and execution of people of “undesirable” nationalities. Accordingly, invoking this salute today conveys the meaning of exclusion and hatred, and an affirmation or positive reinterpretation of the genocidal Ustaša rule.

3 Index.hr, Why HDZ desperately defends Ustasha salute (Zašto HDZ očajnički brani ustaški pozdrav), 9 July 2025, <https://www.index.hr/vijesti/clanak/zasto-hdz-odjednom-ocajnicki-brani-ustaski-pozdrav/2688555.aspx>.

it comes to checks and balances, independent institutions like the Ombudswoman are sidelined, and reports on urgent issues made by such independent institutions are discussed in the parliament with years of delay. Civil society organisations face insufficient funding, limited influence in decision-making, and smear campaigns, while public consultations are often short or bypassed entirely. The National Plan for Creating an Enabling Environment for Civil Society Development has not been adopted for 10 years.⁴ Attacks on cultural events, minority initiatives, and the restricted access to St. Mark's Square further illustrates the narrowing space for civic participation. A large part of St. Mark's square has been closed by the government since 2020, after an attack on the government by an individual. The government claims that the square is closed for security reasons, although there is no evidence that the attack was anything other than an isolated incident.⁵

Assessment of the trajectory

Croatia continued to be a dismantler in terms of the rule of law in 2025. Judiciary, anti-corruption framework, and checks and balances are continuously becoming weaker. Actors such as independent media, civil society and independent institutions are losing influence and/or resources. Under these circumstances, society is more and more divided along ideological lines. At the same time, groups such as minorities, critical journalists, activists, artists, cultural organisations, and opposition politicians are being targeted without proper response and/or endorsement by the politicians in power.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The European Commission should base their recommendations on a more thorough monitoring and analysis of the implementation of recommendations. Also, the Commission should make sure that there is a concrete and tangible follow-up to recommendations, set clear indicators both in terms of the steps to be taken by the competent institutions, but also the impact those steps make. Also, other parts of the rule of law toolbox should be triggered in case of repeating recommendations and in areas in which, despite recommendations, there is no tangible progress or in which there is regression.

4 European Commission, 2025 Rule of Law Report, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en.

5 Gong, Gong asked the Constitutional Court to assess constitutionality of closing St. Mark's Square, (Gong zatražio od Ustavnog suda da ispita ustavnost zatvaranja Markovog trga), <https://gong.hr/2023/07/27/gong-zatražio-od-ustavnog-suda-da-ispita-ustavnost-zatvaranja-markovog-trga/>.

In addition, there are areas in which the European Commission should consider the launch of infringement proceedings, such as the area of independence of judiciary, media, and civic space.

State of play (versus 2025)

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM

General assessment

In 2025, no meaningful progress can be identified regarding the quality, fairness and efficiency of the justice system in Croatia. On the contrary, recent developments further illustrate structural deficiencies that have been repeatedly highlighted in previous years.

Access to justice remains seriously constrained. The financial thresholds for secondary legal aid continue to require that the total monthly income of the applicant and all household members does not exceed €441.44 per household member, and that the total value of their assets does not exceed €26,486.16 (60 budgetary bases).⁶ These cumulative criteria exclude a significant number of low-income individuals, including persons working for the statutory minimum wage. At the same time, lawyers' fees remain high. As a result, many individuals, particularly migrants and other vulnerable groups, are effectively unable to secure legal representation.

Prolonged pre-investigation phases in criminal matters,⁷ particularly in pushback cases⁸ remains a structural issue. The six-month deadline for pre-investigation procedures continues to operate without consequences if exceeded. These risks undermine the effectiveness of investigations under the standards of the European Court of Human Rights (ECtHR) and weaken public trust in accountability mechanisms.

6 Republic of Croatia, Zakon o besplatnoj pravnoj pomoći (Free Legal Aid Act), Official Gazette no. 143/13, <https://www.zakon.hr/z/286/zakon-o-besplatnoj-pravnoj-pomoci>.

7 According to the Annual Report on the Work of the State Attorney's Office for 2024, 38.9% of all complaints under review remained unresolved, representing a slight increase compared to 37% in 2023. (State Attorney's Office of the Republic of Croatia, 2025, <https://dorh.hr/sites/default/files/dokumenti/2025-04/Izvje%C5%A1%C4%87e%20o%20radu%20dr%C5%BEavnih%20odvjetni%C5%A1tava%20za%202024.%20godinu.pdf>).

8 In October 2021, a group of investigative journalists published disturbing footage showing masked men beating migrants and forcibly pushing them across a branch of the Korana River from Croatian territory into Bosnia and Herzegovina. In the video, one of the masked men can be heard telling the migrants: "Go to Bosnia." Following the publication of the footage, a criminal complaint was filed against the police officers involved. The investigative phase lasted until 2025, when the criminal complaint was ultimately dismissed. See Raić, A. (2025, February 5). The Ministry of the Interior sanctioned police officers who were violent toward migrants. For the State Attorney's Office, everything was fine. Index.hr. Available at <https://www.index.hr/vijesti/clanak/mup-kaznio-policaјce-koјi-su-bili-nasilni-prema-migrantima-za-dorh-je-sve-bilo-ok/2639572.aspx>.

The deficiencies of the system were clearly demonstrated in 2025 by the final judgment of the ECtHR in *Y.K. v. Croatia*,⁹ a case in which the applicant had been denied access to asylum, legal representation and effective judicial protection before being expelled. This judgment demonstrates that previously identified shortcomings—lack of access to legal aid, ineffective remedies, prolonged procedures, and limited judicial scrutiny—are not isolated incidents but structural features. Despite earlier warnings and prior case-law, no comprehensive reforms have been implemented to ensure effective access to asylum procedures, legal representation, and remedies with suspensive effect. The judgment is particularly significant because it exposes systemic weaknesses. Importantly, the Court rejected the argument that a constitutional complaint constitutes an effective remedy in such cases, noting the absence of automatic suspensive effect and the length of proceedings.

Overall, the trajectory in 2025 reflects institutional stagnation. Early warning signs - such as normalised delays, limited accountability for missed deadlines, and increasing economic barriers to justice - are not being adequately addressed. While the existing digital infrastructure and formal procedural reforms provide a basis for improvement, they remain under-utilised. Without targeted legislative and institutional action, current deficiencies risk becoming structurally entrenched.

Implementation of 2025 Commission recommendations

Recommendation: Take measures to further improve the efficiency of justice, particularly as regards the length of proceedings in litigious commercial and civil cases (first made in 2025)

The government reported a decrease of 3% in the number of unresolved cases from 2024 to 2025, where this number at the end of 2024 was 445,000 compared to 435,000 reported at the end of 2025. The Minister of Justice, Public Administration and Digital Transformation also shared that the average duration of all court proceedings is 126 days, and when it comes to civil and commercial cases, the average duration of proceedings is 480 days.¹⁰

9 European Court of Human Rights (ECtHR), *Y.K. v. Croatia*, application No. 38776/21, 17 July 2025, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-244097%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-244097%22]}).

10 Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia (2026), *Question Time: Figures clearly show that justice is being relieved, gradually and systematically*, 15 January 2026, <https://mpudt.gov.hr/news-25399/question-time-figures-clearly-show-that-justice-is-being-relieved-gradually-and-systematically/30605?utm>.

In November 2025, amendments to the Courts Act¹¹ were adopted which, according to the government, are intended to improve the efficiency of the judiciary; however, it remains to be seen whether these amendments will in fact achieve that result.

However, the procedures are, as seen above, still lengthy, and the justice system in Croatia enjoys low public confidence.

Particularly, Croatia should address structural delays that originate in earlier procedural phases and affect overall judicial performance. Prolonged prosecutorial inaction not only undermines accountability in criminal matters but can indirectly delay related civil and commercial claims (e.g., damages proceedings or disputes dependent on factual findings established in criminal investigations).

The recommendation is relatively clear but steps to take are not clearly articulated. The Commission could improve the recommendation:

Take all necessary measures to enhance the efficiency of the justice system and reduce the duration of proceedings in Croatian courts, with particular emphasis on first-instance cases;

Transform the six-month deadline for the pre-investigation phase into a mandatory deadline subject to judicial oversight and reasoned extensions.

Commission's 2025 assessment: N/A

Centre for Peace Studies' current assessment: In progress (initial steps)

Gaps in the Commission's Report

Lack of procedural safeguards and effective remedies in migrant detention cases

Lengthy procedures and arbitrary detentions persist in Croatia, particularly in cases involving push-backs and the ill-treatment of refugees and migrants. Cases frequently show detention without case-to-case assessment of all circumstances, including whether public order could be maintained through

11 Act on Amendments to the Courts Act, Official Gazette no. 136/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2025_11_136_2016.html.

less restrictive measures, as in High Administrative Court decision¹² Usž-3987/2024-2 of 22 January 2025,¹³ demonstrating arbitrary detention without proper safeguards.

The Commission did not address the undermined equality before the law and the arbitrary detention of migrants. Numerous 2025 administrative court rulings¹⁴ annulled detention orders because the case files failed to show that providing an interpreter in a language the third-country national understands was impossible, or that the foreign national consented to proceedings in English - a language the Court could not confirm they sufficiently understood - thereby violating the right to have proceedings conducted in a language the individual understands.

Judicial developments further confirmed systemic deficiencies in Croatia's treatment of migrants and asylum seekers. Most notably, in July 2025, the ECtHR delivered its judgment in *Y.K. v. Croatia*,¹⁵ finding violations of Articles 3 and 13 of the European Convention on Human Rights (ECHR). The Court held that Croatian authorities obstructed the applicant's access to asylum despite his repeated and clearly expressed intent to seek protection, communicated personally, through his lawyer, and in the presence of Ombudsperson representatives. Authorities denied him access to a lawyer, preventing him from challenging expulsion, and pressured him to consent to a so-called voluntary return. His removal exposed him to a risk of chain refoulement and treatment contrary to Article 3, as no assessment was made of his safety, access to asylum procedures, or risk of torture.

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- 12 Centre for Peace Studies, "The detention of Vladislav Arinichev was unlawful, ruled the High Administrative Court in Zagreb", CMS.hr, 11 March 2025, <https://www.cms.hr/detencija-vladislava-arinicheva-bila-je-nezakon-ita-presudio-je-visoki-upravni-sud-u-zagrebu/>.
 - 13 Case no. Usž-3987/2024-2, High Administrative Court of the Republic of Croatia, judgment of 22 January 2025. <https://odluke.sudovi.hr/Document/View?id=c3d3594d-66d4-488b-9ac7-ac2408fc9d4f&q=Us%c5%be-3987%2f2024-2>.
 - 14 Cases before the Administrative Court in Zagreb: Us I-32/2025-2, judgment of 7 January 2025, <https://odluke.sudovi.hr/Document/View?id=7b293d46-7a95-4137-8275-f3a50ae69665>; Us I-367/2025-2, judgment of 27 January 2025, <https://odluke.sudovi.hr/Document/View?id=bf9fdbc2-8ce8-49f7-8a38-d077c0bca99e&q=Us+I-367%2f2025-2>; Us I-1430/2025-2, judgment of 23 April 2025, <https://odluke.sudovi.hr/Document/View?id=bb06f29b-e917-4851-b47b-3edcdacc2506&q=+Us+I-1430%2f2025-2>; Us I-1486/2025-3, judgment of 25 April 2025, <https://odluke.sudovi.hr/Document/View?id=424a0b25-50d7-47f4-b8fd-bb7a0b020eb6&q=Us+I-1486%2f2025-3>; Us I-2059/2025-2, judgment of 2 June 2025 <https://odluke.sudovi.hr/Document/View?id=424a0b25-50d7-47f4-b8fd-bb7a0b020eb6&q=Us+I-1486%2f2025-3>; Us I-2398/2025-2, judgment of 26 June 2025 <https://odluke.sudovi.hr/Document/View?id=7ee953c8-af01-42e3-8697-2adce9ded955&q=Us+I-2398%2f2025-2>.
 - 15 European Court of Human Rights (ECtHR), *Y.K. v. Croatia*, application No. 38776/21, 17 July 2025, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%22001-244097%22%5D%7D>].

This ECtHR ruling against Croatia highlights broader concerns about judicial protection in expulsion and detention cases. The Court stressed that individuals who do not speak Croatian cannot effectively challenge expulsion without legal assistance and that remedies without automatic suspensive effect are ineffective. Reliance on constitutional complaints was considered insufficient, as they do not, in practice, prevent removal.

In 2025, administrative courts continued to annul detention orders for lacking individualised assessments and procedural safeguards, including interpretation in a language understood by detainees, demonstrating ongoing arbitrary detention, denial of remedies, and unequal treatment of migrants.

New Issues that Emerged in 2025

Relativisation of unconstitutional extremist symbols and inconsistent judicial practice

Concerning judicial practice, a pattern emerged in which courts acquitted individuals for chanting the slogan “*Za dom spremni*” (used by the Ustaša regime during the Nazi-puppet state NDH in Croatia),¹⁶ thereby relativising a symbol that the Constitutional Court has repeatedly held to be unlawful and unconstitutional, as it violates Article 39 of the Constitution, which prohibits and penalises any call for or incitement to war or the use of violence, as well as national, racial or religious hatred or any form of intolerance. With regard to Ustaše symbols, the Constitutional Court, in its decision no. U-II-6111/2013 from 2017, expressly established that the “constitutional-law positions set out therein are not limited solely to the names of streets, settlements, symbols, and the like, but also represent general positions of the Constitutional Court on the character of the NDH as a negation of the fundamental values of the constitutional order of the Republic of Croatia”.¹⁷ There is clear body of case law in Croatia that supports¹⁸ the case for the illegality of this salute, along the lines that it

16 For example, a non-final decision of the Municipal Misdemeanour Court in Zagreb, presided over by Mirela Prstec Batarelo, acquitted N.K. (26) of the charges because on 4 July, during a live broadcast for HRT’s Dnevnik from the Hippodrome ahead of a Marko Perković Thompson concert, he appeared on camera shouting: ‘Za dom spremni’. See: Večernji list, Judge: “It is not the court’s role but that of politics to determine whether ‘ZDS’ is banned or not.” (Sutkinja: ‘Nije na sudu već na politici da utvrdi je li ZDS zabranjen ili ne’), 21 August 2025, <https://www.vecernji.hr/vijesti/sutkinja-nije-na-sudu-vec-na-politici-da-utvrdi-je-li-zds-zabranjen-ili-ne-1885236>.

17 Constitutional Court of the Republic of Croatia, Constitutional Court of the Republic of Croatia Decision (Odluka Ustavnog suda Republike Hrvatske), U-II-6111/2013, 10 October 2017, Official Gazette Nr. 105/2017, para. 18, https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_105_2419.html.

18 The relevant case law is for example covered in the recent article: Marta Dragičević Prtenjača, The Dialogue Document in the Context of Contemporary Developments in the Republic of Croatia and the Use of Unconstitutional Symbols (Dokument dijaloga u svjetlu suvremenih zbivanja u Republici Hrvatskoj u kontekstu uporabe neustavnih obilježja), Zbornik Pravnog fakulteta u Zagrebu, Vol. 75 No. 5, 2025.

symbolises the official salute of the Nazi-puppet state called Independent State of Croatia,¹⁹ and, as such, constitutes a manifestation of racist ideology, contempt for other people based on their religious and ethnic affiliation, and the trivialisation of the victims of crimes against humanity.

The public use of this salute, along with other Ustaša symbols and songs, increased significantly. This trend peaked around a large concert by a singer whose popular song includes “*Za dom spremni*” and who has openly supported the pro-fascist Ustaša regime, leading to previous bans in several European countries.²⁰ However, for this concert, the Prime Minister attended the general rehearsal, while several Ministers and numerous MPs attended the event where the salute was publicly performed. In the days that followed, the problematic nature of these symbols, particularly “*Za dom spremni*,” was downplayed in public discourse and portrayed as lawful when invoked in the context of the Croatian War of Independence (1991–1995), despite the absence of any legal or case-law basis and notwithstanding repeated²¹ Constitutional Court rulings deeming it unconstitutional. The salute was also repeated in the parliament by MPs, further contributing to its relativisation.

Despite the Constitutional Court ruling, lower courts began to legitimize the salute without statutory authority. The High Misdemeanor Court acquitted a former army general, notorious for his Hitler-style mustache, for publicly chanting it, relying on a political policy document without legal force.²² The Misdemeanor Court acquitted another individual for chanting the salute during a live broadcast, invoking a non-existent legal exception in a decision still not final. The court argued that prosecuting the accused would entail prosecuting hundreds of thousands of concertgoers, including high-ranking officials, highlighting the political significance of their attendance. Ultimately, the

19 The Independent State of Croatia (NDH) was a World War II-era puppet state of Nazi Germany and Fascist Italy, existing from 1941 to 1945, led by the Ustaše regime, and notorious for its fascist policies and widespread persecution of Serbs, Jews, Roma, and political opponents.

20 BBC, Croatian ultra-nationalist mega-gig exposes divided society, 18 August 2025, <https://www.bbc.com/news/articles/cz60nyp3714o>.

21 Constitutional Court of the Republic of Croatia, Constitutional Court of the Republic of Croatia Decision (Odluka Ustavnog suda Republike Hrvatske), U-II-6111/2013, 10 October 2017, Official Gazette Nr. 105/2017, para. 18, https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_105_2419.html ;Constitutional Court of the Republic of Croatia, Decision of the Constitutional Court of the Republic of Croatia (Odluka Ustavnog suda Republike Hrvatske), U-III-1296/2016, 25 May 2016, <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=open-Document&documentId=C12570D30061CE54C1257FC3002EF868>.

22 High Misdemeanor Court of the Republic of Croatia, Ppž-1247/2025-2, 12 March 2025, <https://odluke.sudovi.hr/Document/View?id=fc2bf6ce-4696-4b87-940d-007eaa53a1d5&q=odavao+po%2c4%8dast+poginulim+suborci+ma%2c>

court held that whether the salute is prohibited is a political matter, rather than a judicial one.²³ In its 23 May 2025 decision, the High Misdemeanor Court acknowledged that this position results from the absence of a clear legal framework defining which totalitarian symbols constitute a public order disturbance.²⁴

Implications and Recommendations for 2026

In the context of the judiciary, omitting references to detention practices and pushbacks limits the assessment of how effectively courts protect fundamental rights in migration cases. These situations place individuals in vulnerable positions, requiring careful judicial scrutiny and effective remedies. Without addressing these issues, the Commission's report gives only a partial picture of the judiciary's role in reviewing executive decisions, identifying procedural shortcomings, and ensuring that courts can consistently uphold legal safeguards and equality before the law for migrants and asylum seekers.

The revitalisation of the symbols, as mentioned above, weakens legal certainty and undermines the authority of the Constitutional Court, as lower courts and political actors effectively legitimise symbols already found unconstitutional. It also risks normalising extremist and hate-inciting expressions in public life, eroding equality before the law and weakening the state's commitment to constitutional values.

Suggested recommendation: Ensure independent and effective investigations into alleged illegal and violent pushbacks, and end arbitrary detention imposed without considering less restrictive measures or the right to proceedings in a language understood by the individual.

Suggested recommendation: Implement the Ombudsperson's recommendation to promptly finalise and adopt a new Act on Misdemeanours against Public Order and Peace, ensuring clarity on the prohibition of unlawful symbols for politicians, military, etc. and the public alike.²⁵

23 Zagreb Municipal Misdemeanor Court, Pp-8967/2025-3, 31 July 2025, <https://odluke.sudovi.hr/Document/View?id=22ca972e-3485-4640-87cc-17b1fbb256a3&q=pravednom%2c+legitimnom%2c+obrambenom+i+oslobodila%c4%8dkom+Domovinskom+ratu>

24 High Misdemeanor Court of the Republic of Croatia, Ppž-1252/2022-2, 23 May 2025, <https://odluke.sudovi.hr/Document/View?id=d23e29e5-c8df-413d-8a78-d246e54b545a&q=Pp%c5%be-1252%2f2022>

25 Ombudsperson of the Republic of Croatia, Reaction of the Ombudswoman to recent instances of the use of Ustasha symbols ("Reakcija pučke pravobraniteljice na nedavne primjere korištenja ustaških simbola), 6 August 2025, <https://www.ombudsman.hr/hr/reakcija-pu-ke-pravobraniteljice-na-nedavne-primjere-kori-tenja-usta-kih-simbola/>.

Implementation of Judgments

In 2025, delays in the implementation of the ECtHR judgments and their systemic follow-up continued to be a recurring and significant human rights concern, as Croatia still has a large number of ECtHR judgments pending implementation.²⁶ Even after the ECtHR rulings in *M.H. and Others v. Croatia*²⁷ and *Daraibou v. Croatia*,²⁸ which held Croatia responsible for failing to conduct effective investigations involving refugees and migrants, there is still little evidence of meaningful implementation.

Actions²⁹ criminal complaints involving pushbacks of refugees and other migrants involved unreasonably prolonged proceedings, often exceeding the six-month legal deadline for the pre-investigation phase to be concluded. Due diligence is lacking, therefore failing to meet the criteria of effective investigations under international and national law.

Furthermore, lengthy procedures and arbitrary detentions are still evident, especially in cases involving pushbacks and torture of refugees and migrants in Croatia. Access to legal remedies in these cases remains extremely difficult, and criminal procedures initiated in cases involving violence, theft, destruction of property, etc., seldom lead to an effective investigation in accordance with the criteria established by the ECtHR. Despite numerous allegations of violence against refugees and migrants over the past nine years, publicly available information indicates that only a single indictment³⁰ has been brought in connection with police violence at the Croatian borders. As of now, no individuals

26 European Commission staff working document, Rule of Law Report 2025: Croatia, 52025SC0911, EUR-Lex, p. 16-17, <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:52025SC0911>.

27 European Court of Human Rights, *M.H. and Others v. Croatia*, Applications nos. 15670/18 and 43115/18, judgment of 18 November 2021, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-213213%22%7D>.

28 European Court of Human Rights, *Daraibou v. Croatia*, Application no. 84523/17, judgment of 17 January 2023, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-222311%22%7D>.

29 Index.hr, “These police officers are being tried for beating a migrant. in 2020 – This is the first such case in Croatia,” Index.hr, 13 May 2020, <https://www.index.hr/vijesti/clanak/ovim-policajcima-sudi-se-zbog-premlacenog-migranta-2020-to-je-prvi-takav-slucaj-u-rh/2679302.aspx>; “The criminal proceedings were prolonged because the case file remained at the Karlovac Municipal Court for years, and the trial has only just begun. The media repeatedly requested an explanation from the Karlovac Municipal Court as to why the main hearing against the accused police officers was not being scheduled. The only response we received was that cases are being handled in the order in which they arrived at the court.”

30 Index.hr, “These police officers are being tried for beating a migrant in 2020 – This is the first such case in Croatia,” Index.hr, 13 May 2020, <https://www.index.hr/vijesti/clanak/ovim-policajcima-sudi-se-zbog-premlacenog-migranta-2020-to-je-prvi-takav-slucaj-u-rh/2679302.aspx>.

responsible have faced criminal sanctions, no indictments, identifications, prosecutions, or sanctions against reported perpetrators have occurred.

Despite the ECtHR ruling in *M.H. and Others v. Croatia*, which found that Croatia violated the prohibition of torture by detaining children for over two months in Tovarnik, children continue to be held in prison-like facilities³¹ with police presence, barred windows, and secured hallways. According to the Annual Police Activity Reports for 2023 and 2024,³² the number of minors held in detention increased from 195 in 2023 to 252 in 2024.

31 European Council on Refugees and Exiles (ECRE), AIDA Country Report — Croatia: 2024 Update, August 2025, https://asylumineurope.org/wp-content/uploads/2025/08/AIDA-HR_2024-Update.pdf.

32 Ministry of the Interior of the Republic of Croatia, Report on the Work of the Police in 2024, pp. 98–100, https://www.sabor.hr/sites/default/files/uploads/sabor/2025-06-12/182601/IZVJ_RAD_POLICIJE_2024.pdf. and Ministry of the Interior of the Republic of Croatia, Report on the Work of the Police in 2023, pp. 97–99, https://www.sabor.hr/sites/default/files/uploads/sabor/2024-07-12/152102/IZVJ_POLICIJA_2023.pdf.

ANTI-CORRUPTION FRAMEWORK —

General assessment

Compared to the previous reporting period, Croatia has not made meaningful progress in strengthening its anti-corruption framework. While certain procedural or technical steps have been announced or partially initiated, these have not translated into tangible improvements in institutional independence, transparency, or accountability. In several key areas, developments during the period under review point to the entrenchment of systemic weaknesses rather than reform. The overall trajectory remains negative to stagnant, with warning signs identified in earlier Rule of Law Reports not adequately addressed:

Judicial and prosecutorial independence remains fragile, particularly in high-level corruption cases. Concerns regarding conflicts of interest and political influence in the leadership of the prosecution service persist and have not been mitigated through legal or institutional safeguards. For example, the government dismissed the Chief State Inspector Andrija Mikulić just several hours before he was arrested on the charges of corruption, which raised questions whether the Government was warned about the plans for arrest. The prime minister claimed he had no such information and that Mikulić was dismissed for other reasons.³³

Legislative reforms essential to effective anti-corruption enforcement, notably revisions to the Criminal Procedure Code³⁴ and the Act on the Office for the Suppression of Corruption and Organised Crime (USKOK),³⁵ remain incomplete or ineffective in practice.

Transparency deficits persist, particularly in lobbying, state advertising and public procurement, despite the existence of formal legal frameworks.

33 HRT, Plenković: We did not have any knowledge about the investigation, other reason for dismissal of Mikulić (Plenković: Nismo imali saznanja o istrazi, drugi razlog za smjenu Mikulića), 28 November 2025, <https://vijesti.hrt.hr/hrvatska/plenkovic-nismo-imali-saznanja-o-istrazi-mikulic-smijenjen-iz-drugih-razloga-12449388>,

34 Criminal Procedure Code (Zakon o kaznenom postupku), Official Gazette no. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22, 36/24, 72/25, 13/2026, https://narodne-novine.nn.hr/clanci/sluzbeni/2026_02_13_114.html.

35 Act on the Office for the Suppression of Corruption and Organised Crime (Zakon o Uredu za suzbijanje korupcije i organiziranog kriminaliteta), 76/09, 116/10, 145/10, 57/11, 136/12, 148/13, 70/17, 136/25, https://narodne-novine.nn.hr/clanci/sluzbeni/2025_11_136_2017.html.

High-profile corruption cases involving state-owned enterprises, public procurement and EU funds continue to emerge. In contrast, public confidence in accountability remains low due to limited visible outcomes and prolonged proceedings. For example, in July 2025, USKOK announced that it had completed its investigation and filed an indictment with the Zagreb County Court against former Health Minister Vili Beroš and seven co-defendants for corruption in the procurement of medical equipment.³⁶

Without decisive corrective action, the current stagnation risks becoming structural and entrenched, undermining public trust and Croatia's ability to address high-level and complex corruption credibly.

Implementation of 2025 Commission recommendations

Recommendation: Take forward plans to revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, in line with the Anti-Corruption Strategy, so as to further increase the efficiency of investigations and prosecution of corruption offences (first made in 2022)

In 2025, the government maintained formal commitments to revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime (USKOK Law) in line with the Anti-Corruption Strategy, but only limited legislative action was completed.

In April 2025, Parliament adopted amendments to the Criminal Procedure Act.³⁷ These amendments introduced general procedural changes applicable across criminal proceedings, including adjustments to procedural deadlines and evidentiary rules. The amendments were not specifically designed to address corruption cases, nor did they introduce new mechanisms to strengthen prosecutorial independence, reduce discretionary power, or improve transparency in case allocation.

36 [Dnevnik.hr](https://dnevnik.hr/vijesti/hrvatska/podignuta-optuznica-protiv-bivseg-ministra-vilija-berosa---924535.html), Indictment filed against Beroš, Petrač and the others: USKOK published what they are charged for (Podignuta optužnica protiv Beroša, Petrača i ostalih: USKOK objavio za što ih tereti), 16 July 2025, <https://dnevnik.hr/vijesti/hrvatska/podignuta-optuznica-protiv-bivseg-ministra-vilija-berosa---924535.html>.

37 Amendments to the Criminal Procedure Act, Official Gazette No. 72/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2025_04_72_935.html.

In November 2025, Parliament adopted amendments to the USKOK Law.³⁸ The adopted amendments were technical in nature, consisting primarily of textual and formal adjustments. They did not revise USKOK's mandate, internal governance, safeguards against conflicts of interest, or oversight arrangements.

Beyond these adopted amendments, no comprehensive revisions of either law were enacted in 2025 that would materially affect the efficiency of corruption investigations or prosecutions.

Despite legislative activity in 2025, key reform objectives of the Anti-Corruption Strategy were not translated into law.

The concentration of discretionary power within the prosecution service remained unchanged, as no legislative safeguards were introduced in 2025 to address conflicts of interest at senior prosecutorial level or to enhance internal accountability mechanisms.

Procedural inefficiencies in complex corruption cases persisted. The 2025 amendments to the Criminal Procedure Act³⁹ did not directly tackle long-standing issues such as lengthy pre-trial proceedings, evidentiary delays, or the handling of large-scale and high-profile corruption cases.

In addition, transparency and accountability gaps remained unaddressed. No legislative measures were adopted in 2025 to clarify or formalise criteria for jurisdictional decisions, including the allocation of cases involving EU funds or politically exposed persons.

While no formal rollback of anti-corruption legislation occurred in 2025, the continued absence of substantive reform reinforced previously identified weaknesses.

The adoption of procedural and technical amendments, without advancing structural changes repeatedly announced in earlier years, contributed to a pattern of delayed implementation. This sustained gap between strategic commitments and enacted legislation during 2025 strengthened perceptions that the legal framework governing corruption investigations remains structurally resistant to reform, particularly with regard to prosecutorial independence, efficiency, and transparency.

38 Amendments to the Law on the Office for the Suppression of Corruption and Organised Crime (USKOK Law), Official Gazette No. 136/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2025_11_136_2017.html.

39 Amendments to the Criminal Procedure Act, Official Gazette No. 72/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2025_04_72_935.html.

The recommendation is relatively clear but it addresses several complex and interrelated problems (procedural efficiency, prosecutorial effectiveness, institutional design and safeguards) without clearly sequencing or prioritising the steps required to achieve these objectives. The Commission could improve the recommendation:

Adopt targeted amendments to the Criminal Procedure Code and the Law on USKOK to introduce clear safeguards for prosecutorial independence and conflict-of-interest management, limit excessive discretionary powers in high-level corruption cases, and ensure transparent and accountable decision-making, including in cases involving EU financial interests.

Commission's 2025 assessment: Some progress Centre for Peace Studies' current assessment: No progress

Gaps in the Commission's Report

Lack of safeguards for prosecutorial independence and jurisdictional discretion in high-level corruption cases

The Commission did not issue a specific recommendation addressing the appointment, accountability, and conflict-of-interest safeguards applicable to the Chief State Attorney,⁴⁰ despite long-standing concerns regarding impartiality, political proximity, and the concentration of discretionary power in high-level corruption cases.⁴¹

40 The State Attorney's Office of the Republic of Croatia (DORH) takes legal action to protect the Constitution and legality before the Constitutional Court and the Supreme Court, and represents the Republic of Croatia before higher courts and foreign courts, unless otherwise provided by law. DORH issues opinions on draft legislation and other regulations relevant to the organisation and work of the State Attorney's Office and the exercise of prosecutorial duties. It is authorised to file legal remedies, including extraordinary remedies, to protect the Constitution and the law under special legislation. DORH may also initiate proceedings before the Constitutional Court to review the constitutionality of laws or subordinate legislation, and before the High Administrative Court to review the legality of general acts, where it considers that the property rights and interests of the Republic of Croatia or the constitutional and legal status of the State Attorney's Office have been violated. More details here: <https://dorh.hr/hr/nadleznost-drzavnih-odvjetnistava>.

41 HRT, Messages that Turudić exchanged with Rimac published, many reactions (Objavljene poruke koje je Turudić razmjenjivao s Rimac, nižu se reakcije), 4 February 2024, <https://vijesti.hrt.hr/hrvatska/objavljene-poruke-koje-je-turudic-razmjenjivao-s-rimac-nizu-se-reakcije-11336350>.

In 2025, longstanding concerns about the investigation and prosecution of high-level corruption in Croatia remained evident in practice, with both structural rule-of-law issues and specific high-profile cases unfolding without meaningful systemic reform.

A persistent structural issue has been the jurisdictional power of the Chief State Attorney to decide whether complex cases fall under the national prosecution authority, USKOK, or the European Public Prosecutor's Office (EPPO). Critics,⁴² including the EPPO itself, have repeatedly argued that this framework undermines legal certainty and risks political influence in sensitive cases involving EU funds, because it allows discretionary national decisions rather than clear criteria under EU law.⁴³ Despite these critiques, no legislative change was introduced in 2025 to clarify or limit such discretionary decision-making.

Against this backdrop, several prominent corruption cases progressed in 2025: On 5 December 2025, the EPPO filed an indictment against 29 Croatian citizens and one company in a complex public procurement fraud case linked to the Faculty of Geodesy in Zagreb. The charges include abuse of office, corruption, illegal favouritism, forgery and money laundering in connection with nearly €6,000,000 in EU-funded contracts, of which 85% came from EU sources. The defendants include a former deputy minister at the Ministry of Culture and Media, a former dean, and a former professor, all accused of steering contracts to preferred companies.⁴⁴

On 24 July 2025, the EPPO in Zagreb also indicted two former officials from the Ministry of Foreign and European Affairs for abuse of position and authority involving fraudulent accommodation

42 Gong, Gong's request adopted: European Commission will issue an opinion on the conflict of jurisdiction between the Croatian State Attorney's Office (DORH) and the European Public Prosecutor's Office (EPPO) (Gongov zahtjev usvojen: Europska komisija očitovat će o sukobu nadležnosti između DORH-a i EPPO-a), <https://gong.hr/2025/03/25/gongov-zahtjev-usvojen-europska-komisija-ocitovat-ce-o-sukobu-nadleznosti-iz-medu-dorh-a-i-epo-a/>.

43 European Parliament Committee on Petitions, Petition No 1379/2024 on EPPO Regulation implementation: national law designates State Attorney General to decide jurisdiction, raising compliance issues under Article 25(6) of the EPPO Regulation, 12 June 2025, https://www.europarl.europa.eu/doceo/document/PETI-CM-774538_EN.pdf; HRT The Voice of Croatia, Constitutional Court requests EU Court decision on jurisdiction of DORH and EPPO, 26 July 2025, <https://glashrvatske.hrt.hr/en/politics/constitutional-court-requests-eu-court-decision-on-jurisdiction-of-dorh-and-epo-12263703>.

44 Katja Miličić, EPPO indicts 29 in major public procurement fraud case, HRT The voice of Croatia, 5 December 2025, <https://glashrvatske.hrt.hr/en/domestic/epo-indicts-29-people-and-one-company-in-major-public-procurement-fraud-case-12460761>.

expenses tied to official travel. The scheme allegedly involved forged hotel invoices, submitted in support of travel reimbursements for projects co-financed by the Internal Security Fund (ISF).⁴⁵

On 2 September 2025, a former Croatian Minister for Regional Development and EU Funds was sentenced by the County Court in Zagreb to seven months' imprisonment for abuse of office and authority for including personal restaurant expenses in EU programme procurement costs, resulting in unlawful gains of €973,235 that affected EU and national finances.⁴⁶

In addition to EPPO cases, domestic corruption investigations also gained attention. For example, in late November 2025, the former Chief State Inspector, Andrija Mikulić, was arrested on suspicion of corruption related to illegal waste disposal and alleged quarry fraud, underscoring persistent vulnerabilities in public administration and oversight.⁴⁷

Despite active prosecution and judicial action in these cases, the structural ambiguity in jurisdictional rules and the lack of reform throughout 2025 fueled concerns about fragmented investigations and uneven enforcement, particularly in politically sensitive or EU-related matters. Formal cooperation with EU authorities continued, but systemic safeguards to ensure clear, impartial allocation of competence were not strengthened during the reporting period.

New Issues that Emerged in 2025

Weak implementation of the Lobbying Act

The Lobbying Act entered into force on 1 October 2024, but its implementation has revealed structural weaknesses that significantly limit its effectiveness as a corruption-prevention tool.

45 European Public Prosecutor's Office (EPPO), Croatia: Former officials of Ministry of Foreign and European Affairs indicted over fraudulent accommodation expenses, 24 July 2025, <https://www.epo.europa.eu/en/media/news/croatia-former-officials-ministry-foreign-and-european-affairs-indicted-over-fraudulent>.

46 European Public Prosecutor's Office (EPPO), Croatia: Former minister sentenced to seven months' imprisonment for abuse of office and authority, 2 September 2025, <https://www.epo.europa.eu/en/media/news/croatia-former-minister-sentenced-to-seven-months-imprisonment-abuse-office-and>.

47 Domagoj Ferenčić, Chief State Inspector Andrija Mikulić arrested over corruption allegations, HRT The Voice of Croatia, 28 November 2025, <https://glashrvatske.hrt.hr/en/domestic/chief-state-inspector-andrija-mikulic-arrested-over-corruption-allegations-12449754>.

In 2025, the first full year of implementation of the Lobbying Act,⁴⁸ which entered into force on 1 October 2024, exposed significant shortcomings that generated new corruption-related concerns on transparency and accountability in public decision-making. Although the Act formally introduced a Register of Lobbyists and reporting obligations, the analyses published in 2025 showed that the system provides only limited, retrospective transparency. Lobbyists are required to submit annual reports, but information on lobbying activities is not available in real time, and it cannot be scrutinised, whereas legislative or policy decisions are being prepared.⁴⁹

A major issue identified during 2025 was the absence of disclosure obligations for public officials. Ministers, senior civil servants, and members of the parliament are not required to disclose meetings, communications, or correspondence with lobbyists. As highlighted by Gong, this creates a structural asymmetry: lobbyists are subject to registration requirements, while decision-makers are not obliged to provide reciprocal transparency. In practice, this prevents the public from knowing who influenced policy decisions, on what issues, and at what stage of the decision-making process.⁵⁰

External assessments published in 2025 also indicated that these gaps weaken Croatia's overall integrity framework. The Organisation for Economic Co-Operation and Development (OECD) Public Integrity Indicators – Croatia Country Fact Sheet 2025 confirmed that while a lobbying register exists, public access to detailed, timely information on influence activities remains limited, and safeguards rely primarily on formal compliance rather than active oversight. The OECD emphasised that transparency mechanisms without real-time disclosure have reduced preventive impact and may fail to deter undue influence.⁵¹

In parallel, Group of States against Corruption (GRECO)'s follow-up assessment, based on developments up to and including 2025, identified outstanding deficiencies in Croatia's regulation of interactions between public officials and third parties. GRECO noted the continued lack of clear rules on the disclosure of meetings with lobbyists and external actors, as well as weaknesses in guidance and

48 Lobbying Act, Official Gazette No. 36/2024, https://narodne-novine.nn.hr/clanci/sluzbeni/2024_03_36_567.html.

49 Gong, Rule of law in Croatia: the EU echoes Plenković's perspective, 10 July 2025, <https://gong.hr/en/2025/07/10/rule-of-law-in-croatia-the-eu-echoes-plenkovics-perspective/>.

50 Gong, Rule of law in Croatia: the EU echoes Plenković's perspective, 10 July 2025, <https://gong.hr/en/2025/07/10/rule-of-law-in-croatia-the-eu-echoes-plenkovics-perspective/>.

51 OECD, Public Integrity Indicators: Croatia Country Fact Sheet 2025, 15 July 2025, <https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/public-integrity/country-fact-sheets/OECD-Public-Integrity-Indicators-Croatia-Country-Fact-Sheet-2025.pdf>.

enforcement mechanisms. These shortcomings were highlighted as risks for conflicts of interest and improper influence, particularly in policy areas involving significant financial interests.⁵²

No legislative amendments or implementing measures were adopted during 2025 to address these issues. As a result, concerns emerged that the new lobbying framework risks institutionalising delayed transparency, rather than strengthening integrity and public trust. This implementation-phase vulnerability represents a distinct corruption-related issue that became clearly visible only during 2025, once the Act began operating in practice.

On possible measures from the Commission's side: it is responsible for initiating conflict-of-interest proceedings and deciding whether an official's act or omission violates the Act; issuing opinions at the request of officials on the compliance of their conduct with public-office principles; prescribing asset-declaration forms and maintaining the register of officials; adopting implementing regulations and guidance; providing training on conflict-of-interest and asset-declaration obligations; cooperating with competent authorities, civil society, and international counterpart bodies; and performing other duties under the Act. If a violation is established, the Commission may impose the following sanctions: a warning, suspension of part of the official's net monthly salary, and publication of its decision at the official's expense.⁵³

Implications and Recommendations for 2026

The absence of a targeted recommendation weakens the credibility of the anti-corruption framework as a whole, undermines cooperation with EU institutions, and contributes to sustained public scepticism regarding the equal application of the law.

Suggested recommendation: Introduce clear and enforceable safeguards to ensure the independence and accountability of the Chief State Attorney, including transparent appointment procedures, strengthened conflict-of-interest rules, and limits on discretionary powers in high-level corruption cases.

52 Council of Europe Group of States against Corruption (GRECO), Fifth Evaluation Round: Follow-up Report on Croatia, 12 January 2026, <https://rm.coe.int/grecorc5-2025-18-final-eng-add-to-the-2nd-compliance-report-croatia-pu/48802a2fb1>.

53 Commission for Prevention of Conflicts of Interest, Powers (Nadležnosti), <https://www.sukobinteresa.hr/hr/nadleznosti>.

Suggested recommendation: Amend the Lobbying Act to introduce real-time publicly accessible disclosure of lobbying activities by both lobbyists and public officials, and strengthen the supervisory and enforcement powers of the Commission for the Prevention of Conflicts of Interest.

MEDIA ENVIRONMENT AND MEDIA FREEDOM —

General assessment

Overall, no substantive progress was made in 2025 in strengthening the media environment and media freedom in Croatia. While a number of formal initiatives, preparatory steps, and policy discussions continued, they were not transformed into structural improvements or effective safeguards in practice, nor did they address long-standing concerns repeatedly identified in previous Rule of Law reports.

The trajectory observed in 2025 is best characterised by institutional stagnation combined with accumulating pressure on independent and critical journalism. Key recommendations related to the transparent allocation of state advertising and the effective protection of journalists against SLAPPs remain unimplemented, despite having been reiterated by the Commission over several consecutive years.

Clear early warning signs remain insufficiently addressed. These include the persistence of politically motivated pressure on critical and minority media (notably the significant funding cut to the ‘weekly Novosti’),⁵⁴ the rise in verbal and physical attacks against journalists, and the lack of effective accountability for perpetrators. The continued absence of early-dismissal mechanisms for abusive lawsuits and the failure to implement structural safeguards under the European Media Freedom Act (EMFA) further reinforce the chilling effect on public-interest journalism.

At the same time, backsliding risks are becoming more entrenched due to the cumulative effect of legal uncertainty, weak enforcement, economic precarity of journalists (especially freelancers), and the politicisation of key regulatory and governance structures. The drop in Croatia’s ranking in international media freedom indices and the high level of news avoidance among the public underline the broader societal consequences of these trends.

Some limited signs of progress exist, notably in the area of transparency, such as the launch of the Media Ownership and Financing Platform⁵⁵ and continued awareness-raising activities related to journalist safety and anti-SLAPP measures. However, these developments remain fragmentary and

54 Croatian Journalists’ Association, Editorial team of Novosti: Discriminatory decision of the Council for national minorities (Uredništvo tjednika Novosti: Diskriminatorna odluka Savjeta za nacionalne manjine), Hrvatsko novinarsko društvo, 23 April 2025, <https://hnd.hr/urednistvo-tjednika-novosti-diskriminatorna-odluka-savjeta-za-nacionalne-manjine/>.

55 Agencija za elektroničke medije, eMediji – Media Ownership and Financing Public Access Platform (‘eMediji AEM: Sustav javnog pristupa podacima o vlasništvu i načinu financiranja medija’), <https://emediji.aem.hr/Aem/Nias/Home/IndexPublic>.

largely procedural, and they have not yet resulted in measurable improvements in journalists' safety, independence, or media pluralism. To have a meaningful impact, such initiatives would need to be accompanied by binding legal reforms, stronger enforcement mechanisms, and genuine political commitment.

In sum, the situation in 2025 reflects continued non-implementation of key reforms rather than deterioration through new restrictive laws, justifying an assessment of no progress. Without urgent action to address entrenched structural weaknesses, there is a real risk that the existing problems will deepen and become increasingly difficult to reverse.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to strengthen the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at national, regional and local level, including the public tender procedure (first made in 2022)

In 2025, no substantive steps were taken by the Croatian authorities to strengthen the legal framework or oversight mechanisms governing the allocation of state advertising at national, regional, or local level.

No legislative amendments were introduced to clarify or tighten public tender procedures for state advertising, establish binding criteria for fair, non-discriminatory, and transparent allocation, and introduce effective oversight or sanctions for non-compliance by public bodies.

Existing rules on transparency of state advertising in Croatia derive from the Media Act,⁵⁶ the Electronic Media Act,⁵⁷ the Public Procurement Act,⁵⁸ and the Right of Access to Information Act,⁵⁹ as well as regulatory oversight related to the Fund for the Pluralism and Diversity of Electronic Media.⁶⁰ However, these rules remain fragmented and do not establish a unified or dedicated framework governing the allocation of state advertising at national, regional, and local levels.

Supervision is distributed among several bodies, including the Electronic Media Agency,⁶¹ The State Commission for Supervision of Public Procurement Procedures,⁶² the Povjerenik za informiranje,⁶³ and the State Audit Office.⁶⁴ None of these bodies has a comprehensive mandate to systematically oversee state advertising allocation across all levels of government.

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- 56 Zakon o medijima, NN 59/04, 84/11, 81/13, 114/22, https://narodne-novine.nn.hr/clanci/sluzbeni/2004_05_59_1324.html, obligation to publish data on media ownership and financing.
- 57 Zakon o elektroničkim medijima, NN 111/21, https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1942.html, regulates the work of AEM and certain aspects of financing.
- 58 Zakon o javnoj nabavi, NN 120/16, https://narodne-novine.nn.hr/clanci/sluzbeni/2016_12_120_2607.html, applies when advertising exceeds public procurement thresholds.
- 59 Zakon o pravu na pristup informacijama, NN 25/13, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_403.html, obligation of public bodies to publish data on the spending of public funds.
- 60 Fond za pluralizam i raznovrsnost elektroničkih medija, <https://aem.hr/en/kategorija/fond-za-pluralizam/>, Ordinance on the Fund for Encouraging Pluralism and Diversity in Electronic Media (Pravilnik o Fondu za poticanje pluralizma i raznovrsnosti elektroničkih medija), NN 84/22, https://narodne-novine.nn.hr/clanci/sluzbeni/2022_07_84_1279.html.
- 61 Agencija za elektroničke medije (AEM), <https://aem.hr/>, supervision of electronic media and the Fund for Pluralism.
- 62 Državna komisija za kontrolu postupaka javne nabave (DKOM), <https://www.dkom.hr/en/about-us/1197>, public procurement supervision.
- 63 Povjerenik za informiranje, <https://pristupinfo.hr/?lang=en>, supervision of the implementation of the Act on the right to access to information.
- 64 Državni ured za reviziju, <https://www.revizija.hr/en>, audit of public spending.

As repeatedly noted in the European Commission's Rule of Law Reports (2023–2025 Croatia chapters),⁶⁵ The framework for fair and transparent allocation of state advertising continues to raise concerns, and no progress has been recorded in strengthening oversight mechanisms. In practice, enforceability remains weak, as there are no meaningful or automatic consequences for public authorities that fail to comply with transparency or allocation standards. Monitoring is therefore fragmented, and compliance largely depends on general transparency obligations and ex post audit mechanisms rather than proactive, centralised enforcement.

At the same time, structural risks associated with discretionary allocation of state advertising persisted, particularly at the local and regional level, where media outlets remain economically dependent on public funds. The Media Pluralism Monitor⁶⁶ identifies continued risks in the area of political independence and market plurality, noting that smaller and local media outlets are financially vulnerable and often reliant on public advertising and subsidies. In the absence of a unified regulatory framework and effective enforcement mechanisms, such dependency increases exposure to political influence. The repeated findings of the European Commission Rule of Law Reports (2023–2025)⁶⁷ further confirm that no progress has been made in strengthening safeguards to ensure fair and transparent allocation of state advertising.

No obstacles to implementation were publicly identified by the government, suggesting that the lack of progress reflects a lack of political will rather than technical or legal constraints. There were also no indications of preparatory steps, consultations, or pilot measures that could be considered initial progress. Overall, 2025 represents a continuation of inaction, despite the problem's long-standing, repeatedly acknowledged nature.

The recommendation is relatively clear in identifying the problem, namely the continued use of SLAPPs targeting journalists, and it appropriately refers to both substantive law (defamation provisions) and procedural safeguards (early dismissal of groundless cases).

65 European Commission, Rule of Law Report 2025, Country Chapter on Croatia, p. 13, https://commission.europa.eu/document/download/920cc4c5-ceef-4072-9d5c-95ef1bba1f78_en?filename=15_1_63948_coun_chap_croatia_en.pdf.

66 Paško Bilić, Antonija Petričević, Monitoring Media Pluralism In The Digital Era Application Of The Media Pluralism Monitor In The European Member States And Candidate Countries In 2023, Country report: Croatia, Centre for Media Pluralism and Media Freedom, June 2024, <https://cadmus.eui.eu/server/api/core/bitstreams/bf79602f-7477-5b93-8ffd-3729d4319af2/content>,

67 European Commission, Rule of Law Report 2025, Country Chapter on Croatia, p. 13, https://commission.europa.eu/document/download/920cc4c5-ceef-4072-9d5c-95ef1bba1f78_en?filename=15_1_63948_coun_chap_croatia_en.pdf.

However, the recommendation remains overly broad and insufficiently operational, as it does not specify concrete legislative actions, minimum standards, timelines, or responsible authorities. In particular, it does not clarify what constitutes ‘adequate’ progress in reviewing defamation laws or in ensuring the effective use of procedural rules to dismiss abusive litigation.

As with other long-standing media-related recommendations, the absence of binding benchmarks or consequences for non-implementation significantly weakens its impact. In practice, this allows the state to demonstrate compliance through awareness-raising activities alone, without delivering the structural legal changes necessary to protect journalists effectively. A revised recommendation should require Croatia to:

Adopt binding legislation establishing clear, objective, and enforceable criteria for the allocation of state advertising at national, regional, and local levels, including mandatory public tender procedures, independent oversight, and effective sanctions for non-compliance, within a defined timeframe.

In addition, the Commission could improve the recommendation in the following way:

Provide access to EU funding, particularly cohesion and recovery funds, according to compliance with the recommendation in order to ensure that long-standing non-implementation has tangible consequences.

Commission’s 2025 assessment: No progress Centre for Peace Studies’ current assessment: No progress

Recommendation: Continue efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists (first made in 2022)

In 2025, efforts to address SLAPPs in Croatia continued primarily at the level of awareness-raising, coordination, and preparatory work, rather than through substantive legal reform.

Activities undertaken during the year included the continued operation of expert and inter-institutional working groups, dissemination of educational materials and guidance on SLAPPs, and training sessions and seminars aimed at journalists, legal practitioners, and judicial actors.

These measures contributed to greater awareness of SLAPPs as a phenomenon and to a shared understanding of European standards among relevant stakeholders. In this sense, progress in 2025 can be characterised as procedural and preparatory, consistent with the Commission's description of 'ongoing work'.

However, no legislative amendments were adopted in 2025 to reform criminal or civil defamation provisions in line with European standards, introduce effective early-dismissal mechanisms for manifestly unfounded cases, and shift litigation costs or provide compensation in a way that would deter abusive lawsuits.

As a result, journalists continued to face hundreds of pending defamation cases, lengthy proceedings, and significant financial and psychological pressure. According to the Croatian Journalism Association,⁶⁸ the number of active lawsuits against journalists and media outlets in Croatia remains close to seven hundred, with defamation claims constituting the majority of cases. Monitoring by journalist associations and international organisations confirms that SLAPPs remain a systemic problem with a clear chilling effect on investigative and public-interest journalism.

The key obstacles to implementation in 2025 were not technical or legal in nature, but rather reflected a lack of political will to translate awareness into binding reform. There were no signs of regression through the adoption of more restrictive laws; however, the persistence of criminal defamation and the absence of procedural safeguards indicate structural stagnation rather than meaningful progress.

Overall, while 2025 saw continued discussion and capacity-building, the core elements of the recommendation remain unfulfilled, and journalists' exposure to abusive litigation has not been substantially reduced.

The recommendation is relatively clear in identifying the problem, namely the continued use of SLAPPs targeting journalists, and it appropriately refers to both substantive law (defamation provisions) and procedural safeguards (early dismissal of groundless cases).

However, the recommendation remains overly broad and insufficiently operational, as it does not specify concrete legislative actions, minimum standards, timelines, or responsible authorities. In particular, it does not clarify what constitutes 'adequate' progress in reviewing defamation laws or in ensuring the effective use of procedural rules to dismiss abusive litigation.

68 Croatian Journalists' Association, At least 696 lawsuits worth 3.1 million euros are active, Hrvatsko novinarsko društvo, 1 May 2025, <https://hnd.hr/hnd-aktivno-najmanje-696-tuzbi-teskih-3-1-milijun-eura/>.

The implementation of the recommendation is in progress, initial steps have been taken, but these steps remain largely procedural and non-binding.

As with other long-standing media-related recommendations, the absence of binding benchmarks or consequences for non-implementation significantly weakens its impact. In practice, this allows the state to demonstrate compliance through awareness-raising activities alone, without delivering the structural legal changes necessary to protect journalists effectively.

Therefore, the Commission should consider elevating persistent non-implementation of anti-SLAPP safeguards to a higher level of EU response, including conditionality mechanisms, where repeated recommendations have failed to produce substantive change. To improve the implementation of the recommendation the Commission could:

Adopt, within a defined timeframe, binding legislative reforms to effectively prevent and remedy SLAPPs, including the introduction of early dismissal mechanisms, cost-shifting and compensation measures for abusive litigation, and the alignment of defamation laws with European standards on freedom of expression and ensure that failure to implement these safeguards has tangible consequences.

Commission's 2025 assessment: No progress

**Centre for Peace Studies' current assessment:
In progress (initial steps)**

Gaps in the Commission's Report

Political interference in public funding of critical and minority media

While the 2025 Rule of Law Report acknowledges general concerns about media freedom and pluralism, it fails to address concrete cases of politically motivated financial pressure on media outlets, most notably the significant reduction of public funding for the Serbian minority's 'weekly Novosti'.

In 2025, 'Novosti' faced a 35% funding cut by the Council for National Minorities,⁶⁹ despite the Council's overall budget increasing. This decision followed sustained public and political pressure by the members of the ruling coalition, in particular the far-right Homeland Movement (Domovinski

⁶⁹ Ivica Buljan, Editorial team of Novosti: Discriminatory decision of the Council for national minorities (Uredništvo tjednika Novosti: Diskriminatorna odluka Savjeta za nacionalne manjine), Hrvatsko novinarsko društvo, 23 April 2025, <https://hnd.hr/urednistvo-tjednika-novosti-diskriminatorna-odluka-savjeta-za-nacionalne-manjine/>

pokret), which openly called to defund the outlet due to its critical editorial stance.⁷⁰ This constitutes a clear example of political interference through financial leverage, with direct implications for editorial independence and protection of minority media. International media freedom organisations, including the European Federation of Journalists and the Media Freedom Rapid Response consortium, publicly condemned⁷¹ the funding cut and addressed an open letter to the prime minister, warning that the decision represented unlawful political pressure and a serious threat to media freedom. Despite the seriousness of these developments, the Commission did not issue a targeted recommendation addressing political interference via public funding decisions, nor did it link this case to broader structural risks related to state advertising, subsidies, and discretionary funding mechanisms.

Throughout 2025, political rhetoric delegitimising critical journalism intensified, while institutional responses remained weak or absent. The funding cut to ‘Novosti’ was not reversed, nor were safeguards introduced to prevent similar actions in the future. This occurred alongside an increase in verbal and physical attacks against journalists, continued legal harassment through SLAPPs, and delays in implementing structural reforms under the EMFA.

Taken together, these developments point to a pattern of tolerated or indirectly endorsed pressure on critical and minority media, rather than isolated incidents.

New Issues that Emerged in 2025

Weak safeguards for media independence

In 2025, there has been clear, politically motivated pressure and defunding directed towards those most critical of the Government, namely the Serbian minority’s ‘weekly Novosti’. ‘Novosti’ faced a drastic 35% funding cut by the Croatian public body, the Council for National Minorities, despite that body’s overall budget increasing,⁷² and this was clearly linked to the demands of the new far-right

70 Croatian Radio Television, Open: Who is responsible for divisions in society and hate of speech? (Otvoreno: Tko je odgovoran za podjele u društvu i govor mržnje?), 10 November 2025, <https://vijesti.hrt.hr/hrvatska/otvoreno-792-12421503>.

71 Media Freedom Rapid Response, Open letter to Croatian Prime Minister Plenković: MFRR raises alarm over unlawful political pressure against weekly Novosti, <https://www.mfrr.eu/open-letter-to-croatian-prime-minister-plenkovic-mfrr-raises-alarm-over-unlawful-political-pressure-against-weekly-novosti/>.

72 Ivica Buljan, Editorial team of Novosti: Discriminatory decision of the Council for national minorities (Uredništvo tjednika Novosti: Diskriminatorna odluka Savjeta za nacionalne manjine), Hrvatsko novinarsko društvo, 23 April 2025, <https://hnd.hr/urednistvo-tjednika-novosti-diskriminatorna-odluka-savjeta-za-nacionalne-manjine/>.

ruling coalition partner, Domovinski pokret (Homeland movement).⁷³ International media freedom bodies (the European Federation of Journalists and Media Freedom Rapid Response) publicly condemned this as unlawful political pressure and a threat to editorial independence,⁷⁴ even issuing an open letter to the prime minister Plenković demanding action to protect minority media.⁷⁵ There has been an increasingly hostile environment towards some journalists in 2025, with a sense of silent approval from the ruling coalition leading to 27 documented cases of assaults, threats, and pressures towards journalists.⁷⁶ Direct political pressure was clear throughout 2025, with politicians and party representatives making public statements or campaign rhetoric that delegitimised critical reporting or specific journalists. Besides, systemic pressure is growing through slow or inadequate institutional responses to threats, creating a climate where verbal intimidation goes unchecked. Croatia failed to implement structural reforms that should have accompanied the EMFA. The government opted for a Law on the EMFA implementation which is considered insufficient by the Croatian Journalists Association, Trade Union of Croatian Journalists and media professionals and the opposition parties with the main critique oriented to the failure to ensure “full independence of regulatory bodies” from political influence, stating that the new law does not address the issue of political influence over the appointment of directors and governing bodies of public media service providers”.⁷⁷

Reporters Without Borders within its World Press Freedom Index (WPFI) show that Croatia fell sharply in relation to 2024 - from 48th to 60th place stating as the key weak point the following: “While the media landscape is diverse and dynamic, the government has failed to protect journalists

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- 73 Croatian Radio Television, Open: Who is responsible for divisions in society and hate of speech? (Otvoreno: Tko je odgovoran za podjele u društvu i govor mržnje?), 10 November 2025, <https://vijesti.hrt.hr/hrvatska/otvoreno-792-12421503>
- 74 European Federation of Journalists, Croatia Weekly Novosti faces drastic funding cuts amid political pressure, 7 May 2025, <https://europeanjournalists.org/blog/2025/05/07/croatia-weekly-novosti-faces-drastic-funding-cuts-amid-political-pressure/>.
- 75 European Federation of Journalists, Open letter to Croatian Prime Minister Plenković over unlawful political pressure against weekly Novosti, 5 December 2025, <https://europeanjournalists.org/blog/2025/12/05/open-letter-to-croatian-prime-minister-plenkovic-over-unlawful-political-pressure-against-weekly-novosti/>.
- 76 Croatian Journalists' Association, Safe Journalists in Croatia: Attacks and Political Pressure on Journalists, Alarming Trendy in the Region ('Safe Journalists u Hrvatskoj: Napadi i politički pritisci na novinare, u regiji alarmantni trendovi'), Hrvatsko novinarsko društvo, 10 December 2025, <https://hnd.hr/safe-journalists-u-hrvatskoj-napadi-i-politicki-pritisci-na-novinare-u-regiji-alarmantni-trendovi/>.
- 77 Croatian Journalists' Association, Media in 2025 Marked by the Media Freedom Act, Press Subsidies, and the Vjesnik Fire (Medije u 2025. obilježio Akt o slobodi medija, subvencije tisku i požar Vjesnika), Hrvatsko novinarsko društvo, 31 December 2025, <https://hnd.hr/medije-u-2025-obiljezio-akt-o-slobodi-medija-subvencije-tisku-i-pozar-vjesnika/>.

against strategic lawsuits against public participation (SLAPPs) and attacks by organised crime, and has exerted pressure on the media”.⁷⁸ The report emphasises the fact that the reporter’s profession in Croatia is potentially hazardous, especially for those working on investigating corruption, organised crime, or war crimes, with journalists at local levels especially vulnerable to harassment. The Croatian Journalists’ Association reports 27 cases of assaults, threats, and pressures on journalists in 2025.⁷⁹ SLAPPs continue to chill journalism. Although Croatia has taken initial steps towards implementing the EU Anti-SLAPP Directive, effective mechanisms for early dismissal of abusive lawsuits are not yet in place, and journalists remain exposed to lengthy, costly litigation. The Draft Proposal of the Act on the Protection of Persons Engaged in Public Participation is currently undergoing public consultation through the e-Consultation platform.⁸⁰ The Ministry of Justice, Public Administration and Digital Transformation has indicated that the proposed legislation goes beyond the minimum standards set out in Directive (EU) 2024/1069. In particular, it foresees that the law will apply to all civil and commercial court proceedings initiated against natural and legal persons engaged in public participation, irrespective of whether the case has cross-border implications.⁸¹ Some awareness raising activities from national bodies have also been incited, such as the Educational brochure for early recognition and dismissal of SLAPP lawsuits created by the Agency for Electronic Media.⁸²

Media Pluralism Monitor 2025⁸³ gives Croatia a medium-high risk score, stating “The Croatian media landscape faces significant legal, economic, and digital challenges, impacting media freedom, editorial independence, and public access to reliable information”. Progress has been made in transparency, particularly through the launch of the publicly accessible Media Ownership and Financing

78 Reporters Without Borders, Croatia – World Press Freedom Index and Media Freedom Profile, <https://rsf.org/en/country/croatia>.

79 Croatian Journalists’ Association, Safe Journalists in Croatia: Attacks and Political Pressure on Journalists, Alarming Trendy in the Region (‘Safe Journalists u Hrvatskoj: Napadi i politički pritisci na novinare, u regiji alarmantni trendovi’), Hrvatsko novinarsko društvo, 10 December 2025, <https://hnd.hr/safe-journalists-u-hrvatskoj-napadi-i-politicki-pritisci-na-novinare-u-regiji-alarmantni-trendovi/>.

80 Public consultation on the Regulatory Impact Assessment Statement Form for the Draft Law on the Protection of Persons Involved in Public Activities, e-Savjetovanja, <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=32523>.

81 Draft ‘Anti-SLAPP’ law in public consultation (U javnom savjetovanju nacrt ‘Anti-SLAPP’ zakona), Informator, hr, 23 February 2026, <https://informator.hr/vijesti/u-javnom-savjetovanju-nacrt-anti-slapp-zakona>.

82 Council of Europe, Campaign for the Safety of Journalists: National chapters Newsroom, https://www.coe.int/en/web/freedom-expression/-/educational-brochure-for-early-recognition-and-dismissal-of-slapp-lawsuits?utm_source=chatgpt.com.

83 Centre for Media Pluralism and Media Freedom, MPM Interactive Results (Media Pluralism Monitor Interactive Results), <https://cmpf.eui.eu/mpm-interactive-results/>.

Platform,⁸⁴ which improves public access to information on media ownership structures, sources of financing, and regulatory sanctions.

The August 8 deadline for implementing the EMFA was not reached. Many national actors, including the Croatian Journalists' Association and opposition parties, are raising concerns that the EMFA implies much-needed structural reforms, but in reality, only smaller interventions are planned.⁸⁵ A Law on EMFA implementation was drafted and is currently under discussion in the Parliament.⁸⁶ Opposition political parties state that there is no political will to fully implement the EMFA, while research and experts also highlight different problematic aspects of the proposed law. Paško Bilić, the head of the Croatian team for the Media Pluralism Monitor project since 2015, identified the absence of a broad public debate, in particular the insufficient involvement of the expert community, as the main problem in the implementation of the EMFA within the Croatian legal system while Melisa Skender, Secretary General of the Croatian Journalists Association (HND), emphasised that HND⁸⁷ has been opposed from the outset to the adoption of the law implementing the EMFA, as none of the identified structural risks affecting journalism and the media have been addressed.⁸⁸

84 Agencija za elektroničke medije, eMediji – Media Ownership and Financing Public Access Platform ('eMediji AEM: Sustav javnog pristupa podacima o vlasništvu i načinu financiranja medija'), <https://emediji.aem.hr/Aem/Nias/Home/IndexPublic>.

85 Croatian Journalists' Association, Why the European Media Freedom Act is important, Hrvatsko novinarsko društvo, 20 January 2026, <https://hnd.hr/zasto-je-europski-zakon-o-slobodi-medija-vazan/>.

86 Croatian Parliament, Report of the Committee on Information, Informatization and Media on the Draft Law on the Implementation of Regulation (EU) 2024/1083 on the establishment of a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), first reading, P.Z.E. No. 228, <https://www.sabor.hr/hr/radna-tijela/odbori-i-povjerenstva/izvjesce-odbora-za-informiranje-informatizaciju-i-medije-o-130>; Report of the Committee on Legislation on the Draft Law on the Implementation of Regulation (EU) 2024/1083 on establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), P.Z.E. No. 228, <https://www.sabor.hr/hr/radna-tijela/odbori-i-povjerenstva/izvjesce-odbora-za-zakonodavstvo-o-prijedlogu-zakona-o-2779>; video recording and the voting results are available here: <https://www.sabor.hr/hr/sjednice-sabora/prijedlog-zakona-o-provedbi-uredbe-eu-2024/1083-o-uspostavi-zajednickog-okvira-za>.

87 Croatian Journalists' Association, Why the European Media Freedom Act is Important ('Zašto je Europski zakon o slobodi medija važan'), Hrvatsko novinarsko društvo, 20 January 2026 <https://hnd.hr/zasto-je-europski-zakon-o-slobodi-medija-vazan/>.

88 Hina, Roundtable Discussion: The Media Freedom Act in Croatia is on Hold ('Okrugli stol: „Akt o slobodi medija u Hrvatskoj je na čekanju”'), Jutarnji list, 20 January 2026, <https://www.jutarnji.hr/vijesti/hrvatska/okrugli-stol-mozemo-akt-o-slobodi-medija-u-hrvatskoj-je-na-cekanju-15663641>

Overall, significant structural challenges persist. Media ownership concentration remains high, transparency of ownership information remains fragmented across multiple registers, and safeguards to ensure the fair and transparent allocation of state advertising remain insufficient. While formal licensing procedures are public, concerns remain regarding the transparency of decision-making criteria and the perceived independence of regulatory bodies.

Implications and Recommendations for 2026

In 2025, several developments emerged that together constitute a qualitative escalation of risks to media freedom rather than a mere continuation of previously identified challenges. Most notably, politically motivated financial pressure on critical and minority media, combined with the failure to implement the EMFA, marked a new phase in the erosion of safeguards for independent journalism in Croatia.⁸⁹

These developments were accompanied by a deterioration in the safety environment for journalists, increased tolerance of hostile rhetoric by political actors, and a persistent gap between formal commitments and structural reform.

The absence of the Commission's recommendation on this issue risks normalising political interference through financial instruments, weakening protection for minority and critical media voices, undermining the credibility of existing recommendations on state advertising and media pluralism, and sending a signal that selective financial pressure falls below the threshold of EU concern, despite its severe impact on media freedom. This omission also reduces the preventive function of the Rule of Law mechanism, as it fails to address early warning signs of systemic backsliding before more overt forms of interference occur.

The Commission should have issued a specific recommendation addressing political pressure exerted by members of the ruling coalition, particularly representatives of the Homeland Movement party (Domovinski pokret), and financial interference in the media sector, particularly through the allocation and withdrawal of public funding and subsidies, including funding for minority and critical media.

Suggested recommendation: Adopt and implement binding safeguards to prevent political interference in the financing, governance, and regulation of media, including minority and

⁸⁹ Croatian Journalists' Association, Media in 2025 Marked by the Media Freedom Act, Press Subsidies, and the Vjesnik Fire ('Medije u 2025. obilježio Akt o slobodi medija, subvencije tisku i požar Vjesnika'), Hrvatsko novinarsko društvo, 31 December 2025, <https://hnd.hr/medije-u-2025-obiljezio-akt-o-slobodi-medija-subvencije-tisku-i-pozar-vjesnika/>.

non-profit media, and ensure the full and effective implementation of the EMFA. This should include transparent and objective criteria for public funding decisions, independent appointment procedures for regulatory and public media bodies, and effective remedies against politically motivated interference.

Suggested recommendation: Given the cumulative nature of the risks identified, the Commission should also closely monitor compliance and consider stronger follow-up mechanisms where repeated failures to implement media freedom safeguards persist.

CHECKS AND BALANCES

General assessment

We continue to see no progress in this area. Independent institutions, such as the Ombudswoman, are sidelined. The Ombudswoman and specialised ombudspersons' annual reports are discussed in the Parliament with a two to three-year delay. Some institutions do not deliver information upon the Ombudswoman's requests, and the prime minister made remarks diminishing the role of that institution.⁹⁰ Civic space continues to be narrowed. Civil society organisations, especially those that deal with advocacy, have difficulties in accessing funding. Participation in decision-making processes is limited, as the comments and suggestions of Civil Society Organisations (CSOs) and other actors are rarely taken into account in public consultations. Consultations are often shorter than 30 days. Laws are often enacted under an urgent procedure, including the Agricultural Land Consolidation Act, which raised the concerns of the public and landowners about potential interference with property rights. Amendments to the Social Welfare Act were also adopted urgently, despite regulating fundamental social rights of often vulnerable groups and having long-term effects, without objective urgency. Even the Act on Public Holidays and Non-Working Days was passed through a fast-track procedure.⁹¹ During the year, there were cases of smear campaigns against progressive civil society organisations and/or organisations working in the field of independent culture by various actors. In the second half of 2025, there were several cases of attacks or campaigns for banning cultural festivals and other public events organised by national minorities or other actors. St. Mark's Square, Zagreb, where the Government resides, is still largely closed to the public and protests.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the *Commission's 2025 Rule of Law Report*.

90 N1 Info, Plenković: 'As Prime Minister, to listen to the Ombudswoman? She is there thanks to me' ('Plenković: Pravobraniteljicu da ja slušam? Kao premijer? Ona je tamo zahvaljujući meni'), N1, 7 July 2025, <https://n1info.hr/vijesti/plenkovic-pravobraniteljicu-da-ja-slusam-kao-premijer-ona-je-tamo-zahvaljujuci-meni/>

91 Gong, Croatia still effectively in a state of emergency: In 2025, one-fifth of laws were passed through urgent procedures (Hrvatska i dalje kao u izvanrednom stanju: U 2025. po hitnom postupku donesena petina zakona), <https://gong.hr/2026/01/14/hrvatska-i-dalje-kao-u-izvanrednom-stanju-u-2025-po-hitnom-postupku-donesena-petina-zakona/>.

Gaps in the Commission's Report

Information requests of the Ombudsperson

In the 2025 Rule of Law Report, the European Commission assessed that ‘significant progress on further improving the follow-up to recommendations and ensuring a more systematic response to information requests of the Ombudsperson’. The Commission cited the data given by the Ombudsperson that around 61% of all recommendations given in 2023 have either been already implemented or are in the process of being implemented, as compared to 44% of those issued in 2022, which were implemented in that year.⁹² Although this is progress, we believe that this cannot be considered a sufficient reason to omit the recommendation altogether, but that the Commission should have repeated the recommendation and continued following the trend for several consecutive years. When it comes to ensuring a more systematic response to information requests of the Ombudsperson, in her 2024 annual report, the Ombudsperson stated that several ministries failed to respond to their inquiries on some instances, such as the Ministry of Health and Ministry of the Interior, while the Ministry of Physical Planning, Construction and State Assets, the Ministry of Labour, Pension System, Family and Social Policy, and the Croatian Institute for Social Work only responded after reminders.⁹³ The recommendation about the Ombudsperson is significant, especially considering the fact that the Ombudsperson’s Annual Report for 2022 was only discussed in the Croatian Parliament in June 2025, while the reports for 2023 and 2024 have still not been discussed, which undermines the impact of these reports. The Ombudsperson stated that “such an approach by the Croatian Parliament and the Government of the Republic of Croatia represents an attempt to marginalise and silence this independent institution”.⁹⁴ She proposed that the Rules of Procedure of the Croatian Parliament stipulate that reports of the Ombudsperson, as well as those of other independent institutions, must be discussed in the year in which they are submitted. She also questioned whether the opinion of the Government is necessary at all for a report of an independent institution submitted to the Croatian Parliament. If it is deemed necessary, she proposed setting a deadline within which the Government

92 Ombudswoman of the Republic of Croatia, Ombudswoman Report 2024 (‘Izvješće Pučke pravobraniteljice 2024’), <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2024-godinu/?wpdm-dl=21926&refresh=69721dd1beb381769086417>.

93 Ombudswoman of the Republic of Croatia, Ombudswoman Report 2024 (‘Izvješće Pučke pravobraniteljice 2024’), <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2024-godinu/?wpdm-dl=21926&refresh=69721dd1beb381769086417>.

94 Ombudswoman of the Republic of Croatia, The Rules of Procedure of the Croatian Parliament Must Ensure Timely Debate on Reports by Independent Institutions (‘Poslovníkom Sabora potrebno osigurati da se izvješća neovisnih institucija raspravljaju na vrijeme’), 13 June 2025, <https://www.ombudsman.hr/hr/poslovnikom-sabora-potrebno-osigurati-da-se-izvje-a-neovisnih-institucija-raspravljaju-na-vrijeme/>.

must submit its opinion to the Parliament, so that the absence of the Government's opinion would not prevent parliamentary debate and so that the debate could be held in the year in which the report is submitted. When asked about this by the press, the Prime Minister asked, "What kind of topic that is" and later asked, "who cares".⁹⁵ Also, in July 2025, after a public critique by the Ombudsperson about how the institutions handled hate speech and relativisation of the crimes of the Ustaša regime, the prime minister Andrej Plenković said to the press that he doesn't have to listen to what the Ombudsperson has to say and that "we choose her. She is there thanks to me."⁹⁶

While the Commission cites the relevant reports showing that civic space is considered narrowed in Croatia, and mentions that the National Plan for Creating an Enabling Environment remains under preparation, it fails to emphasise that the previous Strategy expired in 2016⁹⁷ and that the Plan has been 'under preparation' for multiple years without a clear reason why. Also, the Commission fails to address other issues related to civic space, such as limitations to protest in front of the government and Parliament building, attacks, harassment, and SLAPPs against civil society organisations, limited access of CSOs to participation in decision-making processes and public consultations, etc. At the same time, CSOs in Croatia, especially advocacy organisations, are literally shrinking, cutting their staff, activities, and programs, due to decreased opportunities for financing.

The process of enacting laws continued to have the same issues as in the previous years. During the first half of 2025 (1 January – 15 July), 68 new laws were adopted, out of which 21 were adopted in an urgent procedure, and 47 were adopted through regular procedure.⁹⁸ It is unclear why so many new laws are brought under an urgent procedure. Also, public consultations on the relevant legislative and public policy documents are still pro forma and not substantive. The CSOs are discouraged from

95 L.G., Plenković to a journalist: 'What kind of topic is that? Who cares?'; Ombudswoman: 'That's a message to citizens' ('Plenković na pitanje novinara: 'Kakva je to tema? Koga briga?'; Pravobraniteljica: 'To je poruka građanima'), Jutarnji list, 4 April 2025, <https://www.jutarnji.hr/vijesti/hrvatska/plenkovic-na-pitanje-novinara-kakva-je-to-tema-koga-briga-pravobraniteljica-to-je-poruka-gradanima-15570225/>.

96 N1 Info, Plenković: 'As Prime Minister, to listen to the Ombudswoman? She is there thanks to me' ('Plenković: Pravobraniteljicu da ja slušam? Kao premijer? Ona je tamo zahvaljujući meni'), N1, 7 July 2025, <https://n1info.hr/vijesti/plenkovic-pravobraniteljicu-da-ja-slusam-kao-premijer-ona-je-tamo-zahvaljujuci-meni/>.

97 National Strategy for Creating an Enabling Environment for the Development of Civil Society from 2012 to 2016. (Nacionalna strategija stvaranja poticajnog okruženja za razvoj civilnoga društva od 2012. do 2016. godine), <https://udruge.gov.hr/istaknute-teme/nacionalni-plan-stvaranja-poticajnog-okruzenja-za-razvoj-civilnoga-drustva/nacionalna-strategija-stvaranja-poticajnog-okruzenja-za-razvoj-civilnoga-drustva-od-2012-do-2016-godine/280>.

98 Croatian Parliament, Overview of Work of the Croatian Parliament in the 11th Legislature ('Pregled rada Hrvatskoga sabora u 11. sazivu'), 18 July 2025, <https://www.sabor.hr/hr/press/javnost-rada/arhiva/pregled-rada-hrvatskoga-sabora-u-11-sazivu-0/>.

participating in the consultations by the fact that their comments and suggestions are rarely accepted. According to the Annual Report on the Implementation of Public Consultations for 2024, 896 consultations were conducted through the e-consultations portal, in which 4,787 persons or legal entities participated, which is also a decrease compared with 2023.⁹⁹ 13,766 comments were received, 1,477 comments were accepted, 1,272 partially accepted, 5,288 were not accepted, 4,143 were noted, and 1,586 comments were not answered. Other than the fact that a large portion of comments are not accepted or are just noted, the issue is also that the reports on the implementation of consultations were not published in some cases, even though this is a legal obligation of the bodies responsible for e-consultations under the article 11 of the Act on the Right of Access to Information. Further, despite the provisions of the Act on the Right of Access to Information¹⁰⁰ and the Act on Better Regulation Instruments,¹⁰¹ which prescribes a standard 30-day public consultation period and the obligation to publish consultation plans intended to ensure compliance with that timeframe, a large number of state administration bodies and state authorities continue to conduct consultations within significantly shorter periods, citing the urgency of addressing issues or adopting acts. So, only 84 (nine %) of consultations lasted for 30 or more days, which means that as much as 91% of the consultations did not meet the legal requirements on consultation duration.¹⁰²

New Issues that Emerged in 2025

No new issues have emerged in 2025.

99 Government of the Republic of Croatia, Legislation Office, Annual Report on the Implementation of Public Consultations in the Legislative and Regulatory Drafting Procedures for the Year 2024 ('Godišnje izvješće o provedbi savjetovanja s javnošću u postupcima donošenja zakona i drugih propisa za 2024. godinu'), <https://zakonodavstvo.gov.hr/UserDocsImages//dokumenti//Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20provedbi%20savjetovanja%202024.pdf>.

100 Act on the Right of Access to Information, (Zakon o pravu na pristup informacijama), Official Gazette No. 25/13 and 85/15, <https://www.pristupinfo.hr/wp-content/uploads/2018/09/ZPPI-neslužbeni-procisceni-tekst.pdf>.

101 Act on Better Regulation Instruments (Zakon o instrumentima politike boljih propisa), Official gazette No. 155/2023, https://narodne-novine.nn.hr/clanci/sluzbeni/2023_12_155_2360.html.

102 Government of the Republic of Croatia, Legislation Office, Annual Report on the Implementation of Public Consultations in the Legislative and Regulatory Drafting Procedures for the Year 2024 ('Godišnje izvješće o provedbi savjetovanja s javnošću u postupcima donošenja zakona i drugih propisa za 2024. godinu'), <https://zakonodavstvo.gov.hr/UserDocsImages//dokumenti//Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20provedbi%20savjetovanja%202024.pdf>.

Implications and Recommendations for 2026

Suggested recommendation: Develop a systematic approach to implementing the recommendations of the Ombudsperson and other institutions. Rules of Procedure of the Croatian Parliament have to be amended to stipulate that the reports of the Ombudsperson, as well as those of other independent institutions, must be discussed in the year in which they are submitted.

Suggested recommendation: Adopt the National Plan for Creating an Enabling Environment for Civil Society Development in 2026, after transparent and open consultations with the public, especially civil society organisations.

CONTACTS

Centre for Peace Studies - Croatia

Centre for Peace Studies (CPS) is a civil society organisation that protects human rights and strives for social change based on the values of democracy, anti-fascism, nonviolence, peacemaking, solidarity, and equality. It uses activism, education, research, advocacy, and direct support. We work with communities, initiatives, organisations, media, institutions, and individuals in Croatia and internationally. The vision of CPS is a society of solidarity, openness, and nonviolence, where institutions enable peace, social security, political and economic equality, and freedom for all people. Members of society actively participate in decision-making, managing public goods, and developing their communities, all while maintaining a balance with the environment. We operate through four complementary programs: Education and Empowerment for Social Change, Protection and Promotion of the Right to Asylum and Migration, Supporting Inclusive Society, and Affirmation of Economic and Social Rights.

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2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

The League of Human Rights (LLP)



LIGA LIDSKÝCH PRÁV

The League of Human Rights is a Czech non-governmental organisation established in 2002, continuously striving for systemic changes to promote consistent respect for human rights. The LLP's mission is to protect human rights by providing legal counselling, engaging in advocacy activities, educating and raising awareness, and pursuing strategic litigation. Moreover, LLP advocates for the rights of vulnerable groups and upholds principles of the rule of law.

OVERALL ASSESSMENT: STAGNATOR

Resignation of Justice Minister Pavel Blažek: In May 2025, Czech Justice Minister Pavel Blažek resigned following revelations that the Ministry of Justice had accepted and monetised a large cryptocurrency donation originating from a person previously convicted of serious criminal offences.¹

Czech parliamentary elections and appointment of a new government: Held over 3-4 October 2025, the most recent elections of the Chamber of Deputies Parliament drew one of the highest voter turnouts in recent Czech history (nearly 69%). The pre-election campaign was marked by narratives of threats such as rigged elections, withdrawal from the EU and NATO, an end to support for Ukraine, and restrictions on civil society.² Turning to the results, the populist ANO party (lit. 'Yes'), under the leadership of former Prime Minister Andrej Babiš, has emerged as the most prominent political force, garnering approximately 34.5% of the vote and securing 80 out of 200 seats in the Chamber.³ As ANO did not attain an outright majority, subsequent coalition building culminated in a government combining ANO with the far-right parties for **Freedom and Direct Democracy (SPD)** and the **Motorists for Themselves**. All three parties are marked by a shared Euroscepticism, though to different degrees.⁴ In this regard, the government's program statement includes provisions regarding the sovereignty of the Czech Republic, a zero-tolerance policy toward illegal migration, and a rejection of the EU migration pact, as well as a review of the Green Deal.⁵ President Petr Pavel, however, refused to appoint Filip Turek (Motorists party) as a minister of environment due to Turek's

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- 1 Ketřin Johecová, *Drug dealer bitcoin scandal risks upending Czech election*, Politico Europe, 2 June 2025, <https://www.politico.eu/article/czech-minister-pavel-blazek-quits-drug-dealer-scandal-election-gift-babis>.
 - 2 League of Human Rights, *Not just words. What was said in the pre-election campaign ("Nejsou to jenom slova. Co všechno zaznělo v předvolební kampani?")*, 1 October 2025, <https://llp.cz/blog/nejsou-to-jenom-slova-co-vsechno-zaznelo-v-predvolebni-kampani/>.
 - 3 BBC News, *Czech Republic: Billionaire populist Andrej Babiš' party wins parliamentary election*, BBC News, 5 October 2025, <https://www.bbc.com/news/articles/c62qezmr92lo>.
 - 4 Jan Lopatka and Jason Hovet, *Czech vote winner Babiš signs coalition deal with eurosceptic partners*, Reuters, 3 November 2025, <https://www.reuters.com/world/czech-election-winner-babis-signs-coalition-deal-with-partners-2025-11-03/>; Politico Europe: *Czechian eurosceptic Andrej Babiš agrees coalition deal with far-right*, Politico Europe, 3 November 2025, <https://www.politico.eu/article/czechia-andrej-babis-clinches-coalition-deal-far-right/>.
 - 5 Jan Lopatka and Jason Hovet, *Czech president appoints Prime Minister Babiš' government*, Reuters, 15 December 2025, <https://www.reuters.com/world/czech-president-appoints-prime-minister-babis-government-2025-12-15/>; Aneta Zachová: *Populist billionaire Babiš returns as Czech prime minister*, Euractiv, 9 December 2025, <https://www.euractiv.com/news/populist-billionaire-babis-returns-as-czech-prime-minister/>.

extremist, racist, homophobic and hateful statements,⁶ considering him not suitable for any cabinet function. This situation remained unchanged as of 7 January.⁷

In terms of meeting the recommendations from *2025 Rule of Law Report*, It is important to note that the 2025 recommendations were put on the back burner by the parliamentary elections and the long process of choosing the new government.

Assessment of the trajectory

The Czech Republic made minimal progress in anti-corruption measures or the enhancement of the independence of public media. While lobbying legislation (Act No. 168/2025 Coll. Act on the Regulation of Lobbying - which is rather problematic), there was no progress on revolving door rules for parliamentarians or other senior officials. Similarly, no measures were adopted regarding the length of judicial trials of corruption cases. The issue of the current minister's conflict of interest remains unresolved, as there are still insufficient guarantees that Andrej Babiš has truly distanced himself from his trust fund.⁸

Moreover, several early signs of rule-of-law backsliding may be currently indicated, predominantly:

- **Targeting civil society:** The new coalition government program explicitly targets advocacy-oriented civil society through measures that echo the 'foreign agents' approach. The program mentions increased oversight and control of nonprofits over their financing and activities, establishment of registry of state subsidies, label or restrict certain foreign funding, target so-called political, green and ideological NGOs, reducing the role of nonprofits in education, etc. Official statements

6 See e.g.: Romea.cz, *Czech journalist who archived Turek's social media posts comes forward, says Turek has always been fascinated with fascism and always made racist remarks*, 22 October 2025, <https://romea.cz/en/czech-republic/czech-journalist-who-archived-tureks-social-media-posts-comes-forward-says-turek-has-always-been-fascinated-with-fascism-and-always-made-racist-remarks/>.

7 ČTK, *Babiš lunches at the Castle with Pavel — also discusses Turek's ministerial nomination* ("Babiš obědvá na Hradě s Pavlem. Řeší i Turkovu ministerskou nominaci"), Seznam Zprávy, 7 January 2026, <https://www.seznamzpravy.cz/clanek/domaci-politika-babis-obedva-na-hrade-s-pavlem-resi-i-turkovu-ministerskou-nominaci-295665>.

8 iROZHLAS.cz, *Babiš's Transfer of Agrofert? "It Seems More Thorough, but Doubts About Conflict of Interest Persist," Says Lawyer* ("Babišův převod Agrofertu? Zdá se to důkladnější, pochybnosti o střetu zájmů ale trvají," říká právnička), 21 February 2026, https://www.irozhlas.cz/zpravy-domov/babisuv-prevod-agrofertu-zda-se-dukladnejsi-pochybnosti-o-stretu-zajmu-ale_2602211604_mst

suggest the motivation isn't mainly budgetary but reduce perceived political influence.⁹ In this context, more than 140 non-governmental organizations issued a joint statement on 14 January 2026, warning that the government's declaration threatens the functioning of public services.¹⁰

- **Control over state media through state budget:** In January 2026, the coalition's confirmed plan to abolish license fees for Czech Television (ČT) and Czech Radio (ČRo) and replace them with direct state budget allocations.¹¹ The current prime minister's public statements during the autumn 2025 election campaign, in which he specifically targeted certain media outlets, already indicated his desire to gain control over public media.¹²
- Abolishment of selected key working and advisory bodies of the government such as National Economic Council of the Government (NERV) which advised particularly in the areas of public finance consolidation, pro-growth measures, support for regional development, and healthcare.¹³

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- 9 Civic Space Watch, *Czech Republic: Civic Space Under Pressure from Funding Cuts and Policy Shifts by the New Right-Wing Government*, 10 February 2026, <https://civicspacewatch.eu/alert/czech-republic-civic-space-under-pressure-from-funding-cuts-and-policy-shifts-by-the-new-right-wing-government/>; iROZHLAS.cz, *It's Not About Financial Savings. The New Government Wants to Scrutinize Non-Profits: Oversee Their Funding and Limit Their Influence* ("O finanční úsporu nejde. Nová vláda si chce posvítit na neziskovky: dohlédnout jim na financování i omezit jejich vliv"), 18 November 2025, https://www.irozhlas.cz/zpravy-domov/o-financni-usporu-nejde-nova-vlada-si-chce-posvitit-na-neziskovky-kvuli-jejich-2511180500_jgr
- 10 Glopolis, *Government Statement Threatens the Functioning of Public Services, Warns Over 140 Non-Governmental Organisations* ("Vládní prohlášení ohrožuje fungování veřejně prospěšných služeb, upozorňuje přes 140 nevládních organizací"), 12 January 2026, <https://glopolis.org/pro-civic/vladni-prohlaseni-ohrozuje-fungovani-verejne-prospesnych-sluzeb-upozorňuje-pres-140-nevladnich-organizaci/> Amnesty International Česká republika, *Government Statement Threatens the Functioning of Public Services, Warns Over 140 Non-Governmental Organisations* ("Česko: Vládní prohlášení ohrožuje fungování veřejně prospěšných služeb, upozorňuje přes 140 nevládních organizací"), 13 January 2026, <https://amnesty.cz/cesko-vladni-prohlaseni-ohrozuje-fungovani-verejne-prospesnych-sluzeb-upozorňuje-pres-140-nevladnich-organizaci/>
- 11 Česká televize 24, *Coalition Announced Agreement on Abolishing Fees for Public Media* ("Koalice oznámila shodu na zrušení poplatků za veřejnoprávní média"), 19 January 2026, <https://ct24.ceskatelevize.cz/clanek/domaci/koalice-oznamila-shodu-na-zruseni-poplatku-za-verejnopravni-media-369420>
- 12 Respekt, *Babiš Turns Against the Media* ("Babiš vyrazil proti médiím"), 15 February 2026, <https://www.respekt.cz/tydenik/2026/8/babis-vyrazil-proti-mediim>
- 13 Deník.cz, *Babiš Government Abolishes NERV: Why It Decided and What the Impact Will Be* ("Babišova vláda zrušila NERV: Proč se tak rozhodla, jaký to bude mít dopad"), 9 February 2026, <https://www.denik.cz/ekonomika/babiso-va-vlada-zrusila-nerv.html>

Moreover, the Memory Agenda Council, the Competitiveness and Economic Growth Council and the Strategic Investment Committee were also abolished.¹⁴

- Threat to the independence of civil servants: In January 2026 the ruling coalition announced its intentions to repeal the Civil Service Act.¹⁵ The current framework¹⁶ limits arbitrary hiring and dismissal through formal procedures designed to shield officials from direct political pressure, whereas the new proposal¹⁷ would align their employment more closely with general labour law and increase managerial flexibility. The new law intends to abolish the special legal status of ‘service positions’, meaning many officials would no longer be appointed through structured civil-service procedures but hired under standard labour-law contracts. Second, selection procedures and career rules would be simplified or reduced, lowering barriers that currently limit politically motivated appointments. Third, dismissal rules would become more flexible, allowing managers (and indirectly political leadership) to reorganize offices and remove officials more easily. Fourth, the reform would weaken institutional safeguards such as independent oversight mechanisms and formal evaluation frameworks. Moreover, the draft law was submitted as an MP proposal, thus circumventing the standard legislative procedure at the ministerial level.¹⁸

Several early warning signs can be identified, primarily in the public statements of the new government, its media appearances, and its forthcoming programme declaration. These signals suggest a possible shift in the approach to civil society and independent media, although it remains unclear

14 Seznam Zprávy, *Government Abolishes Its Councils for Competitiveness and the Memory Agenda* (“Kabinet zrušil své rady pro konkurenceschopnost či paměťovou agendu”), 15 March 2026, <https://www.seznamzpravy.cz/clanek/domaci-politika-kabinet-zrusil-sve-rady-pro-konkurenceschopnost-ci-pametovou-agendu-299548>

15 Act No. 234/2014 Coll. on Civil Service.

16 Act No. 234/2014 Coll. on Civil Service. Available online:

17 ODok Portál / VeKLEP, *Proposal by MPs Radek Vondráček, Renata Vesecká, Libor Vondráček and Zuzana Ožanová for the Adoption of a Law on the Legal Status of State Employees in Ministries and Other Administrative Authorities (Law on State Employees)* (“Návrh poslanců Radka Vondráčka, Renaty Vesecké, Libora Vondráčka a Zuzany Ožanové na vydání zákona o právních poměrech státních zaměstnanců v ministerstvech a jiných správních úřadech (zákon o státních zaměstnancích)”), 5 January 2026, <https://www.odok.gov.cz/portal/veklep/material/ALBSPDVEF33B/>

18 Česká justice, *The End of the Civil Service Act: Government Aims to Streamline the State Administration* (“Konec služebního zákona. Vláda: zestihlení státní správy”), 15 January 2026, <https://www.ceska-justice.cz/2026/01/konec-sluzebniho-zakona-vlada-zestihleni-statni-spravy/>; Transparency International ČR, *Government of Andrej Babiš Proposes a New Law on State Employees That Will Threaten the Independent Performance of the Civil Service* (“Vláda Andreje Babiše navrhuje nový zákon o státních zaměstnancích, který ohrozí nezávislý výkon státní správy”), 23 January 2026, <https://www.transparency.cz/vlada-andreje-babise-navrhuje-novy-zakon-o-statnich-zamestnancich-ktery-ohrozi-nezavisly-vykon-statni-spravy/>

what measures will ultimately be adopted. Among the options mentioned are the introduction of a ‘foreign agents’ law, the termination of public funding for certain non-profit organisations, and changes to the financing model of Czech Television and Czech Radio.

State of play (versus 2025)

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM –

General assessment

In March 2025, Act No. 57/2025 Coll.¹⁹ was amended to include a judicial pay freeze, resulting in a de facto retroactive reduction of judicial salaries by approximately 5% since January 2025. This was contrary to the extensive case law of the Czech Constitutional Court²⁰ and was also criticised by the European Association of Judges.²¹ Subsequently, judges began filing civil lawsuits over their salary assessments, seeking compensation at the level due to them under the Czech Republic's original standard calculation mechanism. In October 2025, the Czech Constitutional Court declared the amendment unconstitutional.²² The court found that no exceptional circumstances had been presented to justify the reduction, nor could the state credibly demonstrate how the declared savings would contribute to the recovery of public finances. Furthermore, the intended measures were not adequately discussed with representatives of the judiciary. Following the ruling, the state is required to provide retroactive compensation to judges, estimated at over €33 million (800 million Kč), plus interest and

19 Act No. 57/2025 Coll., amending Act No. 236/1995 Coll., on salaries and other benefits associated with the performance of the functions of representatives of state power and certain state authorities and judges and members of the European Parliament, as amended, and certain other acts.

20 For summary see: Constitutional Court of the Czech Republic, *Judges' salaries in 2021, 2022 and 2024 back before the Constitutional Court: three times the same, but each time slightly different* ("Soudcovské platy 2021, 2022 a 2024 po čase opět na stole Ústavního soudu: třikrát stejně, ale pokaždě trochu jinak"), 28 May 2024, <https://www.usoud.cz/aktualne/soudcovske-platy-2021-2022-a-2024-po-case-opet-na-stole-ustavniho-soudu-trikrat-stejne-ale-pokazde-trochu-jinak>.

21 European Association of Judges: *Statement on the restriction of judicial remuneration in Czechia* (published via Soudci.cz), 9 May 2025, https://www.soudci.cz/WebContent/Czechia_EAJ%20Statement_Yerevan%202025.pdf.

22 *Ruling of the Constitutional Court, Case. No. Pl. ÚS 19/25 of 7 October 2025. Available in Czech language online: https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-19-25_1*. See also: Daniela Lazarová, *Constitutional Court overturns pay freeze for judges*, Radio Prague International, 2 October 2025, <https://english.radio.cz/constitutional-court-overturns-pay-freeze-judges-8865045> and Nikola Šedová, *Constitutional Court: the reduction of judges' salaries in 2025 is unconstitutional. The state must pay them back*, Dostupný advokát, 12 October 2025, <https://dostupnyadvokat.cz/en/blog/constitutional-court-the-reduction-of-judges-salaries-in-2025-is-unconstitutional-the-state-must-pay-them-back/>.

legal costs. As of 1 January 2026, it is anticipated that the salaries of judges and prosecutors will rise by over 13% in the following year.²³

Progress in the digitisation of the justice system remained very slow in 2025. The absence of a fully functioning electronic court file (known as eSpis) and electronic insolvency register (eISIR) remains a fundamental deficiency. The deployment of the comprehensive eISIR/eSpis system has been postponed once again to the fourth quarter of 2026.²⁴ Improvements were made to the accessibility of district and regional court decisions on the Ministry of Justice website²⁵ during the year, though decisions of general courts, as well as the Constitutional Court, are still usually published with hindsight after they are announced. On a positive note, in the past year, the Justice Ministry as well as the apex courts themselves, have made significant efforts to enhance the utilisation of artificial intelligence, particularly in administrative processes such as transcriptions, translations, text summaries, and anonymisation. The Ministry has also undertaken a substantial initiative to incorporate the secure Microsoft Copilot environment. However, courts still lack a uniform methodology for using AI, a robust data infrastructure, and connectivity to key justice systems.²⁶

Implementation of 2025 Commission recommendations

Recommendation: There were no specific recommendations concerning the judicial system in the 2025 Report.

23 Sections 3 and 4 of Act No. 236/1995 Sb., as amended by Law 57/2025 Sb.; See also: Eva Paseková, *Salaries of judges and prosecutors will jump significantly. See by how much (Soudcům a žalobcům skokově vzrostou platy. Podívejte se o kolik)*, Česká justice, 15 September 2025, <https://www.ceska-justice.cz/2025/09/soudcum-a-zalobcum-skokove-vzrostou-platy/>.

24 Request for information submitted by LLP to the Ministry of Justice on 8 October 2025; response to the request received from the Ministry of Justice on 23 October 2025.

25 See the website of the Ministry of Justice: <https://rozhodnuti.justice.cz/>; the online access to case of law of the apex courts remains separate.

26 See full report on state of digitalisation of Czech judiciary in 2025: League of Human Rights, *Digitalisation Delayed, Justice Denied? Delayed digitalisation and its impact on access to justice*, League of Human Rights (Liga lidských práv), 30.11.2025, https://llp.cz/wp-content/uploads/ENG_Report.pdf.

Gaps in the Commission's Report

Limited progress on judicial pay and reform

The European Commission declares that the Czech Republic made some progress on taking measures to address the remuneration of judges as of 2026. However, this could be misleading if understood as the adoption of new rules that would increase judges' salaries. In fact, no reform or new remuneration mechanism has been introduced in 2024 - only a partial correction to the unconstitutional legislative intervention carried out by Act No. 349/2023 Coll.²⁷ has been made. The 2023 Act amended the calculation of judges' base salaries, as set out in Section 3(3) of Act No. 236/1995 Coll.²⁸ The Constitutional Court declared this intervention unconstitutional in its ruling No. Pl. ÚS 5/24 of May 15, 2024,²⁹ as it violated the principle of judicial independence and the legitimate expectations of judges resulting from the long-established 'salary automatism'. Although the 2024 salary adjustment was presented as an increase, it was merely a restoration of a mechanism that would have applied automatically if the unconstitutional intervention had not occurred. According to legal analyses and the judiciary's opinion, Act No. 417/2024 Coll.,³⁰ which regulates the salary base for 2025, does not fully respect the binding requirements arising from the Constitutional Court's aforementioned ruling. This is particularly true with regard to the prohibition of arbitrary and repeated interventions in the remuneration of judges. Therefore, it is again the subject of court proceedings. Under these circumstances, it is not possible to speak of a systemic improvement, but rather of a continuing structural weakness.

The practice of bypassing standard **legislative procedure** was very common in 2025. While the 'state of legislative necessity' (in Czech: *stav legislativní nouze*), frequently used during the pandemic, saw a decline, it was replaced by other 'shortcuts', specifically substantive 'riders' (unrelated amendments added to bills), proposals submitted by members of parliament and accelerated procedures under the guise of security or international obligations. Despite the fact that these shortcomings are frequently cited in proposals to repeal the law prior to the Constitutional Court, the Constitutional Court persists in asserting that a formal defect in the legislative process consisting of a violation of the rules of

27 Act No. 349/2023 Coll. Amending Certain Acts in Connection with the Consolidation of Public Budgets. Available online in Czech language: <https://www.e-sbirka.cz/sb/2023/349/2026-01-01>.

28 Act No. 236/1995 Coll., on Salaries and Other Benefits Related to the Performance of Functions by Representatives of State Power and Certain State Authorities, Judges, and Members of the European Parliament. Available online in Czech language: <https://www.e-sbirka.cz/sb/1995/236/2025-10-24>.

29 Ruling of the Constitutional Court of the Czech Republic Case No. Pl. ÚS 5/24 of May 15, 2024. Available online in Czech language: https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-5-24_1.

30 Act No. 417/2024 Coll., amending Act No. 155/1995 Coll., on Pension Insurance, as amended, and other related acts. Available online in Czech language: <https://www.e-sbirka.cz/sb/2024/417/2026-01-01>.

procedure does not inherently constitute grounds for derogating from a legal provision that resulted from such a defective legislative process.³¹

Moreover, the Commission attributed some progress to the digitalisation of the judiciary. However, progress is very slow, and key domains such as the electronic court file (eSpis) and the electronic insolvency register (eISIR) are still not operational, despite being essential for greater advancement. Recommendations should certainly be made to achieve comprehensive progress in these projects, as well as to consult on a collaborative strategy between the justice sector and the supreme courts.

New Issues that Emerged in 2025

Amendment to the Criminal Code: In July 2025, an extensive amendment to the Criminal Code³² was approved, representing the most significant penal law reform in recent Czech history. The most widely discussed changes include adjustments to penalties for minor drug offences, the introduction of new criminal offences such as identity abuse for pornography production (§ 191a) and activity for a foreign power (§ 318a), and the expansion of the protection of vulnerable groups in relation to hate crimes. Other changes include reduced criminal penalties for repeat theft, courts' power to impose sentences below statutory minimums when multiple offenses accumulate, partial decriminalisation of child maintenance non-payment, and reforms to conditional release and parole.

A widely debated change was also the establishment of the so-called 'Child Certificate' registry, which will list individuals convicted of violent or sexual crimes. Critics argue it effectively bans such individuals from relevant professions for up to 100 years, imposing a de facto additional sanction. Furthermore, the new legislation provides for the automatic and retroactive registration of individuals who have been lawfully convicted since 2005. This also applies to perpetrators whose convictions have been expunged, meaning they are treated as if they had not been convicted. Concerns have also been raised about the extremism provisions, which introduce a ban on promoting Communism and punish support for movements that suppress human rights and freedoms. Critics have pointed out that the amendment does not distinguish clearly enough between totalitarian regimes and modern political ideas such as Marxism and democratic socialism.³³ Among the changes appraised is the strengthening

31 See e.g. the latest Ruling of the Constitutional Court Case No. Pl. ÚS 5/25, February 4, 2026, para 41-74, https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-5-25_1.

32 Act No. 270/2025 Coll., amending Act No. 40/2009 Coll., the Criminal Code, as amended, Act No. 141/1961 Coll., on Criminal Procedure (Criminal Procedure Code), as amended, and other related acts. Available online: <https://www.e-sbirka.cz/sb/2025/270?zalozka=text>.

33 Expats.cz, *New Czech extremism law sparks protest and could end Soviet souvenirs in Prague*, Expats.cz, 5 January 2026, <https://www.expats.cz/czech-news/article/new-czech-extremism-law-sparks-protest-and-could-end-soviet-souvenirs-in-prague>.

of restorative justice (§ 309), which makes conditional release easier, introduces additional alternatives to imprisonment, as well as simplifying the settlement process. For approval, it will now be sufficient for the perpetrator to pay at least 30% of the damages and reach an agreement with the victim regarding installment payments on the remainder.³⁴ This measure responds to structural pressures in the prison system, with several facilities facing severe overcrowding in 2025.³⁵

Family law reform: An amendment to the Civil Code³⁶ fundamentally alters family law by simplifying divorce proceedings, merging divorce and custody proceedings, and strengthening the protection of children and victims of domestic violence. It simplifies the process of uncontested divorces and combines divorce with the adjustment of custody of a child support into a single proceeding. Custody categorisation is removed, with the court determining the scope of each parent's custody on a case-by-case basis, prioritising parental agreements that protect the child's interests. The amendment expressly prohibits corporal punishment and imposes an obligation to raise children free from physical or psychological violence. Furthermore, it extends the rights of registered partners, particularly with

34 Mojmir Ježek, *Criminal Code Amendment 2025: Key Changes from Cannabis to Child Certificate*, EcovisLegal (ECOVIS ježek, advokátní kancelář), 5 June 2025, <https://www.ecovislegal.cz/en/czech-legal-news/czech-criminal-law/criminal-code-amendment-2025-key-changes-from-cannabis-to-child-certificate/>; AOOV: *Amendment of the Criminal Code — Summary of the Main Changes*, Association of Organizations in the Prison System (Asociace organizací v oblasti vězeňství), 2025, <https://aovv.cz/amendment-of-the-criminal-code-summary-of-the-main-changes/>; JUDr. Ondřej Preuss, Ph.D., *What the state doesn't want to punish anymore – and more: changes to criminalisation from 2026*, Dostupný advokát, 5 January 2026, <https://dostupnyadvokat.cz/en/blog/what-the-state-doesnt-want-to-punish-anymore-and-more-changes-to-criminalisation-from-2026>; BPV Braun Partners, *Changes in criminal law in 2026*, BPV Braun Partners, 7 January 2026, <https://www.bpv-bp.com/en/clanek/changes-in-criminal-law-in-2026/>.

35 Martin Ťopek, *How to address overcrowded prison cells and prisoner recidivism? The solution should be greater motivation to work and strengthening of psychiatrists behind bars (Jak na přeplněné cely a recidivu trestanců? Řešením má být větší motivace do práce i posílení psychiatrů za mřížemi)*, Hospodářské noviny, 28 July 2025, <https://archiv.hn.cz/c1-67766060-jak-na-preplnene-cely-a-recidivu-trestancu-resenim-ma-byt-vetsi-motivace-do-prace-i-posileni-psychiatru-za-mrizemi>.

36 Act No. 268/2025 Coll., amending Act No. 89/2012 Coll., the Civil Code, as amended, and other related acts. Available online in Czech language: <https://www.e-sbirka.cz/sb/2025/268/2026-01-01>.

regard to the adoption of a partner's child and changes of surname, to provide better protection for children in these families.³⁷

Execution enforcement: Courts in the Czech Republic reported in 2025 that they are overloaded with enforcement proceedings relating to small debts or long-running cases that have produced no results. The significant increase in requests to halt such proceedings last year has placed an additional administrative burden on courts. A large proportion of time is spent on administrative work relating to requests to suspend these cases, for which bailiffs are entitled to remuneration.³⁸

Implementation of Judgments

The College of Experts for the Enforcement of ECtHR Judgments is a consultative body to the Government Representative for the Czech Republic before the ECtHR, tasked with enforcing ECtHR judgments and implementing the ECHR.³⁹ The Czech Republic is currently in the process of implementing 17 judgments of the ECtHR.⁴⁰

The enforcement of the judgment in the *D. H. and Others v. the Czech Republic*, Application No. 57325/00, 13 November 2007 has been a long-standing problem. The Expert Forum on the Implementation of the Judgment in *D.H. and Others*, a special working group of the College of Experts established in 2019, continues to work on the implementation.⁴¹ Czech Republic remains under

37 Mojmír Ježek, *Changes in family law 2025: partnership, divorce and child protection*, EcovisLegal (ECOVIS ježek, advokátní kancelář), 14 November 2025, <https://www.ecovislegal.cz/en/czech-legal-news/family-law-and-divorce/changes-in-family-law-2025-partnership-divorce-and-child-protection/>; Lucie Martin Nešporová (in partnership with Expats.cz), *How Czechia's divorce reform will make the process simpler for international couples*, Expats.cz, 5 January 2026, <https://www.expats.cz/czech-news/article/how-czechia-s-divorce-reform-will-make-the-process-simpler-for-international-couples>.

38 Česká televize 24, *Courts Record Thousands of Applications to Stop Enforcement Cases*, 10 February 2025, <https://ct24.ceskatelevize.cz/clanek/domaci/soudy-eviduji-tisice-zadosti-o-zastaveni-exekucnich-kauz-357929>

39 See more information on the College and Government Representative on the Ministry of Justice website: *Execution of judgments of the European Court of Human Rights and decisions of other international human rights bodies* ("Vykon rozsudků ESLP a rozhodnutí dalších mezinárodních lidskoprávních orgánů"), Mezi soudy, 2025, <https://mezisoudy.cz/vykon-rozsudku-eslp-a-rozhodnuti-dalsich-mezinarodnich-lidskopravnych-organu>.

40 See the list of judgments currently in the process of implementation under the "Aktuální témata", <https://mezisoudy.cz/vykon-rozsudku-eslp-a-rozhodnuti-dalsich-mezinarodnich-lidskopravnych-organu>.

41 Ministry of Education, Youth and Sports: *D. H. and Others v. the Czech Republic – Discrimination of Romani children in access to education* ("D. H. a ostatní proti České republice – diskriminace romských dětí v přístupu ke vzdělání"), 2025, <https://msmt.gov.cz/vzdelavani/d-h-a-ostatni-proti-ceske-republice-diskriminace-romskych>.

enhanced supervision of the Committee of Ministers, with implementation still assessed as only partially satisfactory, especially regarding persistent segregation of Roma children in education and insufficient impact of adopted measures at local level. In 2025, the Czech government shifted from a general Roma inclusion framework to more operational implementation tools, including an interim execution report (January 2025) and a new, more targeted action plan to support the participation of Roma and socially disadvantaged children in preschool education, which was submitted to the Committee of Ministers in October 2025. Its implementation is scheduled in the period 2026-2027.⁴² This new action plan focuses on increasing Roma children's enrolment in preschool, identifying municipalities and school founders in areas suspected of segregation, and using targeted support measures to reduce concentration of Roma pupils in separate or 'practical' schools, though concrete indicators and enforcement mechanisms are still being scrutinised by the Committee of Ministers and stakeholders. Despite these formal steps, the overrepresentation of Roma children in certain schools or special educational programs continues (according to statistics, Roma pupils make up approximately 3% of all pupils in the Czech Republic, nevertheless in 135 elementary schools more than a third of pupils are

42 Ministry of Justice, Office of the Agent of the Czech Government before the European Court of Human Rights. Execution of Judgment of the European Court of Human Rights no. 57325/00 – D.H. and Others v. the Czech Republic Interim Report on the Execution of the Judgment submitted to the Committee of Ministers of the Council of Europe on 17 January 2025, https://mezisoudy.cz/storage/files/tinyMCE/D.%20H.%20and%20Others_Interim%20report%20on%20the%20Execution%20of%20the%20Judgment_En_fin_2025-01-17.pdf; Committee of Ministers, *Communication from the Czech Republic concerning the supervision of execution of an ECHR judgment (DH-DD(2025)1215E)*, Department for the Execution of Judgments of the European Court of Human Rights (Council of Europe), 17 October 2025, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)1215E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)1215E); Committee of Ministers, *Execution of the European Court of Human Rights judgment in D.H. and Others v. the Czech Republic (Application No. 004-31) — Supervision of execution documents*, Department for the Execution of Judgments of the European Court of Human Rights (Council of Europe), accessed 2025, <https://hudoc.exec.coe.int/?i=004-31>.

of Roma origin, in 79 elementary schools more than half of the pupils are Roma and in 16 elementary schools Roma pupils make up more than 90% of the school's student population).⁴³

Conversely, several less extensive cases were closed in 2025, including *Josef Nadrchal v. Czech Republic*,⁴⁴ *Veselý v. Czech Republic*⁴⁵ and *Zadeh v. Czech Republic*.⁴⁶

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- 43 National Pedagogical Institute of the Czech Republic, Ministry of Education, Youth, and Sports, *New methodological approach to desegregation* ("Nový metodický přístup k desegregaci"), 8 September 2025, <https://www.npi.cz/aktuality/92877-novy-metodicky-pristup-k-desegregaci?highlight=WYJzZWdyZWdhY2UiXQ==>; Markéta Lankašová and Josef Dyntr, *Segregation of Romani pupils in schools continues. Czechia faces hundred-million-level fines from the EU* ("Segregace Romů ve školách trvá. Česku hrozí stamilionové pokuty z EU"), iDNES.cz, 14 November 2025, https://www.idnes.cz/zpravy/domaci/romsky-zak-zakladni-skola-pokuta-evropska-komise-segregace.A251114_878924_domaci_hock. Romea.cz, *Report for the Ministry of Education: segregation of Romani children persists; affects 79 schools* ("Zpráva pro MŠMT: segregace romských dětí přetrvává; týká se 79 škol"), 15 December 2025, <https://romea.cz/cz/domaci/zprava-pro-msmt-segregace-romskych-deti-pretrvava-tyka-se-79-skol>; Zapojme Všechny (Collective of NGOs for Inclusive Education), *Situational Report on Segregation of Romani Pupils in Primary Education in the Czech Republic* ("Situční zpráva – Segregace romských žáků v základním vzdělávání v ČR"), September 2025, https://zapojmevsechny.cz/storage/app/media/uploaded-files/Situa%C4%8Dn%C3%AD%20zpr%C3%A1va_Segregace%20romsk%C3%BDch%20C5%BE%C3%A1k%C5%AF%20v%20z%C3%A1kladn%C3%ADm%20vzd%C4%9B%C3%A1v%C3%A1n%C3%AD%20v%20C4%8CR.pdf.
- 44 Committee of Ministers, *Resolution CM/ResDH(2025)1 on the execution of the decision of the European Court of Human Rights in Josef Nadrchal v. the Czech Republic*, Council of Europe Committee of Ministers, 15 January 2025, <https://rm.coe.int/0900001680b332e2>.
- 45 Committee of Ministers, *Resolution CM/ResDH(2025)184 on the execution of the decision of the European Court of Human Rights in Veselý against Czech Republic*, European Court of Human Rights, 2025, <https://hudoc.echr.coe.int/eng?i=001-244982>.
- 46 Committee of Ministers, *Resolution CM/ResDH(2025)65 on the execution of the judgment of the European Court of Human Rights Zadeh against the Czech Republic*, European Court of Human Rights, 30 April 2025, <https://hudoc.echr.coe.int/eng?i=001-243461>.
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ANTI-CORRUPTION FRAMEWORK

General assessment

The Czech Republic showed some progress in tackling high-level corruption, illustrated by several high-profile cases and legal reforms. The *Motor Hospital* case saw the coordinated arrest and charging of individuals for large-scale procurement fraud and bribery involving EU funds, with significant asset seizures upheld by court. The Bitcoin Affair demonstrated enforcement against financial crimes connected to criminal proceeds, including seizures and prosecutions. Legislative reforms strengthened public procurement rules, introducing penalties for fraud and restricting participation in contracts and subsidies. The Supreme Administrative Court's ruling on Andrej Babiš confirmed the enforceable interpretation of conflict-of-interest laws, suspending subsidies and public contracts for Agrofert and requiring independent trust oversight. Progress was also seen in the *Čapí Hnízdo* case, where appellate courts overturned acquittals, binding trial courts to recognize fraud in EU subsidy misuse. While lobbying legislation was adopted, implementation gaps and loopholes remain, highlighting the need for continued vigilance. Overall, these developments may be perceived as some indicate a measurable advancement in the Czech authorities' capacity to investigate and prosecute corruption. On the other hand, the Czech Republic fails to introduce complex measures that would have preventive effect in terms of high-profile corruption (i.e. the revolving door measures).

Implementation of 2025 Commission recommendations

Recommendation: Take further measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases (first made in 2022)

The recommendation is quite broad in terms of its implementation. Speeding up court proceedings, not only in corruption cases but in general, is a complex issue requiring a strategic and comprehensive approach. It would be more helpful to suggest specific areas on which The Czech Republic should currently focus, such as completing the digitisation of the judiciary, reforming procedural codes and increasing the judiciary's personnel capacity, etc. Measuring (quantifying) it is similarly challenging due to the varying complexity levels of corruption cases.

Since the 2025 rule of law report, there have been no comprehensive changes in this area, given that parliamentary elections were held in the autumn of 2025. However, political parties did address the length of court proceedings to some extent in their political programmes, specifically:

The SPOLU party proposed amendments to procedural rules, court fee reform, the simplification of the system for delivering court documents, development of alternative forms of punishment, and the limitation of the reasoning behind court decisions.⁴⁷

The ANO party has declared that it will ensure better salaries for non-judicial staff, digitise files, and introduce uniform IT systems. It also plans to reform the prison system, particularly by introducing alternative punishments, supporting the professional rehabilitation of prisoners, and reducing reoffending.⁴⁸

The STAČILO party advocated a publicly accessible system of court statistics, including information on case duration and numbers, combined with significantly strengthened judicial oversight (e.g., term of office, mandatory training). Moreover, it advocated for the expansion of class action lawsuits on behalf of consumers and the strengthening of the lay element in the judiciary being increased.⁴⁹

Several parties (e.g. the Pirates Party) addressed the length of court proceedings typically in a negative context concerning slow courts, and just generally promised to speed them up. Similarly, vague were the former's proclamations regarding reducing corruption.⁵⁰

The pace of investigations and trials into high-profile corruption cases was evident in several instances. For example, the Court of Appeal delivered a landmark ruling in the Čapí hnízdo case, and measures were taken to further the investigation into the Bitcoin case, including cooperation with the EPPO and Montenegro.

47 SPOLU (Civic Democratic Party, KDU-ČSL, TOP 09), SPOLU *Programme 2025: A Plan for a Stronger Czech Republic* ("Program SPOLU 2025: Plán pro silnější Českou republiku"), SPOLU, 2025, p. 27, <https://spolu25.cz/pdf/SPOLU-program-2025.pdf>.

48 ANO 2011: *Election Programme 2025 (Volební program 2025)*, ANO 2011, 2025, p. 27, <https://www.anobudelip.cz/file/edee/ke-stazeni/volebni-program-2025.pdf>.

49 Enough is enough! Election program for the House of Representatives elections, ('Stačilo!, *Volební program Sněmovní volby*'), October 3-4. 2025, <https://programydvoleb.cz/volby/snemovni-volby/166/strana/234/volebni-program/2683#stat-na-strane-o>

50 Czech Pirate Party: *Programme of the Czech Pirate Party (Program České pirátské strany)*, Czech Pirate Party, 2025, <https://www.pirati.cz/program/>; sPaseková: *Politicians shouting "courts are slowing down Czechia" (Politici křičí „soudy brzdi Česko“)*, Česká justice, 18 September 2025, <https://www.ceska-justice.cz/2025/09/politici-krici-soudy-brzdi-cesko/>.

However, a recent public opinion poll indicates that the public supports stricter penalties for corruption.⁵¹ Thus, no substantial structural reforms have been implemented that would demonstrably reduce the duration of proceedings in high-level cases or establish new, specific safeguards for the independence of investigations and prosecutions. The 2024 Corruption Perceptions Index and the Bitcoin case affair have, on the contrary, reinforced the perception that the system continues to fail in matters with significant political implications.⁵²

Focus on advancements aimed at increasing personnel, material capacities, and financial resources in relation to courts and law enforcement agencies as such.

Commission's 2025 assessment: Some further progress

The League of Human Rights' current assessment: No progress

Recommendation: Take further measures to strengthen the integrity framework for all members of Parliament, in particular by complementing the existing rules as regards revolving doors (first made in 2022 – to some extent. The Commission formerly recommended strengthening the integrity framework for Members of Parliament, particularly by ensuring that Codes of Ethics are in place in both Houses of Parliament.)

The recommendation is assessed as relatively clear in its overall objective but lacking precise guidance on the concrete steps to be taken. It is evident that the Commission seeks to strengthen rules applicable to members of parliament and explicitly addresses movements from public office to the private sector. At the same time, however, it does not specify what minimum standards these rules should contain, for example, whether there should be a mandatory code of ethics in both chambers, a required cooling-off period before entering the private sector, stricter regulations on gifts, or alternative measures.

Initial steps have been made in 2025.

51 Novinky.cz: *Survey: Majority of Czechs want harsher penalties for corruption* (Průzkum: Většina Čechů chce přísnější tresty za korupci), Novinky.cz, 15 October 2025, <https://www.novinky.cz/clanek/domaci-pruzkum-vetsina-cechu-chce-prisnejsi-tresty-za-korupci-40555671>.

52 Act No. 270/2025 Coll., amending Act No. 40/2009 Coll., the Criminal Code, as amended, Act No. 141/1961 Coll., on Criminal Procedure (Criminal Procedure Code), as amended, and other related acts. Available online: <https://www.e-sbirka.cz/sb/2025/270?založka=text>.

The Czech Republic adopted its first comprehensive lobbying regulation in 2025 through Act No. 168/2025 Coll. on the Regulation of Lobbying and Act No. 169/2025 Coll. (amending related laws), both entering into force on 1 July 2025.

The Czech Republic adopted its first comprehensive lobbying regulation in 2025 through Act No. 168/2025 Coll. on the Regulation of Lobbying and Act No. 169/2025 Coll. (amending related laws), both entering into force on 1 July 2025. However, parliamentary assistants and most advisory body members (except the Government Legislative Council) were excluded from the scope of lobbied persons during parliamentary amendments.

To create a recommendatory framework for preventing revolving doors – possibly in cooperation with GRECO or OECD.

Commission's 2025 assessment: No progress The League of Human Rights' current assessment: In progress

Recommendation: Reinitiate the revision of legislation on conflicts of interest, including as regards beneficial ownership (first made in 2025)

While the recommendation itself provides clear policy direction, its implementation parameters allow for a great deal of discretion, which can lead to ineffectiveness – ‘reinitiate’ does not mean ‘adopt concrete minimum standards’. This can lead to changes being adopted only formally and minimally.

Since the 2025 Rule of Law Report, **no significant legislative advancement has been made** to re-open and complete a comprehensive revision of conflict of interest legislation that would systematically include beneficial ownership rules.

Additionally, the Czech Ministry of Justice restricted public access to the beneficial owners register (ESM) since 17 December 2025 in response to EU and Czech court rulings⁵³ on privacy rights. Public access will be replaced by access for authorities, obliged entities (e.g., banks, notaries), and individuals demonstrating legitimate interest through the courts.

53 Ruling of the Supreme Court of the Czech Republic Case No. 27 Cdo 1548/2024 of 26 August 2025, available in Czech language online: https://rozhodnuti.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/65BE95693B8714D5C1258CFA004D3F86?openDocument&Highlight=0;; Judgment of 22 November 2022, Luxembourg Business Registers (C-37/20 and C-601/20, Publié au Recueil numérique) ECLI:EU:C:2022:912.

No steps were adopted by the government, nor were they expected, given the parliamentary elections in autumn 2025.

Clarifying the minimum standards to be achieved could improve the adoption of proper legislation.

Commission's 2025 assessment: No progress The League of Human Rights' current assessment: No Progress

New Issues that Emerged in 2025

Motol Hospital Case

On 24 February 2025, the National Centre Against Organized Crime (NCOZ), operating under the supervision of the European Public Prosecutor's Office (EPPO), executed a coordinated raid across 46 locations, resulting in the detention of 22 individuals and the formal charging of 16 persons.⁵⁴ The case centered on systematic manipulation of public procurement processes for two major construction projects: a €120 million oncology center and Blue Pavilion energy-efficiency improvements, with the alleged fraudulent scheme involving bribery, subsidy fraud, money laundering, and damage to EU financial interests. The investigation scope encompassed approximately 4 billion Kč in public contract value, with a substantial portion derived from European Union structural funds. The primary suspects include former hospital director Miloslav Ludvík, who led the institution since 2000 and was immediately dismissed, and his deputy Pavel Budinský, who allegedly demanded bribes of over 8 million Kč. In April 2025, the police seized assets totalling over €4,128,147 (100 million Kč) from the accused.⁵⁵ The regional court upheld the seizure in December 2025.

The Bitcoin Affair

In March 2025, Czech Ministry of Justice adopted a decision to accept and auction 468 bitcoins (nearly 1 billion Kč, around €40–45 million) donated by convicted drug trafficker Tomáš Jiříkovský, who had run an illegal dark-web marketplace and was sentenced in 2017 for drug trafficking and

54 Pavel Polityuk and Jack Guy, *Police arrest 22 in suspected €160 million EU fraud at Czech hospital*, Reuters, 24 February 2025, <https://www.reuters.com/world/europe/police-arrest-22-suspected-160-million-eu-fraud-czech-hospital-2025-02-24/>; Danny Bate, *Czechia's largest hospital embroiled in massive fraud scandal*, Radio Prague International, 26 February 2025, <https://english.radio.cz/czechias-largest-hospital-embroiled-massive-fraud-scandal-8843951>.

55 Vít Pohanka, *Motol hospital scandal: police seize assets worth over CZK 100 million*, Radio Prague International, 7 April 2025, <https://english.radio.cz/motol-hospital-scandal-police-seize-assets-worth-over-czk-100-million-8847729>.

related offenses. In exchange for the ministry's cooperation in accessing a previously confiscated crypto wallet, Jiřikovský offered 30% of its contents. The then-Justice Minister Pavel Blažek agreed, with the subsequent sale of the bitcoins at a state-run auction, and the ministry publicly announcing that the proceeds would be used for digitizing the justice system, improving detention conditions, and housing for prison staff.⁵⁶ Under political pressure, Blažek resigned on 30 May 2025.⁵⁷ The Czech prosecution office opened two separate cases: one targeting Jiřikovský for money laundering and renewed drug-related offences, and another examining possible abuse of power and other crimes connected with the ministry's acceptance and handling of the donation. In August 2025, the National Centre for Combating Organised Crime (NCOZ) arrested Jiřikovský and seized the bitcoins back from the ministry.⁵⁸ The Court subsequently ordered Jiřikovský into custody,⁵⁹ and by late 2025 he faced charges for two counts of legalising proceeds of crime related to 2015 and 2025 transactions. Moreover, at the EPPO request, a Montenegro court froze Budinsky's real estate and shares of companies registered in Montenegro.⁶⁰

The amendment to the Criminal Code (see above) also introduces changes to public procurement, establishing two novel penalties: the prohibition of performing public contracts or participating in public tenders, and the prohibition of accepting subsidies and grants. Penalties may be imposed for specific criminal offences such as fraud in public procurement and public tenders (Section 257), as well as other related offences if they are relevant to the case in question. They may also be imposed on individuals.⁶¹

56 Thomas Smith, *Explained: the Bitcoin scandal shaking Czech politics — and what's at stake*, Expats.cz, 3 June 2025, <https://www.expats.cz/czech-news/article/explained-the-bitcoin-scandal-shaking-czech-politics-and-why-it-matters>; Anne-Laure Duféal, *Czech Justice ministry under investigation for auctioning bitcoin gift from convicted drug dealer*, BrusselsSignal, 2 June 2025, <https://brusselssignal.eu/2025/06/czech-justice-ministry-under-investigation-for-auctioning-bitcoin-gift-from-convicted-drug-dealer/>.

57 Pavel Polityuk and Jack Guy, *Czech government installs new minister after bitcoin scandal*, Reuters, 10 June 2025, <https://www.reuters.com/world/czech-government-installs-new-minister-after-bitcoin-scandal-2025-06-10/>.

58 Jamie Crawley (with editorial oversight by Stephen Alpher), *Czech Police Arrest Donor in Billion-Dollar Bitcoin Scandal: Report*, CoinDesk, 15 August 2025, <https://www.coindesk.com/policy/2025/08/15/czech-police-arrest-donor-in-billion-dollar-bitcoin-scandal-report/>.

59 Czech News Agency, *Court orders custody for convicted criminal at centre of Bitcoin scandal*, Brno Daily, 19 August 2025, <https://brnodaily.com/2025/08/19/news/politics/court-orders-custody-for-convicted-criminal-at-centre-of-bitcoin-scandal/>.

60 Ruth Fraňková, *Montenegro freezes assets of Czech hospital executive in corruption case*, Radio Prague International, 14 May 2025, <https://english.radio.cz/montenegro-freezes-assets-czech-hospital-executive-corruption-case-8851028>.

61 Jan Vych and David Šnajdr, *Amendment to the Criminal Code: What will happen with public contracts*, AK Vych & Partners, 2 January 2026, <https://www.ak-vych.cz/en/amendment-of-the-Criminal-Code--what-will-happen-with-public-contracts/>.

Andrej Babiš's conflict of interest: On 10 December 2025, the Supreme Administrative Court of the Czech Republic issued a landmark judgment definitively confirming that Babiš's conflict of interest within his first premiership (2017–2021)⁶² rendered Agrofert companies ineligible not only for subsidies but also for public procurement contracts of any value (prior to 2017, Mr Babiš directly owned Agrofert, in order to comply with the new regulation of conflicts of interest, Mr Babiš put his company into two private trusts).⁶³ The Court declared that 'controlling influence' under the Conflict of Interest Law⁶⁴ must be interpreted substantively, not merely formally – a formal transfer to trust funds does not eliminate control if the public official remains the beneficial owner and retains decision-making influence. Moreover, the prohibition extends to all public contracts, including small-scale contracts funded from public sources. As a result, the State Agriculture Intervention Fund (SZIF) suspended processing of all Agrofert subsidy applications on 9 December 2025, pending legal resolution of the conflict. SZIF Director Petr Dlouhý indicated that in the initial phase, Agrofert entities would forfeit approximately 100 million Kč in agricultural support payments.⁶⁵

In December 2025, Babiš announced that all Agrofert shares would be placed under an independent trustee within a trust structure and supervised by an independent protector, chosen by an independent authority. The latter should finally sever all personal ties with the company in question, in line with

62 Judgment of the Supreme Administrative Court, Case No. 8 Afs 215/2024 - 74 of December 11, 2025. Available in Czech language online: <https://vyhledavac.nssoud.cz/DokumentOriginal/Text/747815>.

63 OpenOwnership Case study: *Agrofert Group — early impacts of public beneficial ownership registers (Slovakia)*, OpenOwnership, 15 December 2025, <https://www.openownership.org/en/publications/early-impacts-of-public-beneficial-ownership-registers-slovakia/case-study-agrofert-group/>.

64 § 4c of Act No. 159/2006 Coll. on conflicts of interest. Available in Czech online: <https://www.e-sbirka.cz/sb/2006/159/2025-07-01>.

65 Czech News Agency, *Subsidies for Agrofert firms halted pending resolution of Babiš's conflict of interest*, Brno Daily, 16 December 2025, <https://brnodaily.com/2025/12/16/news/politics/subsidies-for-agrofert-firms-halted-pending-resolution-of-babiss-conflict-of-interest/>; See also: Transparency International Czech Republic: *Andrej Babiš – corruption cases and conflict of interest (Andrej Babiš – kauzy)*, Transparency International Czech Republic, 2025, <https://www.transparency.cz/kauzy/andrej-babis/>.

Petr Pavel's precondition of resolving his conflict of interest before appointing Babiš as Prime Minister (under the arrangement, the company would pass to his children only after his death).⁶⁶

Development in Čapí Hnízdo criminal case: Quick background: The case concerns alleged subsidy fraud involving a €2,060,000 (50 million Kč) EU grant awarded in 2008 to Farma Čapí Hnízdo, a.s., for construction of a conference and leisure facility near Prague. The indictment alleges that Babiš orchestrated the company's formal separation from the Agrofert conglomerate in 2007–2008, transferring shares to family members and associates, to fraudulently qualify for a subsidy program restricted to small and medium enterprises (SMEs). Once the subsidy was secured, the facility was reintegrated into Babiš's business empire.

In June 2025, the appellate court overturned Babiš's acquittal and issued a binding instruction to the trial court, directing it to enter guilty verdicts based on the evidentiary record. The Prague High Court was convinced of the guilt of the accused in both criminal offenses and found that trial court Judge Jan Šott's repeated acquittals constituted misapplication of substantive criminal law.⁶⁷ The latter means that Babiš orchestrated the scheme with intent to unlawfully obtain EU funds, and the Municipal Court is bound to find both accused guilty. However, Babiš regained parliamentary immunity upon election to the Chamber of Deputies on 4 October 2025, thus criminal proceedings against

66 English Radio Prague International, *Babiš to cut all personal ties to Agrofert to resolve conflict-of-interest concerns*, Radio Prague International, 5 December 2025, <https://english.radio.cz/babis-cut-all-personal-ties-agrofert-resolve-conflict-interest-concerns-8870920>; ČTK, Pavel: *If Babiš does not resolve his conflict of interest, ANO should offer another candidate* ("Pavel: Pokud Babiš nevyřeší střet zájmů, ANO by mělo nabídnout jiného kandidáta"), ČT24 (Česká televize), 17 November 2025, <https://ct24.ceskatelevize.cz/clanek/domaci/pavel-pokud-babis-nevyresi-stret-zajmu-ano-by-melo-nabidnout-jineho-kandidata-367266>; Tereza Čemusová, *From the first verdict to an 'irreversible' solution: How Andrej Babiš's conflict of interest escalated over one year* ("Od prvního rozsudku po 'nevratné' řešení. Jak během jednoho roku vygradoval střet zájmů Andreje Babiše"), iROZHLAS.cz, 31 December 2025, [https://www.irozhlas.cz/zpravy-domov/stret-zajmu-andrej-babis-agrofert-nevratne-reseni-rozsudky-soudu_2512311200_tec](https://www.irozhlas.cz/zpravy-domov/stret-zajmu-andrej-babis-agrofert-nevratne-reseni-rozsudky-soudu_2512311200_tec;); Eva Pospíšilová and Jiří Vachtl, *Babiš did more than necessary. If he didn't keep his word, it would destroy him, says lawyer* ("Babiš udělal víc, než bylo třeba. Kdyby nedodržel slovo, zničí ho to, říká právník"), iDNES.cz, 5 December 2025, https://www.idnes.cz/zpravy/domaci/ustavni-pravnik-jan-kudrna-babis-stret-zajmu-udelal-vic-nez-bylo-treba.A251205_130953_domaci_chtl.

67 Decision of the High Court in Prague, June 23, 2025, Case No. 3 To 34/2024; High Court in Prague, *Information on the decision of the High Court in Prague in case file no. 3 To 34/2024* ("Informace o rozhodnutí Vrchního soudu v Praze ve věci sp. zn. 3 To 34/2024"), Ministerstvo spravedlnosti / Vrchní soud v Praze, 23 June 2025, <https://msp.gov.cz/documents/d/vrchni-soud-v-praze/tiskova-zprava-3-to-34-2024>; Czech News Agency, *Appeals court overturns acquittal of Babiš in Čapí Hnízdo case*, Brno Daily, 23 June 2025, <https://brnodaily.com/2025/06/23/news/politics/appeals-court-overturns-acquittal-of-babis-in-capi-hnizdo-case/>.

him were automatically suspended unless the Chamber voted to waive his immunity. Babiš publicly stated he would not voluntarily request immunity waiver, characterizing the prosecution as “politically motivated”.⁶⁸ Given ANO’s plurality position and coalition with SPD and Motorists, waiver approval is politically uncertain.⁶⁹

Issues related to lobbying legislation: Although the Czech Republic adopted a new lobbying regulation,⁷⁰ the final wording is riddled with several critical design flaws introduced during parliamentary debate. Notably, assistants to MPs and senators, members of advisory bodies,⁷¹ and self-governing units (thus municipalities and regions; including their employees, and organizations representing them) were removed from the list of those considered lobbied (‘targets of lobbying’). This is despite their active role in shaping legislation and influencing public decisions,⁷² creating a potential loophole for circumvention of the adopted Act.⁷³ The effectivity of the act is also threatened by a fact that lobbyists are required to submit reports only on a semi-annual basis rather than contemporaneous disclosure of individual lobbying interactions. Moreover, lobbyists are required to declare their lobbying activities based on their objectives, rather than listing individual contacts, and are not required to disclose the form of contact (in-person, written, telephone), the exact date, or detailed content of the communication. Additionally, the former Minister of Finance Zbyněk Stanjura rejected all resource requests, mandating that the implementation be within the existing personnel capacity of the Ministry of Justice.⁷⁴

68 The Mandate and Immunity Committee did not recommend that the Chamber of Deputies extradite Babiš and Okamuru, (*Mandátový a imunitní výbor nedoporučil sněmovně vydat Babiše a Okamuru*), 17 February 2026, <https://ct24.ceska televize.cz/clanek/domaci/snemovni-imunitni-vybor-resi-mozne-vydani-babise-a-okamury-369776>

69 Radim Vaculík, *It will be clearer only in November what will happen to Babiš in the Čapí Hnízdo case* (“O Babišově osudu v kauze Čapí hnízdo bude jasněji nejdřív v listopadu”), Novinky.cz, 1 October 2025, <https://www.novinky.cz/clanek/krimi-o-babisove-osudu-v-kauze-capi-hnizdo-bude-jasneji-nejdrev-v-listopadu-40541454>.

70 Act No. 168/2025 Coll. on the regulation of lobbying. Available online in Czech language: <https://www.e-sbirka.cz/sb/2025/168/2025-07-01>.

71 Except for members of the Government Legislative Council.

72 Particularly parliamentary assistants often play a key role in drafting laws and mediating communication with external actors.

73 Association of Public Affairs, Czech Senate approves lobbying regulation bill. Association of Public Affairs, 5 June 2024, <https://asociace-pa.cz/en/czech-senate-approves-lobbying-regulation-bill/>

74 Ministry of Justice, *Methodology for the Application of the Lobbying Regulation Act* (“Metodika k aplikaci zákona o regulaci lobbování”), Ministerstvo spravedlnosti, 22 June 2025, https://msp.gov.cz/documents/d/msp/metodika-k-aplikaci-zakona-o-regulaci-lobbovani_22-6-2025; Daniela Lazarová, *Lower house approves amendment to Lobbying Act*, Radio Prague International, 8 April 2025, <https://english.radio.cz/lower-house-approves-amendment-lobbying-act-8848708>; *Regulation Act in their hands* (“Boj o výjimky začíná: poslanci mají v rukou podobu zákona o regulaci lobbování”), Rekonstrukce státu, 15 April 2025, <https://www.rekonstrukcestatu.cz/archiv-novinek/boj-o-vyjimky-zacina-poslanci-maji-v-rukou-podobu-zakona-o-regulaci-lobbovani>;

MEDIA ENVIRONMENT AND MEDIA FREEDOM –

General assessment

The previous coalition government failed to enhance protection for the independence of public media funding. Immediately after taking office, the newly formed government announced the abolition of license fees, which would transfer effective control over public media funding through the state budget.⁷⁵ The issue of journalists' personal safety and protection against strategic lawsuits against public participation in government (SLAPPs) was not even the subject of political debate.

Czechia has ranked 10th (a seven-position jump) in the 2025 **World Press Freedom Index** conducted by Reporters Without Borders (RSF). RSF specifically praised the Czech government's decision to raise license fees for the first time in two decades and index them to inflation. However, according to RSF, press freedom in Czechia is threatened by the high concentration of private media and the online hatred directed against journalists.⁷⁶

The **Global Media and Internet Concentration** (GMIC) published a comprehensive analysis of the Czech media market. In terms of overall concentration, the Czech network media economy in 2019–2022 had a weighted HHI of 2614.9, which means even at the highest level of aggregation, this is a highly concentrated market. The core internet applications were the most concentrated group of markets (3647.7), followed by telecommunications and internet access sectors (2411.7) and online and traditional media (2160.85).⁷⁷

The Ministry of Culture submitted a draft implementation **law on media services** to interdepartmental consultation in March this year in line with the Czech Republic's obligations stemming from the European Media Freedom Act, but the government did not manage to approve it and pass it on to the legislative process during the post-election period.⁷⁸

75 iDNES.tv, *Babiš Promised to Abolish TV Fees. He Says Seventeen EU Countries Don't Have Them* ("Babiš slíbil zrušení televizních poplatků. Nemá je sedmnáct zemí EU, říká"), 10 December 2024, https://tv.idnes.cz/domaci/babis-slibil-zruseni-televiznich-poplatku.V241210_153242_idnestv_cham

76 Reporters Without Borders, *Czechia – World Press Freedom Index country profile*, Reporters Without Borders, 2025, <https://rsf.org/en/country-czechia>.

77 Global Media and Internet Concentration Project (GMICP), *Communications, media and internet concentration in the Czech Republic 2019–2022*, Global Media and Internet Concentration Project, 2023, <https://gmicp.org/communications-media-and-internet-concentration-in-the-czech-republic-2019-2022/>.

78 Draft law on certain conditions for the provision of media services and on amendments to certain related laws (Media Services Act). Available at: <https://www.odok.gov.cz/portal/veklep/material/KORNDDSCZ27K/>.

Prior to October 2025 parliamentary elections, a coalition of 22 civil society organizations (coordinated by European Centre for Press and Media Freedom, Czech chapters of Reporters Without Borders, International Press Institute, Oživení, and others) published *Ten Demands for Maintaining Media Freedom in Czechia*.⁷⁹

In September 2025, the International Press Institute (IPI), Czech National Committee launched *bezpecnazurnalistika.cz* – a first comprehensive journalist safety platform in Czechia. The platform includes Incident Reporting System (online threats, SLAPPs, etc.) and support services (such as legal assistance, psychological support, and professional guidance on confronting coercion).⁸⁰

In the 2025 Media Freedom Poll, the Czech Republic recorded the largest year-on-year increase in media freedom concern among the Visegrad Four countries (+5 percentage points, reaching 51%), with Czech respondents identifying business interests (e.g. media owners and advertisers) as the main threat. On the other hand, public service media maintained the highest trust, indicating that recent financing reforms have bolstered credibility. On the other hand, Czechs are among those who support the introduction of clear rules to regulate content on social networks. The measures they prefer most are removing harmful posts, reducing their reach and adding contextual information.⁸¹

The 2025 Media Rating report states that many Czech online media outlets have increased their transparency towards readers, primarily by publishing and publicising their ethical codes. The report also praises the clearer separation of advertising from editorial content.⁸²

79 Media Freedom Rapid Response (MFRR), *Czech Republic — tag archive on press and media freedom developments* (Czech Republic archives), Media Freedom Rapid Response, 4 September 2025, <https://www.mfrr.eu/tag/czech-republic/>; European Federation of Journalists: *Czechia: 10 demands for maintaining media freedom*, European Federation of Journalists, 3 September 2025, <https://europeanjournalists.org/blog/2025/09/03/czechia-10-demands-for-maintaining-media-freedom/>.

80 International Press Institute, *Czech Republic: IPI National Committee launches new journalist safety platform*, International Press Institute, 26 June 2025, <https://ipi.media/czech-republic-ipi-national-committee-launches-new-journalist-safety-platform/>.

81 MediaFreedomPoll.com, *Media Freedom Poll (global survey on media freedom and safety of journalists)*, MediaFreedomPoll.com, 2025, <https://mediafreedompoll.com/en/>.

82 NFNZ (Nadace Fakta Nenechávejte zaniknout), *Updated media rating: Czech online media strengthen their transparency* (“Aktualizovaný media rating: Česká online média posilují svou transparentnost”), NFNZ (Nadace Fakta Nenechávejte zaniknout), 8 October 2025, <https://www.nfnz.cz/tz-aktualizovany-media-rating-ceska-online-media-posiluji-svou-transparentnost/>.

In the run-up to the Czech parliamentary elections on 3 and 4 October 2025, the European Federation of Journalists (EFJ) published ‘10 demands for maintaining media freedom’.⁸³

Implementation of 2025 Commission recommendations

Recommendation: Progress with further reforms relating to transparency of information on media ownership (first made in 2022)

The recommendation does not specify, at least roughly, what type of reforms are expected (e.g. legislative amendments, creation of a public register, harmonisation with company or beneficial ownership registers, or enforcement mechanisms). Similarly as the recommendation from the anticorruption field above – the wording “progress with further reforms” is inherently indeterminate, making it difficult to assess compliance or measure progress objectively.

No substantial legislative or policy progress on media ownership transparency has occurred since the 2025 EC Rule of Law Report – with no clear follow-up action taken at the national level. The government’s policy statement makes no mention of this issue whatsoever.⁸⁴

The Czech Republic should adopt legislative measures requiring the disclosure of the ultimate beneficial owners of all media service providers. These measures should stipulate that up-to-date information on ownership structures is made publicly accessible, establish a designated supervisory authority with enforcement powers and provide effective sanctions for non-compliance.

Commission’s 2025 assessment: No further progress

The League of Human Rights’ current assessment: No progress

Gaps in the Commission’s Report

Protection of journalists

The Czech Republic has taken minimal steps to protect journalists from physical and verbal harassment, as well as from Strategic Lawsuits Against Public Participation (SLAPPs).

83 European Federation of Journalists, Czechia: *10 Demands for Maintaining Media Freedom* (“Czechia: 10 požadavků na udržení svobody médií”), 3 September 2025, <https://europeanjournalists.org/blog/2025/09/03/czechia-10-demands-for-maintaining-media-freedom/>

84 Government of the Czech Republic, *Government Programme Statement* (“Programové prohlášení vlády”), Government of the Czech Republic, 13 January 2026, <https://vlada.gov.cz/cz/vlada/programove-prohlaseni-programove-prohlaseni-vlady-224629/>.

Several reports suggest that attacks on journalists are intensifying in the Czech Republic.⁸⁵ Moreover, during the parliamentary election campaign, statements of several politicians repeatedly appeared that could be interpreted as calls for attacks on journalists.⁸⁶ The survey also shows that most journalists do not report these attacks even though they feel their safety is threatened. However, no comprehensive solution has been adopted by the state, nor is it the subject of discussion in connection with the legislative process.

The situation is similar to SLAPPs. At the government level, the only initiative in 2025 was a questionnaire survey conducted by the Government Council for Human Rights and the subsequent adoption of a resolution.⁸⁷ In its resolution, the Government Council for Human Rights responded to the implementation of the European anti-SLAPP directive (Directive No. 2024/1069) into Czech law. In particular, the resolution recommends including individual measures against vexatious lawsuits in domestic cases as well. However, we are not aware of any activities related to the implementation of this directive.⁸⁸

85 CZ IPI Media, *More Than a Third of Journalists Experience Some Form of Attack at Least Once a Month, CZ IPI and Ipsos Research Shows* ("Více než třetina novinářů a novinářek se setkává minimálně jednou měsíčně s nějakou formou útoku, vyplývá to z výzkumu CZ-IPI ve spolupráci s výzkumnou agenturou Ipsos"), 18 December 2025, <https://czipi.media/tiskova-zprava/tz-vice-nez-tretina-novinaru-a-novinarek-se-setkava-minimalne-jednou-mesicne-s-nejakou-formou-utoku-vypliva-to-z-vyzkumu-cz-ipi-ve-spolupraci-s-vyzkumnou-agenturou-ipsos/> *Ženy v médiích, Being a Journalist in Czechia (research report)* ("Být novinářem a novinářkou v Česku"), Marína Urbániková, Martin Veselý, Jitka Adamčíková, 2024, Vydal spolek Ženy v médiích, z.s., Praha., 27 February 2026, <https://www.zenyvmediich.cz/clanky/blog-post-title-one-zte2k-mhnbh-nhbgz> MediaGuru.cz, *Czech Journalists Identify Personal Attacks and Pressure as the Biggest Threats* ("Za největší hrozby označují čeští novináři osobní útoky nebo nátlak"), 8 November 2025, <https://www.mediaguru.cz/clanky/2025/11/za-nejvetsi-hrozby-oznacuji-cesti-novinari-osobni-utoky-nebo-natlak/>

86 Seznam Zprávy, *Attacks on Journalists Are Increasing: Some Face Aggression Daily, Contributing Factors Include Politicians* ("Útoky na novináře sílí. Někteří čelí agresi denně, přispívají i politici"), 24 April 2025, <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-utoky-na-novinare-sili-nekteri-celi-agresi-denne-prispivaji-i-politici-274939>; Česká televize 24 (Newsroom ČT24), *Behind the Scenes of Election Newsrooms* ("Zákulisí volebních štábů"), 5 October 2025, <https://www.ceskatelevize.cz/porady/11030967025-newsroom-ct24/225411058170031/>

87 Resolution of the Government Council for Human Rights of March 18, 2025, on the protection of journalists and human rights defenders from vexatious lawsuits. <https://vlada.gov.cz/assets/ppov/rp/cinnost-rady/zasedani-rady/Usneseni---sikanozni-zaloby.pdf>

88 League of Human Rights, *Protection Against SLAPP Lawsuits Is Still Nowhere in Sight* ("Ochrana před šikanózními žalobami je stále v nedohlednu"), 12 February 2026, <https://llp.cz/blog/ochrana-pred-sikanoznimi-zalobami-je-stale-v-nedohlednu/>

Journalists are thus dependent only upon their own professional self-help.⁸⁹

New Issues that Emerged in 2025

- **License fees increase:** Czechia changed both the amounts and the mechanism of public TV and radio license fees through an amendment to the Act on Television and Radio License Fees⁹⁰ that entered into force on 1 May 2025. The monthly TV fee for Czech Television rose from 135 Kč to 150 Kč, and the radio fee for Czech Radio from 45 Kč to 55 Kč, the first increase in roughly 15–20 years. For a standard household this means a total of 205 Kč per month, regardless of how many receivers the household owns. Moreover, the scope of the Act was broadened, with liability now tied to any device capable of receiving broadcasts.⁹¹
- Conversely, the new government's programme statement announces the abolition of concession fees. The incoming ANO-SPD-Motorists coalition government announced in its policy statement plans to abolish license fees entirely which was subsequently confirmed in the government's program statement. This would make the financing of public media fully dependent on the share allocated in the state budget.⁹² Furthermore, SPD also advocates merging Czech Television, Czech Radio, and Czech News Agency into a single state-funded institution.⁹³

89 Česká televize 24 (Newsroom ČT24), *Behind the Scenes of Election Newsrooms* ("Zákulisí volebních štábů"), 5 October 2025, [https://www.ceskatelevize.cz/porady/11030967025-newsroom-ct24/225411058170031/Aktuálně.cz](https://www.ceskatelevize.cz/porady/11030967025-newsroom-ct24/225411058170031/Aktuálně.cz, Safe Journalism Launches Support for Journalists Facing Threats and Aggression), *Safe Journalism Launches Support for Journalists Facing Threats and Aggression* ("Bezpečná žurnalistika spouští pomoc pro novináře čelící hrozbám a agresi"), 5 October 2025, <https://zpravy.aktualne.cz/domaci/bezpec-na-zurnalistika-spousti-pomoc-pro-novinare-celici-hroz/r-8abb21228a9511f0beca0cc47ab5f122/>

90 Act No. 119/2025 Coll., amending Act No. 483/1991 Coll., on Czech Television, as amended, Act No. 484/1991 Coll., on Czech Radio, as amended, and other related acts. Available in Czech online: <https://www.e-sbirka.cz/sb/2025/119/2026-01-01>.

91 Daniela Lazarová, *License fees for Czech public radio and television set to increase in May*, Radio Prague International, 21 May 2025, <https://english.radio.cz/license-fees-czech-public-radio-and-television-set-increase-may-8849721>; ASB Group, *Change in Czech TV and radio fees in 2025 — new calculation rules for businesses*, ASB Group, 2025, <https://asbgroup.eu/en/news/change-in-czech-tv-and-radio-fees-in-2025-new-calculation-rules-for-businesses/>.

92 ČTK, *Zavoral and Novák discussed possible changes to public service media funding* ("Zavoral a Novák diskutovali o možných změnách financování médií veřejné služby"), ČT24 (Česká televize), 7 December 2025, <https://ct24.ceskatelevize.cz/clanek/domaci/zavoral-a-novak-diskutovali-o-moznych-zmenach-financovani-medii-verejne-sluzby-368021>.

93 Lucie Martin Nešporová, *Czech government vows to scrap TV and radio fees — is public media at risk?*, Expats.cz, 7 December 2025, <https://www.expats.cz/czech-news/article/czech-government-vows-to-scrap-tv-radio-fees-is-public-media-at-risk>.

- The latter intention has also been confirmed several times since the beginning of 2026 by the current prime minister, Andrej Babiš,⁹⁴ who stated that he intends to abolish the fees by 1 January 2027 at the latest.⁹⁵ The Senate has come out against the planned abolition of fees in a resolution. They similarly warned that scrapping license fees and shifting funding to the state budget would expose public service media to subjective decision-making and political pressure.⁹⁶
- To introduce a mechanism for financing public service media that ensures their financial independence and minimizes or completely eliminates the possible influence of executive bodies on media content and budgets. We also call on politicians to refrain from criminalising the media that receive transparent funding from foreign and cross-border sources.

Implications and Recommendations for 2026

The League of Human Rights recommend that the Czech Republic fully implement Directive 2024/1069 within the specified time limit and, at the same time, extend its protective framework to domestic cases in the legislation currently being prepared. The League of Human Rights also calls on the Czech Republic to take comprehensive measures to increase the personal safety of journalists.

94 Česká televize 24, *Coalition Announced Agreement on Abolishing Fees for Public Media* (“Koalice oznámila shodu na zrušení poplatků za veřejnoprávní média”), 19 January 2026, <https://ct24.ceskatelevize.cz/clanek/domaci/koalice-oznamila-shodu-na-zruseni-poplatku-za-verejnopravni-media-369420>

95 Echo24.cz, *Government Won't Delay Abolishing Fees for Public Media, Babiš Says He Wants to Solve It by the End of the Year* (“Zrušení poplatků za ČT a ČRo se odkládat nebude. Babiš je chce vyřešit do konce roku”), 23 February 2026, <https://www.echo24.cz/a/HssB2/koncesionarske-poplatky-zruseni-vlada-ceska-televize-rozhlas-babis-klempir>

96 Radio Prague International (english.radio.cz), *Senate Opposes Plan to Abolish Public Broadcasting License Fees*, 21 January 2026, <https://english.radio.cz/senate-against-plan-abolish-public-broadcasting-license-fees-8875302>. See also the open letter of the Director General of Czech Radio, René Zavoral, to Prime Minister Andrej Babiš: Czech Radio, *Open Letter from the Director General of Czech Radio to the Chairman of the ANO Movement Andrej Babiš*, 3 February 2025, <https://www.czech.radio/open-letter-director-general-czech-radio-chairman-ano-movement-andrej-babis-9405380>

CHECKS AND BALANCES –

General assessment

The 2025 parliamentary elections resulted in a new coalition government composed of the populist ANO movement and two far-right parties – SPD and Motorists for Themselves. While the elections were held democratically and with high turnout, the resulting majority raised concerns over weakening institutional checks and a possible concentration of power. The new coalition agreement prioritises national sovereignty over EU cooperation and includes controversial goals such as undermining climate policy or rejecting the EU migration pact.⁹⁷

The President refused to appoint one of the proposed ministers (Filip Turek) due to his extremist and discriminatory statements, underlining the limits of executive appointments as a control mechanism. However, no structural remedy has been followed so far, and the coalition continued without modifying the nomination.⁹⁸

Shortly after taking office, the new government started framing non-governmental organisations as politically biased actors and obstacles to democratic sovereignty. Government members have repeatedly questioned the legitimacy of public funding for NGOs, particularly those engaged in human rights, environmental advocacy, or minority rights. While no legislation has yet been passed, this rhetoric contributes to a climate of distrust and delegitimisation of civil society oversight.⁹⁹

Implementation of 2025 Commission recommendations

Recommendation: There were no recommendations made by the European Commission for Czechia in the area of checks and balances in its 2025 Rule of Law Report.

97 Jan Lopatka Jason Hovet, *Czech vote winner Babiš signs coalition deal with eurosceptic partners*, Reuters, 3 November 2025, <https://www.reuters.com/world/czech-election-winner-babis-signs-coalition-deal-with-partners-2025-11-03/>

98 ČTK, *Babiš is having lunch at the Castle with Pavel. They are also discussing Turek's ministerial nomination* ("Babiš obědvá na Hradě s Pavlem. Řeší i Turkovu ministerskou nominaci"), Seznam Zprávy, 7 January 2026, <https://www.seznamzpravy.cz/clanek/domaci-politika-babis-obedva-na-hrade-s-pavlem-resi-i-turkovu-ministerskou-nominaci-295665>

99 League of Human Rights, *Not just words. What was said in the pre-election campaign?*, 1 October 2025, <https://llp.cz/blog/nejsou-to-jenom-slova-co-vsechno-zaznelo-v-predvolebni-kampani/> or Balkan Insight, *New Czech Government to Follow CEE Trend of Targeting NGOs*, 3 December 2025, <https://balkaninsight.com/2025/12/03/new-czech-government-to-follow-cee-trend-of-targeting-ngos/>

Gaps in the Commission's Report

The 2025 Rule of Law Report failed to adequately address the persistent and systemic use of legislative riders in the Czech legislative process. While the Commission has previously acknowledged concerns about legislative transparency in general terms, the 2025 report lacks a concrete assessment of how this problem evolved in 2024, which laws were affected, and whether the situation has worsened compared to previous years.

Although the issue has been addressed on several occasions in the Liberties' Rule of Law Reports, the European Commission's 2025 report refers only briefly—and in abstract terms—to the circumvention of legislative procedures in Czechia, particularly via legislative riders. It does not explain how this long-standing problem developed during 2024, nor does it assess whether there was any deterioration.

Importantly, the report omits any mention of the Constitutional Court's landmark ruling Pl. ÚS 41/23 from November 2024, which explicitly declared the misuse of legislative riders unconstitutional. The ruling reaffirmed that attaching unrelated amendments to pending bills violates the principles of legal certainty, democratic deliberation, and the separation of powers. It is one of the most significant judgments on legislative procedure in recent years and was widely discussed by legal experts and civil society.¹⁰⁰

The omission is particularly concerning in light of subsequent events: in September 2025, the Czech Parliament passed a substantial amendment to the Code of Administrative Justice as a legislative rider, without public consultation or meaningful parliamentary debate. This reform—affecting judicial review and participation rights—was introduced in violation of the very standards the Constitutional Court had reaffirmed less than a year earlier.¹⁰¹

New Issues that Emerged in 2025

Two developments that occurred in the second half of 2025 have a significant impact on checks and balances in the Czech Republic:

100 Constitutional Court (Czech Republic), *Judgment of 21 November 2024, No. Pl. ÚS 41/23 (legislative riders case)*, https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-41-23_1

101 HOLEC, ZUSKA & Partners, *Amendment to the Code of Administrative Justice: New rights for third parties and binding opinions*, 2 October 2025, <https://www.holec-advokati.cz/cs/novela-srs-k-postaveni-osoby-zucastnene-a-zavaznym-stanoviskum/>

1. the adoption of a major amendment to the Code of Administrative Justice through a legislative rider, and
2. the increasingly hostile rhetoric of the newly formed government towards civil society organisations.

Both developments affect the quality of democratic governance and the ability of civic actors to participate meaningfully in oversight mechanisms.

In September 2025, the Czech Parliament adopted an amendment to the Code of Administrative Justice, introducing major changes to administrative judicial review. The reform allows for the direct court review of binding opinions (*závazná stanoviska*) and expands the rights of third parties to participate in administrative proceedings. Although these changes could theoretically strengthen access to justice for affected individuals and organisations, the amendment was passed without public consultation, as a legislative rider to unrelated legislation. This raised serious concerns about transparency and the circumvention of legislative procedures.¹⁰²

Following the October 2025 parliamentary elections, a new coalition government was formed by the populist ANO movement and far-right parties (SPD and Motorists for Themselves). Since taking office, government representatives have repeatedly questioned the legitimacy of NGOs, especially those active in the fields of human rights, environmental protection, and minority rights. These organisations have been portrayed as ideological or foreign-funded, and there have been calls to restrict their access to public funding.¹⁰³

Although no repressive measures have yet been adopted, the rhetoric itself creates a chilling effect, deterring civil society actors from engaging in public advocacy. This undermines their role in ensuring democratic accountability.

102 HOLEC, ZUSKA & Partners, *Amendment to the Code of Administrative Justice: New rights for third parties and binding opinions*, 2 October 2025, <https://www.holec-advokati.cz/cs/novela-srs-k-postaveni-osoby-zucastnene-a-zavaznym-stanoviskum/>

103 Balkan Insight, *New Czech Government to Follow CEE Trend of Targeting NGOs*, 3 December 2025, <https://balkaninsight.com/2025/12/03/new-czech-government-to-follow-cee-trend-of-targeting-ngos/>; League of Human Rights, *Not just words. What was said in the pre-election campaign?* 1 October 2025, <https://llp.cz/blog/nejsou-to-jenom-slova-co-vsechno-zaznelo-v-predvolebni-kampani/>

The Commission should recommend that the Czech government:

- refrain from using legislative riders for substantial legal reforms;
- ensure that all legislative proposals undergo proper consultation and debate;
- publicly recognise the role of civil society organisations as essential democratic actors;
- ensure that public funding for NGOs is distributed based on fair, transparent, and non-discriminatory criteria;
- protect civil society against political stigmatisation and ensure access to participatory mechanisms in policy-making.

Implications and Recommendations for 2026

By failing to reflect on the Constitutional Court's ruling and the evolving use of legislative riders, the Commission missed an opportunity to:

- recognise the role of national courts in upholding rule of law standards,
- identify a continuing and concrete structural problem in Czech law-making,
- and send a clear signal that legislative abuse must be addressed systematically.

The Commission should recommend that the Czech government:

- refrain from using legislative riders, particularly for substantial legal reforms;
- ensure that every amendment proposed during the legislative process is clearly related to the subject of the bill;
- fully implement and respect the Constitutional Court's judgment Pl. ÚS 41/23;
- establish internal procedural safeguards in Parliament to prevent the introduction and adoption of unrelated legislative riders.

CONTACTS

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The League of Human Rights is a Czech non-governmental organisation established in 2002, continuously striving for systemic changes to promote consistent respect for human rights. The LLP's mission is to protect human rights by providing legal counselling, engaging in advocacy activities, educating and raising awareness, and pursuing strategic litigation. Moreover, LLP advocates for the rights of vulnerable groups and upholds principles of the rule of law.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Nyt Europa (New Europe)



Nyt Europa is a Danish non-profit action tank dedicated to promoting a sustainable and democratic Europe through research, advocacy and public engagement. Founded in 1998 and based in Copenhagen, Nyt Europa works from the conviction that the European Union (EU) has a key role to play in securing a greener, more inclusive and more democratic future for the continent and believes this must be achieved through empirical-based analyses, mobilisation across borders and innovative engagement of citizens in politics.

The following organisations have provided written inputs to the country chapter:

Danish Union of Journalists – Media & Communication (Danmarks Journalist forbund Medier og Kommunikation)



Dansk Journalistforbund
Medier & Kommunikation

Danish Union of Journalists – Media & Communication (DJ) is a professional association and trade union representing journalists and media and communication professionals in Denmark. The organization works to protect and improve members' working conditions, salaries, and professional rights. It represents a wide range of professionals, including journalists, photographers, editors, and communication specialists. DJ also provides legal advice, career support, and professional development opportunities for its members. In addition, the organization engages in media policy discussions and advocates for press freedom and strong conditions for independent journalism in Denmark.

Danish Institute for Human Rights (Institut for Menneskerettigheder)

Danish Institute for Human Rights is Denmark's national human rights institution and an independent organization. The institute works to promote and protect human rights in Denmark and internationally through research, analysis, policy advice, and public engagement. It advises the Danish Parliament, government, and public authorities on human rights issues and monitors how human rights standards are implemented in practice. The organization also works to promote equality and combat discrimination based on factors such as gender, ethnicity, disability, and sexual orientation. In addition, the institute collaborates with international partners and civil society organizations to strengthen human rights globally.

Justitia



Justitia is an independent, non-profit legal think tank based in Copenhagen. Founded in 2014, it focuses on promoting the rule of law, fundamental rights, and civil liberties in Denmark and internationally. The organization produces legal research and policy analysis aimed at informing public debate and influencing policymakers. Justitia works to raise awareness of issues related to human rights, freedom of expression, and democratic governance. It is politically independent and funded primarily through private donations and foundations rather than government support.

OVERALL ASSESSMENT: SLIDER

Denmark is best characterised as a rule of law slider. Although the country continues to benefit from strong formal institutions and consistently high rankings in international indices, developments over recent years point to a gradual weakening in the practical functioning and normative foundations of the rule of law. This decline is not driven by overt dismantling of institutions, but by persistent non-action, informal pressures, and shifting political signals that, taken together, create a tangible risk of long-term erosion. A defining feature of the Danish context is the repetition of unresolved rule of law concerns. Since 2022, several recommendations in the European Commission's *Rule of Law Reports* have remained substantively unchanged, with limited or no progress in implementation.

Transparency and accountability mechanisms remain insufficient in practice. Long-standing deficiencies in the Access to Public Administrative Files Act continue to restrict effective public scrutiny through broad exemptions and lengthy processing times. In parallel, gaps in integrity safeguards, such as the absence of binding rules on lobbying, revolving doors, and political financing transparency, remain largely unaddressed despite repeated recommendations from European and international bodies.¹ While overt corruption levels remain low, these preventive blind spots undermine democratic accountability and weaken the rule of law's resilience.² Together, these issues risk undermining the rule of law by reducing transparency and constraining the ability of civil society and the public to hold power accountable.³

The justice system remains institutionally independent but is increasingly strained in practice, with persistent challenges related to delays, pre-trial detention, and access to legal aid. These shortcomings

- 1 Ræson, Corruption is not something we take seriously in Denmark (Korruption er ikke noget, vi tager seriøst i Danmark), 2022, <https://www.raeson.dk/2022/interview-med-jesper-olsen-korruption-er-ikke-noget-vi-tager-serioest-i-danmark/>
- 2 GAN Integrity, Denmark Country Profile, 2020, <https://www.ganintegrity.com/country-profiles/denmark/>; Alberto Ardigó, Denmark – Overview of corruption and anti-corruption, Transparency International, 2018, <https://knowledgehub.transparencycdn.org/helpdesk/Country-profile-Denmark-2018-PR.pdf>
- 3 Global Aktion, Lobbyism is unchecked in Denmark and the population is not aware of it (Lobbyisme har frit spil i Danmark og befolkningen ved det ikke), 2023, <https://globalaktion.dk/rapporter/lobbyisme-har-frit-spil-i-danmark-og-befolkningen-aner-det-ikke/>; Jesper Altiner: Denmark is failing due to lack of revolving doors rules (Danmark får dumpekarakter for manglende regler om svingdørslobbyisme), Altinget, 2023, <https://www.alinget.dk/artikel/danmark-faar-dumpekarakter-for-manglende-regler-om-svingdoerslobbyister>; Altinget, Criticism from the EU gives new life to the debate about lobbyism in Denmark (EU-kritik af Danmark puster til debat om lobbyister), 2023, <https://www.alinget.dk/artikel/eu-kritik-af-danmark-puster-til-debat-om-lobbyister-vi-har-nogle-problemer-der-fortjener-at-blive-diskuteret>

weaken the effective protection of rights and contribute to a growing gap between formal guarantees and lived access to justice. The consistent lack of follow-up on these and the above-mentioned matters suggests that the obstacles are not technical, but rather reflect limited political prioritisation, which ultimately allows structural weaknesses to persist.

In addition to long-standing issues, new concerns have also emerged. Firstly, growing political scepticism towards European and international legal obligations has become more pronounced; as of 2025, it is now also followed by concrete political initiatives. Public debates and statements by senior political actors increasingly question the relevance or binding nature of international conventions and judicial decisions.⁴ Moreover, following previous years' discussions, a formal inquiry was launched in 2025 to investigate Denmark's obligations and opportunities in connection with the European Convention on Human Rights (ECHR).⁵ In line with this, political calls were made to disregard the December 2025 ruling on the Danish so-called 'Ghetto law', which contributes to a broader narrative of selective compliance and raises concerns about long-term commitment to European legal standards.⁶

Secondly, while media freedom in Denmark remains strong by international standards, developments in recent years point to growing political pressure on public service media and increased polarisation around journalistic independence. These trends do not amount to systemic restrictions but raise early warning concerns regarding the media's ability to operate free from political influence.

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- 4 Examples count how Denmark's liberal party, Venstre, have stated that they wish to exit the European Convention on Nationality if the government fails to change it before the next election. The Danish prime minister, Mette Frederiksen have also stated a wish for a change in this convention. Together with Italy's prime minister, Giorgia Meloni, an open letter has been made, with the emphasis to change the convention to 'have a new approach to migration'. For more see, Jyllands-Posten, Denmark's Liberal Party is ready to leave international convention (Venstre er klar til at træde ud af international konvention), 2025, <https://jyllands-posten.dk/politik/ECE18816996/venstre-er-klar-til-at-traede-ud-af-international-konvention/>; Prime Minister's Office (Denmark): The Prime Minister and Italy's Prime Minister in a joint open letter (Statsministeren og Italiens premierminister i åbent brev – vi skal kigge på konventionerne), Government of Denmark, 2025, <https://stm.dk/presse/pressemeddelelser/2025/statsministeren-og-italiens-premierminister-i-aabent-brev-vi-skal-kigge-paa-konventionerne/>
- 5 Altinget, *Here is Denmark's new "convention ambassador" (Her er Danmarks nye konventionsambassadør)*, 2025, <https://www.altinget.dk/artikel/her-er-danmarks-nye-konventionsambassadoer>; Politiken, New ambassador is to make it easier to deport criminal foreigners (Ny ambassadør skal gøre det nemmere at smide kriminelle udlændinge ud), 2025, <https://politiken.dk/danmark/art10301405/Ny-ambassad%C3%B8r-skal-g%C3%B8re-det-nemmere-at-smide-kriminelle-udl%C3%A6ndinge-ud>
- 6 Altinget, *Denmark loses case in the EU Court – the "Ghetto Law" constitutes direct discrimination (Danmark taber sag i EU-retten – ghettoloven er direkte forskelsbehandling)*, 2024, <https://www.altinget.dk/artikel/danmark-taber-sag-i-eu-retten-Ghetto-loven-er-direkte-forskelsbehandling>

Third and finally, Denmark's strong legal framework masks mounting pressures on checks and balances and civic space. Civil society reports increasing politicisation of public funding, delegitimising political rhetoric, and administrative practices that constrain autonomy, particularly for those working on minority rights, climate, international solidarity, and other politically sensitive issues. These pressures are largely informal and therefore difficult to capture through index-based assessments, but their cumulative effect risks narrowing the space for independent oversight and dissent.

Assessment of the trajectory

Many recommendations from the European Commission's *Rule of Law Report* have been more or less the same since 2022. This suggests a lack of political will to handle these issues. It is not a question of the recommendations being technically difficult to implement, but more a question about political will and priority from the Danish government. If these recommendations are not taken seriously in the near future, it could potentially lead to serious rule of law issues in Denmark.

Denmark's political orientation towards non-compliance and actively wanting to withdraw from conventions are also a critical warning sign that the political environment has started to change regarding its international commitments. While Denmark still complies with the EU rules, steps have been taken to adopt a more critical stance towards international conventions and court rulings, which indicates a new and different take on what commitments Denmark feel that they need to live up to as a member state.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

There is a need for clearer and more detailed recommendations that make it difficult for Denmark to not comply and not implement. Current recommendations are vague and make it difficult to truly assess if Denmark has complied or not (e.g. a recommendation that stipulates 'continue to' is difficult to measure the level of compliance with). The Commission's *Rule of Law Report* should make an assessment of how long the country has been working on a specific recommendation to assess whether the country is stalling change or actively working on the proposed recommendation. This would make an important additional assessment that would make it possible to identify when countries are actively working on the recommendations, and which perhaps are trying to appear as doing more than they are. Beyond clearer and more detailed recommendations, at this time it is not necessary to activate other parts of the EU rule of law toolbox. However, the repeated lack of progress should be closely monitored and if continued in the next cycle it should at a minimum lead to enhanced dialogue with relevant stakeholders.

State of play (versus 2025)

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM

General assessment

Denmark continues to perform well on formal rule of law indicators, but developments in 2025 point to a regressive trajectory in the practical functioning of the justice system. While judicial independence remains institutionally secure, structural weaknesses persist and political signals increasingly challenge core rule of law commitments. Denmark again ranks first globally in the World Justice Project's Rule of Law Index, but its overall score declined slightly in 2025, with weaker performance in areas central to justice delivery, including civil justice, fundamental rights, and access to justice.⁷ High international rankings risk masking persistent deficiencies and reducing the perceived urgency for reform. The same justice-related concerns continue to be raised by the Commission without meaningful resolution, particularly regarding access to justice, efficiency, and fairness. It is though important to note that there is political action aimed at reducing case-handling times, such as increased resources and efficiency measures.

A key indicator of this regression is how access to justice remains structurally weak. Despite repeated EU-level attention, no tangible improvements to the legal aid system were delivered in 2025.⁸ These concerns have been consistently highlighted in rule of law reports since 2022 with limited evidence of structural reform. This is worsened by the continued increase in case processing times. Court statistics show that average case handling times in the first half of 2025 exceeded those in 2024, extending a multi-year trend.⁹ Delays are especially acute in criminal proceedings, where evidence from 2025 shows a significant rise in the length of pre-trial detention, including a growing number of individuals held for exceptionally long periods.¹⁰ These developments raise concerns regarding proportionality and the adequacy of judicial review.

7 World Justice Project, Denmark – Rule of Law Index, World Justice Project, 2025, <https://worldjusticeproject.org/rule-of-law-index/country/Denmark>; Danmarks Domstole, Report: Denmark's courts ranked top internationally (Rapport: Danmarks retsvæsen i top internationalt), 2024, <https://www.domstol.dk/aktuelt/2023/8/ny-euro-paeisk-topplacering-til-dansk-retsvaesens-uafhaengighed/>; Danmarks Domstole, Danish judges have high trust in the justice system (Danske dommere har stor tillid til vores retsvæsen), 2024, <https://www.domstol.dk/media/z1bpydnt/kronik-93-danskerne-har-tillid-til-domstole-og-dommere-soendag-den-31-juli-2022-002.pdf>

8 Danish Bar and Law Society (Advokatsamfundet), The EU Commission: Denmark must strengthen legal aid (EU-Kommissionen: Danmark skal styrke retshjælpen), 2024, <https://www.advokatsamfundet.dk/nyheder-medier/nyheder/2025/eu-kommissionen-danmark-skal-styrke-retshjaelpen/>

9 Justitia & authors, Status report – Rule of Law 2025 (Statusrapport – Retssikkerhed 2025), Justitia, 2025.

10 Danish Bar and Law Society (Advokatsamfundet), New report: Significantly more people spend years in pre-trial detention (Ny rapport: Markant flere sidder årevis i varetægtsfængsel), Advokatsamfundet, 2024, <https://www.advokatsamfundet.dk/nyheder-medier/nyheder/2025/ny-rapport-markant-flere-sidder-arevis-i-varetaegtsfaengsel/>

Beyond functional shortcomings, 2025 saw increasingly explicit political questioning of international conventions and judicial authority. Public statements suggested that judgments of European courts need not always be respected.¹¹ The appointment of an Ambassador for Conventions and the launch of a review of Denmark’s international obligations have raised concerns that these initiatives may be used to challenge, rather than reinforce, compliance.¹² This constitutes an early warning sign, as sustained political questioning of binding commitments risks undermining legal certainty and respect for judicial authority.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to complete the review of the legal aid system, taking into account European standards on legal aid (first made in 2022; rephrased in 2024)

The recommendation in 2024 was changed from its original 2022 wording of “ensure adequate human and financial resources for the justice system in the next multiannual framework” to the wording of “review of the legal aid system”.

This formulation of the recommendation fails to address the deeper problem, which is the persistent lack of political commitment and concrete pathways to reform the legal aid system, including structural barriers that effectively prevent equal access to justice in practice. In its current wording, the recommendation only focuses on the review process and does not provide expectation on implementation, timeline, or alignment with concrete European standards of legal aid.

This omission is significant because ongoing reviews have repeatedly stalled without translating into real improvements in citizens’ access to legal aid. The gap lies not just in calling for another review, but in failing to recommend mandatory political action to adopt and implement systemic reform supported by measurable benchmarks, funding, and timelines.

11 Altinget, Denmark loses case in the EU Court – the “Ghetto Law” constitutes direct discrimination (Danmark taber sag i EU-retten – ghettoloven er direkte forskelsbehandling), 2024, <https://www.altinget.dk/artikel/danmark-taber-sag-i-eu-retten-ghettoloven-er-direkte-forskelsbehandling>

12 MACS, Monitoring Action for Civic Space – Denmark Country Monitoring, 2025

Work on the review initially commenced in 2020 with a pre-legislative committee, but it did not complete its work. Instead, the task was reassigned in December 2024 to the Judicial Council (Retsplejerådet), which is to deliver recommendations in 2026. Thus, no significant development has happened in 2025.¹³

To meaningfully implement the Commission's recommendation, the Danish government must:

- Provide clear, binding timelines and deliverables for the Judicial Council review that go beyond analysis to draft legislative proposals.
- Ensure that the review's mandate explicitly requires alignment with European standards on access to legal aid, including adequacy, accessibility, and procedural fairness.
- Commit to interim measures to improve access to legal aid while the review is underway, such as simplifying application procedures, expanding coverage thresholds, and strengthening support for marginalised users.
- Attach budgetary commitments to any reform plan to ensure effective implementation rather than symbolic assessment.

The Commission could strengthen this recommendation by rephrasing it:

Adopt and implement a comprehensive reform of the legal aid system, with clear timelines and measurable benchmarks, ensuring effective access to legal aid in line with European standards, particularly for low-income and vulnerable groups.

Commission's 2025 assessment: Limited progress

Nyt Europa's current assessment: No progress

13 The Association for Legal Aid and Human Rights (TLFRH), Committee on legal aid dissolved (Udvalg om retshjælp nedlagt), TLFRH, 2024, <https://www.tlfrh.dk/nyheder/udvalg-om-retshjaelp-nedlagt/>

Gaps in the Commission's Report

Failure to address systemic weaknesses in the justice system

A key gap in the Commission's 2025 Rule of Law Report is the lack of targeted recommendations on systemic weaknesses that are clearly documented and have worsened in 2025, particularly excessive case handling times in the courts and political challenges to the legitimacy and relevance of international conventions and judicial institutions. The Commission's focus on procedural updates and reviews without addressing the broader structural and normative threats to rights protections represents a significant omission in light of developments during the year.

Developments in 2025 underscore the unresolved justice system challenges, as court statistics show continued increases in average case handling times for both civil and criminal cases. These delays have substantive rights implications, placing sustained pressure on defendants, victims, and the courts, and contributing to the sharp increase in pre-trial detention durations.¹⁴

Denmark also saw expansion of state powers with relatively limited safeguards against undue intrusion, as documented in the *Retssikkerhed* (Rule of Law) 2025 report.¹⁵ Law enforcement and intelligence authorities continue to enjoy broad access to communication metadata with limited transparency and safeguards, raising concerns about the erosion of privacy rights and procedural protections. Combined with limited judicial oversight, these expanded powers increase the risk of disproportionate interference without adequate accountability.¹⁶ Another issue is how procedural fairness in criminal law came under continued pressure, as expanded investigative powers in terrorism and organised crime cases outpaced safeguards, raising concerns among practitioners about fair trial standards.¹⁷

Additional evidence from the Danish Bar and Law Society indicates further that substantive perceptions of rights protections are weakening in broader areas of the legal environment. More than half

14 Justicia & authors, Status report – Rule of Law 2025 (Statusrapport – Retssikkerhed 2025), Justitia, 2025, https://justitia-int.org/wp-content/uploads/2025/12/Rapport_Retssikkerhed-2025-1.pdf

15 Justicia & authors, Status report – Rule of Law 2025 (Statusrapport – Retssikkerhed 2025), Justitia, 2025, https://justitia-int.org/wp-content/uploads/2025/12/Rapport_Retssikkerhed-2025-1.pdf

16 Altinget, Experts, think tanks and trade unions warn in an open letter: “We can monitor everything – but should we?” (Ekspertter, tænketanke og fagforeninger advarer i åbent brev: “Vi kan overvåge alt – men bør vi?”), 2024, <https://www.altinget.dk/digital/artikel/ekspertter-taenketanke-og-fagforeninger-advarer-i-aabent-brev-vi-kan-overvaage-alt-men-boer-vi>

17 Justicia & authors, Status report – Rule of Law 2025 (Statusrapport – Retssikkerhed 2025), Justitia, 2025, https://justitia-int.org/wp-content/uploads/2025/12/Rapport_Retssikkerhed-2025-1.pdf

of legal professionals surveyed reported a deterioration in rule of law conditions over the past three years, with many pointing to increased surveillance and the expansion of state access to data as factors exerting downward pressure on rights protections and citizens' confidence in legal safeguards.¹⁸ This contextual material underscores that procedural shortcomings are part of a broader pattern in which rights protections and rule of law norms are perceived to be under strain. An additional concern is that the most vulnerable citizens do not enjoy the same protection as the average citizen in Denmark.¹⁹

New Issues that Emerged in 2025

Questioning legitimacy of international conventions and judicial institutions

A new and significant issue that emerged more clearly in 2025 is the increasingly explicit political questioning of the legitimacy and binding nature of international conventions and judicial institutions, including calls by elected representatives to disregard or selectively implement judgments from European courts. This development represents a shift from isolated criticism to a more visible and normalised challenge to Denmark's international legal commitments.

Political discourse in 2025 featured increasingly loud voices questioning the relevance and authority of international law and courts.²⁰ Following debates in previous years,²¹ the government appointed an Ambassador for Conventions and launched an investigation into Denmark's obligations and room

18 Danish Bar and Law Society (Advokatsamfundet), The Rule of Law Analysis (Retssikkerhedsanalysen), Advokatsamfundet, 2025, <https://www.advokatsamfundet.dk/retssikkerhedsanalysen/>

19 Danish Bar and Law Society (Advokatsamfundet), The Rule of Law Analysis 2025 – full dataset (Retssikkerhedsanalysen 2025 – alle data), Advokatsamfundet, 2025, <https://www.advokatsamfundet.dk/media/ahtbm10g/retssikkerhedsanalysen-2025-alle-data.pdf>

20 Jyllands-Posten, *Denmark's Liberal Party is ready to leave international convention (Venstre er klar til at træde ud af international konvention)*, 2025, <https://jyllands-posten.dk/politik/ECE18816996/venstre-er-klar-til-at-traede-ud-af-international-konvention/>; Prime Minister's Office (Denmark): *The Prime Minister and Italy's Prime Minister in a joint open letter (Statsministeren og Italiens premierminister i åbent brev – vi skal kigge på konventionerne)*, Government of Denmark, 2025, <https://stm.dk/presse/pressemeddelelser/2025/statsministeren-og-italiens-premierminister-i-aabent-brev-vi-skal-kigge-paa-konventionerne/>

21 European Civic Forum, Civic Space Report – Denmark,, 2025; Jyllands-Posten: *Denmark's Liberal Party is ready to leave international convention (Venstre er klar til at træde ud af international konvention)*, Jyllands-Posten, 2025.

for manoeuvre under the ECHR.²² While these initiatives were formally framed as clarificatory and exploratory, critics raised concerns that they could be used as levers to reinterpret, limit, or weaken Denmark's binding international commitments rather than to strengthen compliance.²³

In parallel, some politicians publicly advocated ignoring or not implementing judgments from European courts. This was illustrated most clearly following a December 2025 judgment of the Court of Justice of the European Union (CJEU), which found that Denmark's so-called 'Ghetto law' may be incompatible with EU Race Equality Directive and that national courts must assess whether ethnic origin leads to disadvantage.²⁴ In response, the Danish People's Party publicly stated that Denmark should ignore the ruling. Such statements go beyond legal critique and directly challenge the binding authority of EU law and judicial decisions.²⁵ Together, these developments mark a qualitative change in the political environment surrounding the justice system. While Denmark has not formally withdrawn from any international obligations or refused to implement a judgment, the normalisation of political narratives questioning compliance with international law constitutes an emerging structural risk to the rule of law.

Implications and Recommendations for 2026

Although the Commission acknowledges persistent challenges such as increasing case handling times and the lack of progress in the review of the legal aid system, it does not sufficiently assess how these shortcomings affect the rule of law in practice. By treating these issues primarily as technical or administrative concerns, rather than as structural problems with direct implications for fair trial rights, access to justice, and equality before the law, the Commission risks understating their cumulative impact. Prolonged proceedings undermine the right to a fair trial within a reasonable time

22 Altinget, Here is Denmark's new "convention ambassador" (Her er Danmarks nye konventionsambassadør), 2025, <https://www.altinget.dk/artikel/her-er-danmarks-nye-konventionsambassadoer>; Politiken, New ambassador is to make it easier to deport criminal foreigners (Ny ambassadør skal gøre det nemmere at smide kriminelle udlændinge ud), 2025, <https://politiken.dk/danmark/art10301405/Ny-ambassad%C3%B8r-skal-g%C3%B8re-det-nemmere-at-smide-kriminelle-udl%C3%A6ndinge-ud>

23 Zetland, Investigative feature on Denmark and international conventions, 2024, <https://www.zetland.dk/historie/s8PlrhRq-ac0gnmiD-0c003>; Morten Holck, Stoklund wants to undermine the international legal order and send Denmark off course (Stoklund vil undergrave den internationale retsorden og sende Danmark på slingrekurs), Altinget, 20 August 2024, <https://www.altinget.dk/artikel/stoklund-foreslaar-en-erodering-af-den-internationale-retsorden-og-sender-danmark-paa-slingrekurs>

24 Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge and Others v MV and Others, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62023CJ0417>

25 Altinget, Denmark loses case in the EU Court – the "Ghetto Law" constitutes direct discrimination (Danmark taber sag i EU-retten – ghettoloven er direkte forskelsbehandling), 2024, <https://www.altinget.dk/artikel/danmark-taber-sag-i-eu-retten-Ghetto-loven-er-direkte-forskelsbehandling>

and contribute to rights-restrictive outcomes, including extended pre-trial detention, while delayed or ineffective legal aid reform continues to limit meaningful access to justice for low-income and vulnerable groups. The insufficient treatment of these issues also weakens the continuity of EU-level scrutiny. Persisting problems that are repeatedly identified but not robustly followed up risk becoming normalised, allowing incremental or procedural measures to be presented as adequate responses despite the absence of measurable improvement.

Suggested recommendation: Adopt and implement binding reforms to reduce case handling times and ensure effective and accessible legal aid in line with European standards.

With regard to the emerging issue of doubting the legitimacy of international conventions and judicial institutions, the following recommendation should be given:

Suggested recommendation: Reaffirm Denmark's commitment to fully respect and implement international conventions and European court judgments as a core element of its rule of law obligations within the EU.

Implementation of Judgments

In December 2025, the CJEU delivered a preliminary ruling on the Danish parallel societies law (commonly called the 'ghetto law') finding that the legislation may constitute direct and indirect discrimination under the EU Race Equality Directive. As of early 2026, the Danish national legislature has not amended or repealed the 'ghetto law' in response to the CJEU's preliminary decision.²⁶ The government has stated it will review the judgment carefully, and the final domestic outcome depends on how national courts interpret and apply the CJEU's ruling, but no concrete legislative reform has been enacted.

Following the CJEU ruling, the cases, including litigation by residents of Mjølnerparken and Schack-enborgvænge against the Danish Ministry of Transport and Housing, have been remitted back to Danish courts (*Østre Landsret*).²⁷ These courts must now determine whether the national law in fact results in discriminatory treatment in violation of EU law. The final domestic judgment may come in

26 The Guardian, Copenhagen's "ghetto law" on "parallel societies" may be unlawful under EU law, 18 December 2025, <https://www.theguardian.com/world/2025/dec/18/denmark-ghetto-law-parallel-societies-may-be-unlawful-eu>

27 Open Society Justice Initiative, Tenants of Mjølnerparken v. Danish Ministry of Transport and Housing, Open Society Foundations, 2022, <https://www.justiceinitiative.org/litigation/tenants-of-mjolnerparken-v-danish-ministry-of-transport-and-housing>

2026 or later. At the same time, municipal authorities in some places, such as Odense, have begun discussing the implications of the CJEU ruling, with calls to pause ongoing demolition and redevelopment projects until the EU Court's final ruling is acted upon at the national level.²⁸ As of January 2026, the mayor in Odense has said that despite the verdict, they will continue the demolition in Vollsmose, Odense.²⁹

While not directly concerning implementation of judgments, the Danish PM Mette Frederiksen announced in her yearly New Year speech that the government will make new rules ensuring that a foreigner receiving a prison sentence of a year or more will be expelled, even if the person has family in Denmark. This goes against current case law from the European Court of Human Rights (ECtHR), but the government's expectation is that the ECtHR will change their practice due to pressure from the Member States (nine countries, led by Denmark, adopted a statement in December stating that Member States should have better opportunities to deport criminal foreigners, even if they have established families in the country they are guests in). Thus, the Danish government is planning to implement legislation that contradicts current ECtHR case law, under the expectation that when these cases reach the ECtHR, their case law will have changed. The government is aware that there is a procedural risk, i.e. that Denmark might be found to have violated the convention, if the ECtHR upholds their current case law (or does not change it as much as the Danish government hopes).³⁰ The Government has in 2026 indicated in the explanatory notes to the draft legislation that it intends to adjust the national legislation should an ECtHR judgment eventually rule against Denmark.

Denmark has five leading judgements of the ECtHR pending implementation as of December 2025, two more than the previous year. Three of these are considered main issues pending and steps have been taken towards implementation in the previous year.

28 DK Nyt, Odense will examine possible consequences of EU court ruling on discrimination (Odense vil undersøge mulige konsekvenser af EU-dom om diskrimination), 2024, <https://www.dknyt.dk/artikel/odense-vil-under-soege-mulige-konsekvenser-af-eu-dom-om-diskrimination>

29 TV 2 Fyn, Despite EU ruling, mayor wants to continue demolition in Vollsmose (Trods EU-dom: Borgmester vil fortsætte nedrivning i Vollsmose), 2024, <https://www.tv2fyn.dk/odense/trods-eu-dom-borgmester-vil-fortsætte-nedrivning-i-vollsmose-417cc>

30 Politiken, The minister wants Danish judges to take the lead and challenge established practice, 2025, <https://politiken.dk/edition/news/art10680793/The-minister-wants-Danish-judges-to-take-the-lead-and-challenge-established-practice>

ANTI-CORRUPTION FRAMEWORK –

General assessment

Denmark continues to be perceived as one of the world's least corrupt countries, with consistently strong results in international corruption indicators and very low levels of bribery in public services. Denmark has long ranked first on the Corruption Perceptions Index, reflecting high public trust, a professional civil service, and strong democratic traditions. However, international monitoring bodies and civil society increasingly caution that Denmark's favourable standing should not obscure persistent structural weaknesses in its integrity framework, particularly in the area of prevention.³¹

While Danish law criminalises a wide range of corrupt conduct and Denmark is formally compliant with core international anti-corruption instruments, its approach relies heavily on informal norms and trust-based governance rather than detailed, enforceable safeguards.³² Denmark lacks a comprehensive national anti-corruption or integrity strategy and a centralised framework for systematically identifying and mitigating corruption risks. Responsibilities for prevention and oversight remain fragmented, which limits the system's ability to address more complex integrity risks, such as conflicts of interest, influence-seeking, and access-related advantages. This includes revolving-door practices, opaque political financing, limited lobbying transparency, and close professional networks that blur ethical boundaries without necessarily violating criminal law. A comprehensive review published in 2025 documented recurring cases of alleged influence peddling, nepotism, and ethical ambiguity across sectors between 2000 and 2024, pointing to systemic preventive blind spots rather than isolated incidents.³³

In 2025, Denmark made no significant progress in addressing long-standing integrity gaps repeatedly identified by the European Commission, Group of States against Corruption (GRECO), the Organisation for Economic Co-operation and Development (OECD), and civil society. GRECO classified Denmark as being in "insufficient compliance," noting that most recommendations remained

31 GAN Integrity, Denmark Country Profile, 2020, <https://www.ganintegrity.com/country-profiles/denmark/>; Alberto Ardigó, Denmark – Overview of corruption and anti-corruption, Transparency International, 2018, <https://knowledgehub.transparencycdn.org/helpdesk/Country-profile-Denmark-2018-PR.pdf>

32 GAN Integrity, Denmark Country Profile, 2020, <https://www.ganintegrity.com/country-profiles/denmark/>

33 Transparency International Denmark, Corruption in Denmark 2000–2024 (Korruption i Danmark 2000–2024), March 2025, <https://transparency.dk/wp-content/uploads/2025/03/Korruption-i-Danmark-2000-2024-Marts-2025.pdf>

unimplemented and calling for urgent action.³⁴ The OECD similarly highlighted limited implementation of recommendations and continued reliance on reactive enforcement.³⁵ For example, Denmark still lacks binding rules on revolving doors for ministers and senior officials, clear standards on side jobs, and a mandatory lobby register. Transparency concerns in political financing also persist, as broader reform proposals were again rejected. The continued absence of a comprehensive integrity strategy means these issues remain addressed in isolation rather than through a coordinated preventive approach.

Implementation of 2025 Commission recommendations

Recommendation: Introduce rules on ‘revolving doors’ for ministers and on lobbying, and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions (first made in 2022)

In 2025, no concrete steps were taken by the Danish government to implement the recommendation to introduce rules on revolving doors, regulate lobbying, or ensure adequate control of asset declarations for persons entrusted with top executive functions. Denmark remains without mandatory cooling-off periods and a lobby register. The European Commission’s 2025 Rule of Law Report states explicitly that there are no plans to introduce such rules, a conclusion that mirrors previous years and is confirmed by GRECO’s 2025 compliance addendum.³⁶ This indicates that the main obstacle remains political prioritisation rather than technical feasibility. While there was no formal regression in 2025, continued non-implementation of this recommendation points to a widening gap between governance practices and preventive safeguards. Meaningful progress would require binding revolving-door rules, a mandatory lobby register, and effective control of asset declarations.

34 Council of Europe – Group of States against Corruption (GRECO), Fifth Evaluation Round – Addendum to the Second Compliance Report on Denmark, 2025, <https://rm.coe.int/greco5-2025-14-final-eng-add-to-the-second-compliance-report-denmark/488027f1db>

35 OECD, OECD Anti-Bribery Convention: Phase 4 Follow-Up Report on Denmark, Organisation for Economic Co-operation and Development, 2024, https://www.oecd.org/en/publications/oecd-anti-bribery-convention-phase-4-follow-up-report-on-denmark_f0a83018-en.html

36 Council of Europe – Group of States against Corruption (GRECO), Fifth Evaluation Round – Addendum to the Second Compliance Report on Denmark, Council of Europe, 2025, <https://rm.coe.int/greco5-2025-14-final-eng-add-to-the-second-compliance-report-denmark/488027f1db>

The Commission should have issued a more concrete and time-bound recommendation, for example:

Adopt binding legislation establishing cooling-off periods for ministers and senior executive officials; introduce a mandatory lobbying register with disclosure of meetings and clients and ensure adequate control of asset declarations

Commission's 2025 assessment: No progress

Nyt Europa's current assessment: No progress

Gaps in the Commission's Report

The European Commission's 2025 Rule of Law Report provides a generally accurate overview of Denmark's formal anti-corruption framework and correctly reiterates long-standing concerns related to revolving doors, lobbying, and asset declaration controls.³⁷ At the same time, developments and debates in 2025 indicate that several integrity challenges in Denmark are not only underregulated, but also systematically framed as falling outside the core understanding of corruption in the Danish political and administrative context. This framing shapes public perceptions of corruption levels in Denmark and political priorities, which risks undermining the reforms needed to ensure continued low levels of corruption and to address emerging integrity concerns.

In Denmark, issues such as opaque political financing, extensive revolving-door practices, the absence of lobbying transparency, and the lack of a coordinated anti-corruption strategy are typically treated as matters of political culture, ethics, or administrative practice rather than as core components of corruption prevention. This approach is reflected in repeated statements by governments and senior political actors that Denmark does not face a corruption problem requiring structural reform, and that existing norms and transparency traditions are sufficient.³⁸ Similar views have been expressed by leading public affairs and lobbying actors, who often argue that informal access and career mobility are natural features of a small, open democracy and therefore do not warrant stricter regulation.³⁹

37 European Commission, 2025 Rule of Law Report – Denmark Country Chapter, European Commission, 2025.

38 *Ræson*, Corruption is not something we take seriously in Denmark (Korruption er ikke noget, vi tager seriøst i Danmark), 2022; *Jesper Olsen*, Yes, corruption does exist in Denmark – here are five proposals to combat it (Jo, der findes korruption i Danmark – her er fem forslag til at bekæmpe den), *Berlingske*, 2022, <https://www.berlingske.dk/kronikker/jo-der-finde-korruption-i-danmark-her-er-fem-forslag-til-at-bekaempe-den>

39 *Altinget*, Top lobbyist to Venstre politician: “No thanks to a Danish lobby register” (Toplobbyist til venstrepolitiker: Nej tak til et dansk lobbyregister), 2024, <https://www.altinget.dk/artikel/toplobbyist-til-venstrepolitik-er-nej-tak-til-et-dansk-lobbyregister>

These positions stand in contrast to assessments by civil society organisations and researchers, which have repeatedly warned that the cumulative effect of these practices creates integrity risks even in the absence of overt forms of corruption such as criminal bribery.⁴⁰ While the Commission notes these issues separately, it underestimates how Denmark's persistent neglect of preventive reforms allows corruption risks linked to influence and access to remain unaddressed.

In the area of political financing, an amendment adopted in June 2025 to curb foreign political financing addressed external influence risks but did not tackle persistent domestic issues such as anonymous and multiple donations, indirect contributions, or limited disclosure requirements.⁴¹ Current rules still allow donor anonymity above the disclosure threshold and leave loopholes that enable circumvention through intermediaries or split donations.⁴² Legislative proposals aimed at broader transparency were again rejected in 2025, indicating a lack of sustained political will to address structural risks. Despite repeated criticism from civil society and experts, the Commission has not reiterated its 2022 recommendation on political financing.⁴³

40 Global Aktion, Lobbyism is unchecked in Denmark and the population is not aware of it (Lobbyisme har frit spil i Danmark og befolkningen aner det ikke), 2023, <https://globalaktion.dk/rapporter/lobbyisme-har-frit-spil-i-danmark-og-befolkningen-aner-det-ikke/>; Jesper Altiner, Denmark receives failing grade for lack of revolving door lobbying rules (Danmark får dumpekarakter for manglende regler om svingdørslobbyister), 2023, <https://www.altinget.dk/artikel/danmark-faar-dumpekarakter-for-manglende-regler-om-svingdoerslobbyister>; Altinget, EU criticism fuels debate on lobbyists in Denmark (EU-kritik af Danmark puster til debat om lobbyister – vi har nogle problemer, der fortjener at blive diskuteret), 2023, <https://www.altinget.dk/artikel/eu-kritik-af-danmark-puster-til-debat-om-lobbyister-vi-har-nogle-problemer-der-fortjener-at-blive-diskuteret>

41 Danish Parliament, Act amending the Political Party Accounts Act and the Act on Public Funding of Political Parties (Lov om ændring af partiregnskabsloven og partistøtteloven), Folketinget, 20 June 2025.

42 This practice is referred to as: “the company loophole” (selskabsfinten); Politiken, The discreet political money clubs (De diskrete politiske pengeklubber), 2016, <https://politiken.dk/magasinet/fortaelling/art5623793/De-diskrete-politiske-pengeklubber>; Pelle Dragsted, Now we must put an end to secret money in Danish politics (Nu skal vi gøre op med de hemmelige penge i dansk politik), Altinget, 2023, <https://www.altinget.dk/artikel/pelle-dragsted-nu-skal-vi-goere-op-med-de-hemmelige-penge-i-dansk-politik>

43 Information: Should the rules on party funding be changed? Three proposals (Bør ændre partistøttereglerne? Tre bud på hvordan), Information, 2022, <https://www.information.dk/debat/2022/11/boer-aendre-partistoettreglerne-tre-bud-paa-hvordan>

With regard to ‘revolving doors’, the Commission’s 2025 report confirmed that Denmark has no plans to introduce rules on post-employment restrictions, lobbying, or asset declaration controls, reflecting earlier assessments and GRECO’s continued findings of non-compliance.⁴⁴ Public debate in 2025 highlighted the ongoing relevance of these risks, including both post-employment moves and side-jobs held while in office.⁴⁵ High-profile cases, such as the continued acceptance of external paid roles by senior political officeholders, demonstrated that potential conflicts of interest are resolved politically rather than through binding integrity standards.⁴⁶ The Commission correctly noted that Parliament lacks a code of conduct and a register of members’ external interests, alongside similar gaps for ministers and senior executive officials. In this context, side-jobs and external appointments raise many of the same integrity concerns as post-employment moves, including conflicts of interest, divided loyalties, and privileged access. Empirical research further shows a growing overlap between political, administrative, and business elites, e.g. more than five members of parliament have left politics for careers in large organisations or private companies since the 2022 general election.⁴⁷ While political leaders have downplayed these risks, civil society and researchers continue to warn

44 Council of Europe – Group of States against Corruption (GRECO), Addendum to the Second Compliance Report on Denmark – Preventing Corruption and Promoting Integrity in Central Governments and Law Enforcement Agencies, GRECO, adopted 6 June 2025, published 18 August 2025, <https://rm.coe.int/grecorc5-2025-14-final-eng-add-to-the-second-compliance-report-denmark/488027f1db>

45 Kristeligt Dagblad, EU Commission: Denmark should tighten rules on revolving-door lobbying (EU-Kommission: Danmark bør stramme regler for svingdørslobbyisme), 2025, <https://www.kristeligt-dagblad.dk/udland/eu-kommission-danmark-boer-stramme-regler-svingdoerslobbyisme>; Jyllands-Posten, EU Commission: Denmark should tighten rules on revolving-door lobbying (EU-Kommission: Danmark bør stramme regler for svingdørslobbyisme), 2025, <https://jyllands-posten.dk/politik/ECE18348121/eukommission-danmark-boer-stramme-regler-for-svingdoerslobbyisme/>

46 Mark Blach-Ørsten, Eva Mayerhöffer & Ida Willig, The policy professionals and the marketisation of politics (De policyprofessionelle og markedsgørelsen af politik), *Magtudredningen 2.0 – Tema 5 Essay Series*, Aarhus University, 2025; Foreningen for Elite- og Magtstudier (FEM), *Power Network 2024 – Analysis of Denmark’s Elite Network (Magtens Netværk 2024-2)*, 2025, <https://magtelite.dk/wp-content/uploads/2025/12/Magtens-Netvaerk-2024-2.pdf>

47 Ann Sophie Juul Hird, Linn Dyrgaard Stinus, Simon Evers Hjelmberg & Christian Monberg, *Anti-Corruption 2026 – Denmark: Trends and Developments*, Chambers and Partners (Global Practice Guides), 4 December 2025, <https://practiceguides.chambers.com/practice-guides/anti-corruption-2026/denmark/trends-and-developments>

that integrity concerns often arise before officials leave office, when future career considerations may affect decision-making.⁴⁸ This also points to continued lobbying issues. Denmark remains without a mandatory lobby register, limiting public oversight of who seeks to influence decision-makers and at what stage of the policy process. Despite repeated recommendations from civil society, proposals for greater transparency continue to face political resistance, often justified by reference to Denmark's high-trust culture and concerns about administrative burden.⁴⁹ This reflects a broader pattern in which transparency reforms are resisted because corruption is not perceived as a systemic problem. Transparency International Denmark has likewise highlighted that integrity concerns are treated as isolated incidents rather than systemic vulnerabilities. The absence of a national anti-corruption or

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- 48 Altinget, Media researcher: Special advisers are more numerous than ever, but revolving-door lobbying can create power concentration and mistrust (Medieforsker: Særlige rådgivere er flere end nogensinde, men svingdørslobbyismen kan skabe magtcentrering og mistillid), 2024, <https://www.altinget.dk/artikel/medieforsker-saerlige-raadgivere-er-flere-end-nogensinde-men-svingdoerslobbyismen-kan-skabe-magtcentrering-og-mistillid>; Altinget, Professor: Never has the need for insight into the lobbying world been greater (Professor: Aldrig har behovet for indsigt i lobbyverdenen været større), 2024, <https://www.altinget.dk/artikel/professor-aldrig-har-behovet-for-indsigt-i-lobbyverdenen-vaeret-stoerre>; Information, Lobbyists' influence must not be hidden – let's get a lobby register (Lobbyisternes indflydelse må ikke være skjult – lad os få et lobbyregister), 2018, <https://www.information.dk/debat/2018/09/lobbyisternes-indflydelse-vaere-skjult-lad-faa-lobbyregister>
- 49 Transparency International Denmark, Lobbying and influence in Denmark, Transparency International Denmark, <http://transparency.dk/9159-2/>; Kim Valentin, Power has become isolated with lobbyists (Kim Valentin: Magten er blevet isoleret med lobbyister), Altinget, 2024, <https://www.altinget.dk/civilsamfund/artikel/kim-valentin-magten-er-blevet-isoleret-med-lobbyister>; Altinget, Former MP: A lobby register would be symbolic politics of the worst kind (Tidligere folketingsmedlem: Et lobbyregister vil være symbolpolitik af værste skuffe), 2024, <https://www.altinget.dk/artikel/tidligere-folketingsmedlem-et-lobbyregister-vil-vaere-symbolpolitik-af-vaerste-skuffe>; GRACE Public Affairs, Confidentiality is a prerequisite for democratic dialogue (Fortrolighed er forudsætningen for den demokratiske samtale), <https://grace-pa.com/fortrolighed-er-forudsatningen-for-den-demokratiske-samtale/>; Politiken, A “rockwool layer” of lobbyists has fundamentally changed Danish politics (Et “rockwoollag” af lobbyister har fundamentalt forandret dansk politik), 2024, <https://politiken.dk/danmark/politik/art10436082/Et-%E2%80%99rockwoollag%E2%80%99-af-lobbyister-har-fundamentalt-forandret-dansk-politik>

integrity strategy limits the ability to assess cumulative impacts or prioritise preventive reform.⁵⁰ This is also reflected by OECD and GRECO assessments.⁵¹

New Issues that Emerged in 2025

Corruption prevention

A key new issue emerging in 2025 concerns the information environment for corruption prevention, particularly the growing tension between transparency and access to data relevant for detecting corruption, influence, and illicit financial flows. While Denmark has traditionally relied on openness and access to information as informal safeguards against corruption, developments in 2025 indicate that access to key data sources relevant for corruption prevention and investigative scrutiny may be narrowing. This does not concern corruption in the narrow sense, but it affects the broader ecosystem in which corruption risks can be identified, analysed, and addressed by authorities, journalists, and civil society.

In 2025, Denmark implemented changes affecting public access to beneficial ownership information following EU-level legal and regulatory developments in the anti-money laundering framework.⁵² In line with Court of Justice of the European Union case law and subsequent EU guidance, Denmark restricted public access to beneficial ownership registers from September 2025, limiting access

50 Transparency International Denmark, *Corruption in Denmark 2000–2024 (Korruption i Danmark 2000–2024)*, March 2025, <https://transparency.dk/wp-content/uploads/2025/03/Korruption-i-Danmark-2000-2024-Marts-2025.pdf>

51 This is compared to the OECD average of 45% and 36%, respectively. See further: OECD, *Anti-Corruption and Integrity Outlook 2024 – Country Note: Denmark*, Organisation for Economic Co-operation and Development, 2024, https://www.oecd.org/en/publications/anti-corruption-and-integrity-outlook-2024-country-notes_684a5510-en/denmark_84a628ae-en.html; Council of Europe – Group of States against Corruption (GRECO), *Fifth Evaluation Round – Addendum to the Second Compliance Report on Denmark*, Council of Europe, 2025, <https://rm.coe.int/grecorc5-2025-14-final-eng-add-to-the-second-compliance-report-denmark/488027f1db>; Council of Europe, *Council of Europe urges Denmark to act on corruption safeguards*, Council of Europe, 2025, <https://www.coe.int/en/web/portal/-/council-of-europe-urges-denmark-to-act-on-corruption-safeguards>

52 Danish Bar and Law Society (*Advokatsamfundet*), *Public access to beneficial ownership information will be closed from 1 September 2025 (Den 1. september 2025 lukkes der for offentlig adgang til reelle ejere i CVR-registret)*, *Advokatsamfundet*, 2025, <https://www.danskeadvokater.dk/nyheder/den-1-september-2025-lukkes-der-for-offentlig-adgang-til-reelle-ejere-i-cvr-regis>; Offentlighedsportalen, *Document 248996*, Offentlighedsportalen, <https://www.offentlighedsportalen.dk/dokument/248996>

primarily to authorities and actors with a demonstrated ‘legitimate interest’.⁵³ While these changes are not unique to Denmark, and are legally grounded, they represent a substantive departure from previous levels of transparency.

Throughout 2025, Danish experts, journalists, and civil society organisations raised concerns that reduced access to beneficial ownership data could hamper investigative journalism and independent monitoring of corruption risks, particularly in complex cases involving layered corporate structures, public procurement, or links between political decision-makers and private interests.⁵⁴ These concerns were raised in the context of already limited transparency safeguards in Denmark and the restriction of access to ownership data was widely discussed not as an isolated technical adjustment, but as a development with potential knock-on effects for corruption prevention and integrity monitoring.

As the practical implications of the changes have not fully materialised at this point it is difficult to outline a precise recommendation. It would instead be beneficial that the 2026 report notes how Denmark should assess the potential anti-corruption implications of the reduced access to beneficial ownership and other transparency-relevant data.

Implications and Recommendations for 2026

The Commission’s limited and fragmented treatment of the issues outlined above has important implications for how Denmark’s anti-corruption situation is assessed and understood. While the Commission correctly identifies the absence of rules on revolving doors, it does not integrate the evidence of growth and diversification of revolving-door practices into its assessment. As a result, the 2025 report may understate the urgency of reform and its relevance for long-term corruption prevention, particularly when combined with weak lobbying transparency and opaque political financing. Similarly, it could have sent a stronger signal on the need for reforms, if the Commission had emphasised that Denmark is one of few Member States without a lobby register. Moreover, the fact that the Commission’s earlier recommendation on political financing has not been reiterated after 2022, despite stalled legislation and continued civil society criticism, risks conveying that the issue has lost priority for the Commission, even though the 2025 report itself acknowledges that transparency problems

53 *Court of Justice of the European Union, Joined Cases C-37/20 and C-601/20, WM and Sovim SA v Luxembourg Business Registers*, 2022; *European Commission, Anti-money laundering package and guidance on access to beneficial ownership information*, European Commission, 2024–2025.

54 *Danish Chamber of Commerce (Dansk Erhverv)*, Now it is the end of free access to companies’ beneficial owners (Nu er det slut med frit indblik i virksomheders reelle ejere), 2025, <https://www.danskerhverv.dk/presse-og-nyheder/nyheder/2025/oktober/nu-er-det-slut-med-frit-indblik-i-virksomheders-reelle-ejere/>

persist. Together these omissions may contribute to maintaining the prevailing political narrative in Denmark that the above-outlined integrity risks do not warrant structural reform.

Suggested recommendation: Adopt binding rules on ‘revolving doors’ including mandatory cooling-off periods and rules on side jobs for ministers, senior executive officials, and members of Parliament; introduce a mandatory lobby register and strengthen political financing transparency; and adopt a national anti-corruption or integrity strategy to coordinate prevention, oversight, and monitoring across sectors.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

In Denmark, the Constitution provides the overarching framework for protecting freedom of expression. The tasks and mandate of the national media regulatory authority, the Danish Radio and Television Board, are enshrined by law.⁵⁵ Denmark's media landscape is dominated by two public service media outlets, Danmarks Radio (DR) and TV 2 Danmark, which together account for around 80% of the national audience and generally function without direct interference.⁵⁶ In April 2024, new rules introducing competence-based criteria for appointments to DR's board were adopted (entering into force in 2027), representing a positive step to strengthen trust in public service media governance.⁵⁷

Denmark continues to be overall assessed as a country where the media system largely functions effectively and in line with EU standards on media freedom.⁵⁸ Journalists generally operate in a safe environment, and there is no evidence of systematic political interference in media content or leadership.⁵⁹ There have been very few cases that can be described as Strategic Lawsuits Against Public Participation (SLAPPs), and no pattern of harassment or violence against journalists has been identified.⁶⁰ At the institutional level, both regulation and self-regulation have been strengthened. The Danish Radio and Television Board has received additional resources to address new EU-related responsibilities, and the Media Pluralism Monitor 2025 finds the risk to its independence to be very low. Similarly, the Press Council has increased capacity and reached a record number of decisions in 2024, reflecting an active self-regulatory framework.⁶¹

Despite these formal strengths, developments in 2025 indicate a regressive trajectory in the practical conditions for media freedom and democratic scrutiny. A key warning sign is the continued lack of

55 Danish Parliamentary Ombudsman, A20200135029 (1)

56 European Commission, Commission Staff Working Document – 2025 Rule of Law Report: Country Chapter on the rule of law situation in Denmark, SWD(2025) 904 final, 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=celex:52025SC0904>

57 DR, Nye krav til bestyrelsesmedlemmer i DR (Nyt fra DR), 2024, <https://www.dr.dk/om-dr/nyt-fra-dr/nye-krav-til-bestyrelsesmedlemmer-i-dr>

58 Reporters Without Borders (RSF), Denmark (Press Freedom Index), 2025, <https://rsf.org/en/country/denmark>

59 Ibid.

60 Ibid.

61 European Commission, Commission Staff Working Document – 2025 Rule of Law Report: Country Chapter on the rule of law situation in Denmark, SWD(2025) 904 final, 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=celex:52025SC0904>

progress on transparency and access to information. The Access to Public Administrative Documents Act remains widely criticised for limiting transparency through broad exemptions and restrictive administrative practices that have limited access to internal government communication and reduced the ability of journalists and civil society to trace decision-making processes and hold authorities accountable. The absence of tangible reforms despite repeated EU-level recommendations constitutes a warning sign. In addition, 2025 revealed increasing pressure on the normative environment surrounding media freedom, such as proposals to establish a publicly funded Media Ombudsman with legal powers to initiate cases against media actors.⁶² Further warning signs concern source protection and journalistic independence, highlighted by the TV 2 case where courts ordered the broadcaster to hand over unpublished material to law enforcement. The case, now before the ECtHR, raises concerns about potential chilling effects on investigative journalism.⁶³ Lastly, Denmark's media landscape faces structural vulnerabilities, including high market concentration and financial pressures.⁶⁴

Implementation of 2025 Commission recommendations

Recommendation: Continue to advance with the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents (first made in 2022)

There has been no progress to be seen. The recommendation from 2025 was to continue the process to reform the Access to Public Administrative Documents Act.⁶⁵ The Committee tasked to work with the issue has stated that they are still working on assessing the Access to Public Administrative Documents Act, but no concrete measures or news regarding it have been published by the committee.

62 *Danske Medier*, European media organisations and journalist's unions publish a joint complain: Danish plans to establish media ombudsman is a threat to the freedom of the press (Europæiske medieorganisationer og journalistforbund i fælles opråb: Danmarks planer om en medieombudsmand truer pressefriheden)

63 *TV2 Danmark*, TV 2 takes case on handing over journalists' text messages to Strasbourg (TV 2 tager sag om udlevering af journalisters SMS'er til Strasbourg), 2025, <https://omtv2.tv2.dk/nyheder/2025/12/tv-2-tager-sag-om-udlevering-af-journalisters-sms-er-til-strasbourg>

64 *Centre for Media Pluralism and Media Freedom (CMPF)*, Denmark, *Media Pluralism Monitor*, 2025.

65 *Ministry of Justice (Denmark)*, The Minister of Justice establishes a committee to review the Access to Public Administration Files Act (Justitsministeren nedsætter udvalg, der skal se på offentlighedsloven), *Government of Denmark*, 2024.

The recommendation has been the same since it was first introduced in 2022 and does not adequately address what is lacking and why the issue persists. It is too broad and does not reflect on the slow pace at which the limited progress has taken place. To change this, by the end of 2026, the committee should present a legislative proposal to amend the Access to Public Administrative Documents Act, including a clear timeline of how and when to adopt the reform, with the aim of strengthening access to documents by limiting and precisely defining the grounds for refusal, in accordance with European standards on access to official documents.

Commission's 2025 assessment: Some further progress **Nyt Europa's current assessment: No progress**

Gaps in the Commission's Report

The Commission's recommendation fails to address several critical issues, including representation in the media (e.g., gender and socio-economic diversity), strategies to mitigate misinformation in an increasingly diversified media landscape, and the implications of emerging AI tools.

In 2025, concerns about representation remained highly relevant as Danish media continued to show a persistent gender imbalance in expert sourcing and visibility. Expert sources are overwhelmingly male: in 2024, only 5 of the 50 most cited experts were women, with none in the top 20, and at DR women accounted for just 31% of sources. Studies have found that only 25 % of expert sources across Danish media were female.⁶⁶ Structural gender disparities in academia contribute to this imbalance, while unconscious bias further limits women's visibility in publications, collaborations, and media appearances.

Some publishers and universities are taking deliberate steps to address these issues, such as broadening expert pools and actively promoting female researchers. These measures aim to counter entrenched biases and create a more representative academic and media landscape.

New Issues that Emerged in 2025

Denmark's media environment faced several emerging challenges in 2025, including renewed debate over expanding state oversight through a publicly funded Media Ombudsman, gaps in the regulation

⁶⁶ *Videnskab.dk*, Universities highlight men twice as often as women in press releases (Universiteter fremhæver dobbelt så ofte mænd som kvinder i pressemeddelelser), 2025, <https://videnskab.dk/kultur-samfund/universiteter-fremhaever-dobbelt-saa-ofte-maend-som-kvinder-i-pressemeddelelser/>

and accountability of alternative media actors and influencers, and the growing impact of AI-generated journalism on media credibility, editorial responsibility, and public trust.

On recommendations from the Danish Media Liability Committee, plans by the Danish government to establish a public-funded media ombudsman with legal powers to initiate cases against media faced strong opposition from journalist organisations. These argued it might undermine the existing Press Council's independence and potentially open the door for politicised interference in editorial work. Specifically, it was criticised for violating Article 10 of the ECHR, Article 11 of the EU Charter on Fundamental Rights as well as Article 4 of the European Media Freedom Act.⁶⁷ In the recently published and agreed upon Media Liability Act (December 2025), the proposal to equip an ombudsman with legal powers was rejected. Instead, The Media Ombudsman is to contribute to debate and provide guidance and may refer principled cases to the Press Council. Danske Medier, the main trade organisation for private news media in Denmark which works to protect press freedom and advocates for favourable legal, economic, and regulatory conditions for the media industry, gets a seat on the board.⁶⁸

Another issue pertains to the lack of regulation of alternative media actors (social media) and the increasingly personalised and fragmented media consumption and their lack of adherence to regulatory and press ethics under the Press Council. Furthermore, alternative media actors have hitherto not been regulated by the Press Council. This has been addressed in the new agreement. Alternative media actors will be subject to a new liability standard, including requirements to publish replies, and stricter criminal liability.⁶⁹ It remains to be seen how this new proposal is effectuated.

Another part of the act abolishes the fee for access to judgments and court rulings for journalistic media, so that financial considerations do not hinder investigative and critical journalism.⁷⁰ The lack of alignment with recommendations in relation to The Access to Public Administrative Documents

67 *Danske Medier*, European media organisations and journalist's unions publish a joint complain: Danish plans to establish media ombudsman is a threat to the freedom of the press (Europæiske medieorganisationer og journalistforbund i fælles opråb: Danmarks planer om en medieombudsmand truer pressefriheden), 2025, <https://via.ritzau.dk/pressemeddelelse/14572139/europaeiske-medieorganisationer-og-journalistforbund-i-faelles-oprab-danmarks-planer-om-en-medieombudsmand-truer-pressefriheden>

68 *Danske Medier*, Politicians listened: new agreement maintains an arm's-length relationship and recognizes autonomous and independent media outlets (Politikerne har lyttet: Ny aftale sikrer armslængde og anerkender de frie og uafhængige medier), 2025, <https://via.ritzau.dk/pressemeddelelse/14711733/politikerne-har-lyttet-ny-aftale-sikrer-armslaengde-og-anerkender-de-frie-og-uaefhaengige-medier?publisherId=13560917&lang=da>

69 *ibid.*

70 *ibid.*

Act, however, did not get addressed and there is no mention of any measures taken to increase access to documents in line with the Commission's recommendations.

Finally, AI-generated journalism (both written and audiovisual) poses a growing challenge to the credibility and public trust of Danish media. Automated content can spread errors or biases, undermining audience confidence and raising concerns about editorial independence. Overreliance on AI to reduce costs could devalue professional journalistic expertise and weaken investigative reporting. To address these risks, forthcoming reports should propose recommendations on methods and transparency measures that clearly distinguish between human and AI-generated content. Without such safeguards, the media's role as a trusted watchdog may be compromised in the years ahead.

Implications and Recommendations for 2026

The absence of targeted attention to representation and inclusion risks reinforcing unequal participation in democratic debate and limiting the diversity of viewpoints available to the public. If expert and authoritative voices remain dominated by narrow demographic groups, media coverage may continue to reproduce existing inequalities and weaken broader public trust and legitimacy in the media ecosystem.

Moreover, by not addressing misinformation dynamics and the growing role of AI tools, the Commission risks underestimating challenges that may increasingly affect media credibility, accountability, and citizens' ability to distinguish reliable information from manipulated or misleading content. These omissions reduce the Commission's ability to identify early warning signs and support timely safeguards that strengthen media pluralism and resilience.

Suggested recommendation: Introduce measures to improve diversity and representation in media sourcing and coverage, including systematic data collection and monitoring (e.g., gender and socio-economic diversity among expert sources), and develop safeguards to address misinformation risks and the impact of AI-generated content on media integrity and public trust.

The Commission should urge Denmark to address new issues that arose in 2025 through a new recommendation in this area.

Suggested recommendation: Ensure that new media oversight structures (including the Media Ombudsman) remain fully compatible with European media freedom standards, strengthen ethical and accountability frameworks for alternative media actors in a proportionate manner, and introduce transparency requirements for AI-generated journalistic content to safeguard public trust and editorial responsibility.

CHECKS AND BALANCES

General assessment

Denmark remains a formally strong democracy with robust constitutional safeguards, high institutional trust, and long-standing traditions of civic participation. International indicators continue to rank Denmark among the strongest democracies globally. CIVICUS classifies Denmark's civic space as open with a score of 89/100, unchanged for eight years, while Varieties of Democracy assigns Denmark a high score of 0.88 on the Liberal Democracy Index, despite a gradual decline since 2015.⁷¹ Engagement between the state and civil society has historically been a cornerstone of Danish governance, and civic actors have generally operated within a supportive environment.

However, Denmark has not been immune to broader democratic backsliding trends observed globally and across Europe. While the legal framework protecting civic space, including freedoms of association, expression, and assembly, remains strong, developments in 2025 point to continued pressure on civic space.⁷² These pressures stem less from formal legal changes and more from political discourse and administrative practices. Although Denmark continues to perform comparatively well, 2025 developments indicate a weakening in the practical functioning of checks and balances, particularly regarding civil society autonomy and inclusive participation.

A defining feature of these developments is the growing gap between formal safeguards and the lived experience of civic actors.⁷³ While accountability mechanisms formally remain in place and civil society continues to engage in policy dialogue, multiple reports document increasing political and administrative pressures, especially on organisations working on minority rights, climate action, and international solidarity. These pressures include conditional funding, threats of defunding, politicised rhetoric, and selective administrative enforcement, collectively narrowing civic space and weakening civil society's role as an independent check on power. These trends are not new, but 2025 marked a consolidation rather than a reversal. Early warning signs identified in previous years remain largely unaddressed.⁷⁴ The year saw several instances where political actors questioned the legitimacy of civil

71 CIVICUS Monitor, *Denmark – Civic Space Country Profile*, CIVICUS, 2025; *Varieties of Democracy (V-Dem Institute)*, *Liberal Democracy Index*, V-Dem Institute, 2025, https://v-dem.net/data_analysis/VariableGraph/

72 MACS, *Monitoring Action for Civic Space – Denmark Country Monitoring*, *Monitoring Action for Civic Space (MACS)*, 2025

73 MACS, *Monitoring Action for Civic Space – Denmark Country Monitoring*, *Monitoring Action for Civic Space (MACS)*, 2025; Regitze H. Rohlfing, Mathias Zachau and Ferhan Kerskin, *Caught between pressure and potential – An analysis of civic space in Denmark*; *Nyt Europa*, 2025

74 *European Civic Forum, Civic Space Report – Denmark*, *European Civic Forum*, 2025.

society organisations, including suggestions that groups engaging in litigation against the state or other ‘undesirable’ activities should lose public funding.⁷⁵ At the same time, structural shortcomings in public consultation processes continue to limit meaningful civil society participation, despite longstanding political recognition of these issues and the absence of tangible reforms.⁷⁶ Rather than isolated incidents, these developments reflect a broader structural challenge to democratic principles. The persistence of funding-related pressures, unresolved flaws in participatory governance, and the normalisation of rhetoric undermining critical civil society actors risk becoming entrenched practices. Without targeted corrective action, these trends threaten civil society’s autonomy and the balance between state power and independent democratic oversight.

Implementation of 2025 Commission recommendations

There were no recommendations given in this area in the Commission’s 2025 Rule of Law Report.

Gaps in the Commission’s Report

Disregard for deteriorating civic space

A central gap in the Commission’s assessment is its insufficient recognition that civic space in Denmark is deteriorating, and that this deterioration is occurring primarily through political rhetoric, administrative practices, and informal governance mechanisms rather than through formal or legal

75 *Altinget*, The Conservatives want to withdraw public funding from NGOs that sue the state (K vil tage offentlig støtte fra NGO’er, der sagsøger staten), 2024, <https://www.alinget.dk/civilsamfund/artikel/k-vil-tage-offentlig-stoette-fra-ngoer-der-sagsoeger-staten>

76 *Justitia*, Challenges in the legislative process (Udfordringer i lovgivningsprocessen), 15 July 2024, https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf; *K-NEWS*, Short consultation deadlines threaten legal certainty (Korte høringsfrister truer retssikkerheden), 2024, <https://www.k-news.dk/artikler/korte-hoeringsfrister-truer-retssikkerheden>; *DR News*, Criticism of double standards: the government takes a summer break but sets extremely short consultation deadlines (Kritik af dobbeltmoral hos regeringen: Holder selv sommerferie, men sætter korte høringsfrister), *DR*, 2024, <https://www.dr.dk/nyheder/politik/kritik-af-dobbeltmoral-hos-regeringen-holder-selv-sommerferie-men-saetter>; *Altinget*, At 15:44 on Friday afternoon, the Minister of Housing sent a controversial bill for consultation – less than three days later he demanded responses (Klokken 15.44 fredag eftermiddag sendte boligministeren en kontroversiel lov i høring – under tre døgn senere krævede han svar), 2024, <https://www.alinget.dk/artikel/klokken-1544-fredag-eftermiddag-sendte-boligministeren-en-kontroversiel-lov-i-horing-under-tre-doen-senere-kraevede-han-svar>

changes. This form of backsliding is particularly difficult to detect through traditional rule-of-law indicators, which tend to prioritise legislative amendments, institutional design, and formal procedural safeguards. As a result, developments that materially affect checks-and-balances in practice are under-represented in the Commission's analysis.

Independent civic space monitoring⁷⁷ demonstrates that pressures on Danish civil society are increasingly discourse- and practice-driven, including delegitimising political rhetoric, the politicisation of public funding, selective use of administrative tools, and informal signalling about the limits of acceptable civic engagement. These dynamics leave Denmark's strong legal framework formally intact while narrowing the actual space for dissent, critique, and independent oversight. Such changes in political discourse and administrative practice cumulatively weaken civil society autonomy and participation and thereby its ability to work as a check and balances mechanism. The Commission's emphasis on formal openness and procedural compliance obscures the fact that the most consequential developments affecting checks and balances operate below the threshold of legal change. Denmark's national human rights institution has similarly warned that a growing number of individuals and organisations refrain from participating in public debate out of fear of backlash or negative consequences, indicating a chilling effect that procedural indicators alone cannot capture.⁷⁸

Importantly, these developments are not isolated or sudden. They have been documented for several years, but intensified markedly from 2024 onwards. This intensification has triggered unprecedented alliance-building across Danish civil society, with a broad spectrum of organisations engaging in coordinated advocacy to defend civic space, freedom of expression, and the arms-length principle between the state and civil society.⁷⁹ This level of cross-sector mobilisation reflects a shared assessment among civil society actors that core democratic conditions are under strain and that isolated organisational responses are no longer sufficient.

Civil society organisations (CSOs) increasingly reported that rhetoric and practice-based dynamics affected their ability to participate meaningfully in democratic processes and to act as independent checks on power, particularly regarding public consultations. CSOs reported short consultation

77 MACS, *Monitoring Action for Civic Space – Denmark Country Monitoring, Monitoring Action for Civic Space (MACS)*, 2025; Regitze H. Rohlfing, Mathias Zachau and Ferhan Kerskin, *Caught between pressure and potential – An analysis of civic space in Denmark*; *Nyt Europa*, 2025; *European Civic Forum: Civic Space Report – Denmark*, European Civic Forum, 2025.

78 *European Network of National Human Rights Institutions (ENNHRI), Denmark Country Report – Rule of Law 2024*, ENNHRI, 2024, https://ennhri.org/wp-content/uploads/2024/04/Denmark_Country-Report_Rule-of-Law-2024.pdf

79 *Focus group held by Nyt Europa*, December 2025

deadlines, frequently scheduled during holiday periods. This follows previous years' trajectories.⁸⁰ Justicia has for instance documented that public consultations with a deadline of less than 10 days have increased since 2021.⁸¹ Many organisations moreover experienced that their consultation contributions were neither acknowledged nor reflected in final policy outcomes, reinforcing perceptions that consultations are procedural rather than deliberative. More seriously, some CSOs reported that their wording and arguments from consultation submissions were later used to justify political positions that directly contradicted their advocacy, creating a sense that participation could be used against them and discouraging future engagement.⁸²

Public funding distributed through the annual Finance Act continued to be perceived as opaque and politicised. Moreover, a significant share of CSOs has experienced funding tied to political conditions and find this tendency increasing.⁸³ For example, Conservative MP Helle Bonnesen publicly argued that CSOs bringing legal cases against the state should not receive public funding, following a lawsuit by three Danish and one Palestinian CSO against Denmark over arms exports to Israel. While parts of the statement were later withdrawn, similar arguments remain reflected in a joint political programme launched by four right-wing parties ahead of the upcoming election, and echoed by Liberal Alliance spokesperson Sólbjørg Jakobsen.⁸⁴ More broadly, CSOs reported continued difficulties in

80 *Mandag Morgen*, He has discovered three defective cogs in the legislative machinery of democracy (Han har opdaget tre defekte tandhjul i demokratiets lovmaskine), 2024, <https://www.mm.dk/velfaerd/artikel/han-har-opdaget-tre-defekte-tandhjul-i-demokratiets-lovmaskine>; *Altinget*, At 15:44 on Friday afternoon, the Minister of Housing sent a controversial bill for consultation – less than three days later he demanded responses (Klokken 15.44 fredag eftermiddag sendte boligministeren en kontroversiel lov i høring – under tre døgn senere krævede han svar), 2024, <https://www.alinget.dk/artikel/klokken-1544-fredag-eftermiddag-sendte-boligministeren-en-kontroversiel-lov-i-hoering-under-tre-doen-senere-krævede-han-svar>

81 *Justitia*, Challenges in the legislative process (Udfordringer i lovgivningsprocessen), 15 July 2024, https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf; *K-NEWS*, Too little time, too many tasks and too much social media threaten legislative quality (For lidt tid, for mange opgaver og for meget SoMe truer lov kvaliteten), 2024, <https://www.k-news.dk/artikler/for-lidt-tid-for-mange-opgaver-og-for-meget-some-truer-lov-kvaliteten>

82 *Focus group held by Nyt Europa*, December 2025

83 *Focus group held by Byt Europa*, December 2025; Regitze H. Rohlfing, Mathias Zachau and Ferhan Kerskin, *Caught between pressure and potential – An analysis of civic space in Denmark*; *Nyt Europa*, 2025

84 *Altinget*, The Conservatives want to withdraw support from Danish NGOs that sue the state (Konservative vil tage støtten fra danske NGO'er, der sagsøger staten), 2024 <https://www.alinget.dk/artikel/konservative-vil-tage-stoetten-fra-danske-ngoer-der-sagsoeger-staten>

securing funding for political or advocacy work that diverges from government priorities with 25% of CSOs in a recent survey reporting experiences of conditional or agenda-linked funding.⁸⁵

Administrative practices have contributed to uneven access to civic space, including hurdles affecting the operation of civil society organisations, such as difficulties in opening bank accounts and other technical requirements relevant to their day-to-day activities.⁸⁶ As a countervailing development, the Danish government presented a policy proposal in early 2025 with 30 initiatives aimed at reducing administrative burdens for volunteer associations, which has been welcomed by key stakeholders.

Several politically sensitive demonstrations were met with forceful policing and large-scale detentions, raising concerns about potential chilling effects on the exercise of the right to peaceful assembly. Those working on climate issues, minority rights, and international solidarity also faced increased online harassment, smear campaigns, and delegitimising rhetoric. For example, during the annual Democracy Festival in June 2025, Prime Minister Mette Frederiksen and former Conservative Party leader Søren Pape characterised climate activists as ‘anti-democratic’, contributing to concerns about polarisation and the stigmatisation of parts of civil society.

Implications and Recommendations for 2026

The absence of concrete and targeted recommendations in the Commission’s assessment has significant implications for civil society’s ability to function as an effective check on power within Denmark’s rule of law framework. By not giving civic space concerns greater analytical weight or treating them as a distinct area of importance, the Commission risks underestimating how cumulative pressures affect civil society’s capacity to contribute to democratic accountability, pluralism, and oversight. This omission also weakens recognition of civil society as a core rule of law protector, rather than merely a stakeholder affected by isolated regulatory issues.

In practice, the lack of direct recommendations risks legitimising continued inaction by Danish authorities. When civic space challenges are not explicitly addressed or prioritised in the rule of law framework, this may be interpreted domestically as confirmation that these issues do not require structural improvement. This is particularly evident in relation to public consultations and participation in decision-making, where long-standing weaknesses persist without corrective measures. Short and poorly timed consultation periods continue to disadvantage smaller organisations and those with

85 Regitze H. Rohlfing, Mathias Zachau & Ferhan Kerskin, *Caught between pressure and potential – An analysis of civic space in Denmark*, *Nyt Europa*, 2025.

86 Regitze H. Rohlfing, Mathias Zachau & Ferhan Kerskin, *Caught between pressure and potential – An analysis of civic space in Denmark*, *Nyt Europa*, 2025.

limited administrative capacity. Reports that consultation inputs have been used against civil society organisations further undermine trust in participatory processes and discourage engagement, increasing the risk that policymaking becomes increasingly selective and dominated by well-resourced actors.

Similarly, the limited focus on administrative and funding-related constraints risks downplaying their cumulative severity. Ongoing difficulties in accessing banking services, complex compliance requirements, and uneven access to public infrastructure continue to limit civil society's operational capacity. At the same time, reported threats of defunding and public statements questioning the legitimacy of state support for organisations engaged in legal action or critical advocacy contribute to financial uncertainty and may discourage organisations from pursuing activities that challenge government policies. In the absence of clear external benchmarks or recommendations, such practices risk becoming normalised.

Taken together, these omissions risk allowing Denmark's civic space to narrow through incremental and informal means. By not more clearly framing civic space as integral to the rule of law, the Commission may reduce external pressure for reform and inadvertently signal that the outlined issues are of limited importance. This, in turn, hampers civil society's ability to continue acting as an independent and effective democratic force, with longer-term consequences for checks and balances and the resilience of Denmark's democratic governance system.

Suggested recommendation: Establish predictable and transparent civil society funding that safeguards organisational independence, and reform public consultation procedures to ensure timely, accessible, and meaningful participation of civil society organisations in decision-making.

CONTACTS

Nyt Europa (New Europe)

Nyt Europa is a Danish non-profit action tank dedicated to promoting a sustainable and democratic Europe through research, advocacy and public engagement. Founded in 1998 and based in Copenhagen, Nyt Europa works from the conviction that the European Union (EU) has a key role to play in securing a greener, more inclusive and more democratic future for the continent and believes this must be achieved through empirical-based analyses, mobilisation across borders and innovative engagement of citizens in politics.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ESTONIAN HUMAN
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ABOUT THE CONTRIBUTING ORGANISATIONS

Estonian Human Rights Centre



ESTONIAN HUMAN
RIGHTS CENTRE

The Estonian Human Rights Centre (EHRC) is an independent public-interest foundation dedicated to the advancement of the protection of human rights in Estonia. The EHRC is engaged in research, monitoring, advocacy and awareness-raising activities to advance the protection of human rights. The mission of the EHRC is to work together for Estonia to become a country that respects the human rights of every person in the country. The EHRC develops its activities according to the needs of the society. The EHRC's focus is currently on the advancement of equal treatment of minority groups, diversity and inclusion, the human rights of asylum seekers and refugees, hate speech and hate crime, and data and privacy. The EHRC coordinates the Estonian Diversity Charter. The EHRC also monitors the overall human rights situation in Estonia and publishes independent human rights reports about the situation in Estonia. As a whole, the EHRC carries out broad-based, effective, and sustainable advocacy in the field of human rights.

OVERALL ASSESSMENT: STAGNATOR

Estonia's rule of law context in 2025 is defined by institutional stability under growing pressure from a tense security environment, rapid technological change, and restrictive budget choices. Democratic governance and the judiciary continue to function, but several developments have raised concerns about transparency, safeguards, and effective protection of fundamental rights. The most visible shift has been in data protection and surveillance: new or expanded state surveillance capabilities were rolled out before the Riigikogu (the national parliament) had clearly defined their purpose, mandate, and safeguards, intensifying public debate about privacy, oversight, and access to remedies.

At the same time, resource constraints in the justice system have increased delays and uneven access to legal protection, disproportionately affecting people in weaker positions. In the equal-treatment policy, a draft law prepared via consultation in 2024 to merge equality legislation was halted when the Ministry of Justice commissioned a new version from a private law firm; in 2025, the revised draft and analysis were not made public or broadly consulted on, undermining inclusiveness and coordination with equality institutions.

Key actors have influenced these trends in opposite directions. The government and ministries have pushed security- and efficiency-driven initiatives, sometimes without sufficient openness. In response, oversight bodies and courts have acted as safeguards: the Chancellor of Justice warned against movement towards a 'surveillance society' and the Supreme Court has highlighted risks from vague restrictions that render constitutional limits unclear. Civil society and equality bodies have increased scrutiny and calls for publication, consultation, and impact assessments—strengthening resilience, even where state institutions have not fully engaged.

Assessment of the trajectory

Estonia can be described as resilient but increasingly vulnerable: democratic institutions and judicial independence remain stable, yet there is a risk of early warning signs—such as the expansion of surveillance capabilities ahead of clear legal mandates and safeguards, reduced transparency and inclusiveness in law-making, and budget-driven constraints that weaken access to justice—being normalised. The situation is not fully entrenched backsliding, but may become so if these practices become routine, which is why timely corrective action is needed. At the same time, active public debate, civil society scrutiny, and the corrective role of oversight bodies and courts are clear strengths that should be reinforced.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM

General assessment

Compared to the previous year, the situation of the justice system in Estonia has deteriorated.¹ While legislative initiatives² aimed at improving court administration and procedural efficiency have continued, their practical impact has been outweighed by structural developments that negatively affect the functioning of the justice system.³ Courts' capacity to manage their workload has declined, and the length of proceedings has increased, particularly in appellate instances.⁴ Budgetary cuts implemented during the reporting period have had a tangible impact on the sustainability, quality, and accessibility of justice, including through the closure of court buildings and constraints on human resources.⁵ Long-standing concerns regarding the underfunding of state legal aid remain unaddressed, and proposed plans to replace first-level legal assistance for vulnerable groups with automated tools risk further undermining effective access to justice.⁶ Also, the public trust in the judiciary has declined, and oversight bodies continue to identify recurring deficiencies in procedural safeguards, particularly

- 1 Jaanus Tehver, *Human Rights Report 2026: Right to a fair trial*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus), 10 December 2025, <https://humanrights.ee/en/materials/inimoigused-cestis-2026/right-to-a-fair-trial/>
- 2 Parliament (Riigikogu), Act on Amendments to the Courts Act and Related Amendments to Other Acts (Enhancing the Efficiency of Court Administration) 632 SE (Kohtute seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus (kohtute haldamise tõhustamine) 632 SE), 30 June 2025, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/2df3cfc4-3ccc-4bc6-8886-d98cd5be4970/kohtute-seaduse-muutmise-ja-sellega-seonduvalt-teiste-seaduste-muutmise-seadus-kohtute-haldamise-tohustamine/> [in Estonian]
- 3 Supreme Court of Estonia (Riigikohus), Activities of the Court Administration Council in 2024 (Kohtute haldamise nõukoja tegevus 2024. aastal), October 2025, <https://aastaraamat.riigikohus.ee/kohtute-haldamise-noukoja-tegevus-2024-aastal/> [in Estonian]
- 4 Supreme Court of Estonia (Riigikohus), Overview of judicial organisation, administration of justice and uniform application of laws (Ülevaade kohtukorralduse, õigusemõistmise ja seaduste ühetaolise kohaldamise kohta), 10 June 2025, https://www.riigikohus.ee/sites/default/files/elfinder/õiguslased%20materjalid/RK%20esimehe%20ulevaade%20Riigikogus%20%202018/Riigikohtu%20esimehe%20ulevaade%20kohtukorralduse%20õigusemõistmise%20ja%20seaduste%20ühetaolise%20kohaldamise%20kohta_lõplik_2025.pdf [in Estonian]
- 5 European Commission, *EU Justice Scoreboard*, 1 July 2025, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en
- 6 *Government swaps free legal aid for chatbot (Valitsus vahetab tasuta õigusabi juturoboti vastu)*, ERR.ee, 10 October 2025, <https://www.err.ee/1609825824/valitsus-vahetab-tasuta-oigusabi-juturoboti-vastu> [in Estonian]

in detention-related contexts.⁷ Early warning signs relating to court capacity, funding, and access to justice have not been adequately addressed, and, without corrective action, there is a risk that current shortcomings will become structurally entrenched.⁸

Implementation of 2025 Commission recommendations

Recommendation: Continue the ongoing efforts to reform the Council for the Administration of Courts, taking into account European standards on Councils for the Judiciary (first made in 2024)

During 2025, legislative work to reform the Council for the Administration of Courts continued, reflecting a formal commitment by the government to address long-standing concerns regarding judicial governance. A draft law amending the Courts Act (632 SE) was introduced and discussed in the Riigikogu, building on earlier preparatory work and signaling an intention to strengthen judicial autonomy and align court administration with European standards on Councils for the Judiciary. The reform proposal includes changes aimed at redistributing powers between the executive and judicial branches and restructuring the Council's role in court administration.

However, progress remained limited to the preparatory and legislative stages, and the reform had not been adopted or implemented by the end of the reporting period. Key aspects of the reform, including the final composition of the Council and the role of non-judicial members, continued to be debated, and no tangible institutional changes materialised in practice during 2025. As a result, the existing governance model remained in place.⁹

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- 7 Supreme Court of Estonia (Riigikohus), Overview of judicial organisation, administration of justice and uniform application of laws (Ülevaade kohtukorralduse, õigusemõistmise ja seaduste ühetaolise kohaldamise kohta), 10 June 2025, https://www.riigikohus.ee/sites/default/files/elfinder/õiguslased%20materjalid/RK%20esimehe%20ülevaade%20Riigikogus%20%202018/Riigikohtu%20esimehe%20ülevaade%20kohtukorralduse%20õigusemõistmise%20ja%20seaduste%20ühetaolise%20kohaldamise%20kohta_lõplik_2025.pdf [in Estonian]
- 8 Estonian Bar Association, *Proposals to increase fees (Riigi õigusabi korraldamine)*, *Eesti Advokatuur*, 7 October 2025, <https://aastaraamat.advokatuur.ee/2024-2/riigi-õigusabi-korraldamine> [in Estonian]
- 9 Parliament (Riigikogu), Act on Amendments to the Courts Act and Related Amendments to Other Acts (Enhancing the Efficiency of Court Administration) 632SE (Kohtute seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus (kohtute haldamise tõhustamine) 632 SE), 30 June 2025, <https://www.riigikogu.ee/tegevus/dokumendiregister/dokument/656f6461-564a-41b9-97c5-0ae4983f2fa0/> [in Estonian]

At the same time, structural challenges affecting the justice system intensified, creating an unfavourable context for the reform process. Budgetary constraints and reductions affecting the judiciary, combined with declining court capacity and increasing workload pressures, undermined the practical ability of governance reforms to translate into the improved functioning of the justice system. These developments risk weakening the impact of the proposed reform even if adopted, as governance changes alone cannot offset sustained resource constraints.¹⁰

No clear signs of regression specific to the governance reform were identified. However, the absence of concrete implementation, coupled with worsening operational conditions, raises concerns about reform fatigue and delayed compliance with European standards. To ensure meaningful implementation, further steps are needed, including the timely adoption of the reform, clear safeguards to ensure a decisive role for judges elected by their peers within the Council, and complementary measures addressing court funding and capacity. Without such steps, the reform risks remaining a formal legislative exercise without a substantive effect on judicial independence in practice.¹¹

The recommendation itself is relatively clear but the steps to take have not been clearly articulated. The recommendation clearly identifies the objective of reforming the Council for the Administration of Courts in line with European standards, but it does not specify concrete benchmarks, timelines, or minimum requirements for compliance, leaving substantial discretion as to its implementation. The Commission should have recommended that Estonia:

Adopt and implement, within a clear timeframe, the reform of the Council for the Administration of Courts in full compliance with European standards, ensuring a decisive role for peer-elected judges, while simultaneously addressing court funding, workload, and access to justice to safeguard judicial independence in practice.

Commission's 2025 assessment: Some progress

EHRC's current assessment: In progress

- 10 Supreme Court of Estonia (Riigikohus), Overview of judicial organisation, administration of justice and uniform application of laws (Ülevaade kohtukorralduse, õigusemõistmise ja seaduste ühetaolise kohaldamise kohta), 10 June 2025, https://www.riigikohus.ee/sites/default/files/elfinder/õiguslased%20materjalid/RK%20esimehe%20ülevaade%20Riigikogus%20202018/Riigikohtu%20esimehe%20ülevaade%20kohtukorralduse%20õigusemõistmise%20ja%20seaduste%20ühetaolise%20kohaldamise%20kohta_lõplik_2025.pdf [in Estonian]
- 11 Jaanus Tehver, *Human Rights Report 2026: Right to a fair trial*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus), 10 December 2025, <https://humanrights.ee/en/materials/inimoigused-cestis-2026/right-to-a-fair-trial/>

Gaps in the Commission's Report

Severe budget proposals for courts

Courts were instructed to reduce costs, and a multi-year cut (reported as 10%) was planned and implemented. The Council for the Administration of Courts explicitly warned that the proposed budgets were too severe and do not ensure sustainable administration of justice¹². The courthouse closures were decided and implemented, and further closures were discussed, raising concerns about reduced accessibility of justice.¹³

State legal aid funding

The Estonian Bar Association made proposals in both 2024 and 2025 to increase state legal aid funding, but the Ministry of Justice and Digital Affairs said current budgetary restrictions made it impossible.¹⁴ In autumn 2025, information became public about a government plan to discontinue state-funded first-level legal aid for low-income people from 2026 and replace it with a chatbot, which is assessed as worsening access to justice.¹⁵

Detention conditions

Oversight continued to identify systemic issues in detention and closed settings (e.g., access to medical care, isolation safeguards, documentation, communication restrictions), as reported by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and corroborated by the Chancellor of Justice monitoring practice.¹⁶

12 Council for the Administration of Courts (Eesti Kohtunike Ühing), Estonian Judges' Association's appeal in connection with the closure of courthouses (Eesti Kohtunike Ühingu pöördumine seoses kohtumajade sulgemisega), 20 January 2025, https://www.ekou.ee/doc/2025-01-20_EKoY-JDM-kohtumajade-sulgemine.pdf [in Estonian]

13 Rene Kundla, *The municipality and the prosecutor's office fear a security risk from the closure of the Jõhvi courthouse (Vald ja prokuratuur kardavad Jõhvi kohtumaja sulgemisest julgeolekuriski)*, ERR.ee, 4 March 2025, <https://www.err.ee/1609620938/vald-ja-prokuratuur-kardavad-johvi-kohtumaja-sulgemisest-julgeolekuriski> [in Estonian]

14 The Estonian Bar Association, *Proposals to increase fees (Riigi õigusabi korraldamine)*, Eesti Advokatuur, 7 October 2025, <https://aastaraamat.advokatuur.ee/2024-2/riigi-oigusabi-korraldamine> [in Estonian]

15 Estonian Public Broadcasting (ERR), *Government swaps free legal aid for chatbot (Valitsus vahetab tasuta õigusabi juturoboti vastu)*, ERR.ee, 10 October 2025, <https://www.err.ee/1609825824/valitsus-vahetab-tasuta-oigusabi-juturoboti-vastu> [in Estonian]

16 Chancellor of Justice (Õiguskantsler), Inspection visit to Kastre home (Kontrollkäik SA Hooldekodu Härmalõng Kastre kodusse), 19 August 2025, <https://www.oiguskantsler.ee/sites/default/files/2025-08/Kontrollkaik%20SA%20Hooldekodu%20Harmalong%20Kastre%20kodusse.pdf> [in Estonian]

New Issues that Emerged in 2025

Planned replacement of first-level legal aid with an automated tool

A new government plan became public in autumn 2025 to end state-funded (free/subsidised) first-level legal assistance for people with low income from 2026 and replace it with a chatbot.¹⁷ Lawyers from the HUGO.legal law firm, which has previously provided the legal aid service, warn that ending the programme will jeopardise access to legal aid. They note that the Ministry's plan remains unclear—there is talk of a 'robot', but no explanation of what will happen to the roughly 10,000 people who have relied on this support each year. So the chatbot option¹⁸ is assessed as certainly worsening legal aid accessibility for economically vulnerable groups, thereby weakening access to justice.¹⁹ It also sits against the background of unresolved underfunding of state legal aid repeatedly raised by the Bar Association.²⁰

The Sweden-Estonia prison rental agreement and rights safeguards in the detention-related justice

In June 2025, Estonia and Sweden signed a prison rental agreement²¹ enabling Sweden to use Estonian prison infrastructure for up to 600 detainees, raising new justice-system questions about rights protection, oversight capacity, and practical access to safeguards in a cross-border detention context. Despite the Ministry of Justice and Digital Affairs' view that the arrangement complies with European human-rights standards, there are concrete practical risks. Especially, language barriers and the ability to ensure meaningful activities, communication, visits, and safeguards. Particularly given

17 Estonian Public Broadcasting (ERR), *Government swaps free legal aid for chatbot (Valitsus vahetab tasuta õigusabi juturoboti vastu)*, ERR.ee, 10 October 2025, <https://www.err.ee/1609825824/valitsus-vahetab-tasuta-oigusabi-juturoboti-vastu> [in Estonian]

18 Legal Assistance Chatbot, <https://www.juristaitab.ee/et>

19 Kelly Taidla, *The state is replacing free legal aid with a chatbot; according to the current service provider, this puts access to assistance at risk (Riik asendab tasuta õigusabi juturobotiga, tänase teenuspakkuja sõnul seab see ohtu abi kättesaadavuse)*, DELFI.ee, 16 October 2025, <https://www.delfi.ee/artikkel/120410001/riik-asendab-tasuta-oigusabi-juturobotiga-tanase-teenuspakkuja-sonul-seab-see-ohtu-abi-kattesaadavuse> [in Estonian]

20 The Estonian Bar Association, *Proposals to increase fees (Riigi õigusabi korraldamine)*, Eesti Advokatuur, 7 October 2025, <https://aastaraamat.advokatuur.ee/2024-2/riigi-oigusabi-korraldamine> [in Estonian]

21 Ministry of Justice and Digital Affairs (Justiits- ja Digiministeerium), *Estonia and Sweden Sign Prison Lease Agreement*, 18 June 2025, <https://www.justdigi.ee/en/news/estonia-and-sweden-sign-prison-lease-agreement>

that ensuring such rights is described as challenging, even with the current low number of foreign detainees.²²

Implications and Recommendations for 2026

There is a risk that the most immediate drivers of justice system deterioration will remain politically underprioritised, including sustainability warnings on court budgets and the accessibility risks linked to the courthouse closures, that legal aid underfunding will persist, whereas the planned replacement of state-funded first-level legal aid with automated tools will further undermine effective access to justice, and that recurring detention-related safeguard deficiencies identified by the CPT and national monitoring will become entrenched if structural pressures increase and access-to-lawyer pathways are weakened.

Suggested recommendation: The government should avoid excessive budget cuts targeting the judiciary to prevent compromising the quality of justice.

Suggested recommendation: Riigikogu should adopt and implement amendments to the laws on judicial proceedings regulations, which would allow proceedings to be conducted more efficiently and faster, while also ensuring the fundamental and procedural rights of the persons involved.

Suggested recommendation: The Ministry of Justice and Digital Affairs should carry out the court administration reform in a manner that does not compromise access to justice. Implement the activities necessary to achieve the objectives set out in the courts' development plan.

Suggested recommendation: The Ministry of Justice and Digital Affairs should apply measures to ensure the accessibility and sustainability of the state legal aid system.

Concerning the new developments over the last year, the Commission should address them through the following new recommendations.

Suggested recommendation: Estonia should maintain and sustainably fund first-level legal aid for persons with low income and ensure that any digital tools used in legal aid are only supplementary and subject to quality, transparency, accountability, and human review safeguards, so that effective access to justice is guaranteed.

22 Chancellor of Justice (Õiguskantsler), *Annual review of the chancellor of Justice 2024/2025* (Õiguskantsleri aastaülevaade 2024/2025), <https://www.oiguskantsler.ee/ylevaade2025/otsing#rootsi> [in Estonian]

Suggested recommendation: Estonia should introduce specific safeguards and monitoring for the prison rental arrangement, including guaranteed access to healthcare, communication with counsel and relatives, meaningful activities, effective complaint mechanisms, and strengthened independent oversight (including language-access measures), to prevent detention-related rights deficiencies.

Implementation of Judgments

In the European Court of Human Rights (ECtHR) judgment delivered on 16 September 2025, *Seppern v. Estonia*, the Court found no violation of Article 6(1) of the Convention. As no violation was established, this judgment did not require the adoption of specific execution or remedial measures by the Estonian authorities beyond dissemination and consideration in judicial practice.²³ Regarding detention conditions and procedural safeguards, formal legal amendments have not fully translated into effective implementation in practice. Although amendments to the Imprisonment Act²⁴ entering into force in 2024 improved alignment with international standards, oversight bodies continue to identify persistent shortcomings in detention-related safeguards.

23 European Court of Human Rights, *Case of Seppern v. Estonia*, 16 September 2025, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-244808%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-244808%22]})

24 Riigi Teataja, Imprisonment Act, <https://www.riigiteataja.ee/en/eli/ee/504112013005/consolide/current>

ANTI-CORRUPTION FRAMEWORK —

General assessment

In 2025, Estonia made tangible progress in its anti-corruption framework primarily because a whistleblower protection law entered into force on 1 January 2025.²⁵ Enhancing the structure in this way can lead to improved detection and reporting capabilities with continued effectiveness in implementation. At the same time, several core prevention and integrity reforms remained stalled or were only at the discussion or analysis stage, limiting the practical impact of the progress. For example, Amendments to the Anti-Corruption Act²⁶ are still under parliamentary consideration. Although parties agreed in early 2025 to develop a lobbying framework for the Parliament, there is still no timeline set. Likewise, revolving-doors restrictions beyond government members remain unresolved – discussion continued, but no steps have been taken to broaden restrictions to other high-level officials.²⁷ There are clear steps to build on existing progress: to make whistleblower protection effective in practice, to finalize the Anti-Corruption Act amendments, to adopt a time-bound and enforceable parliamentary lobbying framework, and to close revolving-door gaps beyond government members.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 Rule of Law Report.

Gaps in the Commission's Report

Political party financing and election-related use of public resources

A key gap is the lack of a specific recommendation on political integrity risks around political party financing and election-related use of public resources, despite political party financing being treated as a high-risk corruption area in the Commission's own Estonia country chapter narrative and concrete

25 European Commission, *Country Chapter on the rule of law situation in Estonia*, 8 July 2025, https://commission.europa.eu/document/download/a240f7e5-028d-4448-938f-33df5887531c_en?filename=10_1_63942_coun_chap_estonia_en.pdf

26 Parliament (Riigikogu), *Draft Act to Amend the Anti-Corruption Act (442 SE)* (Korruptsioonivastase seaduse muutmise seadus 442 SE), 27 May 2024, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/766f7c9b-8932-40de-8a6a-20fae2aac3af/korruptsioonivastase-seaduse-muutmise-seadus/> [Estonian]

27 European Commission, *Country Chapter on the rule of law situation in Estonia*, 8 July 2025, https://commission.europa.eu/document/download/a240f7e5-028d-4448-938f-33df5887531c_en?filename=10_1_63942_coun_chap_estonia_en.pdf

2025 incidents pointing to integrity vulnerabilities. Political party financing oversight and election-related integrity safeguards remain insufficiently robust in practice, including the enforcement capacity and investigatory powers of the Political Parties Financing Surveillance Committee (ERJK), and the prevention of public-resource or public-platform use that could distort fair political competition (especially salient during election periods).²⁸

In 2025, several developments illustrated integrity stress-points and enforcement relevance: firstly, party financing and suspected unlawful financing allegations, where the Prosecutor's Office reported plans to present its suspicions to the political party Isamaa regarding alleged financing;²⁹ secondly, the enforcement of prohibited donation or benefit logic in political communications, where the ERJK sought repayment from Urmas Reinsalu, the member of the parliament, related to the Postimees news portal author programme assessed as being a prohibited donation or benefit;³⁰ and thirdly, the use of public sector platforms and election campaigning optics, reporting on how a municipal company's tram setting was used for a political campaign event and raised concerns about the rule-compliance and integrity of public entities in campaign contexts.³¹ At the same time, at the policy level, the Commission described ongoing efforts to reform the political party financing framework, including strengthening the ERJK's powers and clarifying party financing rules, but these remained in the legislative and early implementation phase.³²

28 European Commission, *Country Chapter on the rule of law situation in Estonia*, 8 July 2025, https://commission.europa.eu/document/download/a240f7e5-028d-4448-938f-33df5887531c_en?filename=10_1_63942_coun_chap_estonia_en.pdf

29 Estonian Public Broadcasting (ERR), *The Prosecutor's Office files a complaint against Isamaa regarding alleged financing* (*Prokuratuur esitab Isamaale kahtlustuse seoses väidetava rahastamisega*), ERR.ee, 21 November 2025, <https://www.err.ee/1609864371/prokuratuur-esitab-isamaale-kahtlustuse-seoses-vaidetava-rahastamisega> [in Estonian]

30 Estonian Public Broadcasting (ERR), *ERJK expects Reinsalu to return thousands of euros for the Postimees program* (*ERJK ootab Reinsalult Postimehe saate eest tuhandete eurode tagastamist*), ERR.ee, 22 May 2025, <https://www.err.ee/1609701618/erjk-ootab-reinsalult-postimehe-saate-eest-tuhandete-eurode-tagastamist> [in Estonian]

31 Estonian Public Broadcasting (ERR), *TLT, which promised an Estonia 200 campaign in the tram, violated its own rules* (*Trammis Eesti 200 kampaaniat lubanud TLT rikkus enda reegleid*), ERR.ee, 2 September 2025, <https://www.err.ee/1609786146/trammis-eesti-200-kampaaniat-lubanud-tlt-rikkus-enda-reegleid> [in Estonian]

32 European Commission, *Country Chapter on the rule of law situation in Estonia*, 8 July 2025, https://commission.europa.eu/document/download/a240f7e5-028d-4448-938f-33df5887531c_en?filename=10_1_63942_coun_chap_estonia_en.pdf

Implications and Recommendations for 2026

Political party financing and election-adjacent integrity issues can be high-impact and system-wide, so leaving them without a tailored recommendation weakens the report's leverage precisely where enforcement and clarity are most needed.

Suggested recommendation: Adopt and implement, within a clear timeframe, measures strengthening political party financing oversight (including effective investigatory powers and enforceable sanctions), and introduce explicit safeguards preventing the use of public resources and public entities for party-political campaigning, to reinforce integrity and public trust.

Suggested recommendation: Expand whistleblower protection beyond EU-law breaches to national-law violations, with effective awareness and reporting channels.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Although the state of freedom of expression in Estonia remains good and is supported by the Supreme Court of Estonia in practice, it has neither enacted laws restricting media freedom nor implemented any new measures to support it. There are still problems with the right of access to information, as some authorities continue to classify documents without a clear and properly justified basis.

Implementation of 2025 Commission recommendations

Recommendation: Further advance, with efforts to ensure consistent and effective implementation of, the right of access to information taking into account European standards on access to official documents (first made in 2022).

There has been no progress in advancing efforts to ensure consistent and effective implementation of the right of access to information, considering European standards on access to official documents.

The recommendation addresses a relevant priority, but it remains too broad and aggregates several issues (implementation, consistency, effectiveness, and alignment with European standards) without setting out concrete, sequenced steps or measurable benchmarks. Authorities should refrain from classifying documents without proper justification.

Commission's 2025 assessment: No progress

EHRC's current assessment: No progress

CHECKS AND BALANCES

General assessment

Budget cuts and delays in funding have created uncertainty amongst NGOs, while fundamental rights are increasingly being restricted on public-safety grounds, including through unlawful measures.³³ It became evident that public authorities are using, for example, a nationwide network of number-recognition cameras³⁴ or the enforcement register,³⁵ which allows access to bank account data without a clear legal basis. Attention was also drawn to the plan by the Financial Intelligence Unit to create a so-called ‘super-database’³⁶ as well as conceptual developments related to a nationwide network of surveillance cameras with facial and number recognition.³⁷

There also remains a blanket ban on prisoners voting in elections. In addition, Estonia has yet to implement the UN Committee on the Rights of Persons with Disabilities’ recommendation to ensure the right to vote for all persons, including those with limited legal capacity and those under guardianship.³⁸

33 Alari Rammo, *Human Rights Report 2026: Freedom of assembly and association*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus), 10 December 2025, <https://humanrights.ee/en/materials/inimoigused-eestis-2026/right-to-a-fair-trial/>

34 Estonian Public Broadcasting (ERR), *Interior Ministry memo: license plate recognition should be written into law (Siseministeeriumi memo: numbrituvastus tuleks seadusesse kirjutada)*, ERR.ee, 13 May 2025, <https://www.err.ee/1609692788/siseministeeriumi-memo-numbrituvastus-tuleks-seadusesse-kirjutada> [in Estonian]

35 Estonian Public Broadcasting (ERR), *Chancellor of Justice: State agencies have gained unregulated access to banking secrecy (Õiguskantsler: riigiasutused on saanud reegliteta ligipääsu pangasaladusele)*, ERR.ee, 1 July 2025, <https://www.err.ee/1609735116/oiguskantsler-riigiasutused-on-saanud-reegliteta-ligipaasu-pangasaladusele> [in Estonian]

36 Estonian Public Broadcasting (ERR), *Financial Intelligence Unit’s planned large database draws criticism (Rahapesu andmebüroo plaanitav suur andmebaas pälvib kriitikat)*, ERR.ee, 16 June 2025, <https://www.err.ee/1609723128/rahapesu-andmebüroo-plaanitav-suur-andmebaas-palvib-kriitikat> [in Estonian]

37 Estonian Public Broadcasting (ERR), *The state is planning a nationwide network of surveillance cameras with facial and number plate recognition (Riik kavandab üle-eestiliste näo- ja numbrituvastusega valvekaamerate võrku)*, ERR.ee, 17 March 2025, <https://www.err.ee/1609635740/riik-kavandab-ule-eestilist-nao-ja-numbrituvastusega-valve-kaamerate-vorku> [in Estonian]

38 Egert Rünne, *Human Rights Report 2026: Right to free elections*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus), 10 December 2025, <https://humanrights.ee/en/materials/inimoigused-eestis-2026/right-to-free-elections/>

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 Rule of Law Report.

Gaps in the Commission's Report

Transparency and inclusiveness of the legislative process

An incident involving the preparation of the draft law to merge the Gender Equality Act and the Equal Treatment Act raised concerns last year regarding the transparency and inclusiveness of the legislative process. In May 2024, the Equality Policy Department of the Ministry of Economic Affairs and Communications completed a draft of the Gender Equality and Equal Opportunities Act and submitted it for consultation with relevant state institutions and civil society. After this, the Ministry of Justice and Digital Affairs commissioned a new draft law from the private law firm Sorainen. The Ministry of Justice and Digital Affairs justified this step by citing critical legal feedback on the initial draft, the need to ensure alignment with constitutional principles while avoiding excessive administrative burden, and the ministry's overall workload. The ministry also promised to resubmit the draft for consultation with all stakeholders.³⁹

In 2025, the Ministry of Justice has not yet made the draft law public or submitted it for consultation with all stakeholders. Moreover, the Ministry of Justice and Digital Affairs has refused to submit the analysis completed by the law firm Sorainen to the Gender Equality and Equal Treatment Commissioner, nor is it being shared with the Ministry of Economic Affairs and Communications, whose area of governance includes the promotion and coordination of equal treatment and gender equality. The Minister of Justice and Digital Affairs, Liisa-Ly Pakosta, in turn, explained that she was not sharing the document as it was a draft.⁴⁰ The same pattern continued at the end of 2025 when Pakosta failed to invite either civil society organisations,⁴¹ or the Gender Equality and Equal Treatment Commissioner

39 Estonian Public Broadcasting (ERR), *The state commissioned a new draft of the Gender Equality Act from a law firm (Riik tellis uue soolise võrdsuse seaduse eelnõu advokaadibüroolt)*, ERR.ee, 20 November 2024, <https://www.err.ee/1609525471/riik-tellis-uue-soolise-vordsuse-seaduse-eelnou-advokaadiburoolt> [in Estonian]

40 Madis Hindre, *The secret of equal treatment: the state hides documents from the state (Võrdse kohtlemise saladus: riik peidab riigi eest dokumente)*, ERR.ee, 7 February 2025, <https://www.err.ee/1609598315/vordse-kohtlemise-saladus-riik-peidab-riigi-eest-dokumente> [in Estonian]

41 Kelly Grossthal, *The Equal Treatment Network calls on the Ministry to take civil society's positions into account: the hate speech bill requires revision and further amendments (Võrdse kohtlemise võrgustik kutsub ministeeriumi üles arvestama vabakonna seisukohtadega: vaenukõne eelnõu vajab muutmist ja täiendamist)*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus), 13 January 2026, https://humanrights.ee/app/uploads/2026/01/VKV_KarS_jaan2026.pdf [in Estonian]

to consult on the draft act amending the Penal Code and the Code of Criminal Procedure (incitement to hatred and hate-motivated crimes).⁴²

Public demonstrations and freedom of expression

Resolutions were reached in the Supreme Court regarding the so-called ‘from the river to the sea’ cases, in which €120 and €160 fines were imposed by the Police and Border Guard Board (PPA) during a demonstration against the deaths of Palestinian civilians in autumn 2023. In 2025, the Supreme Court of Estonia delivered its final decision regarding the cases of the demonstrators fined under Section 151.1 of the Penal Code⁴³ for using the slogan “from the river to the sea, Palestine will be free” during pro-Palestinian protests in Tallinn. The court ruled that the expression does not constitute support for an international crime and therefore cannot be punished under criminal law. With this judgment, the convictions were overturned, marking an important affirmation of freedom of expression in Estonia.⁴⁴

Right to vote of non-EU citizens

A constitutional amendment has been adopted that removes the right to vote in municipal elections from citizens of non-EU countries as of the 2025 local elections. In subsequent elections, stateless persons will also be disenfranchised. Under the initial draft, Estonian citizens, stateless residents, and citizens of the European Union and NATO countries could participate in municipal council elections. However, before the draft legislation was adopted, an amendment was added stating that the voting rights of third-country nationals residing in Estonia would be invalidated in municipal council elections, and from the following elections onward, stateless persons would also lose the right to vote. In addition, the amendment removed the provision granting voting rights to citizens of NATO member states.⁴⁵

42 Draft Legislation Information System (Eelnõude Infosüsteem), *Karistusseadustiku ja kriminaalmenetluse seadustiku muutmise seadus (vaenu õhutamise ja vaenumotiiviga kuriteod)*, 15 December 2025, <https://eelvoud.valitsus.ee/main#TZFqNZuF> [in Estonian]

43 *Riigi Teataja*, Penal Code, 1 January 2026, <https://www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current>

44 Kelly Grossthal, *All Young Protesters Fined for Using the Phrase “From the River to the Sea” Acquitted*, Estonian Human Rights Centre (Eesti Inimõiguste Keskus) <https://humanrights.ee/en/2025/08/lopplahendus-koik-val-jendit-joest-mereni-kasutanud-noored-moisteti-oigeks/>

45 Egert Rünne, Human Rights Report 2026: Right to free elections, *Estonian Human Rights Centre (Eesti Inimõiguste Keskus)*, 10 December 2025, <https://humanrights.ee/en/materials/inimoigused-eestis-2026/right-to-free-elections/>

New Issues that Emerged in 2025

Disassociation of the Russian Orthodox Church

The Ministry of the Interior continued with its plan to forcefully disassociate the Russian Orthodox Church from the Moscow Patriarchate, as the latter supports and justifies aggression in Ukraine.⁴⁶ In September, the Riigikogu passed the Churches and Congregations Act unchanged after the president, Alar Karis, had returned it twice. The president argued that the law was too vague, left too much room for interpretation, and disproportionately restricted freedom of religion and freedom of association, making it unconstitutional. Since the parliament passed the law without changes, Karis forwarded it to the Supreme Court for the constitutional review.⁴⁷

Political Parties Act amendment

The Amendment Act to the Political Parties Act and the Credit Institutions Act passed its first reading in the Riigikogu, but has not progressed beyond that stage.⁴⁸ The original plan, defining NGOs that influence politics as affiliated organisations of political parties that should be supervised by the Political Party Funding Supervision Committee (ERJK), was abandoned. The Chancellor of Justice also found that such a prohibition in the Political Parties Act significantly restricts the constitutional rights of individuals, as well as public debate. In addition, the chancellor doubted the effectiveness of the prohibition of donations from legal entities and suggested that the restriction be abolished.⁴⁹

46 Ministry of Interior, *Amendment to the Churches and Congregations Act (Kirikute ja koguduste seaduse muudatus)*, Siseministeerium, 10 December 2025, <https://www.siseministeerium.ee/kirikute-ja-koguduste-seaduse-muudatus> [in Estonian]

47 Estonian Public Broadcasting (ERR), *Karis took the church law to the Supreme Court (Karis viis kirikuseaduse riigikohtusse)*, ERR.ee, 3 October 2025, <https://www.err.ee/1609819731/karis-viis-kirikuseaduse-riigikohtusse> [in Estonian]

48 Parliament (Riigikogu), *Act on Amendments to the Political Parties Act and the Credit Institutions Act 585 SE (Erakonnaseaduse ja krediidasutuse seaduse muutmise seadus 585 SE)*, 1 April 2025, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/bfb79854-be0c-4491-9f3f-ab5efb60b4ac/erakonnaseaduse-ja-krediidasutuse-seaduse-muutmise-seadus/> [in Estonian]

49 Chancellor of Justice (Õiguskantsler), *Act on Amendments to the Political Parties Act and the Credit Institutions Act 585 SE (Arvamus erakonnaseaduse ja krediidasutuste seaduse muutmise seaduse eelnõu kohta)*, 1 April 2025, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/bfb79854-be0c-4491-9f3f-ab5efb60b4ac/erakonnaseaduse-ja-krediidasutuse-seaduse-muutmise-seadus/> [in Estonian]

Implications and Recommendations for 2026

Regarding the gaps in the Commission's report, these omissions around the legislative process have both procedural and substantive implications for the quality of the law, the legitimacy of the process, and the effectiveness of equality governance. The issues around the “from the river to the sea, Palestine will be free” slogan demonstrates a cavalier practice of violating freedom of expression that undermines the rule of law. The changes to the right to vote risk entrenching the practice that rights once granted can later be taken away from people.

Suggested recommendation: The Ministry of Justice and Digital Affairs should share more information with NGOs and institutions in the field of equal treatment.

Suggested recommendation: The Police and Border Guard Board should refrain from practices that deter lawful protest, and ensure that any enforcement measures are necessary, proportionate, and non-discriminatory.

Regarding the new development in 2025 on the Political Parties Act, the following recommendation should be issued.

Suggested recommendation: Move forward with changes to the Political Parties Act, ensuring meaningful stakeholder involvement

CONTACTS

Estonian Human Rights Centre (Eesti Inimõiguste Keskus)

The Estonian Human Rights Centre (EHRC) is an independent public-interest foundation dedicated to the advancement of the protection of human rights in Estonia. The EHRC is engaged in research, monitoring, advocacy and awareness-raising activities to advance the protection of human rights. The mission of the EHRC is to work together for Estonia to become a country that respects the human rights of every person in the country. The EHRC develops its activities according to the needs of the society. The EHRC's focus is currently on the advancement of equal treatment of minority groups, diversity and inclusion, the human rights of asylum seekers and refugees, hate speech and hate crime, and data and privacy. The EHRC coordinates the Estonian Diversity Charter. The EHRC also monitors the overall human rights situation in Estonia and publishes independent human rights reports about the situation in Estonia. As a whole, the EHRC carries out broad-based, effective, and sustainable advocacy in the field of human rights.

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LIBERTIES

RULE OF LAW

REPORT

2026



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FRANCE



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ABOUT THE CONTRIBUTING ORGANISATIONS

VoxPublic



VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board. The association was created in 2016 and ever since has been working on empowering French civil society organisations and citizen initiatives in their advocacy actions. VoxPublic thereby provides support and capacity-building to victims of discrimination and social injustices wishing to challenge decision-makers. VoxPublic also works with issues regarding the rule of law, respect for fundamental freedoms, and the protection of the democratic space, which are essential for civil society actors to defend their causes. VoxPublic provides partners with operational support in terms of advocacy and communication campaign building, networking, strategic document writing, etc.

OVERALL ASSESSMENT: SLIDER

The worrisome trends observed in the previous years persisted in France in 2025. The very unpredictable and unstable political French situation, along with the predominance and continuous spread of far-right speeches and ideas, reinforced some of these trends. Indeed, the judicial system is weakened by a lack of resources and attacks coming from many political actors, including some ministers. 2025 was marked by several important political trials: in March, Marine Le Pen was sentenced (first instance) to five years of ineligibility for misappropriation of public funds; in September, former president Nicolas Sarkozy was sentenced to five years in prison for criminal conspiracy. The media landscape is also very concerning with the increased concentration of the media in the hands of conservative billionaires. Journalists and media are also hindered in their work by being publicly accused and sometimes sued. In general, the French civil society is vigorously criticised and attacked, on one hand by far-right and conservative groups and media, and on the other by the government and its administrative authorities. Finally, checks and balances have been undermined, a trend worsened by the succession of governments.

Nonetheless, the French civil society remained vivid and very active in denouncing and fighting the attacks against the rule of law.

Assessment of the trajectory

Some actions were taken by the government, regarding the justice digital system, and with a new plan against corruption, but they remain inadequate and insufficient. Furthermore, none of the recommendations made by the French civil society in the previous years were followed. The current and unprecedented political situation (no majority in the parliament, a succession of governments) and the factors mentioned above reinforced the regression of the rule of law. Moreover, with local elections approaching in 2026 and general elections in 2027, the government has prioritised electoral strategies aimed at the ‘conquest’ of far-right voters, leading to a noticeable shift towards more conservative positions on many issues.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

If the Commission wishes to take preventive steps in the face of worrisome rule of law trends in France, it could trigger the Rule of Law Framework from the toolbox, in order to enter dialogue with France and address systemic threats, with an emphasis on the justice system and media freedom, so that France does not slide further away.

No infringement proceedings should be considered.

So far, no EU funds should be withheld. Nonetheless, the Commission should remain vigilant about the rule of law in France and be ready to potentially activate such conditionality mechanisms if the situation keeps deteriorating.

State of play (versus 2025)

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM

General assessment

The issues raised in the 2024 Rule of Law Report regarding the lack of independence of the justice system (especially public prosecutors) and the insufficiency of the judicial national budget were not solved. The Commission noted some progress following its recommendation regarding the digitisation of judicial procedures. However, the Commission's recommendation fails to mention other major issues in the French justice system, according to several civil society organisations: lack of financial and human resources, lack of protection for the independence of judges, and a lack of action to combat prison overcrowding.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings (first made in 2022)

The Commission assessed some progress on completing ongoing projects aimed at full digitalisation of civil and criminal court proceedings.

The Commission's recommendation is too vague and only addresses the issue of digitalisation, whereas other systemic weaknesses affect the French justice system.

Two decrees (decree 2025-619¹ and decree No. 2025-660²) came into force in September 2025 regarding the procedures for electronic exchange and the technical framework applicable to the digital transmission of judicial documents.

The first decree of 8 July 2025 (No. 2025-619) relaxes the regulatory framework for electronic communication in order to promote the digitisation of procedures.

- 1 Decree No. 2025-619 of 8 July 2025 on various measures to simplify civil procedure, ('Décret n° 2025-619 du 8 juillet 2025 portant diverses mesures de simplification de la procédure civile'), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051861897>.
- 2 Decree No. 2025-660 of 18 July 2025 on reforming conventional proceedings and recodifying amicable dispute resolution methods, ('Décret n° 2025-660 du 18 juillet 2025 portant réforme de l'instruction conventionnelle et recodification des modes amiables de résolution des différends'), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051919659>.

The second decree of 18 July 2025 (No. 2025-660) simplifies certain procedures and encourages the use of amicable dispute resolution methods.

Reduce the time taken to process court cases, in particular by digitalising court procedures, but also by recruiting new magistrates and increasing the justice budget.

Commission's 2025 assessment: Some progress

VoxPublic's current assessment: No progress

Gaps in the Commission's Report

Political pressure and underfunding of the judiciary

VoxPublic highlighted three prominent issues upon which the Commission should have made a recommendation but did not:

1. The lack of financial resources allocated to the functioning of the justice system.
2. The issue of the independence of magistrates, particularly prosecutors and courts.
3. Attacks and pressures against the judicial system and magistrates, defamation, accusations against a supposedly 'political' justice system when political figures face trial in 2025 (Marine Le Pen, Nicolas Sarkozy, and Rachida Dati). During these trials, politicians verbally accused or attacked judges and their independence, thereby weakening the rule of law.

The Commission remained silent on the insufficient budget allocated to the functioning of the justice system, which is proportionally underfunded to ensure its optimal functioning, particularly in comparison with its European counterparts. Rémy Heitz, Attorney General at the Court of Cassation, in his speech to the Court at the start of the 2025 academic year, declared: "Our country's justice system does not have the necessary budget to carry out the essential tasks it is entrusted with. It has half as many judges and a quarter as many prosecutors as comparable countries around it and represents a tiny fraction of the state budget: €10 billion, or 2% of expenditure."³ At the end of 2025, the Union Syndicale des Magistrats (Magistrates' Union) alerted the National Assembly on the lack of financial

3 *Cour de cassation, Rémy Heitz - Back-to-School Address 2025 ('Rémy Heitz - Allocution de rentrée 2025'), January 2025, <https://www.courdecassation.fr/print/pdf/node/138936>*

and human resources for the justice system, and was heavily preoccupied by the announced budget cuts, particularly in the 2026 finance bill.⁴

The French system is still questionable regarding judicial independence: French prosecutors are entirely subordinate to the executive power, with the Ministry of Justice having the sole responsibility for their appointment and disciplinary proceedings. The majority of the members of the Superior Council of the Judiciary (8/15) are appointed by the government and the parliament, they are not judges or prosecutors elected by their peers. Except for the administrative branch of the judiciary, courts do not enjoy any financial autonomy. The members of the State Council (i.e. the highest Administrative Court) worked half of their careers as directors of central administration in ministries.

The Magistrates' Union warned of the pressure faced by judges in 2025 (particularly in 'political' cases, see the section 'anti-corruption framework'). Stéphane Fischesser, representative of the Magistrates' Union, stated: "When magistrates are threatened with physical harm, or even death, it is the entire justice system that is under attack. In a democracy, what is at stake and what we must fight for is the vitality of countervailing powers. When we look at Hungary, Poland and Turkey, it is always the same institutions and the same people who are targeted: NGOs, the media and, as far as the state is concerned, the justice system."⁵ In this way, the associations Sherpa, Anticor and Transparency International⁶ warn about the worrying climate regarding the justice system, with increasing threats against magistrates and denigration of the judicial institution. The associations are reminding politicians of their duty to defend the independence of justice, which is essential to defend the rule of law.

The lack of independence, financial and human resources, as well as the increase in attacks on the justice system, demonstrate a weakening of the French judicial system. By focusing on the digitalisation of procedures, the Commission is failing to address other systemic weaknesses and worrying trends in the French justice system.

4 Union Syndicale des Magistrats (USM), *USM Heard on the 2026 Draft Budget Law* ('L'USM entendue sur le PLF 2026'), 24 October 2025, <https://www.union-syndicale-magistrats.org/lusm-entendue-sur-le-plf-2026>.

5 MOB, le média de la démocratie, *Justice: Judicial Independence on Trial* ('Justice : l'indépendance en procès'), 27 October 2025, <https://mob-media.info/index.php/2025/10/27/justice-lindependance-en-proces>.

6 Sherpa, *The "Libyan financing" affair: a historic and unprecedented conviction for Nicolas Sarkozy*, (*Affaire du « financement libyen » : une condamnation de Nicolas Sarkozy historique et inédite*), 25 September 2025, <https://www.asso-sherpa.org/une-condamnation-de-nicolas-sarkozy-historique-et-inedite#une-procedure-entachee-par-de-multiples-attaques>.

New Issues that Emerged in 2025

Failures in criminal justice administration

1. Judicial handling of police violence
2. Prison overcrowding due inadequate management of the prison system, examined and denounced by several organisations such as the Observatoire International des Prisons (International Prison Observatory, French section)⁷ and the Observatoire des disparités dans la justice pénale (Observatory of Disparities in Criminal Justice).⁸

The questioning of the independence of magistrates and the justice system, through statements or actions carried out by political figures in particular, is a major concern in 2025. Gérald Darmanin, Minister of Justice since December 2024 and previously Minister of the Interior, visited former President Nicolas Sarkozy, who was convicted of corruption, in prison. This visit sparked strong reactions from legal professionals. A group of 29 lawyers filed a complaint against the Minister of Justice for ‘illegal taking of interest’ and considered that “by publicly expressing his desire to visit Nicolas Sarkozy in detention and implicitly supporting him, Gérald Darmanin necessarily took a position in a matter over which he has administrative or supervisory power”.⁹

The Attorney General of the Court of Cassation, Rémy Heitz, also considered that such a visit presented “a risk of undermining the independence of the judiciary and magistrates”.¹⁰ Another notable case: Marine Le Pen (president of the Rassemblement National party between early 2011 and late

7 Observatoire International des Prisons (section française), *Prison density map: measuring the scale of a structural crisis* (*‘Carte de la densité carcérale : mesurer l’ampleur d’une crise structurelle’*), 23 October 2025, <https://oip.org/analyse/carte-de-la-densite-carcerale-mesurer-lampleur-dune-crise-structurelle>.

8 Observatoire des disparités dans la justice pénale, *Prison overcrowding: an old problem, urgent solutions* (*‘La surpopulation carcérale : un problème ancien, des solutions urgentes’*), 2025, <https://observatoire-disparites-justice-penale.fr/les-conditions-de-detention/la-surpopulation-carcerale>.

9 Le Club des Juristes, *Darmanin’s Visit to Sarkozy: Lawyers’ Group Files Complaint for Illegal Interest Taking* (*‘Visite de Gérald Darmanin à Nicolas Sarkozy: un collectif d’avocat dépose plainte pour prise illégale d’intérêts’*), 30 October 2025, <https://www.leclubdesjuristes.com/en-bref/visite-de-gerald-darmanin-a-nicolas-sarkozy-un-collectif-davocat-depose-plainte-pour-prise-illegale-dinterets-12730/>.

10 Le Club des Juristes, *Darmanin’s Visit to Sarkozy: Lawyers’ Group Files Complaint for Illegal Interest Taking* (*‘Visite de Gérald Darmanin à Nicolas Sarkozy : un collectif d’avocat dépose plainte pour « prise illégale d’intérêts »*), 30 October 2025, <https://www.leclubdesjuristes.com/en-bref/visite-de-gerald-darmanin-a-nicolas-sarkozy-un-collectif-davocat-depose-plainte-pour-prise-illegale-dinterets-12730/>.

2021, former MEP and current president of the far-right group in the National Assembly), who has been a candidate in the second round of the presidential election several times, was sentenced (in first instance) in March 2025 to two years of ineligibility, with provisional enforcement, in a case involving the misappropriation of European public funds. Marine Le Pen appealed her conviction and denounced a ‘political decision’, accusing the Paris Criminal Court of “preventing her from being elected President of the Republic”. The president of the Criminal Court was targeted by the far right, suffering insults and threats and even having her personal address made public.¹¹

In a press release, the Magistrates’ Union reiterates that these “accusations of politicised justice are intolerable in a state governed by the rule of law”.¹²

Implications and Recommendations for 2026

The judicial handling of police violence in France has revealed a lack of impartiality on the part of the justice system in this specific area, as evidenced by an investigation conducted by the NGO *Flagrant déni*. While the number of cases of police violence has been steadily increasing for several years, the number of staff at the IGP (Inspection Générale de la Police Nationale) has been declining. Departmental units, whose independence is disputed, handle 90% of cases against police officers, and the clearance rate for cases of police violence is also declining.¹³

Prison overcrowding reached 135.9% in July 2025 (84,951 inmates for 62,509 available places). The International Prison Observatory (OIP) states that 70% of prisoners live in facilities with an average occupancy rate of 165% (this rate reaches 200% in several dozen prisons). 5,500 people sleep on mattresses on the floor. The OIP warns that the situation has become uncontrollable and reminds us that the French State is responsible for guaranteeing respect for the fundamental rights of prisoners.¹⁴

11 Le Monde, *After Marine Le Pen’s Conviction, Justice Stands United Against Criticism and Threats* (*‘Après la condamnation de Marine Le Pen, la justice fait bloc face aux critiques et aux menaces’*), 2 April 2025, https://www.lemonde.fr/societe/article/2025/04/02/apres-la-condamnation-de-marine-le-pen-la-justice-fait-bloc-face-aux-critiques-et-aux-menaces_6589764_3224.html.

12 Syndicat de la magistrature, *The Only Tool of Magistrates is the Law* (*‘Le seul outil des magistrats, c’est la loi’*), 1 April 2025, https://www.syndicat-magistrature.fr/documents/1764/CP_-_Le_seul_outil_des_magistrats_cest_la_loi.pdf.

13 *Flagrant Délit*, *Why Everything Must Change* (*‘POURQUOI IL FAUT TOUT CHANGER’*), November 2025, <https://www.flagrant-deni.fr/wp-content/uploads/2025/11/FD-RAPPORT-numerique-vf.pdf>.

14 *Observatoire international des prisons (OIP)*, *Map of Prison Density: Measuring the Scope of a Structural Crisis* (*‘Carte de la densité carcérale : mesurer l’ampleur d’une crise structurelle’*), 1 September 2025, <https://oip.org/analyse/carte-de-la-densite-carcerale-mesurer-lampleur-dune-crise-structurelle/>.

The association also warns of the lack of transparency in the data published by the French Ministry of Justice, which tends to significantly underevaluate the actual occupancy rates.

Suggested recommendations:

Reaffirm the independence of the judicial system (judges, courts, and prosecutors) by strengthening separation of powers from the executive and granting prosecutors genuine independence.

Increase the justice budget to ensure sufficient resources for all judicial duties and improve functioning under optimal conditions.

Invest in prison renovation to enhance detention conditions and combat overcrowding.

Thoroughly reform the IGPN and all police complaint-handling bodies, with increased human and financial resources.

Implementation of Judgments

In April 2025, the European Court of Human Rights (ECtHR) condemned France (in *L. and others v. France*) for having “failed to fulfill its positive obligations to introduce provisions criminalising and punishing non-consensual sexual acts and to apply them effectively”.¹⁵ In all three cases, the applicants considered that French law did not provide effective protection against rape and that their status as vulnerable minors had not been taken into account. In October 2025, the French Parliament voted to enshrine the definition of rape based on consent in national law. For Amnesty International, “the adoption of this law is a historic step forward”.¹⁶ Family Planning welcomes this progress in the fight against violence against women, particularly with regard to “reversing the burden of proof”.¹⁷

15 ECtHR, application no 46949/21, 24989/22, 39759/22, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22002-14453%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-14453%22]}).

16 Amnesty International, France: ‘Historic Victory’ as French Law Adopts Consent-Based Definition of Rape, October 2025, <https://www.amnesty.org/en/latest/news/2025/10/france-historic-victory-as-french-law-adopts-consent-based-definition-of-rape/>. Planning Familial 13, *Inclusion of Consent in the Criminal Definition of Rape and Sexual Assault in France* (‘*Entrée du consentement dans la définition pénale du viol et des agressions sexuelles en France*’), 29 October 2025, <https://www.leplanning13.org/entree-du-consentement-dans-la-definition-penale-du-viol-et-des-agressions-sexuelles-en-france/>.

17 Planning Familial 13, *Inclusion of Consent in the Criminal Definition of Rape and Sexual Assault in France* (‘*Entrée du consentement dans la définition pénale du viol et des agressions sexuelles en France*’), 29 October 2025, <https://www.leplanning13.org/entree-du-consentement-dans-la-definition-penale-du-viol-et-des-agressions-sexuelles-en-france/>

With this decision, France is complying with the Convention on Preventing and Combating Violence Against Women and Domestic Violence (ratified by France in 2014).

In June 2025, the ECtHR also condemned France in the case of *Seydi and others v. France*,¹⁸ finding France guilty of conducting discriminatory identity checks and racial profiling. No action has been taken by the government to date. According to Amnesty International, “despite these multiple convictions, the prohibition of identity checks based on discriminatory grounds is not sufficiently explicit in French law”.¹⁹

18 ECtHR, application No. 35844/17, <https://hudoc.echr.coe.int/?i=001-243820>.

19 Amnesty International France, *What is 'Ethnic Profiling'?* ('Qu'est-ce que le 'contrôle au faciès' ?'), <https://www.amnesty.fr/focus/quest-ce-que-le-contrôle-au-faciès>.

ANTI-CORRUPTION FRAMEWORK —

General assessment

The government adopted ‘a multi-year national anti-corruption plan for 2025–2029’ (Plan national pluriannuel de lutte contre la corruption), which is criticised by civil society organisations. Moreover, the anti-corruption system, including the anti-corruption accreditation for organisations, remains too weak and concentrated in the hands of the executive power.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top-executive level, and take forward the legislative process on the draft laws on lobbying (first made in 2022)

The Commission assessed some progress on ensuring that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.

The recommendation could be more precise and clarify the concrete objectives to be achieved.

A new multi-year anti-corruption plan for 2025–2029²⁰ has been launched, but it lacks transparency.

Several elements of the plan have been criticised by associations such as Transparency International.²¹ On the one hand, the plan focuses on supporting stakeholders to protect them from the risk of corruption, which may prevent effective monitoring and punishment of perpetrators. Many of the plan’s measures are not binding, which may prevent their effective implementation. In addition, a large part of the plan’s measures focus on organised crime, which may lead to a lack of attention and resources being devoted to the fight against financial crime (misappropriation of funds, misuse of corporate assets). Finally, this multi-year plan has been criticised for its lack of transparency regarding how it will be implemented. Few details have been provided about the resources allocated to its implementation, and its announcement was very discreet.

20 Agence française anticorruption (AFA), *National Multi-Annual Anti-Corruption Plan 2025–2029* (‘Plan national pluriannuel de lutte contre la corruption 2025–2029’), 14 November 2025, <https://www.agence-francaise-anticorruption.gouv.fr/files/2025-11/Plan%20pluriannuel%20anticorruption%202025-2029%20Web.pdf>

21 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

Integrate better specialised civil society actors and organisations into the government's anti-corruption plan.

Commission's 2025 assessment: Some progress

VoxPublic's current assessment: No progress

Gaps in the Commission's Report

Reform of anti-corruption accreditation for associations

Anti-corruption accreditation continues to be granted to associations by the executive branch itself. The Anticor association welcomes the Cour des Comptes (Court of Auditors) report on this subject, which “highlights the vagueness of the criteria for granting accreditation and the unsuitability of its duration, limited to three years (compared to five for other associative sectors). Above all, it calls for greater transparency in the granting of this accreditation and questions the role given to the Government in the procedure, “insofar as corruption cases are likely to involve members of the Government”.²²

New Issues that Emerged in 2025

Lack of resources for dealing with corruption cases

Following Nicolas Sarkozy's sentencing to five years in prison for criminal conspiracy to commit corruption, the organisations Sherpa, Anticor and Transparency International welcomed this historic decision, which punishes acts of exceptional gravity. This ruling represents a major step forward in the fight against corruption and sends a clear message against all forms of impunity. However, for the Sherpa association, this trial also reveals the weaknesses of the French judicial system, with more than 20 years of waiting before the trial began. The association attributes this slowness to “the chronic lack of resources that weakens the criminal response in corruption cases”.²³

22 Anticor, *Evaluation of Anti-Corruption Policy: Cour des Comptes Recommends Reforming Anti-Corruption Accreditation for Associations* (‘Évaluation de la politique de lutte contre la corruption : la Cour des comptes recommande de réformer l'agrément anticorruption des associations’), 11 December 2025, <https://www.anticor.org/2025/12/11/evaluation-de-la-politique-de-lutte-contre-la-corruption-la-cour-des-comptes-recommande-de-reformer-lagrement-anticorruption-des-associations/>.

23 Sherpa, *A Historic and Unprecedented Conviction of Nicolas Sarkozy* (‘Une condamnation de Nicolas Sarkozy historique et inédite’), 25 September 2025, <https://www.asso-sherpa.org/une-condamnation-de-nicolas-sarkozy-historique-et-inedite>.

Rachida Dati, current Minister of Culture and candidate for Mayor of Paris in March 2026, has been referred to court in a case of corruption and influence peddling linked to illegal consulting fees she allegedly received while she was a Member of the European Parliament. For Transparency International France, this case “illustrates a more systemic problem in France [...], the lack of oversight of parliamentarians’ ancillary activities”. Transparency International France also condemns “Rachida Dati’s direct attacks on the work of judges [...] which undermine confidence in the judicial institution and constitute yet another damaging attack on the foundations of the rule of law”.²⁴

Weaknesses in the 2025-2029 multi-year anti-corruption plan

In November 2025, the French government announced the launch of its second multi-year anti-corruption plan for 2025–2029. Transparency International France welcomed the “positive steps forward” but also highlighted “legitimate questions” concerning the change in approach it introduces and the lack of transparency regarding the actual resources allocated to this plan.²⁵ For the NGO, “this plan risks quickly proving incapable of providing France with a robust mechanism to deal with new threats, as evidenced, for example, by the very limited attention given to the challenges posed by the development of cryptoassets and strategic corruption”.²⁶

Implications and Recommendations for 2026

Anti-corruption accreditation for associations granted by the executive branch denies the essential role of independent bodies, especially civil society organisations.

Suggested recommendation: Entrust the granting of anti-corruption accreditation to associations to a high administrative authority that is independent of political power.

24 Transparency International France, *Rachida Dati referred to criminal court: Transparency International France condemns the minister’s attacks on the justice system and calls for exemplary behaviour* (‘Rachida Dati renvoyée en correctionnelle : Transparency International France dénonce les attaques contre la justice de la ministre et appelle à l’exigence d’exemplarité’), 25 July 2025, <https://transparency-france.org/2025/07/25/rachida-dati-renvoyee-en-correctionnelle-transparency-internationalfrance-denonce-les-attaques-contre-la-justice-de-la-ministre-et-appelle-a-lexigence-dexemplarite/>

25 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

26 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

Suggested recommendation: Establish and finance an ambitious public policy to combat corruption, taking into account the recommendations of civil society actors and specialised magistrates.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

No progress was observed in 2025 and some worrisome trends continued or were even reinforced: media concentration, lack of pluralism on certain media channels and weakness of the mitigation procedures.

Implementation of 2025 Commission recommendations

Recommendation: Complete ongoing reforms to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards (first made in 2022)

The Commission assessed that significant progress was made on improving the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.

The Commission's recommendation does not specifically address the crucial issue of the extremely high concentration of French media ownership in the hands of a few billionaires.

No significant progress has been made for the year 2025, and media concentration has worsened.

Audiovisual and Digital Communications Regulatory Authority (ARCOM) exercised its prerogatives and did not renew the broadcasting rights of several channels. The television channels C8 and NRJ12 ceased broadcasting in February and March 2025. This decision is particularly significant for C8, which has received a total of 36 warnings and sanctions since 2012 for failing to comply with its legal obligations (particularly with regards to human rights and hate speech).

However, regulatory measures remain insufficient and some problematic channels, owned by billionaires, still air, such as far right news channel CNews.

Limit excessive media concentration in the hands of billionaires with a political agenda through robust antitrust thresholds and more public funds for the media.

Commission's 2025 assessment: Significant progress

VoxPublic's current assessment: Regression

Gaps in the Commission's Report

The concentration of media ownership in the hands of a few billionaires.

Media concentration in France increased in 2025, with Reporters Without Borders arguing that, “The concentration of private press groups in the hands of a few businessmen is becoming a major concern in the country. The expansion of the Bolloré group [...] is worrying the sector due to the shareholder’s brutal and interventionist methods and the lack of internal pluralism, raising fears that opinion will triumph over facts.”²⁷ CMA Media (a subsidiary of CMA CGM) also acquired Brut, strengthening the media group owned by billionaire Rodolphe Saadé.²⁸ Journalists at *Le Parisien* have expressed their fears over a possible takeover of the newspaper by Vincent Bolloré.²⁹

New Issues that Emerged in 2025

Weak media regulation system

Media and the far right: an inquiry committee³⁰ led by the far-right and violent attacks on civil society by far-right media outlets.

In February 2025, the television channels C8 and NRJ12 ceased broadcasting, after the ARCOM decided not to renew their broadcasting rights on TV. This decision was motivated by the numerous sanctions imposed on C8 for incitement to hatred and failure to comply with the obligation of honesty

27 Reporters Sans Frontières, *Classement mondial 2025 : France* (*‘Classement mondial 2025 : France’*), 2025, <https://rsf.org/fr/pays/france>.

28 L’Humanité, *After BFMTV and RMC, Rodolphe Saadé Takes Over Brut and Strengthens Billionaires’ Grip on French Media* (*‘Après BFMTV et RMC, Rodolphe Saadé s’empare de Brut et renforce la mainmise des milliardaires sur les médias français’*), 17 September 2025, <https://www.humanite.fr/medias/bfmtv/apres-bfmtv-et-rmc-rodophe-saade-sempare-de-brut-et-renforce-la-mainmise-des-milliardaires-sur-les-medias-francais>

29 Le Monde, *At ‘Le Parisien’, Journalists Fear Sale of Daily to Bolloré Group* (*‘Au « Parisien », les journalistes redoutent la vente du quotidien au groupe Bolloré’*), 9 September 2025, https://www.lemonde.fr/economie/article/2025/09/09/au-parisien-les-journalistes-redoutent-la-vente-du-quotidien-au-groupe-bollore_6640179_334.html

30 French National Assembly, *Commission of Inquiry into the Neutrality, Functioning, and Funding of Public Broadcasting* (*‘Commission d’enquête sur la neutralité, le fonctionnement et le financement de l’audiovisuel public’*), 2025, <https://www.assemblee-nationale.fr/dyn/17/organes/autres-commissions/commissions-enquete/ce-audio-visuel-public>.

and rigour in the treatment of information (€7.6 million for 36 warnings and fines).³¹ However, channels such as CNews (owned by the billionaire Vincent Bolloré, supporting far-right values) continue to broadcast. Historian Alexis Levrier condemns “the silence of the French Audiovisual and Digital Communications Regulatory Authority (Arcom) in the face of the daily attacks on Radio France and France Télévisions by the far-right media. Admittedly, the institution took a courageous decision at the end of Roch-Olivier Maistre’s term of office by withdrawing C8’s frequency. But it has long been reluctant to require Bolloré’s media outlets to respect internal pluralism, which is nevertheless the basis of the 1986 L  otard law.”³²

On the initiative of several civil society organisations (trade unions and associations), the ‘Marseille Charter on Information and Migration’³³ was presented and made public in September 2025. It has been signed by dozens of media outlets, journalists, trade unions and journalism schools. The Charter aims to guide journalists towards accurate, comprehensive and respectful coverage of migration issues. It establishes eleven fundamental principles, including respect for dignity, combating stereotypes, professional responsibility, balancing facts and human interest, continuing education, broad communication and regular evaluation of practices. Its objective is to promote responsible journalism that contextualises migration and gives a voice to those affected. However, this Charter is not legally binding.

31 Le Club des Juristes, *Why Arcom Excluded C8 and NRJ12 Channels from TNT* (*‘Pourquoi l’Arcom a exclu les cha  nes C8 et NRJ12 de la TNT ?’*), 30 July 2024, <https://www.leclubdesjuristes.com/opinion/pourquoi-larcom-a-exclu-les-chaines-c8-et-nrj12-de-la-tnt-6732/>.

32 Le Monde, *Public Media Weakened by Those Tasked with Defending Them* (*‘Les m  dias publics ont   t   fragilis  s par ceux-l   m  mes qui avaient pour mission de les d  fendre’*), 5 January 2026, https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre_6660625_3232.html.

33 Charte Migration, *Charter for Media Coverage of Migrations* (*‘La Charte pour une couverture m  diatique des migrations, dans le respect de la d  ontologie journalistique’* dite “Charte de Marseille”), 29 April 2025, <https://chartejournalismemigrations.fr/>.

A parliamentary inquiry³⁴ into the neutrality, functioning and funding of public broadcasting has been described as a ‘witch hunt’ led by the far right.³⁵ It was created on 28 October on the initiative of the Union of the Right for the Republic (UDR) group, an ally of the National Rally (RN), and began its hearings on 25 November. It has been strongly criticised and described as a “global offensive against pluralism of information”.³⁶

Public broadcasting (Radio France, France Télévisions) has been the target of attacks, particularly during the commission of inquiry, but also from politicians. In an opinion piece in *Le Monde*, media historian Alexis Lévrier asserts that “Emmanuel Macron bears clear responsibility in this regard. He himself has sometimes fueled mistrust of public broadcasting, describing it as ‘a disgrace to our fellow citizens’ in December 2017. Above all, he is responsible for a worrying and lasting financial weakening of these media outlets. [...] The current Minister of Culture bears even greater responsibility. Rachida Dati has vehemently criticised Radio France and France Télévisions in interviews with *Le Journal du dimanche* and *CNews*.”³⁷

Far-right media outlets regularly attack civil society actors who promote an inclusive, fair and supportive society. In January 2025, the far-right media outlet *Frontières* published a special issue targeting dozens of lawyers and organisations that defend the rights of exiled people. Several organisations

34 Assemblée nationale, Inquiry Commission on Neutrality, Operation, and Funding of Public Audiovisual Media (*Commission d’enquête sur la neutralité, le fonctionnement et le financement de l’audiovisuel public*), 28 October 2025, <https://www.assemblee-nationale.fr/dyn/17/organes/autres-commissions/commissions-enquete/ce-audiovisuel-public>.

35 L’Humanité, Inquiry Commission on Public Audiovisual: Facing Ciotti Rapporteur Charles Alloncle, Adèle Van Reeth Summoned to Justify France Inter Pluralism (*Commission d’enquête sur l’audiovisuel public: face au rapporteur ciottiste Charles Alloncle, Adèle Van Reeth sommée de se justifier sur le pluralisme de France Inter*), <https://www.humanite.fr/medias/audiovisuel-public/commission-denquete-sur-laudiovisuel-public-face-au-rapporteur-ciottiste-charles-alloncle-adele-van-reeth-sommee-de-se-justifier-sur-le-pluralisme-de-france-inter>.

36 *Le Monde*, The Pitiful Spectacle of the Inquiry Commission on Public Audiovisual (*Le piètre spectacle de la commission d’enquête sur l’audiovisuel public*), 20 December 2025, https://www.lemonde.fr/idees/article/2025/12/20/le-pietre-spectacle-de-la-commission-d-enquete-sur-l-audiovisuel-public_6658940_3232.html.

37 *Le Monde*, Public Media Weakened by Those Tasked with Defending Them (*Les médias publics ont été fragilisés par ceux-là mêmes qui avaient pour mission de les défendre*), 5 January 2026, https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre_6660625_3232.html.

have filed complaints against this media outlet.³⁸ Despite requests from civil society organisations, the government has remained silent in the face of this attack.

Implications and Recommendations for 2026

The media concentration in the hands of billionaires continued. This trend is a direct cause of the aggravation of the lack of pluralism of those media.

Suggested recommendation: Prioritise the transposition of the European Media Freedom Act (EMFA) into French law.

Suggested recommendation: Granting the editorial team of a media outlet legal personality, which gives it the right to oppose editorial decisions and appoint senior management when its independence is challenged by a shareholder, management or advertiser.

Suggested recommendation: Strengthening the control and sanction mechanisms available to ARCOM.

38 Ligue des droits de l'Homme, LDH, MRAP, and Utopia 56 Sue Frontières and Other Media for Defamation (*'La LDH, le MRAP et Utopia 56 attaquent Frontières et d'autres médias en diffamation'*), 5 May 2025, <https://www.ldh-france.org/la-ldh-le-mrap-et-utopia-56-attaquent-frontieres-et-dautres-medias-en-diffamation/>.

CHECKS AND BALANCES

General assessment

The issues raised last year were not solved. The adoption of laws without vote (by using Article 49.3 of the Constitution) is still used (even if it was less extensive than the previous year). In 2025, former Prime Minister François Bayrou invoked Article 49.3 several times, notably to push through the 2025 budget.³⁹ Some concerns emerged from political instability as the country was ruled several times by governments which had resigned but were maintained until new governments were named. The shrinking of civic space also expanded.

Implementation of 2025 Commission recommendations

Recommendation: There were no recommendations in this area

Gaps in the Commission's Report

The use of Article 49.3 of the Constitution, which allows a law to be passed without a vote of the parliament.

Article 49.3 was used four times in early 2025 by the Bayrou government.⁴⁰ In October 2025, the new Prime Minister Sébastien Lecornu announced that he would refrain from using Article 49.3 to pass the 2026 budget,⁴¹ but he finally did in early 2026.⁴²

39 Le Monde, François Bayrou déclenche un troisième 49.3 sur le budget de la « Sécu », après l'échec d'une nouvelle motion de censure (*François Bayrou triggers a third 49.3 on the social security budget, after the failure of a new motion of no confidence*), 10 February 2025, https://www.lemonde.fr/politique/article/2025/02/10/francois-bayrou-declenche-un-troisieme-49-3-sur-le-budget-de-la-secu-apres-l-echec-d-une-nouvelle-motion-de-censure_6540511_823448.html.

40 French PM François Bayrou survives another no-confidence vote over social security budget, 10 February 2025, <https://www.france24.com/en/live-news/20250210-%F0%9F%94%B4-french-pm-fran%C3%A7ois-bayrou-survives-another-no-confidence-vote-over-social-security-budget>.

41 Le Monde, Sébastien Lecornu announces that he is abandoning Article 49.3 on the budget and will deliver his general policy statement on Tuesday, (*Sébastien Lecornu annonce qu'il renonce à l'article 49.3 sur le budget et tiendra sa déclaration de politique générale mardi*), 3 October 2025, https://www.lemonde.fr/politique/article/2025/10/03/budget-2026-sebastien-lecornu-annonce-qu-il-renonce-a-l-article-49-3-de-la-constitution_6644236_823448.html.

42 Le Monde, 2026 budget: in the National Assembly, Sébastien Lecornu invokes Article 49.3, the first of a series of three (*Budget 2026 : à l'Assemblée nationale, Sébastien Lecornu recourt au 49.3, premier d'une série de trois*), 20 January 2026, https://www.lemonde.fr/politique/article/2026/01/20/budget-2026-a-l-assemblee-nationale-sebastien-lecornu-recourt-au-49-3-premier-d-une-serie-de-trois_6663418_823448.html.

New Issues that Emerged in 2025

The proliferation of resigning governments and the extent of their prerogatives. The prerogatives of a resigning government are normally only bound to the management of day-to-day affairs. However, the extension of the term of office of certain resigning governments implies that this prerogative has been exceeded (the Bayrou resigning government lasted 27 days). The actions of these resigning governments are a cause for concern because they fall out of the scope of the control of parliament (parliament cannot censure a government that has already been censured).⁴³

The shrinking of civic space and civil society's capacity for action due to the lack of commitments from the State to protect associative freedoms and to the arbitrary administrative decisions against organisations.

In France, when a government resigns, it remains in office until a new one is appointed. During this interim period, it handles only current affairs, meaning the regular functioning of the administration, the continuity of public services, and the issuing of decrees, orders and circulars necessary to implement laws that have already been passed. A resigning government does not have the authority to initiate new policies. In 2025, there were two resigning governments,⁴⁴ covering a period of one month and three days. In 2025, a bill aimed at strengthening parliamentary control during periods of day-to-day business was adopted by the National Assembly before being examined by the Senate.⁴⁵ For Green Party MP Léa Balage El Mariky, co-author of the parliamentary report, "This is a blind spot in our parliamentary system, which was built under the Fifth Republic on the basis of majority rule. Originally, a resigning government was not supposed to remain in office for more than 48 hours, but the situation has changed given the tripartite nature of the Assembly. [...] There needs to be greater parliamentary oversight of the actions of a resigning government, which requires an organic law."⁴⁶

43 LCP, "The outgoing government is a blind spot in our parliamentary system," says Léa Balage El Mariky. ("Le gouvernement démissionnaire est un angle mort de notre régime parlementaire", estime Léa Balage El Mariky), 9 September 2025, <https://lcp.fr/actualites/le-gouvernement-demissionnaire-est-un-angle-mort-de-notre-regime-parlementaire-est-time>.

44 Mediapart, *Resigned and lacking legitimacy, Bayrou's ministers are playing for extra time* ('Démissionnés, sans légitimité, les ministres de Bayrou jouent les prolongations'), 1 October 2025, <https://www.mediapart.fr/journal/politique/011025/demissionnes-sans-legitimite-les-ministres-de-bayrou-jouent-les-prolongations>.

45 Assemblée nationale, *Strengthening Parliamentary Oversight During Current Affairs Period* ('Renforcer le contrôle du Parlement en période d'expédition des affaires courantes'), 13 February 2025, https://www.assemblee-nationale.fr/dyn/17/dossiers/contrôle_parlement_affaires_courantes_17.

46 LCP, *The Resigned Government is a Blind Spot in Our Parliamentary System* ('Le gouvernement démissionnaire est un angle mort de notre régime parlementaire'), 9 September 2025, <https://lcp.fr/actualites/le-gouvernement-demissionnaire-est-un-angle-mort-de-notre-regime-parlementaire-estime>.

On 17 June 2025, the National Consultative Commission on Human Rights (CNCDH) adopted an opinion warning of the restriction of civic space in France and calling on public authorities to take stock of the danger. The CNCDH denounced numerous violations, noting in particular that “violations of civic space come from all sides”, “public policies contribute to the reduction of civic space”, “insufficient commitment by the State penalises civil society actors”, and “legislative and regulatory changes restrict civic space”.⁴⁷ Human Rights Watch also highlights attacks on organisations under the provisions of the 2021 separatism law (particularly through the compulsory signature of a Republican Commitment Contract), which “gives the authorities a wide margin of interpretation, encouraging arbitrary decisions to sanction the organisations concerned. These two instruments have created a climate of pressure and self-censorship within civil society.”⁴⁸

Furthermore, numerous organisations and trade unions signed an open letter in July 2025 denouncing the French State’s authoritarian drift and repeated attacks on civil society.⁴⁹

Implications and Recommendations for 2026

By not addressing the use of Article 49.3, it remains a powerful tool which severely undermines the checks and balances.

Suggested recommendation: Remove Article 49.3 from the Constitution.

Suggested recommendation: Better increase parliamentary control and regulation of the powers and responsibilities of resigning governments and parliamentary checks (particularly with regard to the announcement of new decrees and the sustainability of resigned governments).

Suggested recommendation: Increase public funding to strengthen the human and financial resources of independent bodies and institutions responsible for monitoring human rights compliance.

47 Commission nationale consultative des droits de l’homme, *Opinion on the Restriction of Civic Space, a Major Issue for Democracy* (“Avis sur la restriction de l’espace civique, un enjeu majeur pour la démocratie et les”), <https://www.cncdh.fr/publications/avis-sur-la-restriction-de-lespace-civique-un-enjeu-majeur-pour-la-democratie-et-les>

48 Human Rights Watch, *Backsliding on the Rule of Law in France* (“Recul de l’état de droit en France”), 12 December 2025, <https://www.hrw.org/fr/news/2025/12/12/recul-de-letat-de-droit-en-france>.

49 Le Nouvel Obs, *Repeated Attacks on Civil Society, a Worrying Signal of Authoritarian Drift* (“Attaques répétées contre la société civile, un signal inquiétant de dérive autoritaire du pouvoir”), 9 July 2025, <https://www.nouvelobs.com/opinions/20250709.OBS105736/attaques-repetees-contre-la-societe-civile-un-signal-inquietant-de-derve-autoritaire-du-pouvoir.html>.

Suggested recommendation: Executive or legislative powers should abolish the Republican Commitment Contract and replace it with a Charter of mutual commitments between the State, local authorities, and the associations sector.

CONTACTS

VoxPublic

VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board. The association was created in 2016 and ever since has been working on empowering French civil society organisations and citizen initiatives in their advocacy actions. VoxPublic thereby provides support and capacity-building to victims of discrimination and social injustices wishing to challenge decision-makers. VoxPublic also works with issues regarding the rule of law, respect for fundamental freedoms, and the protection of the democratic space, which are essential for civil society actors to defend their causes. VoxPublic provides partners with operational support in terms of advocacy and communication campaign building, networking, strategic document writing, etc.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Society for Civil Rights (Gesellschaft für Freiheitsrechte, GFF)



GFF (Gesellschaft für Freiheitsrechte/Society for Civil Rights) is a donor-funded organisation that defends fundamental rights and human rights by legal means. The organisation works to strengthen democracy and civil society, challenge disproportionate state surveillance and promote equal rights and social participation for all. To that end, the GFF conducts strategic litigation, lodges constitutional complaints against laws that violate fundamental rights and contributes its legal expertise to public debates. The Berlin-based non-profit organisation was founded in 2015 and is funded primarily through individual donations and the contributions of its supporting members.

We were supported by the following organisation:

LobbyControl



LobbyControl is a non-profit association that educates about power structures and influence strategies in Germany and the EU. LobbyControl advocates for transparency, democratic control and clear limits on influencing politics and the public.

OVERALL ASSESSMENT: SLIDER

In 2025, rule of law developments in Germany were shaped by political inaction and growing societal pressures. Civil society organisations face increasing constraints due to legal uncertainty in non-profit law and a more restrictive approach to public funding. Public demonstrations, especially those expressing solidarity with Palestine, have been subject to extensive restrictions, prompting questions about proportionality and fundamental rights, even though courts have acted as an effective corrective by upholding constitutional standards in several cases.

The media landscape remains broadly pluralistic, yet structural pressures persist, including declining local journalism and growing political pressure on public service media. The rise of the far-right political party Alternative für Deutschland (AfD) has become a more direct institutional factor, notably where it has sought to obstruct judicial appointments at the state level, thereby affecting the functioning of checks and balances.

Repeated recommendations by the European Commission on non-profit law, access to information for the press, and safeguards for prosecutorial independence, have remained largely unaddressed. Domestically, the new federal government announced ambitious objectives, including the ‘Pact for the Rule of Law’ to strengthen judicial capacity and digitalisation, but implementation has so far stalled.

Assessment of the trajectory

The designation of ‘slider’ reflects a situation in Germany in which there is a decline across several rule of law dimensions: far-reaching restrictions on public demonstrations, persistent legal uncertainty for civil society organisations, stagnation in transparency and anti-corruption policies, limited progress on judicial reform, and growing political pressure on media institutions. Early warning signs include the normalisation of restrictive approaches to civic space and the increasing willingness of far-right actors to use institutional levers to block or influence core rule of law functions.

At the same time, important stabilising factors remain. Judicial independence is generally respected, courts continue to act as effective safeguards, and public trust in established media remains comparatively high. These elements indicate that the decline is neither uniform nor irreversible. However, without timely implementation of announced reforms and closer alignment with European recommendations, there is a tangible risk that current shortcomings will solidify into a long-term trend.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM —

General assessment

In 2025, Germany initially set ambitious goals by planning a large financial package for expanding the judiciary's personnel and for digitalisation with the 'Pact for the Rule of Law'. However, these projects have so far remained in the planning stage and have not yet been implemented. As a result, there are still many vacant positions in the judiciary. The fact that public prosecutors can currently be subject to interventions by the ministries of justice of the individual states remains problematic, as it creates a risk that political bodies could influence investigations and prosecutions. To counteract this, a solution is being sought in part through transparency regulations, which have only been implemented in isolated cases. An initiative to increase the publication of court decisions is also intended to ensure greater transparency. However, this initiative and parallel draft legislation are still in the early stages of development.

Implementation of 2025 Commission recommendations

Recommendation: Take measures to increase the resources of the judiciary and address recruitment challenges, taking into account European standards on resources for the justice system (first made in 2022)

The federal government presented the so-called 'Pact for the Rule of Law'. This included a separate plan for the federal budget, which was intended to enable investments in the justice system (in particular personnel requirements and digitisation). The budget was to be decided in December 2025. No agreement was possible due to the differing interests of the federal states, so it was initially removed from the agenda.

Commission's 2025 assessment: No progress

GFF's current assessment: No progress

Gaps in the Commission's Report

Independence of the prosecution service

The right of the Minister of Justice to intervene in the work of public prosecutors under Section 146 of the Court Constitution Act (GVG) remained unchanged in 2025, despite long-standing domestic and

European criticism.¹ The German Judges Association (DRB) has repeatedly called for the abolition of the obligation of German public prosecutors to follow instructions. According to Section 146 of the German Court Constitution Act (Gerichtsverfassungsgesetz, GVG), public prosecutors can currently be subject to instructions of the ministries of justice of the individual states, which allows political bodies to influence investigations and prosecutions. The DRB points out that the Court of Justice of the European Union (CJEU) also considers the German ministries of justice's right to intervene to be a potential gateway for political influence. As a result, German public prosecutors are not considered independent at EU level, which means that they are not allowed to issue European arrest warrants according to an CJEU ruling.²

Transparency of court decisions, obligation to publish

In the context of the very limited public access to court decisions to date, the 'OffeneUrteile' initiative aims to significantly increase the transparency of case law in Germany.³ According to current estimates, only 1% to 3% of court rulings are published, with many decisions only accessible via fee-based databases. The initiative initially plans to publish one million additional decisions. To this end, the judgements will be requested from the relevant judicial authorities. In addition, lawyers and citizens can independently upload judgements in order to expand public access.

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- 1 See Deutscher Richterbund, Stellungnahme Nr. 12/24, 2024, https://www.drb.de/fileadmin/DRB/pdf/Stellungnahmen/2024/DRB_240530_Stn_Nr_12_RefE_Erhoeung_Transparenz>Weisungsrecht_StA.pdf; Ministerium der Justiz und für Digitalisierung, Pressemitteilung Nr.: 5/2025, 10 February 2025, https://mdjd.brandenburg.de/sixcms/media.php/9/5_25%20PM%20MdJD%20Einführung%20von%20Transparenz%20im%20Weisungsrecht%20-%20Unabhängigkeit%20der%20Staatsanwaltschaft%20gestärkt.pdf; Jürgen Brauer, Politisches Weisungsrecht noch zeitgemäß?, 2025, <https://rsw.beck.de/aktuell/daily/magazin/detail/interview-njw-2025-16-politisches-weisungsrecht-noch-zeitgemaeß>; The discussion about reforms to the binding nature of instructions began as early as 2024 with initiatives by the DRB. Brandenburg introduced its first transparency regulations in the law on instructions in 2025. Although these represent a small step in the right direction, they do not eliminate the structural causes of the problem, but are primarily aimed at alleviating the symptoms.
 - 2 Uta Georgi, MDR AKTUELL, Weisungsrecht der Justizministerien ist Einfallstor politischer Einflussnahme, 2025, <https://www.mdr.de/nachrichten/deutschland/gesellschaft/staatsanwaelte-nicht-unabhaengig-weisungsrecht-justizminister-100.html>
 - 3 LTO, Die juristische Presseschau, Initiative für offene Urteile gestartet, 6 November 2025, <https://www.lto.de/recht/presseschau/p/presseschau-2025-11-06-initiative-offene-urteile-buerokratie-entlastungspaket-beschlossen-vereinsverbot-muslim-interaktiv>

At the same time, the Federal Ministry of Justice is preparing a draft law that would provide a fundamental obligation to publish court decisions.⁴ The aim is to make case law more transparent in the long term, strengthen public confidence in the judiciary and improve the traceability of judicial decisions.

New Issues that Emerged in 2025

Remuneration of civil servants and implications for the remuneration of judges

In its ruling of November 2025, the Federal Constitutional Court (BVerfG) found that civil servant remuneration in the period 2008–2020 was largely incompatible with Article 33(5) of the German Basic Law (GG), as it was consistently too low. The decision specifies and expands on previous constitutional court rulings on remuneration appropriate to the position and sets new standards for reviewing the remuneration systems of the federal states and the federal government. The central criterion remains the principle of remuneration as a constitutional standard for ensuring the independence and functionality of the professional civil service.⁵ It primarily affects civil servants, but is also likely to have an indirect impact on the remuneration of judges and public prosecutors.⁶

Budgetary resources of the judiciary, filling vacant positions

Based on the current federal budget planning and the structural challenges facing the German justice system, there's a big need for action in terms of organisation, staffing, and finances.⁷ The federal government has announced the conclusion of the 'Pact for the Rule of Law' (Pakt für den Rechtsstaat), aimed at strengthening the judiciary in terms of personnel, material, and organisational resources, as

4 See Referentenentwurf des Bundesministeriums der Justiz und für Verbraucherschutz Entwurf eines Gesetzes zur Umsetzung der Richtlinie (EU) 2024/1069, 2025, https://www.bmjv.de/SharedDocs/Downloads/DE/Gesetzgebung/RefE/RefE_Anti_SLAPP.pdf?__blob=publicationFile&cv=4

5 Marcel Schneider, LTO, Verfassungsgericht macht neue Vorgaben zur Beamtenbesoldung, 19 November 2025, <https://www.lto.de/recht/hintergruende/h/2bvl518-bverfg-berlin-besoldung-beamte-verfassungswidrig-pruefung-alimentationsprinzip>

6 Marcel Schneider, LTO, Verfassungsgericht macht neue Vorgaben zur Beamtenbesoldung, 19 November 2025, <https://www.lto.de/recht/hintergruende/h/2bvl518-bverfg-berlin-besoldung-beamte-verfassungswidrig-pruefung-alimentationsprinzip>

7 The 2025 federal budget shows expenditures of €1.16 billion, exceeding the previous year's volume of €1.03 billion. Nevertheless, according to a recent study, the financial resources available to the judiciary are declining in real terms, as the nominal increases in funding are largely offset by persistently high inflation.

well as to promote digitalisation and accelerate procedural processes.⁸ However, due to disagreement between the federal level and the states the pact could not be adopted as planned on 3 December 2025, and was therefore removed from the agenda and it remains therefore unclear when the pact can be debated again in parliament.⁹

Admission rules for trainee lawyers (neutrality concerns)

Recently, there has been an increase in court decisions regarding loyalty to the constitution in the civil service, with the standards for assessment varying from one federal state to another.¹⁰ On 26 November 2025 the Constitutional Court (VerfGH) of Thuringia ruled that extremists may be excluded from legal training if applicants “act against the free democratic basic order within the meaning of the Basic Law”.¹¹ A 2022 decision of the Higher Administrative Court of Saxony adopted a more permissive approach, raising concerns about unequal treatment of applicants across states.

Against this backdrop, the responsible minister has announced an intention to challenge the Saxony decision as well as to initiate an abstract judicial review of the relevant provisions, with particular reference to Articles 101 and 103 of the German Basic Law.¹² In this context, individual federal states

8 See BMJV, Pakt für den Rechtsstaat, https://www.bmjbv.de/SharedDocs/FAQ/DE/FAQ_Database/Pakt_fuer_den_Rechtsstaat/FAQ_03.html; A total of €240 million in federal funding has been allocated for strengthening judiciary personnel during the current legislative period. In addition, up to €210 million is to be provided to support the digitalisation of the judiciary between 2027 and 2029.

9 Markus Sehl, LTO, Einigung über 450 Millionen “Pakt für den Rechtsstaat” geplatzt, 3 December 2025, <https://www.lto.de/recht/nachrichten/n/pakt-fuer-den-rechtsstaat-450-millionen-euro-justiz-stellen-richter-staatsanwaltschaft-bund-laender-treffen-mp>

10 Sarah Geiger, Verfassungsfeinde auch im Vorbereitungsdienst: Ungerechtfertigte Sonderbehandlung von Rechtsreferendar*innen bei der hamburgischen Regelanfrage, 04.12.2025, <https://verfassungsblog.de/hamburg-referendariat-regelanfrage/>

11 LTO, Land darf Extremisten vom Referendariat ausschließen, 26 November 2025, <https://www.lto.de/karriere/jura-referendariat/stories/detail/verfgh925-thueringer-verfassungsgesichtshof-afd-normenkontrolle-referendariat-extremisten-ausschluss>, Administrative courts in other federal states have also made similar rulings based on comparable standards. For example, in a decision dated 9 May 2025, the Administrative Court of Koblenz refused to admit a law graduate to the legal traineeship because he had been a member of the AfD youth organisation and had published texts that were contemptuous of human dignity. The state of Rhineland-Palatinate based its decision on the relevant provision of its Legal Training Act.

12 Markus Sehl, LTO, Sachsen wehrt sich gegen Jura Extremisten Tourismus, 5 December 2025, <https://www.lto.de/recht/justiz/j/sachsen-justizministerin-landesverfassungsgerichts-klagen-bundesverfassungsgericht-extremisten-referendariat>.

are planning further measures to ensure loyalty to the constitution in the civil service. Hamburg, for example, intends to introduce a standard check with the State Office for the Protection of the Constitution (Verfassungsschutz) before hiring civil servants.¹³

These developments have sparked criticism from trade unions and civil society actors,¹⁴ who warn against preventive surveillance and ideological vetting reminiscent of the ‘Radical Decree’ era in the 1970s, when nearly half a million civil service applicants were screened by the domestic intelligence service.¹⁵ While the historical context differs, contemporary criticism remains relevant: measures to enforce constitutional loyalty must be carefully balanced to avoid overburdening other fundamental freedoms.

Politicisation/Polarisation of the judiciary

Isolated but significant incidents in 2025 pointed to an increasing politicisation of judicial decisions. Following a ruling of the Berlin Administrative Court on border rejections in July 2025, the presiding judge was subjected to political accusations questioning personal neutrality and alleging partisan motivation. Although such cases remain exceptional, they risk undermining public trust in judicial independence and may exert a chilling effect on judges.¹⁶ Another example is the successful right-wing conservative smear campaign against Prof. Frauke Brosius-Gersdorf that prevented her election as a judge at the Federal Constitutional Court.¹⁷ Comparative experiences from countries such as the United States, Hungary and Poland show that this polarisation weakens the judiciary in the

13 Sarah Geiger, Verfassungsfeinde auch im Vorbereitungsdienst: Ungerechtfertigte Sonderbehandlung von Rechtsreferendar*innen bei der hamburgischen Regelanfrage, 4 December 2025, <https://verfassungsblog.de/hamburg-referendariat-regelanfrage/>.

14 NDR, Hamburg will Bewerber für den öffentlichen Dienst durchleuchten, 21 October 2025, <https://www.ndr.de/nachrichten/hamburg/hamburg-will-bewerber-fuer-oeffentlichen-dienst-durchleuchten,regelanfrage-100.html>.

15 Johannes Maurer, Drum prüfe, wer sich ewig bindet: 50 Jahre Radikalenbeschluss des Bundesverfassungsgerichts, 22 May 2025, <https://verfassungsblog.de/drum-pruefe-wer-sich-ewig-bindet/>, bpb, Vor 50 Jahren Radikalenerlass, 26 January 2022, <https://www.bpb.de/kurz-knapp/hintergrund-aktuell/346271/vor-50-jahren-radikalenerlass/>.

16 Joschka Buchholz, LTO, Wo liegen die Schwachstellen der deutschen justiz, 2 December 2025, <https://www.lto.de/recht/nachrichten/n/verfassungsblog-justiz-projekt-rechtsstaat-verfassungsgerichte-resilienz>

17 See Susanne Beck/Stefan Huster/Alexander Thiele et al., Stellungnahme zur Causa “Frauke Brosius-Gersdorf”, 14 July 2025, available at: <https://verfassungsblog.de/stellungnahme-zur-causa-frauke-brosius-gersdorf/>; Felix Wessel, So beeinflussen Online-Kampagnen Politik, deutschlandfunk.de, 13 October 2025, available at: <https://www.deutschlandfunk.de/brosius-gersdorf-verfassungsrichterin-kontroverse-skandal-100.html>.

long term.¹⁸ This is already becoming more apparent in the federal state of Thuringia, where, as in other federal states, the appointment of new judges requires the approval of a committee elected by a majority of the state parliament. Since the most recent elections in 2024, the far-right AfD has been blocking the planned re-election of the members of the Judicial Selection Committee in order to extract political concessions on unrelated issues. As a result, the committee was unable for more than a year to decide on new judicial appointments, jeopardising the functioning of the judiciary.

Implications and Recommendations for 2026

The gaps identified above result in limited access to case law which hampers legal certainty, undermines equal access to justice, and restricts public scrutiny of judicial practice.

Suggested recommendation: Creation of an obligation and establishment of a uniform system for the publication of judgments. Ensuring that the obligation to publish is consistently enforced.

Implementation of Judgments

Recent cases highlight significant challenges in the implementation of national judicial rulings. In some instances, the executive has disregarded court decisions or provided insufficient justification for failing to enforce them.

The Berlin Administrative Court, 6th Chamber on 2 June 2025 (VG 6 L 191/25 et al.) ruled that rejections at border controls are unlawful.¹⁹ The decision is based primarily on the Dublin Regulation and Article 72 Treaty on the Functioning of the European Union, as interpreted by the Court of Justice of the European Union. Despite the decision's applicability to nearly all cases of rejection at the border, the governing coalition maintains that it constitutes a decision limited to individual cases.²⁰

Afghan local staff who had been granted admission were not issued the necessary visas to enter the country. Several chambers of the Berlin Administrative Court had already ruled that the Federal Foreign Office had to issue the visas. Furthermore, the Berlin Administrative Court issued preliminary

18 See Christoph Möllers, Der gefährliche Angriff auf den Rechtsstaat, [spiegel.de](https://www.spiegel.de/politik/deutschland/gewaltenteilung-in-deutschland-wie-politiker-den-rechtsstaat-herausfordern-a-1ab8e540-e92e-422c-bd21-ee873679b9d1), 18 September 2025, <https://www.spiegel.de/politik/deutschland/gewaltenteilung-in-deutschland-wie-politiker-den-rechtsstaat-herausfordern-a-1ab8e540-e92e-422c-bd21-ee873679b9d1>.

19 Press release in English available here: <https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2025/pressemitteilung.1565917.php>

20 See here for example: <https://www.bundestag.de/dokumente/textarchiv/2025/kw23-de-binnengrenzen-1076006>, <https://verfassungsblog.de/zuruckweisungen-gericht-migration-asyl/>

injunctions in several cases to enforce the issuance of visas.²¹ Shortly after these decisions, the admission of local staff was assured, but ultimately many visas were rejected by the Federal Government without further justification.²²

On 17 October 2025, the UN Committee on Economic, Social and Cultural Rights, in the context of an individual communications procedure (communication no. 384/2025), requested Germany in an interim measure “to ensure that the author is provided with basic housing, healthcare and access to minimum subsistence support.”²³ The case concerns an alleged violation of the International Covenant on Economic, Social and Cultural Rights, which Germany has ratified and relates to the exclusion of a Dublin asylum seeker from social benefits, who has been homeless since February. The Federal Ministry of Labour and Social Affairs is responsible for implementation and according to the Committee, the request is legally binding. Nevertheless, the interim measure was not implemented.²⁴

21 Tagesschau.de, Auswärtiges Amt droht gerichtliches Zwangsgeld, 20 August 2025, <https://www.tagesschau.de/inland/innenpolitik/afghanen-aufnahmeprogramm-zwangsgeld-100.html>

22 Tagesschau.de, Dobrindts Versprechen – gebrochen, 9 December 2025, <https://www.tagesschau.de/inland/innenpolitik/afghanistan-ortskraefte-dobrindt-100.html>

23 Document available at <https://freiheitsrechte.org/uploads/documents/Gleiche-Rechte/Leistungsausschluss/10-2025-Anordnung-vorlaeufige-Massnahmen-UN-Sozialausschuss-Deutschland-Individualbeschwerde.pdf>

24 See Lena Frerichs, GFF, <https://freiheitsrechte.org/en/existenzielle-not>

ANTI-CORRUPTION FRAMEWORK

General assessment

With regard to both the substantive issues and the regulatory framework, there has been little to no change over the last year. The current government has not put forward any concrete initiatives or policy measures in the areas of transparency, integrity, or corruption prevention.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to strengthen the ‘legislative footprint’ to provide a comprehensive public record to register lobbying input and to extend the scope to the parliamentary phase of the legislative procedure (first made in 2022)

The current government has not put forward any concrete measures to implement the recommendation, nor has it presented other initiatives in the areas of transparency, integrity, or corruption prevention more broadly.

Commission’s 2025 assessment: No further progress

GFF’s current assessment: No progress

Gaps in the Commission’s Report

Revolving doors

Although the rules governing post-office employment for certain public officials have been amended, the regulations for top-level decision-makers in the executive branch remain insufficient. The system relies heavily on compliance. No sanctions are possible in cases of non-compliance or non-disclosure of relevant new activities. Currently, the government decides cases of post-office employment after an expert recommendation, which is published. This however only applies to the employment of ministers and parliamentary state secretaries and is lacking regarding other high-ranking officials, such as heads of departments and permanent state secretaries (*Abteilungsleiter, verbeamtete Staatssekretäre*). Decisions regarding their employment are reached internally within the ministry itself and therefore lack corrective measures.

Lobby transparency

The reform of the lobby register law (Gesetz zur Einführung eines Lobbyregisters für die Interessenvertretung gegenüber dem Deutschen Bundestag und der Bundesregierung/ Lobbyregistergesetz)

has been implemented and has already contributed to greater transparency. The legislative footprint, initially intended to complement the lobby register, was introduced in July 2024 as an amendment to the rules of procedure of the federal government (Gemeinsame Geschäftsordnung der Bundesministerien). However, the scope of the regulation is much narrower than proposed during the last legislative period. There is no obligation for ministries to disclose all lobby meetings, nor must written statements by lobbyists be made public. Instead, ministries are only required to provide information on those interest representations that they deem to have had a significant impact on the legislation in question. This leaves considerable room for interpretation.

Political party financing

The enhanced transparency regulations described in the previous reports are a positive development. On the other hand, the practical application and enforcement of law is still not satisfactory. Currently, there are no mandatory asset disclosure requirements for senior public officials, making it challenging to address potential conflicts of interest effectively.

New Issues that Emerged in 2025

Limited scope and effectiveness of the offence of ‘undue interest representation’

In 2024 Parliament passed a new criminal legislation aimed at enabling the prosecution of Members of Parliament who use their influence in government institutions for private gain. The law against ‘undue interest representation’, Section 108f of the German Criminal Code (Strafgesetzbuch, StGB), complements the existing Section 108e, which criminalises corruption only in the parliamentary sphere. Parliament did not use the opportunity to also change the existing Section 108e German Criminal Code, although many critics see it as too narrow. The new Section 108f German Criminal Code only applies where paid lobbying is already prohibited by the rules of the respective parliament. While such a prohibition exists for the German Bundestag, this is not the case for most of the parliaments of the Länder. As of the end of 2025, there was no known case where the new criminal law was applied.

Implications and Recommendations for 2026

With regard to both the substantive issues and the regulatory framework, there has been little to no change. The current government has not put forward any concrete initiatives or policy measures in the areas of transparency, integrity, or corruption prevention.

Suggested recommendation: The federal government should follow the EU Commission in its recent decision to disclose all meetings that officials with management roles have with interest

representatives and further strengthen the ‘legislative footprint’ by disclosing all interest representatives’ inputs to legislation and by extending the scope to the parliamentary phase of the legislative procedure.

Suggested recommendation: There should be a limit for how much political parties can receive in the form of donations or sponsoring income from a single source, e.g., a ceiling of €50,000 per year, party, and donor/sponsor.

Suggested recommendation: The cooling-off period for members of the federal government and parliamentary state secretaries should be doubled from the current 18 months to three years, and enforcement of these regulations by the federal government should be improved.

Suggested recommendation: Mandatory asset disclosure requirements for senior public officials, especially for members of government, should be introduced and an appropriate oversight should be established to manage conflicts of interest.

MEDIA ENVIRONMENT AND MEDIA FREEDOM -

General assessment

In terms of the media landscape and media freedom, no substantial progress has been made in Germany since the previous reporting period. On the one hand, media diversity remains high by international standards and courts have rejected recent government restrictions on media freedoms as unlawful. On the other hand, there has been no progress in implementing the EU's recommendation for a legal basis for press information claims against federal authorities. In rural areas, the continued decline of local newspapers is further weakening media diversity, while in the digital sphere, large foreign social media platforms retain de facto monopolistic positions. A long-awaited reform of public broadcasting has been successfully implemented. Digital text services provided by public service broadcasters are being restricted. Nevertheless, public trust in public service and other established media outlets in Germany remains comparatively high. At the same time, the increasing number of attacks on journalists over the past year constitutes a negative trend and raises concerns for the effective exercise of media freedom.

Implementation of 2025 Commission recommendations

Recommendation: Advance with creating a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents (first made in 2022)

The former coalition, consisting of SPD (Sozialdemokratische Partei Deutschlands), B90/Grünen (The Greens) and FDP (Freiheitliche Demokratische Partei Deutschlands) included the goal of creating a legal basis for a right to information of the press as regards federal authorities in their coalition agreement. Due to the premature end of the coalition, this measure was not implemented. The new coalition of CDU (Christlich Demokratische Union), CSU (Christlich Soziale Union) and SPD, in office since 6 May 2025, did not include this goal in its coalition agreement.

Commission's 2025 assessment: Limited progress

GFF's current assessment: Backsliding

New Issues that Emerged in 2025

Non-profit journalism

The governing coalition of the CDU (Christian Democratic Union), CSU (Christian Social Union), and SPD (Social Democratic Party of Germany), in office since May 2025, has committed in its

coalition agreement to creating legal certainty for non-profit journalism, with the aim of ensuring comprehensive access to journalistic content.²⁵ At present, journalism that is not oriented towards commercial objectives is not clearly recognised as non-profit under German law. Recognition would mean tax breaks for the affected media outlets and journalists and could strengthen their economic viability and editorial independence, thereby contributing to media pluralism, particularly in rural areas. It remains uncertain whether the coalition will implement this commitment. The previous government, comprising the SPD, the Greens, and the FDP (Free Democratic Party), had likewise announced plans to provide legal certainty for non-profit journalism but ultimately failed to deliver a satisfactory implementation.

State Media Treaty Reform

In December 2025, amendments to the State Media Treaty for public broadcasters came into force, approved by the state parliaments. The reform aims to advance digitalisation and streamline operations. In practice, it mandates significant cuts: ARD, ZDF and Deutschlandradio must eliminate 16 linear radio stations, two television news channels and one children's channel, while stricter rules on press similarity limit the use of text in digital offerings.²⁶ Although the reform was widely seen as necessary, the changes also reflect pressure from large private media companies and far-right attacks on public broadcasting. The tightened ban on press-like content risks reducing the visibility of public service information online in favour of commercial media.²⁷ The cuts are also set against the backdrop of narratives portraying public broadcasters as overfunded, reinforced by the states' rejection of a proposed 58-cent licence fee increase. As a result, public broadcasters face growing financial pressure and have filed a constitutional complaint, which is still pending before the Federal Constitutional Court.

Association law and media freedom (COMPACT case)

In June 2025, the Federal Administrative Court ruled that the ban imposed on COMPACT-Magazin GmbH, which publishes the right-wing extremist and conspiracy-oriented magazine *Compact*,

25 See coalition agreement p. 122, 2025, available at: https://www.koalitionsvertrag2025.de/sites/www.koalitions-vertrag2025.de/files/koav_2025.pdf.

26 See „Das ändert sich durch den Reformstaatsvertrag“, tagesschau.de, 1 December 2025, available at: <https://www.tagesschau.de/inland/reformstaatsvertrag-in-kraft-100.html>.

27 See Volker Nünning, „Wie ähnlich ist presseähnlich?“, Menschen Machen Medien Verdi, 11 June 2025, available at: <https://mmm.verdi.de/aktuelle-meldungen/wie-aehnlich-ist-presseaehnlich-103239>; Kristian Stemmler, „Kritisch eingeknickt“, junge Welt, 31 October 2025, available at: <https://www.jungewelt.de/artikel/511457.rund-funkstaatsvertrag-kritisch-eingeknickt.html>.

was unlawful.²⁸ In its ruling, the Court confirmed that association law may, in principle, be applied to press and media companies. However, it set high standards for the conditions under which press and media organisations can be banned as associations. While the decision resulted in the lifting of a ban on a prominent right-wing extremist propaganda outlet, the Court explicitly rejected the Federal Ministry of the Interior's recent practice of using association law to circumvent the procedural and substantive safeguards of media law when targeting politically unwelcome publications.²⁹ In doing so, the ruling reinforces the protection of press and media freedom more broadly.

Limits on state searches and media freedom (Radio Dreyeckland case)

In 2023, a journalist from the independent, non-commercial radio station Radio Dreyeckland was charged under Section 85(2) of the German Criminal Code (StGB) for allegedly supporting a banned association through an online article linking to an archive website. After his acquittal by a regional court in 2024, the Federal Constitutional Court ruled in November 2025 that the search of his home carried out as part of the investigation violated his freedom of broadcasting and was unlawful, reaffirming the special protection of journalists' private spaces from state interference.

Implications and Recommendations for 2026

Given these developments, especially with regard to the status of non-profit journalism, the Commission should give Germany a formal recommendation to address the existing issues.

Suggested recommendation: Advance with creating legal certainty for non-profit journalism.

28 Federal Administrative Court, Decision of 24 June 2025 – BVerwG 6 A 4.24 –, available at: <https://www.bverwg.de/240625U6A4.24.0>.

29 See also the ban of the media portal "linksunten.indymedia.org", David Werdermann/John Philipp Thurn, Medienverbote leicht gemacht, 31 January 2020, available at: <https://verfassungsblog.de/medienverbote-leicht-gemacht/>.

CHECKS AND BALANCES

General assessment

Recent developments raise serious concerns about the resilience of checks and balances in Germany. Civil society is facing increasing constraints, driven by the persistent lack of clarity in non-profit law (as criticized by the European Commission) and by a progressively restrictive approach to government funding. Public demonstrations, particularly those expressing solidarity with Palestine, continue to encounter substantial restrictions on the right to freedom of assembly.

The growing influence of the far-right AfD party poses additional risks to democratic governance. Beyond targeting civil society actors, the party's interventions are beginning to affect the functioning of the judiciary. In the state of Thuringia, for example, the AfD is obstructing the judicial selection committee, delaying the appointment of vacant judicial positions. Taken together, the current situation of checks and balances must be assessed as regressive.

Implementation of 2025 Commission recommendations

Recommendation: Take steps to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for the organisations' operation in practice, taking into account European standards on funding for civil society organisations. (first made in 2022)

Since the last report, neither the former nor the current governing coalition has undertaken any concrete legislative measures to reform non-profit law and establish legal certainty for the civil society organisations concerned with regard to their political activities. Although a reform of non-profit law is announced in the current government's coalition agreement, no concrete steps have been taken to date. Statements by politicians from the leading coalition party, the CDU, have frequently focused on reducing funding for the civil society sector.³⁰

The Commission should also improve this recommendation by establishing a clear legal basis for the political activities of non-profit organisations regarding their tax-exempt status

Commission's 2025 assessment: No progress

GFF's current assessment: Backsliding

30 See Wissenschaftler und Organisationen kritisieren Union, tagesschau.de, 4 March 2025, available at: <https://www.tagesschau.de/inland/innenpolitik/union-ngos-offene-briefe-kritik-100.html>.

Gaps in the Commission's Report

Climate activists from the 'Last Generation', engaged in peaceful protest, were criminalised through the application of Section 129 of the German Criminal Code, which is intended to target criminal associations. This application of a law designed for serious organised crime to peaceful protesters has raised serious concerns about the right to freedom of assembly.³¹

Amendments to the Asylum Act (Asylgesetz, AsylG) and the Asylum Seekers Benefits Act (Asylbewerberleistungsgesetz, AsylbLG) significantly weakened the legal position of refugees. These changes result in the loss of protected status if refugees travel to their country of origin and an undue exclusion from social benefits, in violation of international and European law.³²

Internal German border controls were reintroduced, leading to an increasing number of pushbacks that contravene CJEU rulings.³³

Despite urgent calls, the key points presented by the Federal Ministry of Justice in 2023 for legislation addressing digital violence—often linked to threats or attacks against journalists—have not resulted in a draft approved by the cabinet.³⁴

The legal provision for using spyware under the German Code of Criminal Procedure (Strafprozessordnung, StPO) was expanded, despite several pending constitutional complaints. Notably, humanitarian workers in refugee aid are now at risk of surveillance.³⁵

The Commission does not mention the continued use of 'pain grips' by police in multiple federal states.³⁶ Those affected by racist police operations have long experienced this practice, and climate protesters are also increasingly affected by pain grips. From a human rights perspective, this use of pain grips in the context of peaceful assembly is highly problematic and likely to violate fundamental and human rights obligations.

31 Civil Liberties Union for Europe, Liberties Rule of Law Report 2025, p. 374.

32 Civil Liberties Union for Europe, Liberties Rule of Law Report 2025, p. 379.

33 Civil Liberties Union for Europe, Liberties Rule of Law Report 2025, p. 381.

34 Reporters Without Borders, Nahaufnahme Deutschland, 2024, <https://media.reporter-ohne-grenzen.de/production/4985/01K6Z6XBC6T0WF1D0GTQKJKEGS.pdf>

35 Anna Biselli, Eingeschleuste Staatstrojaner, netzpolitik.org, 18 January 2024, <https://netzpolitik.org/2024/rueck-fuehrungsverbesserungsgesetz-eingeschleuste-staatstrojaner/>

36 Civil Liberties Union for Europe, Liberties Rule of Law Report 2025, p. 376.

New Issues that Emerged in 2025

Shrinking space for civil society organisations

Civil society organisations that are recognised as non-profit and therefore exempt from certain taxes still lack legal certainty regarding their political activities without jeopardising their non-profit status. Many of these organisations are therefore forced to exercise political restraint for economic reasons when they want to campaign or speak out against anti-democratic tendencies in response to current political developments or general political trends including the rise of far-right parties.

At the beginning of 2025, a parliamentary inquiry consisting of 551 questions submitted by the CDU parliamentary group further intensified political pressure on individual civil society actors. The inquiry implied that non-profit organisations were engaging in impermissible (party-)political activities.³⁷ Pressure for political moderation is also increasing when it comes to direct government funding for civil society organisations or projects engaged in democratic activities. The Federal Ministry of Education announced that it would increasingly scrutinise projects for the prevention of extremism and democracy education in the ‘Demokratie Leben!’ (Living Democracy) funding programme for alleged extremism.³⁸ This development builds on a long-standing and problematic practice of vetting civil society individuals and organisations applying for public funding.³⁹ At the request of the responsible funding agency, applicants are checked for “information relevant to the protection of the constitution” held by the domestic intelligence service, the Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz).⁴⁰ In 2020, the Bundestag’s research service already criticised this practice, noting that it lacked a legal basis for the associated interference with the right to informational self-determination of the individuals and organisations concerned, and that its proportionality was questionable given that only a few of the findings were actually relevant for funding decisions.⁴¹

37 See Deutscher Bundestag, Drucksache 20/15035, 24 February 2025, <https://dserver.bundestag.de/btd/20/150/2015035.pdf>.

38 See <https://fragdenstaat.de/dokumente/273092-informationsschreiben-an-zuwendungsempfaenger-im-bundesprogramm-demokratie-leben-zur-antragsstellung-2026/>; critically examined by Ralf Pauli, Prien schießt sich auf Demokratieprojekte ein, taz.de, 26 October 2025, available at: <https://taz.de/Bundesprogramm-Demokratie-leben!/6122313/>.

39 See Deutscher Bundestag, Drucksache 21/2201, 14 October 2025 <https://dserver.bundestag.de/btd/21/022/2102201.pdf>.

40 Ibid.

41 See Wissenschaftliche Dienste, Deutscher Bundestag, Fragen zum Haber-Verfahren des Bundesministeriums des Innern, für Bau und Heimat, WD 3 - 3000 - 253/20, 2020, <https://www.bundestag.de/resource/blob/817544/WD-3-253-20-pdf.pdf>.

Misuse of parliamentary inquiries

Parliamentary inquiries (*Kleine and Große Anfragen*) are increasingly being used as a tool to exert pressure on civil society, particularly by the far-right AfD.⁴² Although parliamentary inquiries in the Bundestag are a legitimate democratic control mechanism, the AfD abuses this tool by frequently phrasing its questions in a suggestive manner. In doing so, it seeks to impose its political narratives on public debate.⁴³ Its questions also reveal deliberate attempts at intimidation. This method is also noticeable in the *Länder* parliaments, where the AfD submits a particularly high number of parliamentary inquiries. The necessary responses are often extremely detailed and tie up considerable personnel and administrative resources.

Criminalisation of protests

In the context of demonstrations and gatherings in solidarity with Palestine, there continue to be massive restrictions on the freedom of expression and assembly. At the end of 2024, the Palestine Congress planned in Berlin was dissolved and banned amid a large police presence. On 26 November 2025, the Berlin Administrative Court ruled that this was unlawful and found that both measures were disproportionate.⁴⁴

The police frequently impose blanket bans on the slogan “From the river to the sea – Palestine will be free,” classifying it as the allegedly criminal use of symbols associated with Hamas. While several Higher Administrative Courts have since held that such blanket bans disproportionately restrict freedom of expression and assembly, given that the slogan cannot be unequivocally attributed to Hamas,⁴⁵

42 Campact, So greifen AfD und Co. die Zivilgesellschaft an, 7 March 2025, <https://www.campact.de/blog/2025/03/afd-angriff-zivilgesellschaft/>

43 Kira Ayyadi, Parlamentarische Anfragen: Die AfD versucht, Zweifel an der Demokratie zu nähren, 25 January 2025, <https://www.amadeu-antonio-stiftung.de/parlamentarische-anfragen-die-afd-versucht-zweifel-an-der-demokratie-zu-naehren-94873/>; Campact, So greifen AfD und Co. die Zivilgesellschaft an, 7 March 2025, <https://www.campact.de/blog/2025/03/afd-angriff-zivilgesellschaft/>.

44 See <https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2025/pressemitteilung.1620365.php>.

45 See Decision of High Administrative Court of Bavaria from 26 June 2024 – 10 CS 14.1062 – , <https://www.gesetze-bayern.de/Content/Document/Y-300-Z-BECKRS-B-2024-N-14713?hl=true> and Decision of High Administrative Court of Hesse from 22 March 2024 – 8 B 560/24 – , <https://www.rv.hessenrecht.hessen.de/bshe/document/LARE240000405>.

case law remains inconsistent,⁴⁶ while a decisive examination by Higher Courts is still pending.⁴⁷ Most recently, the Bremen Administrative Court upheld a ban on the slogan at a demonstration. In Berlin alone, the police initiated several thousand criminal proceedings against demonstrators,⁴⁸ some of which have already led to convictions for using the slogan on the basis of Section 86a of the German Criminal Code (prohibition of the use of symbols of unconstitutional and terrorist organisations).

In early 2025, the Berlin police banned the use of languages other than German or English at a demonstration.⁴⁹ After Arabic chants and music performances took place at the demonstration, it was dissolved by the police. Although the Berlin Administrative Court did not object to this yet, this development is a violation of the fundamental right to freedom of assembly. It disproportionately affects demonstrators whose first language is neither German nor English, or who do not speak either language, and significantly impairs their ability to collectively express their views in public assemblies.⁵⁰ For protesters in solidarity with Palestine, this means that they continue to face a high risk of state repression when exercising their rights to freedom of expression and assembly.

Restrictions on freedom of assembly were also evident in other contexts in 2025. In the Hessian city of Giessen, tens of thousands of people took to the streets to protest the re-establishment of the far-right

46 The Mannheim Regional Court, for example, ruled in May 2024 that the expression should be interpreted as promoting freedom of expression and therefore should not be classified as a symbol of Hamas or as the use of such a symbol: Court Mannheim, Decision from 29 May 2024 – 5 Qs 42/23 –, <https://www.landesrecht-bw.de/bsbw/document/NJRE001576952>. Other courts, however, took the opposite view: Regional Court Berlin, Judgement from 18 December 2025 – 502 KLs 13/25, <https://www.berlin.de/gerichte/presse/pressemitteilungen-der-ordentlichen-gerichtsbarkeit/2025/pressemitteilung.1627427.php>, and Judgement from 8 November 2024 – 502 KLs 21/24 –, <https://www.berlin.de/gerichte/presse/pressemitteilungen-der-ordentlichen-gerichtsbarkeit/2024/pressemitteilung.1501343.php>.

47 See Max Kolter, Bundesgerichtshof entscheidet doch nicht über „From the River to the Sea“, lto.de, 3 March 2025, available at: <https://www.lto.de/recht/hintergruende/h/lg-berlin-502kls2124-hamas-from-river-to-sea-rechtskraeftig>.

48 See CIVICUS, Monitor Tracking Civic Space – Germany, 9 December 2025, available at: https://monitor.civicus.org/press_release/2025/germany/.

49 See Hanno Fleckenstein, Deeskalation sieht anders aus, taz.de, 9 February 2025, available at: <https://taz.de/Sprachverbote-auf-Palaestina-Demos!/6064999/>.

50 See GFF, Gegen Sprachverbote bei Demos: GFF verteidigt die Versammlungsfreiheit, freiheitsrechte.org, 12 June 2025, available at: <https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/sprachauflagen>.

AfD party youth organisation. Although the protests were largely peaceful, police used pepper spray, water cannons, and batons.⁵¹

Implications and Recommendations for 2026

Regarding the gaps in the Commission's report, the one that most needs addressing through a recommendation is the application of Sec. 129 of the German Criminal Code to the climate movement and the broader trend of criminalising political activism. This would have required a specific recommendation of the Commission, given its significance and the serious threat it poses to political participation. Regarding the new developments in 2025, the Commission should issue new recommendations on the tax-exempt status of non-profit groups and ensuring the freedom of assembly and freedom of expression.

Suggested recommendation: Ensure that laws targeting criminal associations, such as Section 129 of the Criminal Code, are applied restrictively and only within the scope for which they were intended and do not unduly limit the right to peaceful protest and freedom of assembly.

Suggested recommendation: Take steps to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for the organisations' operation in practice, taking into account European standards on funding for civil society organisations.

Suggested recommendation: Ensure that restrictions on demonstrations and public expression, including bans on slogans or language use, are strictly proportionate, non-discriminatory, and consistent with constitutional rights to freedom of expression and assembly.

51 See Gareth Joswig, AfD benutzt Gegenproteste, taz.de, 3 December 2025, available at: <https://taz.de/Polizeieinsatz-in-Giessen/!6134956/>; Streit über Polizeieinsatz in Gießen, hessenschau.de, 30 November 2025, available at: <https://www.hessenschau.de/politik/streit-ueber-polizeieinsatz-in-giessen-massive-polizeigewalt-oder-notwendiges-mittel-v5,afd-protest-giessen-100.html>.

CONTACTS

Gesellschaft für Freiheitsrechte (GFF) (Society for Civil Rights)

The GFF is a Berlin-based not-for-profit-NGO founded in 2015. Its goal is to establish a sustainable structure for successful Strategic Litigation for Human and Civil Rights (HCR) in Germany, bringing together plaintiffs with excellent litigators in order to challenge infringements of HCR in court.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Inter Alia



Inter Alia is a civic non-profit organisation based in Athens and has been working transnationally since 2013. Inter Alia brings together concerned citizens, civil society actors, activists, social scientists, artists and community organisers in activities in the fields of political education, research, activism, advocacy and arts. The organisation aims to promote transformative civic action across borders, community empowerment and personal emancipation and development.

OVERALL ASSESSMENT: STAGNATOR

In 2025, Greece's rule of law context was shaped by a mix of technical reform activity and persistent structural deficits across the four pillars. On the one hand, the government advanced justice-system reorganisation and digitalisation projects and adopted sectoral legal changes affecting the media ecosystem, while the Commission noted improved legislative process discipline in terms of avoiding expedited procedures. On the other hand, longstanding weaknesses remained entrenched: very long court proceedings and continued concerns about perceived judicial independence. International and EU-level dynamics were also prominent: the annual EU Rule of Law cycle and Justice Scoreboard continued to place Greece among weaker performers on efficiency and trust indicators, while implementation backlogs of the European Court of Human Rights (ECtHR) judgments underscored systemic justice and rights-protection challenges.

Politically and societally, high-salience accountability cases continued to test institutions and polarise public debate. In anti-corruption, the Payment and Control Agency for Guidance and Guarantee Community Aid (OPEKEPE)(O.II.E.K.E.II.E.)/EU-funds file (with the European Public Prosecutor's Office (EPPO) involvement and subsequent parliamentary handling) became emblematic of perceived obstacles to pursuing high-level accountability, reinforcing a wider perception gap between formal frameworks and enforcement outcomes. In the media sphere, the year saw both regulatory/legal developments and sustained pressure on journalism: reports of physical attacks during demonstrations, intimidation and threats against investigative outlets, major fines and legal actions with chilling-effect potential, strategic lawsuits against public participation (SLAPP), and perceived political pressures that hinder independence. In checks and balances and civic space, civil society and international monitoring continued to describe a constrained enabling environment—particularly for organisations active on migration and human rights—amid legal proposals that further tighten Non-Governmental Organisations (NGO) registration and limited progress on structured dialogue with civil society organisations (CSO); at the same time, developments around the Pylos shipwreck investigation featured prominently in the broader debate on effective oversight and accountability for state actors.

Greece ranks 48th out of 143 countries in the World Justice Project (WJP) *Rule of Law Index* 2025, with an overall score of 0.60 (down from 0.61), placing 29th out of 31 in Europe/EEA amid an accelerated global rule-of-law recession affecting 68% of countries. Judicial independence faces notable erosion through indicators showing civil justice free from improper government influence declined (among 67% of countries globally), with Greece's judiciary losing ground to executive overreach and rising political interference; it ranks around 55th globally in criminal justice and 50th in civil justice, hampered by chronic delays, reduced alternatives to court, and weakening checks on executive power (decline in 61% of countries). The Index highlights Greece's shrinking civic space exacerbating these

pressures, with freedoms of expression/assembly and civic participation all declining, limiting public oversight of the judiciary.¹

Assessment of the trajectory

The 2025 reference year shows a clear pattern where reforms continue — they are largely technical, legalistic, and unevenly implemented, without shifting the underlying outcomes that matter for the rule of law. In other words, despite ongoing legislative changes, the day-to-day reality across the four pillars remains broadly unchanged: court proceedings stay excessively long and public trust in judicial independence remains low; corruption is still widely perceived as pervasive and the record of final judgments in complex/high-level cases remains limited; the media environment continues to raise concerns on independence, transparency and journalist safety; and civic space remains under sustained pressure through measures and practices that complicate or deter CSO operations. This combination—formal movement with limited practical effect—supports ‘stagnation’ rather than improvement.

Persistent non-delivery in judicial efficiency, repeated controversies that affect perceptions of judicial independence, continued patterns of intimidation/harassment and safety incidents affecting journalists (including chilling-effect dynamics through legal and financial pressures), and ongoing constraints on civil society that cumulatively shrink the space for oversight and accountability. While this may not always appear as abrupt ‘backsliding’, the risk is that stagnation becomes entrenched: implementation gaps across pillars reinforce one another (e.g., weak accountability and slow justice amplify corruption perceptions; constrained media and civic space reduce scrutiny; polarisation hardens institutional mistrust).

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The European Commission action should focus on stronger, measurable follow-up to recommendations, through clear milestones, regular reporting, and structured engagement with stakeholders, complemented by targeted technical support where relevant.

Beyond recommendations, additional parts of the rule of law toolbox could be activated through systematic follow-up under the annual Rule of Law cycle. Where sector-specific EU-law obligations

1 World Justice Project, *Rule of Law Index: Greece Profile 2025*, <https://worldjusticeproject.org/rule-of-law-index/country/2025/Greece>.

are engaged (for instance under the European Media Freedom Act, the Digital Services Act, etc.), the Commission should also rely on the standard compliance and monitoring tools available under those instruments. Areas warranting particular scrutiny include the effective application of EU rules on media freedom and journalist protection, and the shrinking of civic space with regulations incompatible with the EU standards.

The launch of infringement proceedings and the withholding of EU funds under budget conditionality mechanisms should be considered after repetitive non-compliance, where a clear and systemic link can be demonstrated between identified rule-of-law deficiencies; this could be the case on the shrinking of civic space where, after five years of constant recommendations from the European Commission, the Council of Europe and the UN to put an end to arbitrary restrictions on the work of civil society organisations supporting refugees and migrants, the Ministry of Migration and Asylum continues to target the organisations deemed inconvenient solely for carrying out their work.²

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

² Refugee Support Aegean (RSA) et al., Joint Civil Society Statement on the Migration Ministry bill, 23 January 2026, <https://rsaegean.org/en/greece-ngo-work-a-punishable-offence/>.

JUSTICE SYSTEM —

General assessment

Legislative and organisational reforms, such as the appointment procedure to the highest positions in the court system, efforts to promote the use of alternative dispute resolution, and justice digitalisation projects continued, but their impact on day-to-day access to justice remains limited and uneven. Key efficiency indicators remain among the weakest in the EU: the Commission reports that the estimated disposition time for litigious civil and commercial cases at first instance increased, while proceedings before the Council of State remained very long. Although national reporting indicates improved throughput at the Council of State, backlog and processing times remain high. Persisting delays continue to undermine timely judicial protection and contribute to perceptions of institutional dysfunction.

At the same time, the perceived judicial independence remains low, and stakeholders express concerns that trust has been affected by a series of high-profile cases. In parallel, 2025 saw renewed debate within the magistracy about disciplinary proceedings initiated on grounds resulting from the content of judicial decisions.

Overall, efficiency gains remain insufficient to reverse entrenched delays, while the cumulative effect of delays and perceived pressures continues to erode trust in the justice system. This systemic failure to provide effective judicial protection raises serious questions about compliance with the EU fundamental rights standards.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's *2025 Rule of Law Report*.

Gaps in the Commission's Report

Declining public perception of independent judiciary

The 2025 EU Justice Scoreboard depicts Greece as continuing to face acute challenges in efficiency and perceived judicial independence, which continues to decline among the general public.³ Overall, 38% of the general population perceive the level of independence of courts and judges to be 'fairly or

3 European Commission, 2025 EU Justice Scoreboard, 8 July 2025, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en.

very good’ in 2025, down from 40% in 2024, while 60% of the general population perceive it as being ‘fairly or very bad’, further decreasing from previous years. Consistently, the leading stated influences behind the perceived lack of independence in Greece include perceived interference/pressure from government and politicians (53.7%), from economic or other specific interests (55.2%), and views that judges’ status/position does not sufficiently guarantee independence (44.6%).⁴ While perception indicators do not attribute views to specific cases, the Commission records that stakeholders see perceptions as affected by high-profile cases; civil society and investigative journalism frequently cite emblematic cases such as *Tempi*⁵ and *OPEKEPE*⁶ as drivers of public distrust and concerns about accountability and political influence.

Efforts to increase the level of digitalisation continue: remote hearings for witnesses/accused were introduced in criminal proceedings; the public can monitor case progress online; funded by the Recovery and Resilience Facility (RRF) upgrades of case-management systems (administrative/civil/criminal) are expected to be completed in 2026. Independent reporting largely aligns with the European Commission’s finding that the length of proceedings remains a ‘serious challenge’⁷ in Greece, with the sharpest bottlenecks at first-instance civil/commercial courts and at the Council of State. In its 2025 country chapter, the Commission reports that litigious civil/commercial disposition time at the first instance rose to 771 days (2023) (longest in the EU) with a clearance rate of 92%, while Council of State proceedings remained very long (1,232 days in 2023) even as first-instance administrative disposition time improved (439 days). Overall, the country has a very lengthy justice system with delays significant enough to jeopardise the rule of law; the Commission notes that stakeholders consider persisting delays the biggest challenge, yet it does not provide any concrete recommendations in its report.

The International Monetary Fund’s (IMF) analysis confirms Greece’s significant lag in digital-ready procedural rules, secure remote access, and electronic court-prosecution communication, with courts deviating markedly from EU averages on digital tools that could reduce paper-based processes.⁸ Legal

4 European Commission, ‘2025 EU Justice Scoreboard – Quantitative Data Factsheet COM(2025) 375 final, 1 July 2025, https://commission.europa.eu/document/download/89509c03-d2d6-4031-be4e-ca385dc31480_en.

5 Human Rights Watch, *Greece: Rail Crash Highlights Wider Rule of Law Failings*, 6 March 2025, <https://www.hrw.org/news/2025/03/06/greece-rail-crash-highlights-wider-rule-law-failings>.

6 Politico, *EU fraud investigators raid Greek farm funds agency*, 14 October 2025, <https://www.politico.eu/article/eu-fraud-investigators-raid-greek-farm-funds-agency/>.

7 European Commission, 2025 Rule of Law Report: Country Chapter on the rule of law situation in Greece, SWD(2025) 908 final, Strasbourg, 8.7.2025, p. 6, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en

8 International Monetary Fund, *Enhancing Judicial System Efficiency in Greece: Drivers and Reform Opportunities, Selected Issues Paper*, 2025, p. 18, May 2025, <https://www.imf.org/-/media/files/publications/selected-issues-papers/2025/english/sipea2025057.pdf>

professionals speak of the incomplete rollout of electronic submissions across court instances and ongoing reliance on paper processes, creating delays and inefficiencies.⁹ Overall, and despite recent efforts, Greece remains among the European Union's least efficient judicial systems.¹⁰

The Standing Scientific Committee of the Ministry of Justice on Artificial Intelligence is assessing AI uses in the justice system primarily for supportive administrative tasks (e.g., anonymisation of judgments) to speed up the procedure; Homo Digitalis warns that AI deployment must be assessed for 'high-risk' impacts on fair trial rights, with regular impact assessments, interoperability, and user support to avoid uneven, court-by-court algorithmic practices.¹¹

Civil society actors in Greece have explicitly framed accountability in high-profile cases involving state actors as a justice-system problem (effectiveness and independence), arguing that recurring failures to judicially scrutinise executive action and attribute responsibility to officials undermine public trust and require closer follow-up by the Commission. CSOs have been heavily critical of the Commission for failing its duty to scrutinise independence, effectiveness, and quality of the justice system, criticizing the 2025 Rule of Law Report for not sufficiently assessing the 'absence of accountability' problem and for under-linking ECtHR condemnations and United Nations (UN) observations on investigation failures (pushbacks/violence by law enforcement) to the justice-system pillar.¹²

9 Vanessa Panagiota Dega, *Critical Assessment of the Supreme Judicial Council's Digitalization Plan* ('Κριτική αποτίμηση του σχεδίου αναθεώρησης του Σχεδίου Αναθεώρησης του Κώδικα Πολιτικής Δικονομίας από την Ομάδα Εργασίας της Γενικής Επιτροπείας Δικηγόρων'), 5 December 2025, *Nomarchia.gr*, <https://nomarchia.gr/κριτική-αποτίμηση-του-σχεδίου-αναθεω/> [in Greek]

10 Stournaras Highlights Low Efficiency of Judicial System at Justice Ministry Conference, *eKathimerini.com*, 8 October 2025, <https://www.ekathimerini.com/politics/1283270/stournaras-highlights-low-efficiency-of-judicial-system-at-justice-ministry-conference/>.

11 Homo Digitalis, *AI in the Justice System: Standing Scientific Committee Assessment*, *HomoDigitalis.gr*, 7 February 2025, <https://homodigitalis.gr/posts/134212/> [in Greek].

12 Refugee Support Aegean (RSA) et al., *New EU Rule of Law Report Greece 2025: Flawed and Selective Assessment of the State of the Rule of Law in Greece*, 11 July 2025, <https://rsaegean.org/en/eu-rule-of-law-report-greece-2025/>.

New Issues that Emerged in 2025

Rhodes ‘Urban Planning Department’ case

In the Rhodes ‘Urban Planning Department’ case,¹³ the decision by the Supreme Court President to initiate disciplinary proceedings against the investigating magistrate and prosecutor — combined with intense public commentary — sparked objections from judicial and legal professional bodies, who warned against disciplining the substantive assessment of evidence or the choice of coercive measures.

Both the Rhodes Bar Association and the Union of Prosecutors of Greece have strongly criticised this decision: the Rhodes Bar Association argues that such moves amount to an impermissible intervention in the functional independence of judicial officers,¹⁴ warning that the authority of justice is protected through strict adherence to procedural/substantive law — not ‘selective communicative interventions’ — and cautioning that interventions in the merits can pressure decision-makers and even undermine the presumption of innocence.¹⁵ In parallel, the Union of Prosecutors emphasises that prosecutors enjoy functional independence and that a judicial/prosecutorial assessment is not a disciplinary offence, stressing that — especially when coupled with its ‘wide disclosure’ — ordering disciplinary control for a jurisdictional assessment harms constitutionally protected independence and ultimately damages the administration of criminal justice and democratic legitimacy.¹⁶ The Commission report mentioned this controversy without providing any specific recommendation.

The new Regulation of Operation of the Supreme Court (Areios Pagos) adopted by Presidential Decree 34/2025,¹⁷ which took effect on 15 September 2025, introduces (a) strict page limits for key civil filings and (b) strict limits on oral argument time. The Coordinating Committee of the Greek

13 Thodoris Chondrogiannos, *Issue of Violation of Judicial Independence by the Supreme Court in the Context of a Criminal Case in Rhodes*, *govwatch*, 5 May 2025, <https://govwatch.gr/en/finds/zitima-paraviasis-tis-anexartisias-toy-dikasti-apo-ton-areio-pago-sto-plaisio-poinikis-ypothesis-sti-rodo/>.

14 Invoking Articles 87 ff. of the Greek Constitution, Article 6(1) of the ECHR, and the Courts Code.

15 *Rhodes City Council: Announcement on the disciplinary control against an investigator and prosecutor in Rhodes* (‘ΔΣ Ρόδου: Ανακοίνωση για τον πειθαρχικό έλεγχο κατά ανακριτή και εισαγγελέα στη Ρόδο’), *Νομικά Νέα* | *Lawspot.gr*, 28 March 2025, <https://www.lawspot.gr/nomika-nea/ds-rodoy-anakoinosi-gia-ton-peitharhiko-elegcho-kata-ana-kriti-kai-eisaggelea-sti-rodo/>.

16 Hellenic Prosecutors’ Association Former Cadet School (‘Ένωση Εισαγγελέων Ελλάδος’), Press Release 26/3/2025 (ΔΕΛΤΙΟ ΤΥΠΟΥ 26/3/2025), *enosieisaggeleon.gr*, March 26, 2025, <https://enosieisaggeleon.gr/pressrelease26-3-2025/>.

17 Hellenic Republic, Presidential Decree No. 34/2025, Rules of Procedure of the Supreme Court (Areios Pagos), Government Gazette Issue 60/A/23.4.2025, <https://www.kodiko.gr/nomothesia/document/1151019/p.d.-34-2025>.

Bar Associations (the Plenary's coordinating body) objected that these measures impose "restrictions on litigants' rights and on the orality of the procedure" and overlook the right of unimpeded access to justice, calling on the Supreme Court's leadership/Administrative Plenary to reconsider and warning that similar 'acceleration' tools at the Council of State did not deliver real speed gains.¹⁸

Implications and Recommendations for 2026

Overall, the Commission's report failed to address the critically long disposition times in civil/commercial cases and the Council of State; the ongoing concerns regarding judicial independence, particularly the use of disciplinary proceedings; and the need for specific, measurable targets to complement digitalisation reforms.

Suggested recommendation: Take further steps to improve the efficiency and perceived independence of the justice system, in particular by reducing the length of proceedings in civil/commercial cases at first instance and before the Council of State, and by strengthening safeguards against pressures on judges and prosecutors, including through transparent, publicly accessible justice statistics and clear safeguards in disciplinary procedures.

Implementation of Judgments

The European Implementation Network (EIN) and Democracy Reporting International (DRI) joint briefing systematically tracks Greece's compliance with Strasbourg and Luxembourg judgments;¹⁹ 2025 data classifies the country as a 'problematic' ECtHR performer (31 leading judgments pending implementation by June 2025, up from 30 on 1 January ; 34% of past decade's leading cases remain open vs. EU average 20%) and 'poor Court of Justice of the European Union (CJEU) complier' on rule-of-law matters (four relevant rulings: two fully complied, one partial, one non-complied; 50% pending >two years). The ECtHR backlog specifics reveal an average pendency of six years one month, with the oldest case (16 years) concerning freedom of association barriers to NGO registration; legislative responses remain partial, such as the new Code of Civil Procedure grounds for ECtHR-based

18 "Cutter" and officially in the pleadings to the Supreme Court and 6-minute speeches by the parties – The provisions of the new Rules of Procedure of the Supreme Court ('Κόφτης' σε δικόγραφα προς Άρειο Πάγο'), Dikastiko.gr, 28 April 2025, <https://www.dikastiko.gr/eidhsh/koftis-kai-episimos-sta-dikografa-pros-ton-areio-pago-kai-agoreyseis-6-lepton-apo-toys-diadikoys-oi-provlepseis-toy-neoy-kanonismoy-toy-areioy-pagoy/>.

19 European Implementation Network (EIN) and Democracy Reporting International (DRI), *Preview Brief: Non-implementation of European Courts' Judgments, 2025*, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>.

case reopening and draft *Zoumboulidis v. Greece* state liability law,²⁰ but cluster around judicial delays, pushbacks, and property rights without resolving systemic execution gaps. The CJEU rule-of-law failures span data protection, public procurement transparency, and judicial independence safeguards, which the report correlates with Greece's stagnant *World Justice Project Rule of Law Index* scores.²¹

Against this backdrop, the long-running *M.D. v. Greece*²² execution file (leading judgment final 13 February 2015) is emblematic in the migration field: it concerns immigration detention and ineffective judicial review, and it remains under Committee of Ministers supervision.²³ In September 2024, the Government asked for supervision to be closed, but Rule 9.2 communications argue that systemic deficiencies persist in practice—especially lack of state-funded legal aid/interpretation and a remedy that is under-used and unevenly applied (with only around one-fifth of detainees able to challenge detention).²⁴ This case, along with its several clone cases (*J.R. and Others*,²⁵ *Mirzai and Others*,²⁶ *O.S.A. and Others*²⁷), spotlight the systemic, long-running non-execution problems around immigration detention and effective judicial review.

20 Application no. 57246/21, 4 June 2024, <https://hudoc.echr.coe.int/eng?i=001-233990>.

21 World Justice Project, *Rule of Law Index: Greece Profile 2025*, <https://worldjusticeproject.org/rule-of-law-index/country/2025/Greece>.

22 Application no. 60622/11, 13 November 2014, <https://hudoc.echr.coe.int/eng?i=001-147884>.

23 Council of Europe, Department for the Execution of Judgments, 2026 List of Cases Pending Execution Concerning Migration for DMR/DEJ, <https://rm.coe.int/2026-list-of-cases-pending-execution-concerning-migration-for-dmr-dej-/48802a522b>.

24 Committee of Ministers of the Council of Europe, Report by the State Parties 2024, <https://www.refworld.org/reference/statepartiesrep/coeministers/2024/en/148852>

25 Application no. 22696/16, 25 January 2018, <https://hudoc.echr.coe.int/?i=001-180319>.

26 Application no. 44312/13, 23 November 2023, <https://hudoc.echr.coe.int/?i=001-228990>.

27 Application no. 39065/16, 21 March 2019, <https://hudoc.echr.coe.int/eng?i=001-191742>.

ANTI-CORRUPTION FRAMEWORK –

General assessment

While the Commission considers that Greece has made ‘some further progress’ on the 2024 recommendation to build a robust track record of prosecutions and final judgments in corruption cases, our overall assessment remains ‘no progress’ because the steps taken in 2025 were largely procedural and have not yet translated into measurable enforcement outcomes or stronger preventive safeguards. On the first recommendation, investigations continued (including EU-funds cases such as OPEKEPE), but there is still no consistent track record of timely prosecutions and final judgments in complex/high-level cases, and structural obstacles (notably the special parliamentary procedure/ministerial immunity framework) continue to delay or dilute accountability. On the second recommendation, the lobbying Transparency Register remains sparsely populated and disclosures incomplete, with limited evidence of systematic verification or dissuasive sanctions for non-compliance. More broadly, key integrity tools (including regular updating and verification of disclosures such as gifts/asset declarations and effective whistleblower channels) show weak or uneven implementation, while public perceptions of corruption remain exceptionally high.

Implementation of 2025 Commission recommendations

Recommendation: Continue efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption (first made in 2024)

High-profile corruption/fraud investigations with the EU dimensions continued. In the OPEKEPE case, the EPPO sent a case file to the Greek Parliament alleging organised fraud around EU farming subsidies; subsequent resignations of senior officials were reported.²⁸ According to Greek legislation,²⁹ only the national parliament has the authority to investigate and prosecute current or former members of the Greek government. This means that, despite its broad mandate to investigate the misuse of EU funds, the EPPO lacks the power to pursue such cases in Greece. The agency has called this a violation of its founding EU regulation.³⁰

28 Nektaria Stamouli, *Greek farm scandal triggers top-level government resignations*, POLITICO, 27 June 2025, <https://www.politico.eu/article/greek-farm-scandal-triggers-top-level-government-resignations/>.

29 Article 86 §1 of the Greek Constitution establishes that only Parliament can prosecute incumbent or former Ministers for criminal acts committed in office, with the Supreme Court (Areios Pagos) holding jurisdiction. Proceedings require a special parliamentary majority and lift parliamentary immunity where applicable.

30 Ekathimerini, *Kovesi: European Public Prosecutor's Office here to stay*, 2026, <https://www.ekathimerini.com/economy/1282632/kovesi-european-public-prosecutors-office-here-to-stay>.

In July 2025, a Parliamentary investigative committee was set up to examine all issues that have arisen concerning OPEKEPE's operations.³¹ Overall, these developments show active investigations, but they do not demonstrate any significant prosecutions and final judgment track record in high-level cases.

The government appears to be investing in the logic of the parliamentary majority as a form of immunity. It avoided setting up a Preliminary Investigation Committee, since, as it claims, there are no criminal prosecutions yet. However, criticism is mounting.³² Opposition parties and independent media speak of a deliberate cover-up,³³ while commentators remind that the EPPO did not accidentally initiate the process of requesting investigation into the responsibilities of current or former ministers. The use of a Parliamentary investigative committee instead of a Preliminary Investigation Committee (the Article 86 preliminary investigation could directly address potential criminal responsibility of the former minister) is perceived as a dilution and delay tactic.³⁴ Moreover, it is becoming increasingly clear that these practices were not isolated initiatives of a few corrupt officials, but part of a systematic mechanism for distributing EU funds with political implications.

The recommendation itself is relatively clear, but specific indicators are not included. The Commission could improve the recommendation:

Build a credible track record of timely prosecutions and final judgments in corruption and fraud cases affecting EU funds (including agricultural subsidies), and strengthen paying-agency controls and recoveries, with systematic cooperation with EPPO/OLAF.

Commission's 2025 assessment: Some further progress	Inter Alia's current assessment: In progress (initial steps)

- 31 The National Herald, Turbulent parliament approves ND OPEKEPE investigation proposal, 2026, <https://www.thenationalherald.com/turbulent-parliament-approves-nd-opekepe-investigation-proposal/>.
- 32 Panagiotis Tyannetatos, *What does the establishment of an investigative committee mean for OPEKEPE – What happens to the preliminary investigation and the timetables?* ('Τι σημαίνει η σύσταση εξεταστικής επιτροπής για τον ΟΠΕΚΕΠΕ - Τι γίνεται με την προανακριτική και τα χρονοδιαγράμματα?'), *in.gr*, 14 July 2025, <https://www.in.gr/2025/07/14/politics/politiki-grammateia/ti-simainei-systasi-eksetastikis-epitropis-gia-ton-opekepe-ti-ginetai-tin-proanakritiki-kai-ta-xronodiagrammata/> [in Greek]
- 33 Opposition rejects ND's OPEKEPE inquiry call as attempted 'cover up', *eKathimerini.com*, 14 July 2025, <https://www.ekathimerini.com/politics/1275276/opposition-rejects-nds-opekepe-inquiry-call-as-attempted-cover-up/>.
- 34 Greek parliament set to probe agency linked to EU farm-aid fraud, *Reuters*, 30 July 2025, <https://www.reuters.com/world/greek-parliament-set-probe-agency-linked-eu-farm-aid-fraud-2025-07-30/>.

Recommendation: Improve the lobbying framework, including by reviewing the definition of a lobbyist and ensuring effective implementation (introduced in 2025)

The Commission reports continued operation of the Transparency Register with still limited uptake, and that annual declarations were published only from mid-2024 and “do not seem to cover all those obliged”.³⁵ Currently, only 42 entities have been currently registered to the Transparency Register (so, only nine during 2025, taking into consideration the date from the National Transparency Authority’s (NTA) report);³⁶ in most entries, data are scarce and incomplete.

The Commission’s recommendation is relatively clear but indicators to track progress are not clearly articulated. It concerns preventive transparency: clarifying who is covered by lobbying rules (definition/scope of lobbyists) and ensuring the lobbying register and disclosure obligations are implemented effectively (completeness, accuracy, sanctions, and usability). An improved recommendation that could fulfill the aim would be:

Enforce timely registration of all actors obliged in the Transparency Registry, with regular follow-up and sanctions for non-compliance.

Commission’s 2025 assessment: N/A

Inter Alia’s current assessment: In progress (initial steps)

Gaps in the Commission’s Report

Perception of widespread corruption

According to the Special Eurobarometer 2025, Greece ranks first, for another year, in the EU in corruption perception, with 97% of the respondents considering corruption to be widespread in the country (EU average: 69%). Greece exhibits Europe’s most acute corruption perception crisis according to Eurobarometer’s metrics. The primary reason mentioned for not reporting corruption is that it is “difficult to prove anything”, showcasing the gap between legislation and its enforcement in practice. The most prominent reason reported is “too close links between business and politics”.³⁷

35 European Commission, *2025 Rule of Law Report: Country Chapter on the rule of law situation in Greece*, SWD(2025) 908 final, 8 July 2025, p. 10.

36 Annual Report of the Hellenic Human Rights Commission for the year 2024 (‘Εθνική Αρχή Διαφάνειας (ΕΑΔ), Έκθεση Απολογισμού 2024’), National Transparency Authority (‘Εθνική Αρχή Διαφάνειας’), 5 August 2025, <https://aead.gr/publications/essays/ead-ekthesi-apologismou-2024> [in Greek].

37 *Special Eurobarometer 2023: Citizens’ Attitudes Towards Corruption in the EU: National Factsheet Greece*, European Commission, Οκτ 2023, https://govwatch.gr/wp-content/uploads/2023/07/Citizens_attitudes_corruption_in_EU_2023_sp534_factsheet_el_en.pdf.

It is worth mentioning that, since the first published gifts registry for cabinet/deputy ministers (covering 2022–2023), containing a very small number of declared gifts, no updating of the list has been performed throughout the year of reference.³⁸ The same applies to the Transparency Register, where only 42 entities have been currently registered (so, only nine during 2025, taking into consideration the date from NTA’s report).³⁹ As was the case in the previous year, the data are scarce, with incomplete records and inconsistencies. All the above situations point to a process where, although formally aligning legal frameworks, beneath the surface lies a troubling workaround that undermines this progress, having a pretextual only approach to the legislation.

In its annual report 2024–2025, VouliWatch frames whistleblower protection as another ‘on paper only’ reform-risk: according to the legislation, both public and private entities are required to establish internal reporting channels and appoint an Internal Reporting Officer (IRO). These obligations should have been met by 2023. However, a basic check on the Ministry of Interior’s website – responsible for introducing the law – did not reveal any public information about its compliance or appointment of an IRO. As the law’s implementation deadline has long passed, these questions are crucial to assessing whether whistleblower protection in Greece is being taken seriously, or whether it remains another democratic reform undermined by bureaucratic inertia and lack of political will.⁴⁰

New Issues that Emerged in 2025

High-profile EU-fund fraud and corruption investigations

The OPEKEPE scandal⁴¹

High-profile corruption/fraud investigations with the EU dimensions continued. In the OPEKEPE case, the EPPO sent a case file to the Greek Parliament alleging organised fraud around EU farming subsidies; subsequent resignations of senior officials were reported.⁴² According to Greek law, only the

38 Presidency of the Government(Προεδρία της Κυβέρνησης), [primeminister.gr](https://www.primeminister.gr/primeminister/proedria-tis-kivernisis), accessed 7 January 2026, <https://www.primeminister.gr/primeminister/proedria-tis-kivernisis>.

39 Annual Report of the Hellenic Human Rights Commission for the year 2024 (‘Εθνική Αρχή Διαφάνειας (ΕΑΔ), Έκθεση Απολογισμού 2024’), National Transparency Authority (‘Εθνική Αρχή Διαφάνειας’), 5 August 2025, <https://aead.gr/images/essays/2024-ekthesi-apologismou.pdf> [in Greek]

40 Vouliwatch , *Annual Report 2024–2025*, Vouliwatch, <https://vouliwatch.gr/resources/file/2025/7/25/165b4a5c-a665-4a96-a3ac-c630bfb243fa.pdf>.

41 see Section “Implementation of 2025 recommendations”

42 Nektaria Stamouli, *Greek farm scandal triggers top-level government resignations*, POLITICO, 27 June 2025, <https://www.politico.eu/article/greek-farm-scandal-triggers-top-level-government-resignations/>.

national parliament has the authority to investigate and prosecute current or former members of the Greek government. This means that, despite its broad mandate to investigate the misuse of EU funds, the EPPO lacks the power to pursue such cases in Greece. The agency has called this a violation of its founding EU regulation. In July 2025, a Parliamentary investigative committee was set up to examine all issues that have arisen concerning OPEKEPE's operations. Overall, these developments show active investigations, but they do not demonstrate any significant prosecutions and final judgment track record in high-level cases.

The government appears to be investing in the logic of the parliamentary majority as a form of immunity. It avoided setting up a Preliminary Investigation Committee, since, as it claims, there are no criminal prosecutions yet. However, criticism is mounting.⁴³ Opposition parties and independent media speak of a deliberate cover-up,⁴⁴ while commentators remind that the EPPO did not accidentally initiate the process of requesting investigation into the responsibilities of current or former ministers. The use of a parliamentary investigative committee instead of a Preliminary Investigation Committee (the Article 86 preliminary investigation could directly address potential criminal responsibility of the former minister) is perceived as a dilution and delay tactic.⁴⁵ Moreover, it is becoming increasingly clear that these practices were not isolated initiatives of a few corrupt officials, but part of a systematic mechanism for distributing EU funds with political implications.

Implications and Recommendations for 2026

The perception of widespread corruption is generally corroborated by investigative reports; Greece continues to score very low at the perceived levels of the public sector corruption index (49%) by Transparency International, a ranking that places the country among 'flawed democracies'.⁴⁶ Weak or uneven enforcement of preventive safeguards increases corruption risks, undermines accountability in

43 Panagiotis Tyannetatos, *What does the establishment of an investigative committee mean for OPEKEPE – What happens to the preliminary investigation and the timetables?* ('Τι σημαίνει η σύσταση εξεταστικής επιτροπής για τον ΟΠΕΚΕΠΕ - Τι γίνεται με την προανακριτική και τα χρονοδιαγράμματα?'), *in.gr*, 14 July 2025, <https://www.in.gr/2025/07/14/politics/politiki-grammateia/ti-simainei-systasi-eksetastikis-epitropis-gia-ton-o-pekepe-ti-ginetai-tin-proanakritiki-kai-ta-xronodiagrammata/> [in Greek].

44 Opposition rejects ND's OPEKEPE inquiry call as attempted 'cover up', *eKathimerini.com*, 14 July 2025, <https://www.ekathimerini.com/politics/1275276/opposition-rejects-nds-o-pekepe-inquiry-call-as-attempted-cover-up/>.

45 Greek parliament set to probe agency linked to EU farm-aid fraud, *Reuters*, 30 July 2025, <https://www.reuters.com/world/greek-parliament-set-probe-agency-linked-eu-farm-aid-fraud-2025-07-30/>.

46 Transparency International Greece (2025), *Corruption Perceptions Index (CPI) 2024*,: <https://transparency.gr/wp-content/uploads/2025/02/CPI2024.pdf>.

high-level decision-making processes, and fuels public perceptions that integrity rules are formalistic rather than effective.

Overall, Greece's corruption problem extends far beyond individual scandals into the very structure of its economic and political systems. The data from the Bridgegap⁴⁷ project shows that Greece performs poorly in terms of the Index of Public Integrity - a composite index measuring judicial independence, online services, budget transparency, press freedom, and administrative transparency.

Suggested recommendation: Ensure robust integrity and disclosure safeguards for political office holders and senior advisers by (i) strengthening the scope and public accessibility of asset declarations and gifts registries; (ii) ensuring systematic verification, effective sanctions, and publication of compliance/enforcement statistics.

Suggested recommendation: Remove or mitigate legal/procedural obstacles that hinder effective investigation and prosecution of high-level corruption/fraud, including clear, time-bound procedures for lifting immunity where constitutionally required, and strengthened resources for specialised prosecution and judicial handling of complex corruption/EU-fraud cases.

⁴⁷ BridgeGap Foundation (2025), *Greece's Enduring Struggle with Corruption: Why Systemic Change Remains Elusive*, <https://corruptiondata.eu/greeces-enduring-struggle-with-corruption-why-systemic-change-remains-elusive>.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Overall, the trajectory in 2025 reflects no progress, with elements of further deterioration, despite some formal/legal steps, such as the enhancement of resources of the media regulator, the new appointment procedures of administrative bodies and the improvement of the legal framework concerning the right of access to documents. International and civil-society monitoring continues to portray Greece as a structurally high-risk media environment, where persistent concerns around political influence, legal harassment, lack of plurality, market concentration, and opaque public-resource allocation undermine pluralism and journalistic autonomy. These structural problems are mirrored in exceptionally low public trust.⁴⁸

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to strengthen legislative and non-legislative safeguards to improve the safety and protection of journalists, in particular as regards abusive lawsuits, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists (first made in 2024)

As reported by the Commission, drafting committees/expert work continued on the Anti-SLAPP transposition and on implementing the Memorandum of Understanding on journalist protection.

48 *International Monetary Fund (IMF), Selected Issues Paper (2025/57), Enhancing Judicial System Efficiency in Greece: Drivers and Economic Impact, 2025, <https://www.imf.org/-/media/files/publications/selected-issues-papers/2025/english/sipea2025057.pdf>*

However, CSO monitoring continues to document SLAPP risks and censorship related pressures, supporting the need for concrete procedural safeguards and stronger source-protection guarantees. The typical SLAPP ‘toolkit’ observed in Greece includes claims commonly grounded in defamation/insult, ‘lost profits’, and personal data arguments, paired with excessive damages claims (in the mapping reaching into the millions of euros, sometimes with ‘per-mention’ penalty demands).⁴⁹ CSO reporting indicates that new SLAPP cases continued to emerge in Greece, and that state initiatives had not yet produced tangible SLAPP-specific results: three years after the creation of the journalists’ protection task force, no concrete SLAPP-focused action had been publicly communicated. Also, a legislative drafting committee was in the process of being formed to transpose the Directive (EU) 2024/1069; that transposition should be carried out in dialogue with those most likely to be targeted and that protection is needed at national level (not only for cross-border cases). Separately, the European Commission issued a reasoned opinion on 19 March 2025 to Greece (iShares Global Infrastructure UCITS ETF (INFR)(2022)0297) for failing to fully transpose the European Accessibility Act (Directive (EU) 2019/882) into national law, despite the 28 June 2022 deadline, after identifying remaining gaps following Greece’s self-assessed complete measures.⁵⁰

The Commission’s recommendation is relevant but not comprehensive: beyond SLAPPs/safety, civil society highlights the need to address systemic issues, such as government influence over public media and the use of state advertising to shape narratives, as well as smear campaigns and online harassment (often government-aligned) and insufficient accountability mechanisms, including attempts to block disclosure on ‘national security’ grounds and efforts to identify whistleblowers. Inter Alia would like to see the following recommendation:

Prioritise procedural ‘early dismissal’ provisions (prompt rejection of manifestly unfounded/abusive claims) and cost-shifting rules as a core safeguard to reduce time/cost and chilling effects on public participation.

Commission’s 2025 assessment: Significant progress Inter Alia’s current assessment: In progress (steps reported; limited practical impact so far)

49 Hellenic League for Human Rights (HLHR) (2024), Research: Mapping the SLAPP landscape in Greece (‘Ερευνα: Χαρτογραφώντας το τοπίο των SLAPPs στην Ελλάδα’) <https://www.hlhr.gr/wp-content/uploads/2024/04/SLAPPs-research-Greece.pdf>.

50 European Commission, Commission calls on Greece to fully transpose into its national law EU requirements on accessibility requirements for products and services, INFR(2022)0297, reasoned opinion, Accessible EU Centre, 19 March 2025, https://accessible-eu-centre.ec.europa.eu/content-corner/news/european-commission-calls-greece-fully-transpose-eaa-2025-03-19_en.

Gaps in the Commission's Report

Media capture

Independent monitoring continued to flag risks of ‘media capture’ via public resources and opaque distributions. The Media Capture Monitoring Report notes that, even though the European Media Freedom Act (EMFA) entered into force in 2025, Greece has only taken limited steps towards aligning its legislation and practice with its provisions; Greece has not yet introduced substantive reforms to guarantee the independence of regulators and public service media, ensure fair state funding practices, or strengthen media pluralism.⁵¹ Overall, core problems persist across regulation, public service media, and funding.

Separately, Data Journalists reported tens of millions being spent in media funding for advertising and promoting government work;⁵² according to data gathered by Data Journalists from all public sources of government information (ministries, agencies, and authorities managed or supervised by the government), commitments exceeding €108,000,000 were made in the first seven months of 2025, for advertising and publicity expenses. It highlights especially large allocations, including €21,600,000 (via Information Society) for a Climate Crisis awareness campaign and €17,000,000 for tourism advertising in Attica directed to international media, arguing this scale of spending raises concerns about how public advertising can shape media coverage and information flows.

New Issues that Emerged in 2025

Eco-SLAPPs

A November 2025 report on Eco-SLAPPs underlines actors, such as local communities, environmental groups, and journalists, raising environmental concerns, increasingly facing legal actions aimed at silencing and intimidation. Eco-SLAPPs are described as a distinct sub-category with specific features and impacts, requiring tailored understanding to support effective counter-measures; they constitute abusive legal actions intended to silence public debate and public participation in matters that centrally concern environmental harm.

51 International Press Institute (IPI) and Media and Journalism Research Center (MJRC), Media Capture Monitoring Report: Greece Measuring EMFA Compliance, International Press Institute, November 2025, <https://ipi.media/wp-content/uploads/2025/12/GREECE-Media-Capture-Monitoring-Report-Overview-1.pdf>.

52 Data Journalists (2025), Revealed: €108 million for the “Petsa Lists” in the first half of 2025, 10 October 2025, Data Journalists, <https://www.datajournalists.co.uk/2025/10/10/revealed-e108-million-for-the-petsa-lists-in-the-first-half-of-2025/?lang=en>.

The report links the phenomenon to wider pressures (climate impacts, overtourism, natural-resource exploitation/pollution) and notes that eco-SLAPPs are increasingly frequent and threaten local environmental action, affecting not only professional actors (e.g. journalists) but local civic participation more broadly. It identifies two main eco-SLAPP patterns: (a) pollution-related disputes (e.g., waste burning in Volos;⁵³ pollution linked to Neorio shipyard in Syros⁵⁴) and (b) disputes over encroachment/appropriation of public or protected spaces for business exploitation, where communities mobilise to defend access, nature protection, and/or cultural heritage.

A core finding is the power asymmetry: plaintiffs are predominantly powerful economic actors (groups/companies/businesspeople), while targets are often ordinary citizens and citizen associations (formal or informal), amplifying chilling effects at the community level. It also identifies recurring features in the cases examined: high civil damages claims are often based on alleged personality-rights violations via defamation/insult and sometimes data-protection claims, frequently combined with criminal complaints, with claimed amounts in the reviewed eco-SLAPP cases ranging from €80,000 to €3,000,000 (and additional penalty threats in some instances).⁵⁵

Implications and Recommendations for 2026

The Media Pluralism Monitor 2025 assesses Greece as medium–high risk overall (63%), with Market Plurality escalating to high risk and particularly alarming risks around editorial independence from commercial/owner influence (very high risk).⁵⁶ It highlights persistent structural problems, including high media concentration, political influence over media and regulators, continued exposure to SLAPPs and pressures on journalists, and unresolved concerns around surveillance/accountability, all contributing to low public trust and weak pluralism. Overall, without enforceable transparency

53 ERT News, *A Volos Polites Network opposes the new waste incineration plants*, ('Αντίθετο στις νέες μονάδες καύσης απορριμμάτων το Δίκτυο Πολιτών Βόλου'), 25 August 2025, <https://www.ertnews.gr/perifereiakoi-stathmoi/volos/anti-theto-stis-nees-monades-kaysis-aporrimmaton-to-diktyo-politon-volou/>.

54 efsyn.gr, *The outrageous SLAPP lawsuit against Syros citizens goes to appeal*, ('Στο εφετείο η εξωφρενική αγωγή SLAPP εναντίον πολιτών της Σύρου') 6 February 2026, https://www.efsyn.gr/ellada/dikaiosyni/462230_sto-efeteio-i-exofreniki-agogi-slapp-enantion-politon-tis-syroy?amp.

55 Hellenic League for Human Rights (ΕΛΕΑΑ) and Heinrich Böll Foundation, *Eco-SLAPPs: Legal intimidation and local environmental action in Greece* ('Eco-SLAPPs: Νομικός εκφοβισμός και τοπική περιβαλλοντική δράση στην Ελλάδα') Heinrich Böll Foundation, Thessaloniki Office, 2025, https://gr.boell.org/sites/default/files/2025-11/eco-slapps_digital_final.pdf.

56 European University Institute (EUI) (2025), *Monitoring media pluralism in the European Union: results of the MPM2025. Country report: Greece*, 2025, <https://cadmus.eui.eu/entities/publication/54e739b2-d5c7-42cd-af77-f16c38fde485>.

and independent oversight, state financing can distort competition and encourage self-censorship, undermining pluralism.

Suggested recommendation: Adopt and implement the EMFA-aligned safeguards to prevent media capture and strengthen pluralism, in particular by (i) introducing binding rules for objective, transparent and non-discriminatory allocation of state advertising and other public funding to media, and (ii) ensuring the structural independence and adequate resourcing of public service media and the broadcast regulator through transparent, merit-based appointment and dismissal procedures, safeguards against political interference in editorial/management decisions, and regular public reporting on compliance with the EMFA requirements.

Suggested recommendation: Adopt and operationalise anti-SLAPP safeguards explicitly covering Eco-SLAPPs, including early dismissal/expedited filtering of manifestly abusive cases; effective cost-shifting and compensation for targets; and dissuasive consequences for abusive claimants.

CHECKS AND BALANCES

General assessment

While the Commission notes a continued positive trend of avoiding expedited legislative procedures and observing statutory consultation timeframes, it also records that engagement with CSOs is still not on a regular and sustained basis and that Greece made only limited progress on evaluating and improving the CSO registration framework and establishing structured dialogue.

Civil society and international monitoring in 2025 continued to flag a constrained civic space, especially for organisations working on migration and human rights. The International Federation for Human Rights (FIDH)/The World Organisation Against Torture (OMCT)'s Observatory similarly documented pressures and stigmatisation targeting refugee-support and rights organisations.⁵⁷ The CIVICUS continues to classify civic space in Greece at a restrictive level, reinforcing the picture of a difficult enabling environment.⁵⁸

The Ministry of Migration and Asylum is currently in the process of passing a new legislation; the proposed changes in the Immigration Code radically escalate criminal liability for members and employees of registered NGOs. As CSOs explain, “The mere status of membership in an organisation registered in the NGO Registry upgrades misdemeanours such as facilitating illegal stay or refusing to hand over a travel document to felonies, carrying up to ten years’ imprisonment and fines of tens of thousands of euros”. At the same time, they note, “The initiation of criminal prosecution alone is sufficient to remove an organisation from the Registry.”⁵⁹

57 Greece: Government systematic constraints and politically motivated accusations against migrants rights NGOs must end!, the Observatory for the Protection of Human Rights Defenders, 29 September 2025, <https://observatoryfor-defenders.org/alert/greece-government-systematic-constraints-and-politically-motivated-accusations-against-migrants-rights-ngos-must-end/>.

58 Monitor Tracking Civic Space, Greece, 2025, <https://monitor.civicus.org/country/greece/>.

59 Refugee Support Aegean (RSA) et al., Joint Civil Society Statement on the Migration Ministry bill, 20 January 2026, <https://rsaegean.org/en/greece-ngo-work-a-punishable-offence/>.

Implementation of 2025 Commission recommendations

Recommendation: Develop a regular and sustained structured dialogue with civil society organisations, and simplify registration requirements for civil society organisations in view of maintaining an open framework for them to operate (first made in 2023)

According to the stated need for “Revision of the institutional framework and procedures for the registration of NGOs and NGO members” by the Ministry of Migration and Asylum (MMA), there was a stated goal to digitise and modernise the way NGOs and their volunteers/members are registered and operate, making the procedures more transparent, effective, and compliant with European directives, within the framework of the 2025 Single Government Policy Plan (ESKyP).⁶⁰

However, in the draft law currently under deliberation, in Article 54, “Conditions for registration in the Register of Greek and Foreign Non-Governmental Organizations and in the Register of Members of Non-Governmental Organizations of the General Secretariat for the Reception of Asylum Seekers of the Ministry of Migration and Asylum”,⁶¹ there is no provision for modernisation and harmonisation with European directives. On the contrary, there is an explicit provision to tighten the institutional framework for the supervision of NGOs active in the fields of international protection, migration, and social integration, making civic space even more suffocating.⁶²

The Commission’s recommendation is too narrow; structured dialogue and registration requirements are just one dimension of the reforms needed. A stronger recommendation would be:

60 Unified Government Policy Plan ESKyP 2025, General Secretariat for Coordination, Presidency of the Government, Athens, p. [relevant page, e.g. 198 or 340 from context], January 2025, <https://gsco.gov.gr/wp-content/uploads/2025/01/%CE%95%CE%A3%CE%9A%CF%85%CE%A0-2025.pdf> [in Greek].

61 Article 54, Conditions for registration in the Register of Greek and Foreign Non-Governmental Organizations and in the Register of Members of Non-Governmental Organizations of the General Secretariat for the Reception of Asylum Seekers of the Ministry of Migration and Asylum – Amendment of paragraphs 1 and 2 of Article 78 of the Legislative Code on Reception, International Protection for Third-Country Nationals or Stateless Persons, and Temporary Protection in Case of Mass Influx of Displaced Foreigners | Ministry of Migration and Asylum, Draft Law under Public Consultation, Immigration and Asylum Consultation Website (‘Μετανάστευσης και Ασύλου Δικτυακός Τόπος Διαβουλεύσεων’), 30 December 2025, <https://www.opengov.gr/immigration/?p=1944> [in Greek].

62 Refugee Support Aegean (RSA), Draft Law Attacking Civil Society in Greece, 15 January 2026, <https://rsaegrean.org/en/draft-law-attacking-civil-society-in-greece/> (accessed 23 January 2026).

Adopt and implement a comprehensive ‘enabling environment’ framework for civil society by: (i) institutionalising a regular, documented structured dialogue mechanism (early-stage consultation on draft laws/policies); (ii) ensuring registration rules cannot be used retaliatorily against advocacy, monitoring, or litigation; (iii) refraining from smearing campaigns and targeting of CSOs by high-ranking officials.

Commission's 2025 assessment: No progress

Inter Alia's current assessment: No progress

Gaps in the Commission's Report

Pylos shipwreck investigation

The Commission's report underlines that “Progress with the judicial investigation following the Pylos shipwreck is a positive development to start addressing deficiencies in investigating incidents of alleged misconduct involving law enforcement officers”;⁶³ yet, what is not included is that this progress is far from comprehensive.

In May 2025, charges had already been brought against 17 Coast Guard officers, but the prosecutor at the time dismissed the charges against the current chief and other officers on the grounds that they had no direct responsibility for handling the incident. Only after an appeal of the victims' lawyers to the Reviewing Court, the Prosecutor of the Reviewing Court initiated criminal proceedings against four senior officers of the Coast Guard, including its current chief, whose case had been shelved by the prosecutor of the Piraeus Naval Court.⁶⁴

Consultation during lawmaking process

The Commission report also notes that, “The positive trend of avoiding expedited legislative procedures for the adoption of legislation continues and the statutory timeframe for public consultations is being observed, while participation and transparency in the law-making process could be further improved.” However, reporting from the (Center for Liberal Studies - Markos Dragoumis) KEFiM highlights that, “Despite the institutional progress made over the last decade, Greece still lags behind

63 *European Commission, 2025 Rule of Law Report: Country Chapter on the rule of law situation in Greece, SWD(2025) 908 final, 8 July 2025, p. 19.*

64 *Pylos shipwreck: Criminal prosecution on felony charges against the current head of the Coast Guard and senior members of its leadership, Refugee Support Aegean, 7 November 2025, <https://rsaegean.org/en/pylos-shipwreck-prosecution-against-the-head-of-the-coast-guard/>*

in terms of good lawmaking.” The KEFiM’s policy brief on legislative quality compares 190 Greek laws (2022–2024) with 61 EU Directives and finds a mixed picture: Greek laws are longer on average (about 54 articles/60 pages vs. 49 articles/25 pages for EU Directives), but written in less syntactically complex language, and they more often meet formal ‘better regulation’ requirements such as being put to consultation and being accompanied by an impact report.

However, the study highlights major weaknesses in the substance of these processes: consultation time is far shorter in Greece (average 16 days vs. 95 at the EU level), and Greek impact reports rarely quantify consequences (~10% include quantitative estimates vs. ~65% for EU Directives). It leads the KEFiM to argue that Greece’s system shows formal compliance without adequate time and evidence for meaningful scrutiny; it therefore proposes reforms such as reducing omnibus law length (one main issue per law), simplifying language through dedicated review, publishing all draft provisions for consultation, extending consultation to around four weeks, and requiring impact assessments to include quantified effects (economy, budget, environment, SMEs, administrative burdens).⁶⁵

Safeguards for independent oversight bodies

Another important gap in the Commission’s 2025 recommendations concerns the need for stronger, operational safeguards for independent oversight bodies – in particular, transparent and merit-based appointments, adequate resources, and genuine operational autonomy – together with enforceable access-to-information guarantees, which are a practical precondition for effective checks and balances. The Commission itself notes quite vaguely that “Previously identified challenges regarding the appointment of members of Independent Authorities established by the Constitution remain.”⁶⁶

Implications and Recommendations for 2026

The need for stronger, operational safeguards for independent oversight bodies is significant and should be addressed by a new recommendation from the Commission.

Suggested recommendation: Take further steps to reinforce the independence and effectiveness of oversight institutions by (i) improving appointment procedures (clear, objective criteria; open calls; strengthened parliamentary scrutiny), (ii) ensuring stable and sufficient resourcing and

65 Center for Liberal Studies (KEFiM) (Κέντρο Φιλελεύθερων Μελετών), *The quality of legislation in Greece and the EU (Η ποιότητα της νομοθέτησης στην Ελλάδα και την ΕΕ)*, Center for Liberal Studies (KEFiM), 24 November 2025, <https://kefim.org/i-poiotita-tis-nomothetisis-stin-ellada-kai-tin-ee/> [in Greek]

66 European Commission, *2025 Rule of Law Report: Country Chapter on the rule of law situation in Greece*, SWD(2025) 908 final, 8 July 2025, p. 1.

safeguards against undue interference, and (iii) strengthening implementation of access-to-information rules through effective, independent review mechanisms and the regular publication of compliance and enforcement statistics (e.g., response times, refusal grounds, appeal outcomes).

CONTACTS

Inter Alia

Inter Alia is a civic non-profit organisation based in Athens and has been working transnationally since 2013. Inter Alia brings together concerned citizens, civil society actors, activists, social scientists, artists and community organisers in activities in the fields of political education, research, activism, advocacy and arts. The organisation aims to promote transformative civic action across borders, community empowerment and personal emancipation and development.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Hungarian Civil Liberties Union



The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in Budapest, Hungary, in 1994. The HCLU is a Hungarian human rights watchdog working independently of political parties, the state, or any of its institutions. The HCLU's aim is to advance the case for fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions. Generally, it has the goal of building and strengthening civil society and the rule of law in Hungary and in the Central and Eastern Europe (CEE) region. Since the HCLU is an independent non-profit organisation, its financial resources are mostly provided by foundations and by an increasing number of private individuals. The HCLU strives to educate citizens about their basic human rights and freedoms, and takes a stand against undue interference and misuse of power by those in positions of authority.

OVERALL ASSESSMENT: DISMANTLER

In 2025, Hungary's domestic rule-of-law backsliding occurred against a context of sustained international pressure, notably linked to the suspension or conditional disbursement of significant EU funding. The European Commission (EC) and EU institutions continued to withhold large tranches of payments to Hungary under various conditionality and recovery-fund mechanisms, which has translated into tangible economic and political leverage and increased pressure on the government to take remedial steps.

Domestically, the government continued to deploy a security and enemy-framing narrative, frequently invoking the war in Ukraine and the need to protect national sovereignty, to justify an extended 'state of danger' and a suite of exceptional measures that have implications for fundamental rights and parliamentary scrutiny. The state-of-danger regime was extended during 2025 and remained a feature of the legal landscape, allowing rapid executive action in ways that reduce safeguards. At the same time, official discourse often framed Brussels and EU institutions as political adversaries and used geopolitical anxieties related to the Ukraine conflict to legitimise restrictive domestic policies. This is a pattern that reinforced public fear and underpinned continued exceptional-powers rhetoric. This combination of external economic pressure and internal securitising rhetoric produced a dual effect in 2025: (i) concrete leverage from the EU that increased incentives for formal compliance, and (ii) a sustained governmental emphasis on national security and anti-external narratives that, in practice, justified measures weakening checks and balances and constraining civic and media space.

Assessment of the trajectory

In 2025, Hungary's rule of law situation continued to deteriorate across several core areas. While in some fields the formal assessment points to 'no progress' rather than further backsliding, this static classification risks obscuring the underlying reality. By 2025, systemic and severe rule of law deficiencies had already become entrenched, and the government's clear intent to undermine core guarantees had long been implemented. The absence of further deterioration in certain areas, therefore, reflects the consolidation of an already degraded baseline rather than stabilisation or correction, supporting Hungary's classification as a rule of law 'dismantler'.

The justice system was marked by only limited improvements, and no meaningful progress was made in the anti-corruption framework. Although salary increases partially alleviated long-standing resource constraints in the judiciary, they were embedded in broader reforms that introduced new risks to judicial independence, amid continued executive intolerance toward critical voices. Anti-corruption reforms stagnated despite repeated European Commission recommendations: long-overdue lobbying and revolving-door rules were not adopted, asset disclosure oversight was not strengthened, and the parliament abolished campaign spending limits, increasing the risk of money-driven political

corruption. Enforcement gaps persisted, with no progress in prosecuting high-level corruption, reinforcing public mistrust and de facto impunity.

At the same time, regression was most pronounced in the media environment and the system of checks and balances. No steps were taken to strengthen the independence of the media regulator or to align national rules with the European Media Freedom Act (EMFA), while centralised state advertising continued to function as a de facto subsidy scheme for pro-government media, and public service media remained a government communication tool. Pressure on civil society intensified through the continued application of Act LXXXVIII of 2023 (the Sovereignty Protection Act),¹ the proposed new transparency legislation,² the expanded biometric surveillance,³ and the 15th amendment to the Fundamental Law.⁴ This amendment introduced content-based restrictions on freedom of expression and facilitated broad limitations on freedom of assembly, including the systematic banning of LGBT-QIA+ related demonstrations. Taken together, these developments further weakened independent institutions and deepened Hungary's divergence from European rule of law standards in 2025.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The Commission should avoid framing the situation as mere stagnation, where, in reality, a structurally degraded baseline has consolidated, and 'no progress' risks obscuring the durability of the deterioration. A more consistent and firmer response is warranted in areas where the report identifies clear regression in 2025, notably in the media environment (including non-alignment with the EMFA and the continued distortive role of state advertising) and in the system of checks and balances and civic space. In particular, the combined effect of the Sovereignty Protection Act, Pride-banning, the expansion of biometric surveillance, the absence of effective safeguards against arbitrary secret

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- 1 Act LXXXVIII of 2023 on the protection of national sovereignty (*A nemzeti szuverenitás védelméről*), ('Sovereignty Protection Act'), <https://net.jogtar.hu/jogszabaly?docid=a2300088.tv> [in Hungarian].
 - 2 Bill T/11923 On the transparency of public life (*A közélet átláthatóságáról*), ORSZÁGGYŰLÉS, 23 January 2026, https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=VcOhWAsU&_hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923 [in Hungarian].
 - 3 Act III of 2025 amending Act LV of 2018 on the right of assembly with regard to the protection of children, and amending related Acts, <https://njt.hu/jogszabaly/en/2025-3-00-00> [in Hungarian].
 - 4 Bill T/1152 on the Fifteenth Amendment to the Fundamental Law of Hungary, <https://www.parlament.hu/irom42/11152/11152.pdf> [in Hungarian].

surveillance, as well as the use of spyware, and the 15th amendment to the Fundamental Law calls for heightened scrutiny and a more explicit escalation in the Commission's engagement. The prolonged maintenance of the 'state of danger' and its rule of law implications, including reduced parliamentary scrutiny, should also be treated as a priority concern.

Developments in 2025 indicate that recommendations alone have limited traction where the authorities' incentives remain largely confined to formal compliance. In this context, the Commission should maintain and, where necessary, strengthen the use of financial conditionality as a tangible form of leverage. This should be complemented by a more explicit escalation logic in areas affecting civic space, including the use of surveillance technologies and secret surveillance tools. The infringement steps already initiated in December 2025 in relation to non-compliance with the EMFA and the Audio-visual Media Services Directive (AVMSD) should be pursued in a consistent manner. The Commission's approach should also address civic space as a systemic element of the rule of law architecture, acknowledging the cumulative impact of multiple instruments that restrict public participation and scrutiny, including the Sovereignty Protection Office (SPO), the Bill T/11923 on Transparency of Public Life,⁵ restrictions on assembly, and the use of facial recognition.

Several developments warrant consideration from an EU law compliance perspective. The Commission launched an infringement procedure in December 2025 regarding non-compliance with the EMFA and the AVMSD. Act LXXXVIII of 2023 (Sovereignty Protection Act) remains in force and is pending before the Court of Justice of the European Union (CJEU), which underscores the need for continued escalation and focused treatment within the broader rule of law toolbox. New surveillance regulations, including biometric surveillance in public spaces, appear to breach the EU AI Act, providing a concrete basis for enforcement action. Concerns related to secret surveillance and the use of spyware similarly call for a firm response where effective safeguards and remedies are not ensured. The Commission should frame the lack of safeguards over national security surveillance as a rule of law concern rather than a national security matter, as doing otherwise risks legitimising the use of national security as a carte blanche for the consolidation of unchecked governmental power. The continued non-implementation of the 2020 CJEU judgment concerning the asylum/transit zones

5 Hungarian Parliament (ORSZÁGGYŰLÉS), Bill T/11923 on the transparency of public life, (*A közélet átláthatóságáról*), 23 January 2026, https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=VcOhWAsU&_hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923 [in Hungarian]

framework,⁶ accompanied by the ongoing imposition of penalties and daily lump sums, constitutes an additional area where EU law compliance concerns remain acute.

The current level of withheld funding remains significant, including the absence of payments under the Recovery and Resilience Facility (RRF) (€5.8 billion) due to the non-fulfilment of the super milestones, and the continued blocking⁷ of approximately €6.3 billion in cohesion funds under the Conditionality Regulation. In light of the persistence of structural deficiencies and the regressions observed in 2025, the continued application of conditionality mechanisms remains justified. Implementation deficits in the anti-corruption commitments, including the lack of rules on lobbying and revolving doors, weaknesses in asset declaration control, the absence of a high-level corruption track record, and the retaliatory-type pressure affecting the Integrity Authority, support the conclusion that financial conditionality remains necessary and proportionate. Financial pressure has also proven more tangible than purely recommendation-based engagement, reinforcing the case for maintaining this approach until meaningful and verifiable progress is achieved. Consideration should also be given to using financial conditionality, where legally available, as part of the Union's broader response to persistent non-compliance with CJEU judgments, which undermines the rule of law itself.

Any politically driven suspension or slowing-down of these tools or of ongoing procedures, including in light of the proximity of elections, would risk being perceived by the Hungarian authorities as an implicit signal of tolerance or acquiescence; consistent follow-through is therefore necessary.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

6 Case C-808/18, Commission v Hungary. https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%22C-808%2F18%22&publishedId=C-808%2F18

7 Amnesty International Hungary, Hungarian Helsinki Committee, K-Monitor, Transparency International Hungary: Assessment of Hungary's compliance with conditions to access European Union funds, November 2025, https://transparency.hu/wp-content/uploads/2025/12/HU_EU_funds_assessment_2025.pdf

JUSTICE SYSTEM –

General assessment

In 2025, the situation of the justice system in Hungary showed only limited and fragile improvement, driven primarily by external – EU-level – pressure rather than by genuine domestic political commitment to strengthening judicial independence. While long-standing resource constraints were partially alleviated through salary increases for judges and court staff, these measures were embedded in a broader reform package that introduced new risks to judicial independence. Changes to judicial career paths, appointment procedures, and promotion rules in particular point towards an increased scope for executive influence. As a result, material improvements were offset by structural developments that weaken institutional safeguards.

The developments observed in 2025 suggest that backsliding risks are becoming entrenched rather than reversed. Legislative amendments affecting judicial appointments, promotions, and conditions of service have increased the scope of administrative discretion, thereby introducing unpredictability into judicial career paths. Importantly, these changes were not always accompanied by meaningful consultation with the National Judicial Council, weakening the role of judicial self-governance. Although courts annulled certain retaliatory administrative measures against judges and court staff in 2025, the Commission characterises these remedies as *ex post* corrections. They did not prevent the initial chilling effect, nor did they address the underlying structures enabling pressure to be exercised in the first place. As a result, judicial protection remains reactive rather than preventive.

A particularly significant signal was the unprecedented public protest by judges in February 2025,⁸ supported by national and European judicial associations. This protest underscored concerns about judicial independence that they are no longer confined to expert or civil society assessments but are openly articulated within the judiciary itself. Following consultations with Hungarian stakeholders, in February 2025 the European Network for National Councils for the Judiciary (ENCJ) Executive Board also concluded that the independence of the judiciary in Hungary faces serious challenges. The key concerns identified largely overlapped with the objectives of the demonstration, including judges' freedom of expression, the lack of meaningful consultation on reforms affecting the judiciary, the role and protection of the service courts, and judicial remuneration.⁹

8 The detailed programme of the demonstration is available on the official website of the Hungarian Association of Judges (Magyar Bírói Egyesület, MABIE), 20 February 2025, <https://mabie.hu/hirek/a-demonstracio-programja> (in Hungarian).

9 European Network for National Councils for the Judiciary, 21 February 2025, <https://www.encj.eu/node/817>.

Implementation of 2025 Commission recommendations

Recommendation: Improve the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation (first made in 2023)

Steps taken by the government towards implementation: In 2025, no legislative or regulatory steps were taken to revise the case allocation framework applicable to lower-instance courts.¹⁰ The government reiterated its position that the existing legal framework already ensures objectivity, even regarding case allocation, and therefore does not require amendment. No additional measures aimed at increasing the transparency or external verifiability of case allocation practices in lower courts were reported.

Gaps and obstacles: As reflected in the Commission's 2025 Rule of Law Report, several stakeholders reiterated that, in practice, the discretion afforded to court managers, the scope of exemptions from pre-established allocation rules, and the frequent modification of allocation schemes make it difficult for parties and the general public to verify whether the rules are consistently applied.¹¹ In the absence of any regulatory changes, these concerns remain valid.

Commission's 2025 assessment: No progress

HCLU's current assessment: No progress

10 Neither the Parliament adopted Act XLIX of 2025 on the Amendment of Justice-related Laws, nor any other legislative initiative adopted during the reporting period addressed the issue of case allocation. This assessment is consistent with the Contributions of Hungarian CSOs to the European Commission's Rule of Law Report, 16 January 2026, pp. 10-11, https://tasz.hu/wp-content/uploads/2026/01/HUN_CSO_contribution_EC_RoL_Report_2026.pdf.

11 European Commission, 2025 Rule of Law Report, Hungary – Justice System, p. 6.

Recommendation: Take measures to ensure that the ongoing increase in the remuneration of judges, prosecutors and judicial and prosecutorial staff is carried out in a structured manner, taking into account European standards on remuneration for the justice system (first made in 2024; reworded in 2025)

In 2025, Parliament adopted budgetary measures increasing remuneration in the justice system. As reflected in the Commissions' Rule of Law Report, a 15% increase introduced in 2025 was followed by a further increase in the 2026 annual budget adopted in June 2025. However, the increases were not accompanied by structural solutions, such as automatic indexation, and the salary base continues to be determined annually by parliament. As a result, despite significant progress in nominal terms, long-term predictability and structural safeguards remain limited.¹²

The Commission's recommendation is clear and precise for the government to take actions, although its operative content is not self-contained. It derives its full meaning from the analytical context of the Rule of Law Report, where a 'structured manner' of remuneration refers to predictable, system-wide salary adjustments aligned with European standards, as opposed to ad hoc or discretionary increases.

Commission's 2025 assessment: No progress

HCLU's current assessment: No progress

Gaps in the Commission's Report

Lack of effective safeguards for judges' and court staff's freedom of expression

In 2025, two court cases illustrated a recurring pattern of retaliation against judges and court staff in Hungary for expressing professional criticism related to the functioning of the judiciary.¹³ In the first case, a senior judge of the Kúria (A.K.) was suspended from his leadership position after publishing an academic study raising institutional concerns about the court's internal governance, including the concentration of administrative powers, limited transparency in decision-making, and the potential chilling effect of uniformity mechanisms on judicial independence. In June 2025, the Budapest Court of Appeal ruled the suspension unlawful, finding that the Kúria's President had acted

¹² This assessment is consistent with the Contribution of Hungarian CSOs to the European Commission's Rule of Law Report, 16 January 2026, p. 3, https://tasz.hu/wp-content/uploads/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf.

¹³ These cases are also discussed in the Contribution of Hungarian CSOs to the European Commission's Rule of Law Report, pp. 34–35, which presents a convergent assessment, https://tasz.hu/wp-content/uploads/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf.

without legal authority. In the second case, a senior legal adviser was dismissed in October 2024 after making critical remarks at a closed professional workshop concerning systemic challenges within the court system. In October 2025, the Labour College of the Metropolitan Regional Court found the dismissal unlawful, holding that her remarks constituted protected professional expression.¹⁴

These cases reflect a broader pattern in which internal professional criticism, particularly on issues of judicial governance and independence, are subjected to formal or informal pressure applied outside disciplinary proceedings. Even where such measures are later annulled by courts, their initial use risks producing a chilling effect on internal debate essential to judicial independence.

In a public statement, the President of Kúria condemned judges who protested against a speech of the Prime Minister, Viktor Orbán, in which civil society actors and journalists were referred to as “parasites,”¹⁵ and questioned the impartiality of those judges.¹⁶

Judicial independence and legal status of judges

A relevant legislative development affecting the legal status of judges was not reflected in the report’s assessment of the broader reform of judicial service rules in 2025. New draft amendments required judges seeking continued service beyond retirement age to undergo mandatory psychological and medical examinations, without providing for an effective right to appeal against negative decisions, and introducing a discretionary decision-making framework affecting judicial careers, including for judges of the Kúria.¹⁷

These proposals, along with other elements of the reform, triggered strong opposition from judicial self-governing bodies and civil society organisations and resulted in an unprecedented public protest by judges. Critics argued that the proposed examinations lacked objective criteria and could be used

14 Hungarian Helsinki Committee, Attempts to Silence Judicial Dissent: The cases of Judge András Kovács and X, a senior scientific advisor at the Kúria, 22 October 2025, <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/10/Attempts-to-silence-judicial-dissent-in-Hungary.pdf#:~:text=X%20with%20immediate%20effect,case%2C%20nor%20was%20she%20presented>.

15 Telex: Orbán likens his critics to ‘bugs,’ as Péter Magyar seeks public input through 12 questions, (*‘Orbán Viktor lepoloskázta a kritikusait, Magyar Péter 12 kérdésben kéri ki az emberek véleményét’*), 15 March 2025, <https://telex.hu/belfold/2025/03/15/marcius-15-megemlekezesek-orban-viktor-magyar-peter-mi-hazank-mkcp>.

16 Statement by the President of the Curia, (*A Kúria elnökének közleménye*), Kúria, 17 March 2025, <https://kuria-birosoag.hu/hu/sajto/kuria-elnokenek-kozlemenye-4> [in Hungarian]

17 Draft Act on the Amendment of Justice-related Laws, Article 63, <https://kormany.hu/application/documents/b399704c-4ed1-49da-a3b4-0d2dd3075be9/download>

as a tool for discretionary or selective exclusion of judges, raising concerns about potential political influence over decisions affecting judicial careers.¹⁸ As a result of sustained institutional and public pressure, the most intrusive elements of the proposal were removed before the bill was adopted in June 2025 (Act XLIX of 2025 on Amending Acts on Judicial Matters). While the Commission's 2025 report may justifiably omit proposals that were ultimately abandoned, the fact that the government retreated only following judicial and civil resistance - and that the adopted framework still introduced a discretionary decision-making mechanism - warranted attention as part of the broader assessment of reforms affecting the legal status and independence of judges.

New Issues that Emerged in 2025

Arbitrary decision-making in judicial appointments

In November 2025, a final decision was delivered by the Constitutional Court in the case of Csaba Vasvári,¹⁹ a district court judge, who initiated a labour dispute in 2017 after repeatedly being denied appointment to the Budapest Court of Appeal, despite being ranked first by the competent judicial council. Following the proposal of second-ranked candidates by the president of the Court of Appeal, the president of the National Office for the Judiciary declared the appointment procedures unsuccessful, and the positions were subsequently filled on a temporary basis. Following initially successful proceedings before the ordinary courts, the outcome was reversed by a subsequent decision of the Kúria. In 2021, Vasvári lodged a constitutional complaint with the Constitutional Court. His case raises concerns regarding safeguards against arbitrary decision-making in judicial appointments, the availability and effectiveness of judicial remedies in service-related disputes, and the external guarantees of judicial independence. The Constitutional Court concluded the proceedings in November 2025. The Court found that the applicant's arguments, although framed as constitutional claims, in substance challenged the legality of the Supreme Court's interpretation of the ordinary law. The Constitutional Court further held that judicial independence was not infringed, as the system of judicial appointments contains sufficient guarantees through the involvement of multiple actors, including judicial councils, court presidents, and the president of the National Office for the Judiciary, even where the final decision is taken by a single authority. According to the Court, a candidate ranked first by a judicial council does not automatically acquire a right to appointment, and the declaration of a

18 Res Iudicata Association (Res Iudicata Egyesület), Opinion on the amendment of laws related to the judiciary, (*Vélemény az igazságügyi tárgyú törvények módosításáról*), 22 April 2025, https://resiudicata.hu/wp-content/uploads/2025/04/velemen-y-az-igazsagugyi-targyu-torvenyek-modositasarol_RI_20250422-1.pdf, p. 1-2.

19 3339/2025. (XI. 12.) AB végzés, [https://public.mkab.hu/dev/dontesek.nsf/0/1fea204e6d0e-6228c1258766005ab079/\\$FILE/3339_2025_AB_v%C3%A9gz%C3%A9s.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/1fea204e6d0e-6228c1258766005ab079/$FILE/3339_2025_AB_v%C3%A9gz%C3%A9s.pdf).

competition as unsuccessful, provided it follows the statutory framework, does not in itself undermine judicial independence.

It would be important for the 2026 Commission report to underline the requirement of objective and predictable evaluation of judicial appointment procedures, and to assess whether judges adversely affected by these decisions are granted access to effective legal remedies.

Erosion of National Judicial Council's powers

In 2023, the National Judicial Council (OBT) was granted the right to issue an opinion on draft legislation affecting the organisation of the courts and, if this right is not ensured, to seek legal remedy before the Constitutional Court. In 2025, the justice administration adopted a comprehensive legislative amendment concerning the court system (Act XLIX of 2025), which gave rise to a dispute as to whether the OBT, acting as a collective body, had a genuine opportunity to provide an opinion on the draft before its adoption. On 26 June 2025, the OBT turned to the Constitutional Court, arguing that the Ministry of Justice had provided only a very short deadline for issuing an opinion, thereby infringing the OBT's right to be consulted. In its decision delivered in September 2025, the Constitutional Court rejected the OBT's motion seeking the annulment of certain provisions of the law.²⁰ The Court found that the Ministry had formally complied with its obligations: it had transmitted the draft in early April 2025, extended the initial seven-day deadline to fourteen days, and the OBT had submitted its response within that period. Accordingly, the Constitutional Court held that no violation had occurred and that the exercise of the right to give an opinion had not been rendered impossible. Although the OBT argued that certain provisions of the law suffered from public-law invalidity due to the lack of proper consultation, the Court did not examine this claim on the merits, stating that such a request for annulment could not be submitted in the given procedure. The case thus highlighted that, given the limits of the new remedial mechanism, the government can comply with the statutory requirement through minimal, purely formal consultation.²¹

Instead of merely ensuring the formal existence of the right to give an opinion, it should be guaranteed that the OBT is granted sufficient time and thus a genuine opportunity to discuss draft proposals, and that its substantive comments are taken into account.

20 Alkotmánybíróság, The Constitutional Court has ruled on the motion of the National Judicial Council (*'Döntött az Alkotmánybíróság az Országos Bírói Tanács indítványáról'*) (Press release), Alkotmánybíróság, 12 September 2025, <https://alkotmanybirosag.hu/kozlemeny/dontott-az-alkotmanybirosag-az-orszagos-biroi-tanacs-inditvanyarol/> [in Hungarian]

21 For further details of the case regarding other anomalies concerning the legislative process itself please see Checks and Balances, subsection 3.

Structural underfunding of public defenders

In Hungary, the system of appointed defence lawyers has long been affected by chronic underfunding and structural shortcomings. Remuneration and cost reimbursement for appointed defenders remain far below market rates, and many essential defence activities such as client consultations, drafting submissions, or travel are not remunerated at all. This creates a risk that lawyers are unable to devote sufficient time and resources to such cases, adversely affecting the quality of defence and the effective enjoyment of defence rights. These concerns have been repeatedly raised by civil society organisations, especially by the Hungarian Helsinki Committee.²² In 2025, the government addressed persistent delays in the payment of appointed defenders' fees, particularly during the investigative phase, and introduced a new payment mechanism from 1 May 2025 under which fees incurred before indictment are advanced and paid by the Ministry of Justice.²³ This administrative adjustment, which was welcomed by the Bar, is expected to reduce payment delays and improve predictability. However, it did not address the structural underfunding of the system. Remuneration levels remain unchanged, several essential defence activities continue to be unpaid, and no quality assurance or monitoring mechanisms were introduced to mitigate the impact of these shortcomings on the effectiveness of legal defence. A draft regulation (government decree)²⁴ published in January 2026 proposes a 50% increase in the hourly fee for judge-appointed lawyers, from €18 to €29.²⁵ However, this amount still represents only about one-third of the market rate.

It is important that the Commission closely monitor the adoption and implementation of the decree, in particular its impact on the effectiveness of legal defence.

22 Hungarian Helsinki Committee, The public defender system should not be treated as a stepchild of the criminal justice system (*'A kirendelt védői rendszert nem szabad a büntető igazságszolgáltatás mostohagyermeként kezelni'*), 16 December 2024, <https://helsinki.hu/a-kirendelt-vedoi-rendszert-nem-szabad-a-bunteto-igazsagszolgáltatasi-rendszer-mostohagyermekent-kezelni/> [in Hungarian]

23 See Decree No. 4/2025 (IV. 30.) of the Ministry of Justice amending justice-related decrees, available in the Hungarian Gazette at <https://magyarkozlony.hu/dokumentumok/3a537c5a3854b43c0bc726320385ebbb-3cd89d13/megtekintes>, pp. 2768-2772.

24 Decree .../2026 (...) of the Minister of Justice amending Decree No 32/2017 (XII. 27.) of the Minister of Justice on the fees payable to legal guardians ad litem, appointed defence lawyers, and appointed counsel, <https://kormany.hu/application/documents/6c8dcbbb-0b44-4df6-acc8-e69ba6217f35/download>

25 Tibor Polish, This way, it can reach up to a quarter of the market price: the government would increase the fees of seconded lawyers (*'Így már elérheti a piaci ár akár negyedét is: megemelné a kormány a kirendelt ügyvédek díját'*), HVG, 21 January 2026, https://hvg.hu/itthon/20260121_kirendelt-ugyved-oradij-emeles [in Hungarian]

Implications and Recommendations for 2026

The threats to judges' freedom of expression and independence are serious issues that require attention from the European Commission through new recommendations in its next report.

Suggested recommendation: Implement safeguards for judges' freedom of expression, in line with the European standards, so that raising rule of law concerns and criticizing systemic issues does not trigger punitive integrity investigations or removals, and does not deter judges from engaging in public discourse compatible with their judicial role. It should be recommended (i) the Kúria president to refrain from using administrative procedures to penalize judges for lawful opinions, and (ii) any disciplinary actions strictly follow due process under independent oversight.

Suggested recommendation: Ensure that future reforms affecting the legal status, career progression, and conditions of service of judges fully respect the principles of judicial independence, legal certainty and objective decision-making. Legislative initiatives should not introduce discretionary mechanisms capable of exerting pressure on individual judges.

To address the new development of constitutional overreach by the Kúria, the Commission should issue a new recommendation that instructs the government to ensure that it does not adjudicate outside of its mandate.

Suggested recommendation: Ensure a strict and unequivocal separation of competences between the Kúria and the service courts, making clear that disciplinary, integrity-related matters concerning judges fall exclusively within the jurisdiction of the service courts.

Implementation of Judgments

No major progress could be observed in 2025 in the implementation of long-outstanding European Court of Human Rights' (ECtHR) judgments in the rule-of-law domain. No systemic reforms were adopted to address judgments concerning judicial independence,²⁶ surveillance,²⁷ freedom of assembly,²⁸ or detention conditions²⁹ – areas in which ECtHR rulings have remained unimplemented for

26 Judgment of the ECtHR, application no. 20261/12, *Baka v Hungary*.

27 Judgments of the ECtHR, application no. 37138/14, *Szabó and Vissy v Hungary* and application no. 58032/16, *Hüttl v Hungary*.

28 Judgment of the ECtHR, application no. 5529/05, *Patyi and Others v Hungary*.

29 Judgements of the ECtHR, application nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13, *Varga and Others v. Hungary*.

years. While the payment of just satisfaction to successful applicants is generally timely, the adoption of general measures, including legislative or policy changes aimed at preventing similar violations in the future, remains inadequate.

Unlike some countries that develop meaningful action plans or dedicated task forces to execute the ECtHR's judgments, Hungary has no comprehensive strategy. As the European Implementation Network pointed out in its current report, Hungary has failed to adopt a coherent national implementation program with timelines and parliamentary oversight. The National Assembly does not systematically review the execution of ECtHR judgments, and there is little public reporting by the government on progress. This institutional gap contributes to delays and early cosmetic closure of cases without true resolution.³⁰

Hungary has failed to implement the 2020 CJEU's judgment regarding the asylum system and transit zones. Although the government closed the transit zones, it failed to align legislation with the judgment's requirements. As a consequence, the Court imposed a €200,000,000 fine on Hungary in 2024, with an additional daily penalty of €1,000,000 that continues to accrue.³¹ These penalties are deducted from EU funds allocated to Hungary.³² Rather than taking the necessary steps to comply, the government announced on 15 December 2025, that it is suing the CJEU itself before the General Court, seeking damages through a compensation lawsuit.³³

30 European Implementation Network, Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law, 2025, <https://www.einnetwork.org/justice-delayed-justice-denied#:~:text=thematic%20areas%20,disrimination%2C%20SLAPPs%2C%20etc>

31 Judgement of the Court of Justice of the European Union, Case C-123/22, Judgment of 13 June 2024, *Commission v Hungary*.

32 Márton Balázs, The penalty for Hungarian asylum rules was more severe than proposed, amounting to nearly 80 billion forints (*A javasoltnál súlyosabb, közel 80 milliárd forintnyi lett a büntetés a magyar menekültügyi szabályok miatt*), *Télex*, 13 June 2024, <https://telex.hu/kulfold/2024/06/13/europai-unio-birosaga-magyarorszag-menekultugy-bir-sag-europai-bizottsag> [in Hungarian]

33 Barnóczki Brigitta and Márton Balázs, Hungary sues EU court over ruling on Hungarian asylum rules (*Magyarország bepereli az EU bíróságát a magyar menekültügyi szabályokról hozott ítélete miatt*), *Télex*, 15 December, 2025, <https://telex.hu/belfold/2025/12/15/tuzson-bence-magyarorszag-bepereli-az-europai-birosagot> [in Hungarian]

ANTI-CORRUPTION FRAMEWORK –

General assessment

Hungary's anti-corruption framework saw no genuine progress and notable backsliding in 2025. Two (recurring) EU recommendations – “put forward comprehensive legislative reforms on lobbying and revolving doors, and further improve the system of asset declarations, providing for effective oversight and enforcement” and “establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases” – remained unaddressed. The European Commission had repeated its recommendations for Hungary to enact comprehensive lobbying and revolving-door rules and to strengthen asset disclosure oversight. However, by the end of 2025, no such laws were adopted – the government missed its own November deadline³⁴ for a lobbying bill.

Meanwhile, independent anti-corruption bodies faced obstruction – the Integrity Authority's president came under a criminal investigation^{35 36} seen as retaliatory. In early 2025, the Central Chief Prosecution Office of Investigations launched a criminal investigation against the Integrity Authority's president, Ferenc Biró, on charges of alleged misuse of the office and breach of trust. In January, authorities even raided the Integrity Authority's offices and interrogated Biró. He denied wrongdoing and refused to resign, and, notably, the State Audit Office (which has a role in the Authority's oversight) declined to suspend him.³⁷ Biró publicly remarked on the “interesting timing” – the investigation was initiated soon after the Integrity Authority reportedly began examining contracts in Antal Rogán's ministry.³⁸ No charges were filed against him by the prosecutor's office. Indeed, insiders

34 National Anti-corruption Strategy 2024–2025 (‘Nemzeti Korrupcióellenes Stratégia’), 23 January 2026. <https://njt.hu/jogszabaly/2024-1025-30-22> [in Hungarian]

35 Prosecutor's office search at the Integrity Authority (‘Ügyészi házkutatás az Integritás Hatóságnál’), Szabad Európa, 16 January 2025, <https://www.szabadeuropa.hu/a/ugyeszsegi-hazkutatas-az-integritas-hatosagnal/33277789.html> [in Hungarian]

36 *The Prosecution Service of Hungary (Magyarország Ügyészsége), The Central Prosecutor's Office questioned the President of the Integrity Authority on suspicion of new crimes* (‘Újabb bűncselekmények gyanúja miatt hallgatta ki a Központi Nyomozó Főügyészség az Integritás Hatóság elnökét’), 13 February 2025, <https://ugyeszseg.hu/ujabb-buncselekmenyek-gyanuja-miatt-hallgatta-ki-a-kozponti-nyomozo-fougyeszseg-az-integritas-hatosag-elnoket/> [in Hungarian]

37 Bakró-Nagy Ferenc, The chairman of the Integrity Authority, suspected of abuse of office, will remain in office (‘Továbbra is helyén marad az Integritás Hatóság hivatali visszaéléssel gyanúsított elnöke’), Telex, 19 August 2025, <https://telex.hu/belfold/2025/08/19/allami-szamvevoszek-integritas-hatosag-elnok-biro-ferenc-pal> [in Hungarian]

38 András Kósa, The chairman of the Integrity Authority says the timing of the investigation against him is interesting: they were just starting to investigate Antal Rogán's office (‘Az Integritás Hatóság elnöke szerint érdekes az ellene indított nyomozás időzítése’), Szabad Európa, 17 January 17 2025, <https://www.szabadeuropa.hu/a/az-integritas-hatosag-elnoke-szerint-erdekes-az-ellene-indított-nyomozas-idozítése-eppen-rogan-hivatalat-kezdtek-vizsgalni/33279103.html> [in Hungarian]

reported that the probe had a chilling effect on the Integrity Authority's operations since they did not communicate about any closed cases for months.³⁹

The multi-stakeholder Anti-Corruption Task Force deadlocked over its annual report, with civil experts rejecting a government-drafted report that downplayed systemic corruption. All independent members of the NGO refused to endorse the government's watered-down report, and the government, in turn rejected the civil draft, dismissing it as "political".⁴⁰

The enforcement against high-level corruption stagnated: no new convictions were secured, and a major embezzlement investigation (involving ~€600,000,000 of public funds at the Central Bank's foundations) made no tangible progress (the investigation was initiated by the State Audit Office). The Prosecutor's Office continued to deny the concept of 'high-level' corruption, despite evidence of selective or ineffective action in cases implicating political elites. Transparency International's index again ranked Hungary as the EU's worst performer.⁴¹

Government MPs submitted a bill (Bill T/11923) ostensibly on public life transparency.⁴² In reality, it would empower the Sovereignty Protection Office to register NGOs and media receiving foreign support as threats and impose sweeping restrictions. According to the bill, listed organisations must get advance authorisation to accept foreign funds, lose eligibility for tax-deductible donations, and their leaders must file asset declarations as 'distinguished public figures'. Parliament did not adopt the

39 Dániel Kozák, The Chairman of the Integrity Authority, who is suspected of abuse of office, will not be fired (*Nem rúgják ki az Integritás Hatóság elnökét, akit hivatali visszaéléssel gyanúsítanak*), 24.hu, 19 August 2025, <https://24.hu/belfold/2025/08/19/integritas-hatosag-biro-ferenc-hivatali-visszaeles-allami-szamvevoszek-ugyeszseg/> [in Hungarian]

40 Transparency International Hungary (Transparency International Magyarország Alapítvány), No annual report has been adopted for the Anti-Corruption Working Group, Civil Shadow Report 2024 (*A Korruptióellenes Munkacsoport Civil Tagjainak A 2024. Évre Vonatkozó Árnýékjelentése*), 5 May 2025, <https://transparency.hu/hirek/kemcs-civil-arnyekjelentes-2024/> [in Hungarian]

41 Transparency International Hungary (Transparency International Magyarország Alapítvány), Once more, Hungary takes last place in the EU on Transparency International's Corruption Perceptions Index, CPI 2024 Results, 11 February 2025, <https://transparency.hu/en/news/cpi-2024-results-annual-report/>

42 Hungarian Parliament (ORSZÁGGYŰLÉS), Bill T/11923 on the transparency of public life (*A közélet átláthatóságáról*), 23 January 2026, https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=VcOhWAsU&_hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923 [in Hungarian]

draft legislation, but it still appears on the list of submitted bills to this day.⁴³ The regulation could undermine independent civil society and investigative journalism⁴⁴ – key pillars of the anti-corruption framework – by chilling watchdog activities and cutting their funding.

In March 2025, the parliament passed a law imposing Hungarian asset declaration obligations on Members of the European Parliament elected from Hungary. The bill permits the Hungarian Election Committee to invalidate a Member of the European Parliament's (MEP) mandate if their wealth declaration is found non-compliant. Critics argue it's a political weapon aimed at opposition MEPs. This law ostensibly promotes transparency, but in practice could pressure opposition voices.⁴⁵

In June 2025, the parliament lifted the cap on campaign spending, fueling concerns about unchecked political financing.⁴⁶ Removing campaign finance limits amplifies corruption risks by opening the door to unchecked spending, including potential misuse of public funds or oligarchic money to sway elections. It undermines transparency and fair competition, linking corruption with electoral integrity.

43 Hungarian Parliament (ORSZÁGGYŰLÉS), Bill T/11923 On the transparency of public life (*A közélet átláthatóságáról*), 23 January 2026, https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=VcOhWAsU&_hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcpls%2Ffogyirom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923 [in Hungarian]

44 Renáta Uitz, A Threat to the Core Why the New Hungarian Transparency Bill is an Attack on the Foundations of the European Union, *Verfassungsblog*, 21 May 2025, <https://verfassungsblog.de/hungary-transparency-law-for-foreign-funding/>

45 Nóra Diószegi-Horváth, Amendment to the law on asset declarations by MEPs voted on (*Megszavazták az EP-képviselők vagyonnyilatkozat-tételéről szóló törvénymódosítást*), 444.hu, 29 April 2025, <https://444.hu/2025/04/29/megszavaztak-az-ep-kepviselok-vagyonnyilatkozat-tetelerol-szolo-torvenymodositast> [in Hungarian]

46 Tibor Lengyel, Parliament has decided, money doesn't matter: green light for unlimited campaign spending (*Döntött a parlament, a pénz nem számít: zöld út a korlátlan kampányköltségnek*), HVG, 17 June 2025, https://hvg.hu/itthon/20250617_Zold-ut-a-korlatlan-kampanykoltesnek-cbx [in Hungarian]

Implementation of 2025 Commission recommendations

Recommendation: Put forward comprehensive legislative reforms on lobbying and revolving doors, and further improve the system of asset declarations, providing for effective oversight and enforcement (first made in 2022)

Anti-corruption reforms stagnate amid new restrictive laws:⁴⁷ In 2025, Hungary made no meaningful headway on long-standing anti-corruption reforms, and instead introduced legislation that further constrains oversight. The European Commission had repeated its recommendations for Hungary to enact comprehensive lobbying and revolving-door rules and to strengthen asset disclosure oversight. However, by the end of 2025 no such laws were adopted – the government missed its own November deadline for a lobbying bill. The asset declaration system saw substantial change as a new bill permits the Hungarian Election Committee to invalidate an MEP's mandate if their wealth declaration is found non-compliant. Critics argue that the institutions deciding on MEPs' mandates are not independent, and that in any case, it is the Court of Justice of the European Union that should have the jurisdiction to rule on MEPs' mandates.⁴⁸ The new law ostensibly promotes transparency but in practice could pressure opposition voices.⁴⁹

The abolition of campaign spending limits – rushed through Parliament in June – rolled back an anti-corruption safeguard in elections.⁵⁰ By removing the cap on campaign expenditures, the playing field tilts heavily toward the ruling party, which enjoys vastly greater resources (often from opaque or state-linked sources). This change raises the risk of money-driven political corruption, as unlimited funds can be deployed to influence voters without adequate monitoring. In summary, instead of addressing known gaps in its integrity framework, Hungary in 2025 backtracked in key areas, adopting measures that shrink democratic oversight and transparency, contrary to EU recommendations and international best practices.

Commission's 2025 assessment: No progress

HCLU's current assessment: Backsliding

47 The following paragraphs rely on the Contributions of Hungarian CSOs to the European Commission's Rule of Law Report, 16 January 2026, p. 36, https://tasz.hu/wp-content/uploads/2026/01/HUN_CSO_contribution_EC_RoL_Report_2026.pdf

48 Dániel G. Szabó and Beáta Bakó, The CJEU must decide on the revocation of the EP mandate, (*Az EP-mandátum visszavonásáról az EUB-nak kell döntenie*), ELTE ÁJK Jogtudományi Blog, 6 May 2025, <https://jog.tk.elte.hu/blog/2025/05/az-ep-mandatum-visszavonasarol-az-eub-nak-kell-dontenie> [in Hungarian]

49 Balázs Cseke and András Mizsur, Parliament Passes Controversial New Laws, Telex (English Edition), 30 April 2025, <https://telex.hu/english/2025/04/30/parliament-passes-controversial-new-laws>

50 Hungarian Helsinki Committee, Democratic Backsliding: State of Electoral Integrity in Hungary, 26 November 2025, <https://helsinki.hu/en/state-of-electoral-integrity-hungary/>

Recommendation: Establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases (first made in 2022)

Although several high-profile corruption scandals emerged in 2025, this does not in itself indicate a systemic deterioration. Rather, a structurally weak and deficient integrity framework predictably generates such cases on a recurring basis, without this necessarily reflecting a further decline in the system's underlying quality.

Enforcement gaps and high-level impunity persist: Despite some high-profile investigations, Hungary's authorities failed to deliver breakthroughs in prosecuting high-level corruption in 2025. The most significant case of the year concerned the Central Bank's foundations (PADMA/PADME).

Quantitatively, Hungary's track record remained one of the worst in the EU: there was no increase in convictions of senior officials. The Office of the Prosecutor General continued to publicly claim that "high-level corruption" was an intangible concept⁵¹ – a stance that undermines taking any effective measures. In essence, 2025 demonstrated that when it comes to grand corruption – the kind that involves political power or large sums – the system provides de facto impunity. This ongoing failure undermines deterrence and feeds a culture of cynicism and mistrust among the public.

Commission's 2025 assessment: No progress

HCLU's current assessment: No progress

Gaps in the Commission's Report

Corruption as a systemic problem

The Commission should increasingly treat corruption in Hungary as a systemic problem rather than as a series of isolated deficiencies, as the patterns identified in successive Rule of Law Reports point to a coherent and self-reinforcing governance model rather than fragmented shortcomings.

First, the persistence of the same core weaknesses over multiple reporting cycles – notably the absence of effective lobbying regulation, weak asset declaration oversight, the lack of a track record in high-level corruption cases, and the limited independence of key accountability institutions – demonstrates that these are not implementation gaps but structural features. Despite repeated recommendations,

51 Prosecutor General's Office: European Commission's rule of law report contains untruths (*Legfőbb Ügyészesség: Valótlanságokat tartalmaz az Európai Bizottság jogállamisági jelentése*), Jogászvilág, 24 July 2024, <https://jogaszvilag.hu/napi/legfobb-ugyeszseg-valotlansagokat-tartalmaz-az-europai-bizottsag-jogallamisagi-jelentese/> [in Hungarian].

reforms are either not adopted, adopted only in formality, or designed in ways to neutralise their practical impact. This recurring pattern suggests deliberate policy choices rather than technical delays.

Second, individual deficiencies interact and reinforce one another, creating a closed integrity system. Weak transparency rules and restricted access to public information limit external scrutiny; politicised or ineffective oversight bodies fail to detect or pursue wrongdoing; and a prosecution service shielded from meaningful judicial control ensures that high-level cases rarely reach trial. When courts' reviews of prosecutorial inaction are non-binding and independent watchdogs face political or legal pressure, corruption risks cannot be addressed in isolation because each safeguard depends on the functioning of the others.

Third, recent legislative trends actively undermine existing safeguards, further supporting a systemic reading. Measures such as the abolition of campaign spending limits, the use of asset declaration rules with potential political leverage, and planned – although eventually abandoned – laws restricting civil society and independent media do not merely leave gaps unfilled, they weaken the ecosystem of accountability itself. These changes increase the concentration of political and economic power while reducing the likelihood that corruption will be exposed or sanctioned.

Fourth, outcomes-based indicators consistently confirm a systemic failure. Hungary's continued inability to establish a credible track record of high-level corruption prosecutions, its lowest-ranking position in EU corruption perception indicators,⁵² and the need for sustained EU budgetary conditionality all point to entrenched problems affecting the entire governance framework. The fact that substantial EU funds remain frozen despite years of 'reforms' underscores that the issue is not compliance with individual benchmarks, but the absence of genuine institutional independence and political will.

Finally, treating corruption as a collection of isolated issues risks underestimating the nature of the challenge and misdirecting policy responses. Technical recommendations addressing single elements, such as asset declarations or procurement rules, are unlikely to be effective if the broader system is structured to prevent accountability. A systemic approach would instead focus on the cumulative effect of legal design, institutional capture, enforcement selectivity, and restrictions on oversight actors.

The core issue lies in the absence of any meaningful progress in implementing the recommendations. This persistent lack of action constitutes a pattern that indicates the government's systematic disregard for them. In this regard, there have been no substantive developments over the past year; rather, the

52 Transparency International Hungary (Transparency International Magyarország Alapítvány), Corruption Perceptions Index 2024, <https://transparency.hu/adatok-a-korrupcirol/korruptio-erzekelesi-index/cpi-2024/> [in Hungarian].

mere passage of another year without reforms further underscores that the government's continued inaction is deliberate.

In light of the above factors, the Commission should explicitly acknowledge corruption in Hungary as a systemic governance problem and calibrate its assessments and recommendations accordingly. This would justify more integrated, conditional, and structural responses – linking judicial independence, prosecutorial accountability, political finance, transparency, and civic space – rather than continuing to address each failure as an isolated anomaly.

New Issues that Emerged in 2025

In 2025, no totally new issues emerged. The only noteworthy development was the launch of an investigation into a corruption case involving sums on the order of hundreds of billions of forints (the case concerning the foundations of the Central Bank). Even though the essence of the case had been known to the public for years. Apart from this development, constancy and passivity of the state institutions were more characteristic. In addition, a new development was the initiation of an investigation against the President of the Integrity Authority, as already presented in the first point of this chapter.

The most significant case of the year, concerning the Central Bank's foundations (PADMA/PAD-ME)⁵³, exemplified the enforcement gap. Even with approximately Ft266,000,000,000 (~€600 million) in public funds suspected⁵⁴ to have been siphoned off or lost under former Central Bank Governor György Matolcsy's watch, the investigation made no meaningful progress. By the end of the year, neither Matolcsy nor other key figures had been interrogated, and no assets were seized for recovery. Among the irregularities affecting the Central Bank's foundations, the case involving the foundation of Neumann János University stands out. In March 2025, the State Audit Office (SAO) released a report concerning the University of Kecskemét. In the report, the SAO found that the foundation operating the university received Ft144,500,000,000 in public funds at the beginning of the decade, of which it lent Ft127,500,000,000 to Optima Zrt., a company belonging to the Central

53 State Audit Office of Hungary (Állami Számvevőszék), The State Audit Office's report on the management of the Pallas Athéné Domus Meriti Foundation (PADME) is public (*Nyilvános az Állami Számvevőszéknek a Pallas Athéné Domus Meriti Alapítvány (PADME) gazdálkodásáról szóló jelentése*), 19 March 2025, <https://www.asz.hu/nyilvanos-az-allami-szamvevoszeknek-a-pallas-athene-domus-meriti-alapitvany-padme-gazdalkodasrol-szo-lo-jelentese> [in Hungarian]

54 Transparency International Hungary (Transparency International Magyarország Alapítvány), Transparency International Hungary has again filed a complaint regarding the MNB's foundations (*A Transparency International Magyarország ismét feljelentést tett az MNB alapítványai ügyében*), 8 April 2025, <https://transparency.hu/hirek/mnb-ujboli-feljelentes/> [in Hungarian]

Bank's business empire. An unsuccessful attempt was first made to recover this money in January last year. According to the SAO, the facts brought to light raise the suspicion of several criminal offenses; they filed a criminal complaint.⁵⁵ After the SAO's announcement, the Kecskemét-based news outlet KecsUP.hu submitted a freedom of information request to the foundation, seeking access to the minutes of the meetings of the board of trustees and the supervisory board overseeing it.⁵⁶ The foundation did not provide the documents, but allowed limited access to some of them, meaning that significant parts of the documents were blacked out, rendering the content inaccessible. The Hungarian Civil Liberties Union (HCLU) provided assistance to KecsUP in turning to the National Authority for Data Protection and Freedom of Information. The authority instructed the foundation to review its earlier decision regarding the disclosure of the data.⁵⁷

Despite some high-profile investigations, Hungary's authorities failed to deliver breakthroughs in prosecuting high-level corruption in 2025. The inaction fits an enduring pattern: cases implicating members or close associates of the ruling elite languish or are handled with caution. Besides the Central Bank's foundations case, another emblematic case is the Völner–Schadl criminal case, involving a former Justice Ministry, State Secretary and the president of the court bailiff president accused of a cash-for-favors scheme. While the prosecution did indict the duo (in 2022), the trial proceeded at a sluggish pace and without public transparency in 2025.⁵⁸ Pál Völner has been able to work again as an

55 Vilmos Weiler, They talk about the 127 billion deal as if they have nothing to hide. The minutes reveal something else (*‘Úgy beszélnek a 127 milliárdos üzletről, mintha nem lenne titkolnivalójuk. A jegyzőkönyvek másról árulkodnak’*), Telex, 3 November 2025, <https://telex.hu/gazdasag/2025/11/03/kecskemeti-neumann-janos-egyetemert-alapitvanyszemereyne-pataki-klaudia-mnb-ugy-matolcsy-klan-jegyzokonyvek> [in Hungarian]

56 István Hraskó, Covered up protocols: the National Data Protection and Freedom of Information Authority sent a firm warning to the Kecskemét university foundation (*‘Kitakart jegyzőkönyvek: határozott felszólítást küldött az egyetemi alapítványnak a NAIH’*), KecsUP, 30 December 2025, <https://kecsup.hu/2025/12/kitakart-jegyzokonyvek-hatarozott-felszolitast-kuldott-az-egyetemi-alapitvanynak-a-naih-unikum/> [in Hungarian].

57 István Hraskó, Covered up protocols: the National Data Protection and Freedom of Information Authority sent a firm warning to the Kecskemét university foundation (*‘Kitakart jegyzőkönyvek: határozott felszólítást küldött az egyetemi alapítványnak a NAIH’*), KecsUP, 30 December 2025, <https://kecsup.hu/2025/12/kitakart-jegyzokonyvek-hatarozott-felszolitast-kuldott-az-egyetemi-alapitvanynak-a-naih-unikum/> [in Hungarian].

58 Schadl–Völner case (*‘Schadl–Völner-ügy’*), HVG, 2025, <https://hvg.hu/cs/v%C3%B6lner-%C3%BCgy> [in Hungarian]

attorney since the end of 2025,⁵⁹ while György Schadl, despite his suspension from his position as a bailiff, remains a member of the bailiff office that operates with significant revenue.⁶⁰

The year 2025 proved the leverage of EU financial conditionality, as Hungary's government struggled to convince the Union that its anti-corruption efforts were credible.⁶¹ Throughout 2025, no payments were made from Hungary's €5,800,000,000 Recovery and Resilience Facility; the government had not met the key "super milestones" tied to the rule of law. Likewise, around €6,300,000,000 in Cohesion Funds remained blocked⁶² under the Conditionality Regulation.

Also worth mentioning is the submission of the transparency bill, as its adoption would have made it almost impossible for anti-corruption organisations and parts of the independent press to operate.⁶³

Implications and Recommendations for 2026

Instead of issuing new recommendations in the area of anti-corruption, the Commission's recommendations should be more comprehensive, given that the current recommendations address only certain specific aspects of corruption but do not tackle its root causes. The institutional system should take meaningful steps against high-level corruption. Despite the fact that sufficient evidence of adequate quantity and quality is often available, criminal proceedings related to high-level corruption cases do not progress at an appropriate pace, thereby creating a particular form of impunity.

59 Sz. Zs., Pál Völner can work as a lawyer again, the Metropolitan Court has returned all his licenses ('Völner Pál újra ügyvédként dolgozhat, a Fővárosi Törvényszék visszaadta minden jogosítványát'), Népszava, 2 December, 2025, https://nepszava.hu/3303599_schadl-volner-ugy-volner-pal-magyar-ugyvedi-kamara-nyergesujfalu-ugyvedi-iroda-ugyfelek-fovarosi-torvenyszek-korruptio [in Hungarian].

60 As a suspended bailiff, György Schadl already earned 249 million forints, and the prosecution would fine him 200 million forints ('Felfüggesztett végrehajtóként már 249 millió forintot keresett Schadl György, akit 200 millióra büntetne az ügyészség'), HVG, 8 January 2026, https://hvg.hu/gazdasag/20260108_schadl-gyorgy-felfuggesztett-vegrehajto-iroda [in Hungarian]

61 Transparency International Hungary (Transparency International Magyarország Alapítvány), Hungarian CSOs assessment of Hungary's compliance with conditions to access European Union funds – November 2025, November 2025. <https://transparency.hu/en/news/rule-of-law-assessment-november-2025/>.

62 Amnesty International Hungary, Hungarian Helsinki Committee, K-Monitor, Transparency International Hungary: Assessment of Hungary's compliance with conditions to access European Union funds, November 2025, https://transparency.hu/wp-content/uploads/2025/12/HU_EU_funds_assessment_2025.pdf.

63 Renáta Uitz, A Threat to the Core Why the New Hungarian Transparency Bill is an Attack on the Foundations of the European Union, Verfassungsblog, 21 May 2025, <https://verfassungsblog.de/hungary-transparency-law-for-foreign-funding/>

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Media authorities remain heavily influenced by the current parliamentary majority, as well as showing biased enforcement practice. Competition on the market is distorted. Major concentration events in 2025, including Indamedia's acquisition of Ringier Hungary (including market-leading tabloid *Blikk*)⁶⁴ and the closure of Radio Free Europe,⁶⁵ further reduced media plurality. State advertising constitutes approximately 30% of the total advertising market and is systematically channelled to pro-government outlets through centralised procurement structures. Central European Press and Media Foundation (*Közép-Európai Sajtó és Média Alapítvány* - KESMA) receives 75-80% of its revenue from state advertising, functioning as a de facto subsidy mechanism that economically marginalises independent media.⁶⁶

Furthermore, media capture is evident with the media giant, KESMA, centralising public service media and giving control in the hands of the current ruling party. Public service media operates primarily as a government communication tool: analysis shows Fidesz-KDNP politicians received 73% of M1 news screen time (February-June 2025) with virtually no negative coverage, while opposition received only 27%.⁶⁷

No legislative or policy measures were taken in 2025 to address the European Commission's 2025 recommendations in these areas.

64 A real-life test – Assessing the Ringier-Indamedia merger under the European Media Freedom Act, *atlatszo*, 7 November 2025, <https://mertek.atlatszo.hu/a-real-life-test-assessing-the-ringier-indamedia-merger-under-the-european-media-freedom-act/>.

65 Radio Free Europe's Hungarian news site is shutting down, (*Megszűnik a Szabad Európa magyar híroldala*), HVG, 20 November 2025, https://hvg.hu/itthon/20251120_szabad-europa-megszunes.

66 European Commission, 2025 Rule of Law Report - Country Chapter on the rule of law situation in Hungary, Commission Staff Working Document SWD(2025) 917 final, 8 July 2025, p. 20, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf.

67 Republikon Institute – ConnectEurope, Half-yearly public media monitoring. Based on the 7:30 p.m. news broadcasts from February to July 2025, (*Féléves közmédiá-monitoring. A 2025. február-júliusi 19:30-as híradók alapján*), September 2025, https://republikon.hu/media/165840/002_Koezmedia-feleves-jelentes_V3.pdf pp. 10–11 [in Hungarian] in Contributions of Hungarian CSOs to the European Commission's Rule of Law Report (January 2026), 27 January 2026, https://tasz.hu/wp-content/uploads/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf.

2025 could have been a year of change, as the European Media Freedom Act (EMFA) became applicable on 8 August 2025. It created and demanded adherence to new standards on issues such as state advertising transparency, public service media safeguards and media ownership transparency. Hungary not only ignored the regulation, but explicitly refused to comply. As a result, by year's end, the European Commission opened an infringement procedure against Hungary.⁶⁸

'Sovereignty' narratives are increasingly used to exert pressure and delegitimise critical voices, such as independent media and watchdog organisations. The introduction of the 'Bill on the Transparency of Public Life' (T/11923) was criticised as enabling blacklisting and financial restrictions against foreign-funded organisations, including segments of independent media. Although the vote was postponed amid protests and criticism, the proposal itself contributed to an uncertain environment and potential chilling effects.

Critical early warning signs being ignored include the proliferation of unregulated online platforms (e.g. Holy Crown Radio) operating outside media law and publishing defamatory content without National Media and Infocommunications Authority (NMHH) intervention; escalating Strategic Lawsuit Against Public Participation (SLAPP) litigation; the government's pursuit of legal action to invalidate EMFA requirements, indicating a long-term strategy to resist EU standards; and continued zero implementation of the Anti-SLAPP Directive despite its importance for journalist protection.

Overall, the media environment is under constant pressure, either by state capture, or by delegitimation.

Implementation of 2025 Commission recommendations

Recommendation: Introduce mechanisms to enhance the functional independence of the media regulatory authority taking into account European standards on the independence of media regulators (first made in 2022)

No legislative, regulatory or institutional steps were taken in 2025 to enhance the functional independence of the media regulatory authority. The governance and appointment framework of the Media Council remained unchanged, continuing to allow decisive political influence by the governing majority.

68 European Commission, Commission calls on Hungary to comply with European Media Freedom Act and Audiovisual Media Services Directive, Letter of formal notice INFR(2025)2194, 11 December 2025, <https://digital-strategy.ec.europa.eu/en/news/commission-calls-hungary-comply-european-media-freedom-act-and-audio-visual-media-services-directive>

Enforcement practice further deteriorated in 2025, particularly with regard to the oversight of public service media, where complaints concerning unbalanced reporting did not result in effective remedies.

Overall, the lack of reform, combined with the continued non-implementation of relevant European standards and the European Media Freedom Act, suggests not only stagnation but a worsening of conditions affecting the regulator's ability to act independently and effectively.

Given the inaction by the government, the Commission should consider strengthening this recommendation along the following lines:

Adopt concrete and binding measures to ensure the functional independence of the media regulator, including pluralistic and transparent appointment procedures for Media Council members, involving opposition and independent actors; strengthened conflict-of-interest and incompatibility rules; enforceable obligations to provide reasoned decisions.

Commission's 2025 assessment: No progress

HCLU's current assessment: Backsliding

Recommendation: Adopt measures to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies (first made in 2022)

No legislative measures were taken to ensure fair, transparent, and non-discriminatory distribution of state advertising. On the contrary, centralised state communication practices remained intact and were further entrenched.

State advertising and government communication spending continued to be channelled through centralised procurement structures, allowing discretionary allocation and limiting effective competition. This system continues to function as a de facto subsidy mechanism favouring pro-government media outlets, while economically marginalising independent and critical media.

All state and state-owned company advertising expenditure should be disclosed and broken down by outlet, campaign, and selection criteria.

Commission's 2025 assessment: No progress

HCLU's current assessment: Backsliding

Recommendation: Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Public service media continued to function primarily as a government communication tool rather than as an independent public-interest service. Oversight bodies remained weak and ineffective.

Moreover, Hungary did not adopt the legislative changes required to align public service media governance with newly applicable European standards, including those introduced by the European Media Freedom Act, further widening the gap between EU requirements and national practice.

Overall, the absence of reform, combined with continued political control and lack of accountability, points to a deterioration.

Moreover, the problem of pluralism extends beyond public service media to encompass government-aligned media outlets, which collectively restrict access to diverse information.

In order to ensure the independent governance and editorial independence of public service media, the government should abolish KESMA.

Commission's 2025 assessment: No progress

HCLU's current assessment: Backsliding

Gaps in the Commission's Report

Threats framed around 'sovereignty' narrative

There is an increase in legislative threats and quasi-regulatory pressure on independent media, particularly those framed around sovereignty narratives such as the operation of the Sovereignty Protection Office, which was already prevalent in 2024. The Bill on the Transparency of Public Life (T/11923) was submitted in May 2025 by Fidesz MP János Halász. The bill would empower the Sovereignty Protection Office (SPO) to recommend placing foreign-funded organisations on a government blacklist if their activities are deemed to threaten Hungary's sovereignty.⁶⁹ The SPO published an article

69 Horváth Kárai Andrea, Világi Máté, Vorák Anita, Russian-style bill targeting independent press and NGOs tabled in Hungarian parliament, Telex, 14 May 2025, <https://telex.hu/english/2025/05/14/russian-style-law-targeting-independent-press-and-ngos-tabled-in-hungarian-parliament>; Hungarian Helsinki Committee, Bill T/11923: Transparency of Public Life (2025), https://helsinki.hu/en/wp-content/uploads/sites/2/2025/05/Bill-T11923_Transparency-of-Public-Life.pdf.

which explicitly mentions media and civilians as agents, thus this already foreshadowed the bill's intent; its goal to undermine the press.⁷⁰ Although postponed amid domestic and international criticism,⁷¹ the proposal created regulatory uncertainty and chilling effects.

Media concentration

The Commission should have addressed media mergers and concentration, which severely distort the market in Hungary. The problem of pluralism affects not only public service media but also government-owned and government-aligned media more broadly, which significantly limits access to independent information. The Indamedia acquisition of Ringier Hungary (closed 31 October 2025), covering the market-leading tabloid *Blikk* and associated outlets, demonstrates how competition rules can be circumvented to further concentrate media ownership in government-aligned hands.

New Issues that Emerged in 2025

A relatively new issue is the government's explicit and deliberate resistance towards acts adopted by the European Union, namely the European Media Freedom Act (EMFA), expressing intent to pursue legal action to resist it. Following the entry into force of EMFA, the Commission launched an infringement procedure against Hungary in December 2025 for non-compliance with EMFA and certain requirements of the Audiovisual Media Services Directive (AVMSD) (Directive (EU) 2018/1808).⁷²

Implications and Recommendations for 2026

Leaving the aforementioned problems of 'sovereignty' pressures and media concentration unaddressed perpetuates uncertainty and chilling effects on independent journalism while allowing continued market distortion through concentration. The Sovereignty Protection Office operates as a quasi-regulatory body targeting critical voices without judicial oversight, while unchecked mergers consolidate

70 Lánczi Tamás, Agents are working in the media world and among NGOs, (*Ügynökök dolgoznak a média világában és a civilek között*), Sovereignty Protection Office, 28 March 2025, <https://szuverenitasvedelmi hivatal.hu/hirek/ugynokok-dolgoznak-a-media-vilagaban-es-a-civilek-kozott> [in Hungarian].

71 Reuters, Hungary Postpones Vote on Law That Could Curb Foreign-Funded Groups, 4 June 2025, <https://www.reuters.com/business/media-telecom/hungary-postpones-vote-law-that-could-curb-foreign-funded-groups-2025-06-04/>

72 Commission calls on Hungary to comply with European Media Freedom Act and Audiovisual Media Services Directive INFR(2025)2194, European Commission, 11 December 2025, <https://digital-strategy.ec.europa.eu/en/news/commission-calls-hungary-comply-european-media-freedom-act-and-audiovisual-media-services-directive>

government control over information markets. Together, these mechanisms severely restrict citizens' access to diverse, independent information sources.

Suggested recommendation: Abolish the Sovereignty Protection Office and introduce enforceable safeguards against media concentration aligned with EMFA, including: substantive and procedural rules to assess mergers affecting pluralism; dismantling or restructuring concentrated ownership arrangements (particularly KESMA) that enable government control; and establishing effective remedies when concentration threatens media diversity.

CHECKS AND BALANCES

General assessment

In 2025, the strengthening of Péter Magyar's The Respect and Freedom Party (TISZA) created a new situation in Hungarian domestic politics, as the previously near-exclusive dominance of the Fidesz–KDNP alliance faced a credible political challenger. This development had implications for the system of checks and balances, although it did not fundamentally alter the underlying power structure. Threats to civil society intensified further: anti-civil-society rhetoric escalated, and concrete government actions, such as the banning of Pride events, crossed boundaries that had previously been considered untouchable. The systematic dismantling of key checks and balances had already taken place years earlier, and the emergence of a new challenger without parliamentary representation did not change this baseline reality. The fusion of state institutions with the government and the ruling party remained extreme and became less and less concealed, while the quality of legislation continued to deteriorate, with particularly severe examples in politically sensitive cases in 2025. The bias, indifference, or ineffectiveness of independent institutions persisted as a structural problem. Moreover, the issues affecting the electoral system identified in the 2025 report remained unresolved. The two main concerns remain the overlap between the state institutions', the government's and the governing parties' political campaigning and official communication, as well as limitations on the right to vote. The latter arises from the unequal voting arrangements for citizens abroad: voters residing in Hungary but staying abroad on election day may vote only at foreign representations, while non-resident voters may vote by mail. As a result, the right to vote is not exercised under uniform conditions, and voters residing in Hungary face discriminatory treatment.

Implementation of 2025 Commission recommendations

Recommendation: Ensure that there are no obstacles hindering the work of civil society organisations, including by repealing legislation that hampers their capacity of working, and foster a safe and enabling civic space (first made in 2022; reworded in subsequent reports)

The new turn in domestic politics has posed new challenges for the government, which is using the perceived threat to a free civil society to divert voters' attention from systemic problems. The government had clearly no intention of implementing the recommendation, signs of further regression are visible.

- Stigmatising narratives dehumanizing members of Civil Society Organisations (CSOs) are promoted directly by the Prime Minister himself. In his public speech delivered on 15 March 2025 on the anniversary of the 1848 revolution, the Hungarian prime minister raised the necessity of a “spring cleaning” to the country, labelling several target groups as “parasites”, namely “bought politicians, judges, civilians, journalists, fake NGOs, political activists”.⁷³
- New legislation was adopted restricting the right to peaceful assembly, which led to banning both the Budapest Pride⁷⁴ and Pécs Pride.⁷⁵
- New biometric surveillance regulations were introduced that violate the EU Artificial Intelligence Act.⁷⁶
- Act LXXXVIII of 2023 (Sovereignty Protection Act), currently before the CJEU⁷⁷ is still in effect. The act established the Sovereignty Protection Office (SPO) granting it broad investigative authority over CSOs based on loosely defined criteria.

73 Nikoletta Nagy, Andrea Horváth Kávai (translation), Bugs, cockroaches, vermin – how dehumanising propaganda sets the stage, Telex, 17 March 2025, <https://telex.hu/english/2025/03/17/bugs-cockroaches-vermin-how-dehumanising-propaganda-sets-the-stage>

74 Amnesty International, Háttér Society, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, Legislating Fear: Banning Pride is the latest assault on fundamental rights in Hungary, 21 March 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/AIHU_Hatter_HCLU_HHC_Pride_03202025.pdf

75 Háttér Society, Police ban related to Pécs Pride, <https://hatter.hu/sites/default/files/dokumentum/kiadvany/pecs-pride-summary-of-banning-decision-updated.pdf>

76 Társaság a Szabadságjogokért, Hungary’s new biometric surveillance laws violate EU AI regulation (*‘Magyarország új biometrikus megfigyelési törvényei sértik az EU mesterségesintelligencia-rendeletét’*), TASZ, 29 April 2025, <https://tasz.hu/cikkek/magyarorszag-uj-biometrikus-megfigyelesi-torvenyei-sertik-az-eu-mestersegesintelligencia-rendeletet/> [in Hungarian]

77 The Commission decides to refer HUNGARY to the Court of Justice of the European Union considering its national law on the Defence of Sovereignty to be in breach of EU law INFR(2024)2001, European Commission, 3 October 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865

- In May, the Bill on the Transparency of Public Life was submitted to Parliament. The legislation would enable the government to blacklist civil society organisations (CSOs) considered ‘sovereignty risks,’ effectively block or severely restrict their foreign funding, impose administrative constraints on domestic funding, monitor bank accounts, levy fines, and even suspend or dissolve targeted organisations. The Sovereignty Protection Office (SPO) would have the authority to propose which entities are blacklisted, with no adequate legal remedies available to challenge such decisions. Although the bill’s adoption was postponed in June 2025, it remains under consideration.⁷⁸
- In June, the Parliament adopted a new law transferring the registry of CSOs from the courts to a new – to this moment still undetermined – authority. The law will enter into force on 1 January 2027, until that time it is unclear if it will provide an opportunity for further political interventions.⁷⁹

The Commission’s recommendation is relatively clear but steps to take are not clearly articulated. The meaning of a ‘safe and enabling’ civic space could be made more specific; however, the problem lies not in the clarity of the recommendation, but in the lack of political will to implement it. That said, a stronger wording would be:

Ensure that civil society organisations can operate without undue obstacles, including by reducing administrative burdens applicable to CSOs, prohibiting financially restrictive measures that result in politically motivated discrimination, repealing legislation that hampers their activities, and fostering a safe and enabling civic space.

Commission’s 2025 assessment: No progress

HCLU’s current assessment: Backsliding

78 Bill no. T/11923 is indexed as pending on the Parliament’s website here: https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=R6fxNQap&hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923.

79 Act LX of 2025 on certain court proceedings and liquidation relating to legal persons, National Legislation Database (Nemzeti Jogszabálytár), <https://njt.hu/jogszabaly/2025-60-00-00>.

Gaps in the Commission's Report

Process for preparing and enacting laws

In 2025, the previously identified problems persist: the lack of meaningful public consultation and the maintenance of rule by decree under the state of danger. The rules on public consultation are characterized by short deadlines for submitting opinions, numerous exemptions from mandatory consultation, and the absence of effective sanctions in cases of omitted consultations.⁸⁰ The obligation to consult is still circumvented by submitting bills that form part of government policy, not by the government itself, but by governing-party MPs or parliamentary committees. For example, the 15th amendment to the Fundamental Law was not subject to public consultation either, as it was submitted by MPs,⁸¹ as well as the related amendment to the Freedom of Assembly Act, which allows LGBT-QIA+-themed assemblies to be banned under the pretext of protecting children. According to the Venice Commission, “the amendments [...] were adopted without ensuring an inclusive public debate and in the absence of a genuine consultation of all the relevant stakeholders”.⁸² The judicial reform package, aiming to reach an agreement with the European Commission, was submitted in clear violation of the parliamentary rules of procedure. The Minister of Justice had previously submitted a bill amending the rules on asset declarations, which included four provisions proposing non-substantive amendments to individual sections of laws foreseen under the judicial reform.⁸³ The proposal was discussed by the parliament’s Justice Committee, the debate was closed, and then, weeks later, just a few days before the final vote, the Deputy Prime Minister initiated proceedings in the Legislative Committee. On the same day, members of the Legislative Committee submitted, in the form of amendments, a comprehensive package of judicial laws, replacing the earlier contentless amending

80 Hungarian Helsinki Committee, Deficiencies of the Law-Making Process in Hungary, (*A jogalkotási folyamat hiányosságai Magyarországon*), August 2025, https://helsinki.hu/wp-content/uploads/2025/09/MHB_jogalkotasi_folyamat_hianyossagai_2025.pdf [in Hungarian]; https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf [in English]

81 Case number: T/11152, 11 March 2025, <https://www.parlament.hu/irom42/11152/11152.pdf>

82 European Commission for Democracy Through Law (Venice Commission), Hungary – Opinion on the compatibility with international human rights standards of the Fifteenth Amendment to the Fundamental Law of Hungary, CDL-AD(2025)043, 13 October 2025, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)043-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)043-e), para. 84.

83 For example, the proposals concerned the replacement of conjunctions with their synonyms. <https://www.amnesty.hu/hazszabaly-ellenes-a-kormany-eljarasa-a-birosagi-torvenycsomaggal-kapcsolatban/>

provisions. The proposal was adopted, thereby preventing judges,⁸⁴ civil society actors, and opposition MPs from participating in any meaningful debate.

The practice of adopting emergency decrees for purposes not related to the cause of the state of danger (presently the war in Ukraine) continues.⁸⁵

More generally, it can be stated that the government approaches the entire legal system as an instrumental tool serving its current political objectives. This applies to the Fundamental Law as well, which is often amended in a manner lacking genuine normative content, even though it should serve as the solid foundation of the legal system. The 15th amendment to the Fundamental Law is a striking example of this approach,⁸⁶ as it elevated into constitutional text a declarative statement that a person is either male or female.⁸⁷ This provision lacks normative content: it does not regulate state action, does not depend on governmental decision-making or political will, and therefore has no functional role within a constitutional framework.

84 Due to the lack of consultation, on 26 June 2025 the National Judicial Council requested the Constitutional Court to annul the adopted law retroactively, with effect from its promulgation on 19 June 2025, <https://obt-jud.hu/hu/az-igazsagugyi-targyu-torvenyek-modositasarol-szolo-2025-evi-xlix-torvennyel-szembeni>.

85 For examples from 2022, 2023 and 2024, see: Hungarian Helsinki Committee, *Deficiencies of the Law-Making Process in Hungary*, 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf, pp. 21–23.

86 Dorina Galicza, The 15th Amendment to the Fundamental Law, which restricts the right to assembly and prohibits drugs, was voted on, (*Megszavasták a gyűlekezési jogot korlátozó és a drogokat betiltó 15. Alaptörvény-módosítást*), HVG, 14 April 2025, https://hvg.hu/itthon/20250414_Megszavastak-az-Alaptorveny-15-modositasat-Pride-drog-keszpenz-allampolgarok-kiutasitasa-ebx [in Hungarian].

87 A similar example is the also newly introduced ‘suspension’ of citizenship into the Fundamental Law, which lacks clear content and has no precedents in international law: Fehér János, Andrea Horváth Kávai (translation), In our view, the suspension of citizenship is an unprecedented concept in international law, Telex, 11 April 2025, <https://telex.hu/english/2025/04/11/in-our-view-the-suspension-of-citizenship-is-an-unprecedented-concept-in-international-law>.

Independent authorities

Constitutional Court

The framework enabling the parliamentary majority to appoint members of the Constitutional Court without opposition backing has remained unchanged.⁸⁸ In May and June 2025, this mechanism was used to select three new justices, all drawn from senior political or state positions closely associated with the governing majority, including the former Prosecutor General, who was simultaneously elected the president of the Constitutional Court. At the conclusion of his term, the former Commissioner for Fundamental Rights transitioned directly into membership of the Constitutional Court.⁸⁹ The third new member is a veteran pro-government member of parliament and former chair of the Parliament's Legislative Committee. Toward the end of 2025, further amendments reshaped the Court's operational rules.⁹⁰ From 1 January 2026, its decisions were published in a separate official gazette issued by the Court itself rather than in the state gazette, a change widely interpreted - drawing on comparative experience from Poland - as intended to shield promulgation from interference by a future government. The amendments also introduced mandatory preliminary constitutional review of parliamentary decisions declaring the temporary incapacity of the president of the Republic.

Commissioner for Fundamental Rights

The assessment made in the 2025 Rule of Law Report — that concerns persist regarding the independence and effective operation of the Commissioner for Fundamental Rights⁹¹ — continues to apply. The Global Alliance of National Human Rights Institutions (GANHRI) reclassified Hungary's national human rights institution in 2022, lowering the status of the Commissioner for Fundamental Rights from 'A' to 'B', which status is still unchanged. This decision was based on sustained inactivity across several key human rights domains, including the protection of ethnic minorities, LGBTQIA+ persons, human rights defenders, refugees and migrants, as well as issues related to media pluralism, civic space, and judicial independence. GANHRI concluded that these shortcomings reflected insufficient

88 See e.g.: Eötvös Károly Institute – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – Transparency International Hungary, *Hungary Fact Sheet 1 – Undermining Constitutionality*, September 2014, https://helsinki.hu/wp-content/uploads/Hungary_fact_sheets_20140921.pdf, pp. 1–2.

89 Parliamentary Resolutions 28/2025. (V. 20.) OGY, 32/2025. (VI. 11.) OGY and 33/2025. (VI. 11.) OGY

90 Act CXI of 2025 on the Amendment of Certain Acts of Parliament Related to the Constitutional Court

91 European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, p. 26., https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?file-name=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf.

institutional independence and non-compliance with the Paris Principles, and further identified deficiencies in the inclusiveness and transparency of the selection and appointment process.⁹²

In 2025, Imre Juhász assumed the position of Commissioner for Fundamental Rights. He was elected by the Parliament on 22 September 2025 for a six-year term. The post had previously been held by Ákos Kozma, who was elected to the Constitutional Court in May 2025, thereby vacating the office and prompting the appointment of a new Commissioner. The replacement of the office-holder did not result in any change in the institution's continued inactivity. Although the Commissioner for Fundamental Rights has formal competencies to monitor both closed institutions and the protection of children's rights, including juvenile correctional facilities such as the Szőlő Street reformatory, the institution did not take any substantive action when the Szőlő Street child protection scandal surfaced.⁹³ Previous ombudsman reports had already documented troubling conditions and abuses at the institution,⁹⁴ yet no effective follow-up measures were initiated in response to the later public revelations.

In late 2025, controversy arose around the Office of the Commissioner for Fundamental Rights following the removal of several earlier recommendations issued by the former Deputy Commissioner responsible for the rights of national minorities from the institution's website.⁹⁵ The deleted documents addressed systemic issues, including segregation in education and discrimination affecting Roma communities. While the Office initially suggested technical explanations, it later acknowledged that the materials would not be republished, arguing that deputy commissioners' opinions lacked formal legal status unless explicitly endorsed by the Commissioner. Civil society actors and legal experts criticised the move as an attempt to retrospectively neutralise substantively important rights-protection

92 Global Alliance of National Human Rights Institutions (GANHRI), *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)*, 14-25 March 2022, pp. 43–47., https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf.

93 Alexander Faludy, Hungary's government faces fresh child abuse crisis, *Balkan Insight*, 26 September 2025, <https://balkaninsight.com/2025/09/26/hungarys-government-faces-fresh-child-abuse-crisis/>.

94 Report of the Commissioner for Fundamental Rights, acting as the National Preventive Mechanism under OPCAT, in case No. AJB-755/2023, concerning the visit to the Budapest Juvenile Correctional Institute. https://www.ajbh.hu/documents/10180/7536814/AJB_755_2023_jelent%C3%A9s.pdf?

95 Szalayné Sándor Erzsébet concluded her mandate as Deputy Commissioner for the Rights of National Minorities on 4 November 2025, upon the expiry of her term of office, *Alapvető Jogok Biztosának Hivatala*, 4 November 2025, <https://www.ajbh.hu/-/november-4-%C3%A9n-megkezd%C5%91d%C3%B6tt-dr.-gyeney-laura-mand%C3%A1tuma> [in Hungarian].

work, raising concerns about institutional independence, historical accountability, and the chilling effect on future advocacy within formally independent bodies.⁹⁶

Overall, no tangible improvement can be observed in the functioning of independent authorities. While these bodies formally benefit from extensive statutory safeguards, such as lengthy mandates and immunity for their leadership, they continue to be staffed by office-holders who show limited readiness to act decisively, given that a single political force controls the parliamentary supermajority required for their appointment.

New Issues that Emerged in 2025

Content-based restrictions on freedom of expression and freedom of assembly

The above-mentioned 15th amendment to the Fundamental Law introduced a rigid hierarchy of fundamental rights by elevating the child's right to protection and care above all other rights, with the sole exception of the right to life.⁹⁷ As a result, where this right is deemed to conflict with other fundamental freedoms, such as the right to peaceful assembly, the application of restrictions no longer requires a proportionality or balancing assessment, which runs a risk of a structural failure to comply with the relevant obligation stemming from the ECtHR's case-law.⁹⁸ Relying on this constitutional amendment, Parliament amended Act LV of 2018 on the Freedom of Assembly⁹⁹ by inserting a new Article 13/A. The provision introduced an additional ground for banning assemblies by prohibiting

96 Attila Szabó, The Deputy Nationality Ombudsman did what is his job in a constitutional system: he tried to protect the rights of the vulnerable (*A nemzetiségi ombudsmanhelyettes azt tette, ami egy alkotmányos rendszerben a dolga: próbálta megvédeni a sérülékenyek jogait*), Quibit, 21 November 2025, <https://qubit.hu/2025/11/21/a-nemzetise-gi-ombudsmanhelyettes-azt-tette-ami-egy-alkotmanyos-rendszerben-a-dolga-probalta-megvedeni-a-serulek-enyek-jogait> [in Hungarian].

97 Article XVI (1) of the Fundamental Law was amended to include that every child's "*right to the protection and care necessary for their proper physical, mental and moral development [...] shall prevail over any other fundamental right other than the right to life*". Bill T/1152 on the Fifteenth Amendment to the Fundamental Law of Hungary, <https://www.parlament.hu/irom42/11152/11152.pdf>.

98 European Commission for Democracy Through Law (Venice Commission), Hungary – Opinion on the compatibility with international human rights standards of the Fifteenth Amendment to the Fundamental Law of Hungary, 13 October 2025, CDL-AD(2025)043, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)043-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)043-e)

99 Bill T/11201 on Amending Act LV of 2018 on the Freedom of Assembly in Relation to the Protection of Children and Amending Related Acts of Parliament, <https://www.parlament.hu/irom42/11201/11201.pdf>. The Bill entered into force on 15 April 2025 as Act III of 2025.

any gathering that violates the prohibition laid down in Article 6/A of Act XXXI of 1997 on the Protection of Children and Guardianship Administration, a provision originally introduced by the 2021 so-called ‘Propaganda Law’. These legislative changes were accompanied by amendments to the Act on Minor Offences, which reshaped the sanctions applicable to participation in banned assemblies and expanded the legal framework to allow the use of facial recognition technologies in this context.¹⁰⁰ Together, these measures significantly increased the deterrent effect of assembly-related sanctions and heightened the risks associated with participation in public demonstrations. In a series of cases concerning assemblies in support of LGBTQIA+ rights, the Kúria consistently applied the constitutional rule giving precedence to the child’s right to protection and care over the freedom of peaceful assembly. Throughout the spring and summer of 2025, the police prohibited all assemblies related to LGBTQIA+ issues, with a single exception, and these bans were systematically upheld by the Kúria.¹⁰¹

Budapest Pride, organised by the Municipality of Budapest, took place on 28 June 2025. Although, as a municipal event, it formally fell outside the scope of the Assembly Act, the police issued a decision banning the event.¹⁰² Following the event, a criminal investigation was launched, and in August 2025, the Mayor of Budapest was interrogated as a suspect. Under Article 217/C of Act C of 2012 on the Criminal Code, organising a banned assembly or calling for participation in such an assembly is punishable by up to one year of imprisonment.¹⁰³ A similar pattern emerged in the case of Pécs Pride. The police banned the assembly on the basis of Article 13/A of the Assembly Act,¹⁰⁴ a decision later

100 Act III of 2025 amending Act LV of 2018 on the right of assembly with regard to the protection of children, and amending related Acts, <https://njt.hu/jogszabaly/en/2025-3-00-00>

101 See the following decisions of the Kúria: Kgyk.VII.39.057/2025/8, 31 May 2025, www.kuria-birosag.hu/hu/gyulhat/kgykvii3905720258-szamu-hatarozat; Kgyk.VI.39.061/2025/7 (11 June 2025) www.kuria-birosag.hu/hu/gyulhat/kgykiv3906120257-szamu-hatarozat; Kgyk.VI.39.069/2025/6, 27 June 2025, www.kuria-birosag.hu/hu/gyulhat/kgykvi3906920256-szamu-hatarozat.

102 Decision of the Budapest Police Headquarter, 19 June 2025, https://www.police.hu/sites/default/files/2025.06.28_Budapest_Tilt%C3%B3_hat%C3%A1rozat.pdf?fbclid=IwY2xjawLAuPhleHRuA2F1bQIxMQABHqwxPgAb-ALaaddRJ7mtwsbkpJV6YPTP54pCneZvehEWUX24cEdA2BVGoZaKp_aem_L3iElpHcNrBIPUg8kO6_GQ [in Hungarian].

103 On 12 December 2025, the police proposed that the prosecutor bring charges against the Mayor in connection with his role in organising Budapest Pride; Hungarian police propose charges against Budapest mayor over banned Pride march, 12 December 2025, <https://www.reuters.com/world/hungarian-police-propose-charges-against-budapest-mayor-over-banned-pride-march-2025-12-12/>.

104 Decision of the Pécs Police Department, 5 September 2025, https://www.police.hu/sites/default/files/2025.10.04_P%C3%A9cs_hat%C3%A1rozat.pdf [in Hungarian]

upheld by the Kúria.¹⁰⁵ Despite the ban, the march took place on 4 October 2025. On 28 October 2025, the organiser was summoned for questioning as a criminal suspect for organising a prohibited assembly, and media reports in early November indicated that the police had recommended that the prosecutor press charges.¹⁰⁶

Another element of the above-mentioned 15th amendment to the Fundamental Law follows the same regulatory logic by introducing a content-based restriction on freedom of expression. The amendment elevated the prohibition of the production, use, distribution, and promotion of narcotic drugs to a constitutional level. The amendment employs an undefined and open-ended concept of ‘promotion’. In the absence of clear limits, this notion may extend even to the mere reference to narcotic drugs, irrespective of whether such expression produces any concrete harm or interferes with the fundamental rights of others. Based on the above restriction, in March, the police prohibited a demonstration organised by the Hungarian Two-Tailed Dog Party advocating the legalisation of cannabis.¹⁰⁷

In 2025, the Hungarian government stepped up what it described as a ‘war on drugs,’ deploying a series of high-profile police operations and raids under its anti-narcotics programme.¹⁰⁸ Some of the raids drew particular public attention when they targeted well-known cultural figures. For example, police conducted searches at the home of popular artist ByeAlex and his band, reportedly finding small quantities of a controlled substance. In the aftermath, the Government’s drug policy commissioner stated that such artists, including ByeAlex, allegedly ‘promote a drug-related lifestyle’ affecting young followers, even if direct links to organised criminality were not established.¹⁰⁹ Selective

105 Decision Kgyk.VI.39.087/2025/8. of the Kúria, 14 September 2025, <https://kuria-birosag.hu/hu/gyulhat/kgyk-vi3908720258-szamu-hatarozat> [in Hungarian]

106 Benjámin Vida, Prosecution recommended against Pécs Pride organiser (*‘Vádemelést javasolnak a Pécs Pride szervezője ellen’*), Telex, 7 November 2025, <https://telex.hu/belfold/2025/11/07/pecs-pride-szervezo-vademeles> [in Hungarian].

107 András Nádor, Police have banned the Dog Party’s marijuana legalization protest in advance (*‘Előre betiltották a rendőrök a Kutypárt fülegalizációs tüntetését’*), Telex, 21 March 2025, <https://telex.hu/belfold/2025/03/21/magyar-ketfarku-kutya-part-tuntetes-betiltas-kannabisz-marihuana-fu-fulegalizacio-drogpolitika-420-million-marijuana-march-alaptorveny> [in Hungarian].

108 Hungary in the crosshairs of drug traffickers (*‘A drogkereskedők célkeresztjében Magyarország’*), Magyar Nemzet, 4 December 2025, <https://magyarnemzet.hu/belfold/2025/12/a-drogkereskedok-celkeresztjeben-magyarorszag> [in Hungarian].

109 Márton Bede, Nine months late, now the Hungarian war on drugs is here (*‘Kilenc hónapot késett, most itt a magyar drogellenes háború’*), 444.hu, 14 November 2025, <https://444.hu/2025/11/14/kilenc-honapot-kesett-most-itt-a-magyar-drogellenes-haboru> [in Hungarian].

enforcement and publicity-driven raids focused on public figures risk undermining proportionality and equal treatment principles in criminal justice.

Implications and Recommendations for 2026

The main consequence of the lack of meaningful public consultation is that legislative constraints of parliamentarism do not prevail: the legislative process can be freely bypassed or accelerated in line with the political intentions of the governing party, and substantive debate can be eliminated. The elimination of public debate, poor regulatory quality, and the inclusion of meaningless declarative statements undermine the social legitimacy of legislation and weaken the foundations of legal compliance.

With regard to the electoral framework, it follows from the anomalies that the Hungarian electoral framework applies discriminatory treatment to certain groups of voters, in several instances, through the persistent breach of international obligations.

Suggested recommendation: The legislator should ensure the transparency and democratic nature of adopting a law by inducing meaningful debate, providing meaningful reasons, and involving key stakeholders in the process.

Suggested recommendation: The legislator should adopt a regulatory framework for parliamentary national minority elections that brings it into conformity with the European Convention on Human Rights.

Suggested recommendation: The legislator should eliminate the discrimination between voters with a registered residence in Hungary and those without a registered residence in Hungary concerning the method of casting their vote.

Suggested recommendation: Respecting Hungary's international obligations, the legislator must abolish the possibility for courts to restrict the voting rights of persons under guardianship and must establish a framework enabling the immediate review of such decisions in cases where persons under guardianship have already been excluded from the exercise of voting rights.

Suggested recommendation: The nomination procedure for members of independent authorities should guarantee the appointment of office-holders who are functionally independent.

The Commission should also address the newly observed issue of content-based restrictions on freedom of expression and freedom of assembly through a new recommendation.

Suggested recommendation: Review with a view to repeal the legal provisions enabling the prohibition of LGBTQIA+ demonstrations.

CONTACTS

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The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in Budapest, Hungary, in 1994. The HCLU is a Hungarian human rights watchdog working independently of political parties, the state, or any of its institutions. The HCLU's aim is to advance the case for fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions. Generally, it has the goal of building and strengthening civil society and the rule of law in Hungary and in the Central and Eastern Europe (CEE) region. Since the HCLU is an independent non-profit organisation, its financial resources are mostly provided by foundations and by an increasing number of private individuals. The HCLU strives to educate citizens about their basic human rights and freedoms, and takes a stand against undue interference and misuse of power by those in positions of authority.

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RULE OF LAW

REPORT

2026



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OVERALL ASSESSMENT: STAGNATOR

2025 saw the formation of a new government¹ and a presidential election.² While the year was marked by political stability, existing rule of law issues persisted. Legislative stagnation and structural weaknesses across the pillars of justice; anti-corruption; media environment and media freedom; and checks and balances remained unaddressed. Domestically, the government faced high levels of public dissatisfaction on issues such as housing,³ and access to public services.⁴ These pressures, coupled with short-term political considerations, limited the new government's capacity and willingness to prioritise long-overdue rule of law reforms.

Several long-awaited reviews and reports, including a review of the Civil Legal Aid Scheme,⁵ were published during the year, but the conversion of analysis into legislation remained limited, contributing to ongoing stagnation. Courts and independent oversight bodies continued to serve as important independent mechanisms, but they remain significantly under-resourced, with delays, capacity deficits and outdated infrastructure undermining their effectiveness.⁶ Civil society organisations (CSOs) continued to face constraints in the form of the Electoral Act 1997,⁷ Section 22 of which effectively prohibits the acceptance of overseas funds for advocacy work.

- 1 *RTE News*, New government deal sees two Independents at Cabinet, 14 January 2025, <https://www.rte.ie/news/politics/2025/0114/1490626-ireland-politics/>
- 2 *Rory Carroll*, Leftwinger Catherine Connolly wins Ireland presidential election by landslide, *The Guardian*, 25 October 2025, <https://www.theguardian.com/world/2025/oct/25/catherine-connolly-ireland-presidential-election-leftwing>
- 3 *Ella Sloane*, Our cities are dying: Large turnout at Dublin housing demonstration, *The Irish Times*, 5 July 2025, <https://www.irishtimes.com/ireland/social-affairs/2025/07/05/our-cities-are-dying-large-turnout-at-dublin-housing-demonstration/>
- 4 *Social Justice Ireland*: Budget leaves Ireland's more vulnerable households condemned to prolonged hardship, 8 October 2025, <https://www.socialjustice.ie/article/budget-leaves-irelands-more-vulnerable-households-condemned-prolonged-hardship-0>
- 5 *Department of Justice, Home Affairs and Migration*: Minister Jim O'Callaghan publishes historic review of Civil Legal Aid Scheme, *Government of Ireland*, 24 July 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-historic-review-of-civil-legal-aid-scheme/>
- 6 *Irish Legal News*: Law Society of Ireland urges investment in underfunded and overstretched justice system, 5 September 2025 <https://www.irishlegal.com/articles/law-society-of-ireland-urges-investment-in-underfunded-and-overstretched-justice-system>
- 7 Houses of the Oireachtas (Ireland) Electoral Act 1997 <https://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/html>

European Union (EU) regulations that shifted oversight from government departments to independent statutory bodies are also of note. Preparation for the implementation of the European Media Freedom Act and the Digital Services Act empowered Coimisiún na Meán (Ireland's independent media regulator) to take over media merger assessments⁸ and platform supervision,⁹ which has changed the regulatory landscape. Simultaneously, the designation of 15 national competent authorities¹⁰ to enforce the EU's AI Act sparked debate regarding the "distributed model" of oversight and the urgent need for technical resources within bodies like the Data Protection Commission (DPC).¹¹ These developments, coupled with debates on the shortcomings of the European Democracy Shield¹² and the Civil Society Strategy¹³ meant that the issues of effective regulation and the need to protect democratic norms were at the forefront of discussions in 2025. Ireland remained at the centre of European debate on data protection enforcement,¹⁴ which further highlighted concerns regarding the DPC's performance.

Geopolitical tensions, international migration trends and rising extremist rhetoric across Europe and globally also influenced the domestic environment. Ireland experienced a rise in mis- and disinformation targeting migrants and minority communities.¹⁵ Overall, the interplay of short-term political considerations, administrative capacity constraints, delayed reforms and external EU obligations shaped the Irish rule of law landscape in 2025, resulting in incremental movement in some areas, but limited substantive progress and outright backsliding in others.

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- 8 *Law Society Gazette*: Landmark EU Media Freedom Act in force, 8 August 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/august/landmark-eu-media-freedom-act-in-force/>
- 9 Subasini Srinivasaragavan, X faces DSA probe in Ireland over its content moderation system, *Silicon Republic*, 13 November 2025, <https://www.siliconrepublic.com/business/x-ireland-europe-digital-services-act-investigation-coimisiun-na-mean>
- 10 *Department of Enterprise, Tourism and Employment*, Ireland leads the way in EU AI regulation, 16 September 2025 <https://enterprise.gov.ie/en/news-and-events/department-news/2025/september/20250916.html>
- 11 ICCL, Ireland Unprepared for AI Act Implementation, 17 July 2025 <https://www.iccl.ie/news/ireland-unprepared-for-ai-act-implementation/>
- 12 ICCL, Irish groups say EU "Democracy Shield" fails people, democracy and lets Big Tech off the hook, 12 November 2025 <https://www.iccl.ie/digital-data/eu-democracy-shield-fails-people-democracy/>
- 13 ICCL, Democracy is under increasing pressure in Ireland, conference will hear, 27 November 2025 <https://www.iccl.ie/news/democracy-is-under-increasing-pressure-in-ireland-conference-will-hear/>
- 14 *Arthur Cox*, Data protection enforcement in Ireland: Recent DPC decisions, Arthur Cox Knowledge, 13 August 2025, <https://www.arthurcox.com/knowledge/data-protection-enforcement-in-ireland-recent-dpc-decisions/>
- 15 *Conor Hunt*, Irish anti-migrant mobilisation enters 'more organised phase' -, *RTE News*, 9 July 2025, <https://www.rte.ie/news/2025/0709/1522655-irish-anti-migrant-mobilisation/>

Assessment of the trajectory

In 2025, Ireland's designation as a 'stagnator' is unchanged. This is due to the absence of substantial legislative or institutional reforms across the four rule of law pillars—justice, anti-corruption, media, and checks and balances. Despite acknowledging the European Commission's recommendations, Ireland has failed to implement the necessary institutional changes, with many recommendations being carried forward for three or four consecutive years.

In December 2025, ICCL worked with a member of parliament (Teachta Dála, or TD) to table parliamentary questions on each of the five recommendations from the 2025 report to relevant government ministers. The answers to these questions are included in the relevant sections below. It is worth noting that the responses to these questions, which are generally obfuscatory and vague, often mirror the language used in the State's country submission to the rule of law process.

Continued delays in the publication, passage or enactment of major reform bills including on legal aid, ethics in public office, media funding and defamation reform mean that critical rule of law issues are not being addressed. There is also evidence of structural underfunding of public bodies tasked with oversight and regulation, including the Standards in Public Office Commission (SIPO),¹⁶ Coimisiún na Meán¹⁷ and the DPC.¹⁸ Additionally, restrictive rules on advocacy and political donations remain,¹⁹ and concerns have been raised regarding the absence of comprehensive State action to tackle strategic lawsuits against public participation (SLAPPs), despite the EU's Anti-SLAPP Directive (2024/1069).²⁰

16 Frank Connolly, SIPO's investigation of Tommy Reilly and Liscarton: A case study in money deflection, silence and the collapse of national ethics gatekeepers, *Village Magazine*, 19 June 2025, <https://villagemagazine.ie/sipos-investigation-of-tommy-reilly-and-liscarton-a-case-study-in-money-deflection-silence-and-the-collapse-of-national-ethics-gatekeepers/>

17 *Irish Legal News*, No additional funding provided to bodies gaining AI regulation powers, 17 July 2025, <https://www.irishlegal.com/articles/no-additional-funding-provided-to-bodies-gaining-ai-regulation-powers>

18 Ken Foxe, Data Protection Commission sought funding hike to tackle 'soft on tech' perception, *Irish Independent*, 2 December 2025 <https://www.independent.ie/business/technology/data-protection-commission-sought-funding-hike-to-tackle-soft-on-tech-perception/a601261436.html>

19 *Dáil Éireann Debate*, Parliamentary Questions on Departmental Data, PQ 508, *Houses of the Oireachtas*, 9 December 2025, https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq_508

20 *Irish Legal News*, Irish bill on SLAPPs will be impotent in practice, 9 July 2025 <https://www.irishlegal.com/articles/irish-bill-on-slapps-will-be-impotent-in-practice>

Growing pressures on judicial capacity²¹ and the affordability and accessibility of justice²² further exacerbate these issues.

At the same time, there are some positive developments that should be highlighted. Additional budgetary allocations have been made for some regulatory bodies²³ and there are legislative commitments to modernise the civil legal aid system,²⁴ though progress is still pending.²⁵

While the categorisation of ‘stagnator’ remains in place for 2025, government proposals to limit judicial review processes and weaken journalistic privilege mean that Ireland risks slipping into the “slider” category in next year’s submission.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

While the repeated failure to address year-on-year recommendations is frustrating, it most likely does not meet the criteria for further action within the framework of the existing EU rule of law toolbox. This, however, presents a serious challenge to the rule of law process whereby the issues that are consistently raised can become entrenched and the reporting process itself is undermined as the Commission accepts minimal progress (or, in reality, often no progress on recommendations) as genuine effort. This in turn makes it difficult to retain the interest of CSOs in the reporting process as there are few tangible outcomes.

For repeated recommendations, the Commission should sharpen its report language, note the lack of implementation progress over several years, and outline the consequences of persistent disregard for

21 *Law Society Gazette*, Law Society calls for targeted justice investment, 5 September 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/september/law-society-calls-for-targeted-justice-investment/>

22 *Law Society Gazette*, Data on litigation costs inadequate – OECD, 13 February 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/february/data-on-litigation-costs-inadequate--oecd/>

23 *Department of Justice, Home Affairs and Migration*, Record €6.17 billion for justice sector in budget 2026, *Government of Ireland*, 9 October 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/news/record-6-17-billion-for-justice-sector-in-budget-2026/>

24 *Department of Justice, Home Affairs and Migration*, National Development Plan Review 2025, *Government of Ireland*, 4 December 2025, https://assets.gov.ie/static/documents/72c5df9c/NDP_Sectoral_Investment_Plan-JusticeSector.pdf

25 *In all areas except Media our assessment is based on the overall situation in the country rather than the report recommendations on their own. Given our lack of specialised expertise in the area of media freedoms, we base our assessment solely on the progress of the recommendation on defamation reform which has progressed.*

rule of law issues, citing relevant Court of Justice of the European Union (CJEU) cases where applicable. For instance, the Commission should connect deficiencies to the European Semester.²⁶ Continued inaction on issues such as anticorruption and ethics could be flagged as macroeconomic concerns in Semester country reports.²⁷ Cross-referencing relevant judgments to recommendations may also be of use, such as CJEU judgment C78/-18.²⁸ This suggests that Ireland, like Hungary, may have breached the Treaty on the Functioning of the European Union regulations on the free movement of capital due to restrictions on civil society funding.

Recent discussions on a ‘cash-for-reform’ approach²⁹ to address judicial issues – whereby Commission funds could be withheld or limited – could be extended to states where repeated recommendations are ignored and possibly to thematic areas beyond judicial reform such as anti-corruption measures or restrictions on civil society. This would allow for some leverage against states such as Ireland which nominally have high rule of law standards but are unwilling to take corrective action to address systemic issues.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

- 26 Franco Peirone, Another Brick in the Building of the EU Rule of Law: Anti-Corruption, *The Italian Review of International and Comparative Law*, 3(2), 515-540, 2023, <https://doi.org/10.1163/27725650-03020002>
- 27 *The European Semester explained* <https://www.consilium.europa.eu/en/policies/european-semester/>
- 28 *Philanthropy Europe Association*, European Court declares that Hungary’s foreign-funding restrictions violate EU law, 19 June 2020, <https://philea.eu/european-court-declares-that-hungarys-foreign-funding-restrictions-violate-eu-law-3/>
- 29 Magnus Lund Nielsen, Nicoletta Ionta, Commission looks to expand ‘cash-for-reform’ scheme on rule of law issues, *Euractiv*, 8 July 2025 <https://www.euractiv.com/news/commission-looks-to-expand-cash-for-reform-scheme-on-rule-of-law-issues/>

JUSTICE SYSTEM

General assessment

While there have been some positive developments with respect to the justice system in Ireland over the past 12 months (e.g., the publication of the review of the Civil Legal Aid Scheme), the categorisation of ‘regression’ remains in 2025 due to significant negative developments, as outlined below.

While the new National Development Plan³⁰ sets out a welcome and much-needed multi-annual investment plan for the justice system, Ireland’s spending on justice remains extremely low per capita. Similarly, while the appointment of new judges is welcome, the number of judges per head of population remains the lowest in the EU at 3.3 per 100,000 inhabitants and results in crippling case delays.³¹ There has been a significant increase in legal aid spending in 2025, however, this is a response to an increase in demand rather than an expansion of the scheme or a move to better compensate legal practitioners who take on legal aid work.³² In short, while welcome, these investments represent a minimalist response to identified issues rather than the larger, more difficult and politically unpopular changes needed to address systemic challenges.

A significant and troubling development has also emerged with the publication of the Accelerating Infrastructure Report and Action Plan³³ and the related General Scheme of the Civil Reform Bill.³⁴ This legislation proposes curtailing access to judicial review, which the government presents as a

30 Department of Justice, Home Affairs and Migration, National Development Plan Review 2025, Government of Ireland, 4 December 2025, https://assets.gov.ie/static/documents/72c5df9c/NDP_Sectoral_Investment_Plan-JusticeSector.pdf

31 European Commission, The 2025 EU Justice Scoreboard, 30 June 2025, https://commission.europa.eu/document/download/51b21eff-a4b0-4e73-b461-06bd23b43d4e_en?filename=2025%20EU%20Justice%20Scoreboard_template.pdf

32 The Irish Times, Criminal legal aid scheme spend to increase by a third to €120m this year, 4 December 2025, <https://www.irishtimes.com/crime-law/2025/12/04/criminal-legal-aid-scheme-spend-to-increase-by-a-third-to-120m-this-year/>

33 Department of the Taoiseach, Accelerating Infrastructure – Report and Action Plan, Government of Ireland, 3 December 2025, <https://www.gov.ie/en/department-of-the-taoiseach/press-releases/government-publishes-accelerating-infrastructure-report-and-action-plan/>

34 Department of Justice, Home Affairs and Migration, Minister Jim O’Callaghan publishes Civil Reform Bill to overhaul Judicial Review and streamline courts processes, Government of Ireland, 6 January 2026, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-civil-reform-bill-to-overhaul-judicial-review-and-streamline-courts-processes/>

measure to address delays in the delivery of housing and infrastructure.³⁵ Judicial review is a process whereby the High Court can review the decisions of lower courts, tribunals and other administrative bodies to ensure the lawfulness – including the fairness – of the decision-making process. Curtailing this essential function will have a significant negative impact on the functioning of the rule of law and access to justice in Ireland.

Implementation of 2025 Commission recommendations

Recommendation: Take forward the legislative work aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on the disproportionate costs of litigation and their impact on access to courts (first made in 2022)

A long-delayed review of the Civil Legal Aid scheme was published in July 2025. According to a November 2025 parliamentary question, the Minister for Justice, Home Affairs and Migration has instructed officials to “examine the recommendations”³⁶ contained in the review. One of the options being considered is a ‘scale of fees’ approach to legal costs. This would introduce ceilings of maximum legal fees for environmental judicial reviews based on a scale of complexity.³⁷ The Department of Justice, Home Affairs and Migration should move to publish the Indecon report on options to address legal costs, as mentioned in a response to PQ69986/25, and immediately set out plans to reduce legal costs in a comprehensive and transparent manner that is open to public input and scrutiny.

Although there has been some progress, this recommendation is too broad and vague. There is no mention of specific legislation needed to address the recommendation or detail on the “European standards” that the State is expected to uphold. Instead, a stronger recommendation would be:

Immediately progress the long-overdue reform of the Civil Legal Aid Scheme and on that basis develop and enact legislation to guarantee access to justice.

Commission's 2025 assessment: Some further progress

ICCL's current assessment: Some progress

35 Juliette Gash Joe Mag Raollaigh David Murphy, *RTE News*, Government plan to speed up delivery of housing and infrastructure, 3 December 2025 <https://www.rte.ie/news/2025/1203/1546972-government-housing-plan/>

36 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas*, 25 November 2025, <https://www.oireachtas.ie/en/debates/question/2025-11-25/667/>

37 *Department of Climate, Energy and the Environment Consultation on Scale of Fees Under the Planning and Development Act 2024 opens* *Government of Ireland*, 3 December 2025 <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/consultation-on-scale-of-fees-under-the-planning-and-development-act-2024-opens/>

Gaps in the Commission's Report

The continuation of the use of the non-jury Special Criminal Court

In May 2025 the government announced a plan³⁸ to replace the Special Criminal Court with a new permanent non-jury court. Minister for Justice, Home Affairs and Migration Jim O'Callaghan indicated that he supports in principle the recommendations of the Majority Report of the Independent Review Group³⁹ tasked with examining the provisions of the Offences Against the State Acts, and that he intends to establish a permanent non-jury court. This came over two years after the publication of Majority and Minority Reports⁴⁰ by the Review Group in June 2023 and is the first substantive response from the government to those reports.

ICCL has warned that any plan to introduce a new non-jury court may require a referendum⁴¹ and has called on the Minister to clarify whether he plans to hold a referendum to amend the Constitution before proposing legislation creating a permanent non-jury court. ICCL's longstanding position is that the Special Criminal Court should be abolished in the absence of a state of emergency because of its incompatibility with Ireland's international and constitutional human rights obligations and the serious risks it poses to people's right to a fair trial and to equality before the law. Whether it is possible to create a permanent non-jury court without amending the Constitution remains unclear according to the Minority Report which described doing so as being "constitutionally inappropriate".⁴²

38 *Department of Justice, Home Affairs and Migration*, Minister for Justice accepts proposals for reform of terrorist legislation, *Government of Ireland*, 29 May 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-for-justice-jim-ocallaghan-accepts-proposals-for-reform-of-terrorist-legislation/>

39 *OASA Review*, Offences Against the State Act Review official site, 21 June 2023, <https://www.oasareview.ie/>

40 *Independent Review Group*, Offences Against the State Act Review – Minority and Majority Reports, 21 June 2023 <https://www.oasareview.ie/final-reports/>

41 *Irish Council for Civil Liberties*, Government permanent non-jury court referendum, warns ICCL, 25 June 2025, <https://www.iccl.ie/press-release/government-permanent-non-jury-court-referendum/>

42 *Independent Review Group*, Offences Against the State Act Review – Minority Report, 21 June 2023, <https://www.oasareview.ie/wp-content/uploads/2023/06/OASA-Review-Minority-Report.pdf>

New Issues that Emerged in 2025

New plans to curtail access to judicial review

The government's Accelerating Infrastructure Report and Action Plan⁴³ propose sweeping changes to judicial reviews for planning, housing and infrastructure projects. Judicial review is a process whereby the High Court can review the decisions of lower courts, tribunals and other administrative bodies to ensure the lawfulness – including the fairness – of the decision-making process. Under the plan, judicial reviews would be “rebalanced” to protect what the government describes as the “public interest”. Reforms include tightening the criteria for who may bring a challenge; requiring a realistic prospect of success before a judicial review is permitted to proceed; removing certain appeals rights (e.g., further appeals to the Court of Appeal); and fast-tracking judicial review for “critical infrastructure” projects.⁴⁴

In addition, the government intends to codify what was previously case law into statutory law, limiting the number of consents, licences or planning conditions that can separately be subject to judicial review. Interim reforms already carried out include changes to how planning permissions are extended if they are delayed by judicial review proceedings. Time spent in judicial review will no longer count against the valid duration of the planning permission.⁴⁵

While the government argues that these changes will speed up housing and infrastructure delivery, reduce “frivolous” or “spurious” challenges, and relieve pressure on the courts,⁴⁶ in reality, the reforms amount to an attack on the rule of law. By limiting who can challenge State or planning decisions, and raising the threshold before a judicial review can proceed, the changes risk denying meaningful access to justice. This undermines the vital constitutional and statutory safeguard that allows citizens to hold

43 Department of the Taoiseach, Government publishes Accelerating Infrastructure – Report and Action Plan, Government of Ireland, 3 December 2025, <https://www.gov.ie/en/department-of-the-taoiseach/press-releases/government-publishes-accelerating-infrastructure-report-and-action-plan/>

44 McCann FitzGerald: Changing Times: a new infrastructure plan to fundamentally reshape the delivery of infrastructure in Ireland, 2 December 2025, <https://www.mccannfitzgerald.com/knowledge/projects-and-infrastructure/changing-times-a-new-infrastructure-plan-to-fundamentally-reshape-the-delivery-of-infrastructure-in-ireland>

45 In other words, the time a case spends in judicial review proceedings will not count against the temporal validity of the planning permission. As it stands, time spend in judicial review runs concurrent with the permission validity.

46 *Attracta Uí Bhroin*, Judicial review plans are an attack on justice, *Irish Examiner*, 5 December 2025, <https://www.irishexaminer.com/opinion/commentanalysis/arid-41754423.html>

the State and powerful interests to account, particularly where environmental protections, community rights and procedural fairness might be at stake.⁴⁷

Through fast-tracking major projects and concentrating more power in ministerial and administrative hands, these reforms will weaken independent judicial oversight. While it may lead to faster infrastructure development, the reforms risk creating a legal system where access to courts is curtailed, challenges are discouraged, and the ability of citizens to check abuses of power is substantially weakened.⁴⁸ In practice there is a risk that decisions will increasingly favour expediency and economic or political goals over fairness, procedural integrity and transparency core pillars of the rule of law.

On 6 January 2026 the Civil Reform Bill 2025⁴⁹ was published, which seeks to give effect to the above proposed changes to judicial review.

Implications and Recommendations for 2026

In omitting the issue of the continuation of the non-jury Special Criminal Court from consideration, the Commission's 2025 report fails to address a critical and ongoing access to justice issue in Ireland.

It is ICCL's long-standing position that the Offences Against the State Acts should be repealed in the absence of a state of emergency in Ireland and that the Special Criminal Court should be abolished.⁵⁰ To this end, we recommend the withdrawal of plans to establish a new permanent non-jury court.

Suggested recommendation: Withdraw plans to establish a new permanent non-jury court.

47 Fred Logue, Judicial reviews are not the enemy of progress — they are a vital safeguard, *Irish Independent*, 5 December 2025, <https://www.independent.ie/opinion/comment/fred-logue-judicial-reviews-are-not-the-enemy-of-progress-they-are-a-vital-safeguard/a1104610161.html>

48 Tabitha Monahan, Public interest test set to be introduced for judicial reviews under plans before Cabinet, *Irish Independent*, 16 December 2025. <https://m.independent.ie/irish-news/public-interest-test-set-to-be-introduced-for-judicial-reviews-under-plans-before-cabinet/a193906817.html>

49 Department of Justice, Home Affairs and Migration, Minister Jim O'Callaghan publishes Civil Reform Bill to overhaul Judicial Review and streamline courts processes, *Government of Ireland*, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-civil-reform-bill-to-overhaul-judicial-review-and-streamline-courts-processes/>

50 Irish Council for Civil Liberties, State of Emergency? 52 years of the Special Criminal Court, 24 June 2024, <https://www.iccl.ie/police-justice-reform/special-criminal-court-state-of-emergency/>

As stated, planned reforms to judicial review amount to an attack on the rule of law and risk denying meaningful access to justice, and the Commission should address this issue in its upcoming report.

Suggested recommendation: The Department of Justice, Home Affairs and Migration and the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation should revise the Accelerating Infrastructure Report and Action Plan and the Civil Reform Bill 2025 to ensure that access to justice, particularly in the form of judicial review, is guaranteed and that the rule of law is upheld.

Implementation of Judgments

There are outstanding implementation issues related to two judgments against Ireland from the European Court of Human Rights. These are:

- *McFarlane v. Ireland* (on length of proceedings/access to an effective remedy); and
- *O’Keeffe v. Ireland* (on State responsibility for sexual abuse in schools/systemic measures).

With respect to *McFarlane v. Ireland* the Court found a violation of Article 6 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention on Human Rights due to extreme delays with respect to the excessive length of civil and criminal proceedings and lack of an effective domestic remedy.⁵¹ The Council of Europe welcomed the enactment of the Court Proceedings (Delays) Act 2024 as a major step in addressing the Judgment, but the Committee of Ministers explicitly asked that the new assessment mechanism become fully operational. As a result, supervision remains open.⁵²

Despite numerous apologies to victims, successive governments have failed to introduce a redress scheme to implement the *O’Keeffe v. Ireland* judgment. The Irish Human Rights and Equality Commission (IHREC) has described the State’s approach to the provision of redress to survivors of sexual

51 *European Court of Human Rights*, *McFarlane v. Ireland*, *Judgment of 10 September 2010*, HUDOC database, <https://hudoc.echr.coe.int/eng?i=001-100413>

52 *Committee of Ministers*, Interim Resolution CM/Res DH (2020)202 — Execution of the European Court of Human Rights judgment in *McFarlane v. Ireland*, *Council of Europe*, 1 October 2020, <https://rm.coe.int/09000016809fc5b1>

abuse in schools as “discriminatory and arbitrary”.⁵³ In June 2025 it wrote to the Council of Europe’s supervisory body for the ninth time in relation to the State’s ongoing failure to comply with the judgment⁵⁴ and called on the State to implement a redress scheme which;

- Complies fully with the *O’Keeffe v. Ireland* judgment;
- Does not include unreasonable or arbitrary conditions for admission to redress;
- Avoids further re-traumatising of survivors;
- Is made available immediately – i.e., through a Commission of Investigation or other mechanism(s)/investigation(s); and
- Recognises the stand-alone responsibility of the State to survivors.

On 8 July 2025 the government announced its intention to establish a Commission of Investigation into the Handling of Historical Child Sexual Abuse in Day and Boarding Schools, under the Commissions of Investigation Act 2004.⁵⁵ It is expected that the work of the Commission will commence in 2026 and conclude by 2030.

With respect to judgments against Ireland from the CJEU, case judgments and referrals mostly involve environmental issues that the State has failed to address. For example, in *Commission v Ireland* — Case C-444/21 The Habitats Directive (Council Directive 92/43/EEC) / “Measures”,⁵⁶ the

53 *Irish Human Rights and Equality Commission*, Commission reports to the Council of Europe that Ireland continues to fail to deliver justice to victims of historical sexual abuse in Irish schools, 8 October 2025, <https://www.ihrec.ie/news-press/commission-reports-to-the-council-of-europe-that-ireland-continues-to-fail-to-deliver-justice-to-victims-of-historical-sexual-abuse-in-irish-schools>

54 *Irish Human Rights and Equality Commission*, Commission reports to the Council of Europe that Ireland continues to fail to deliver justice to victims of historical sexual abuse in Irish schools, 8 October 2025, <https://www.ihrec.ie/news-press/commission-reports-to-the-council-of-europe-that-ireland-continues-to-fail-to-deliver-justice-to-victims-of-historical-sexual-abuse-in-irish-schools>

55 *Government of Ireland*, Commission of Investigation into the Handling of Historical Child Sexual Abuse in Schools — Publications, 8 July 2025, <https://www.gov.ie/en/commission-of-investigation-into-the-handling-of-historical-child-sexual-abuse-in-schools/publications/commission-of-investigation-into-the-handling-of-historical-child-sexual-abuse-in-schools/>

56 *Court of Justice of the European Union*, Judgment of the Court in Case C-444/21 (European Commission v Ireland) — Failure to fulfil obligations in relation to the Habitats Directive, 29 June 2023, <https://op.europa.eu/en/publication-detail/-/publication/90cd99f9-3a42-11ee-bbad-01aa75ed71a1>

CJEU found that Ireland had failed to fulfil obligations under Article 4(4) and Article 6(1) of the Habitats Directive. Implementation of a remedy (which requires the designation of hundreds of sites, a determination of site objectives and the introduction of conservation measures) is ongoing but has been significantly delayed. This is partially owing to opposition from agri-businesses and related political influence.⁵⁷

Additionally, there is at least one judgment⁵⁸ and one referral⁵⁹ against the Irish State for failure to fulfil obligations with respect to wastewater management.

57 *Irish Farmers' Association*, Budget 2025 Submission - Supporting the Sustainable Development of the Food & Farming Sector, July 2024, <https://www.ifa.ie/wp-content/uploads/2024/07/IFA-PreBudget-Submission-2025-A4-Jul24-v10WEB.pdf>

58 *Court of Justice of the European Union, Judgment of the Court, European Commission v Ireland (Case C-204/24)* — Failure to fulfil obligations under Directive EU 2000/60/EC, 20 November 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A62024CJ0204>

59 *European Commission*, Commission decides to refer Ireland to the Court of Justice of the European Union for failing to comply with EU rules for treating urban waste water, 11 December 2025 https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2957

ANTI-CORRUPTION FRAMEWORK

General assessment

Despite repeated recommendations on the need for updated and fit-for-purpose public ethics legislation in the rule of law recommendations since 2022, yet again there has been no progress on this matter in 2025. Responses to parliamentary questions seem to suggest a weakening of government resolve to take forward recommended reforms. New issues have also emerged with respect to non-compliance in health service procurement and conflict of interest declarations in Ireland's Health Service Executive (HSE).

Implementation of 2025 Commission recommendations

Recommendation: Continue efforts to strengthen the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, and to strengthen and digitalise the asset declarations system (first made in 2022)

In response to a parliamentary question in November 2023, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation with responsibility for bringing forward reforms indicated that “[he] will engage with [his] officials over the coming months to determine the most appropriate way to deliver on this Programme for Government commitment”.⁶⁰ In response to a specific parliamentary question on the rule of law recommendation in December 2025, the Minister stated that there has been no progress on the recommendation since 2023.⁶¹

It is quite obvious, given the issue has been raised repeatedly by the Commission since 2022, that there is no political appetite to bring forward legislative reform in this area.

The recommendation itself is too vague and repeats previously made recommendations. It should include specific measures to improve capacity in SIPO and a timeline for the completion of the review of the ethics framework:

60 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas, 5 November 2025, https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq_338*

61 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas, 5 November 2025, https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq_338*

The Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation should publish and swiftly enact legislation to reform and consolidate the statutory framework governing public ethics which has been outstanding for five years and ensure that SIPO is fully resourced and equipped to deliver on its remit to detect, prevent and punish corruption.

Commission's 2025 assessment: Some further progress

ICCL's current assessment: No progress

Gaps in the Commission's Report

There were no important issues upon which the Commission should have made a recommendation but did not.

New Issues that Emerged in 2025

Non-compliance in procurement and conflict of interest frameworks within the Health Service Executive (HSE)

At a meeting of the Oireachtas (parliamentary) Committee of Public Accounts in October 2025, it was revealed that there is a high level of non-compliance with frameworks for the procurement of goods and services within the HSE (Ireland's public health and social care service). In a review of 28% of the HSE's 2024 spending on procurement of goods and services (worth some €1.5 billion), 9% was found to have been procured in a manner that was not compliant.⁶² An audit report highlighted concerns around the procurement of clinical services by University Hospital Limerick and apparent insourcing arrangements involving companies owned or part-owned by HSE employees. Staff working in senior roles in procurement within the public service are obliged to make annual declarations to SIPO on conflicts of interest, however, the HSE has acknowledged that compliance with this rule is insufficient. Across the HSE approximately a third of people with SIPO obligations were not declaring their interests as of October 2025.⁶³

62 *Houses of the Oireachtas, Committee of Public Accounts Debate - Financial Statements 2024: Health Service Executive, Houses of the Oireachtas, 16 October 2025, https://www.oireachtas.ie/en/debates/debate/committee_of_public_accounts/2025-10-16/3/*

63 *Houses of the Oireachtas, Committee of Public Accounts Debate - Financial Statements 2024: Health Service Executive, Houses of the Oireachtas, 16 October 2025, https://www.oireachtas.ie/en/debates/debate/committee_of_public_accounts/2025-10-16/3/*

Recommendation for 2026

Suggested recommendation: That a full audit is conducted of the HSE to ensure that compliance frameworks are enforced with respect to procurement and conflict of interest declarations, and that concrete and time-bound steps are taken to address deficiencies in same. This necessitates the introduction of a zero-tolerance culture and approach to tackling corruption, a heightened focus on transparency and accountability, and the proper resourcing of SIPO to carry out its mandate.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

ICCL's work on the media environment and media freedoms is limited to specific issues (e.g., defamation, SLAPPs) as outlined below. Our assessment is therefore not comprehensive; it is limited to these areas.

The long-delayed Defamation (Amendment) Bill 2024 is not yet complete. Once enacted, it will enhance protections for journalists in the area of defamation-related SLAPPs, but the protections are inadequate⁶⁴ and the full EU Anti-SLAPP Directive is yet to be transposed. No plans have been announced for same.

Similarly, there has been deliberate obfuscation from both government⁶⁵ and An Garda Síochána (the police service)⁶⁶ on the possible purchase and use of spyware. A potential serious issue emerged in late 2025 with the publication of the Garda Síochána (Powers) Bill 2025, which will allow for the seizure of journalists' electronic devices by police. This proposal has been widely condemned⁶⁷ and will be challenged as the legislation progresses.

64 *Irish Legal News*, Irish bill on SLAPPs will be impotent in practice, 9 July 2025 <https://www.irishlegal.com/articles/irish-bill-on-slapps-will-be-impotent-in-practice>

65 *Dáil Éireann Debate, Parliamentary Questions on Departmental Data, Thursday - 18 September 2025* <https://www.oireachtas.ie/en/debates/question/2025-09-18/301/>

66 *Conor Gallagher, Irish Times*, Garda Síochána paid substantial sums to Israeli spyware firm, 4 September 2025 <https://www.irishtimes.com/crime-law/2025/09/04/garda-siochana-paid-substantial-sums-to-israeli-spyware-firm/>

67 *The Journal*, 'Sinister': Serious concerns raised about Bill allowing gardaí to seize journalists' phones 7 January 2026 <https://www.thejournal.ie/gardai-seize-journalists-phones-6920598-Jan2026/>

Implementation of 2025 Commission recommendations

Recommendation: Complete the reform to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence (first made in 2024)

The government is moving forward with legislation which is intended to address this recommendation. The primary instrument for reform is the revised General Scheme of the Broadcasting (Amendment) Bill 2025, published in April 2025.⁶⁸ It gives effect to recommendations of the Future of Media Commission, the Expert Advisory Committee on Governance and Culture in RTÉ and Article 5 of the European Media Freedom Act.

The revised General Scheme was submitted to the Joint Oireachtas Committee (parliamentary committee) on Arts, Media, Communications, Culture and Sport for pre-legislative scrutiny and the Committee published its report with 85 recommendations on 17 September 2025.⁶⁹ In response to a parliamentary question, the Minister for Culture, Communications and Sport noted that the recommendations are currently being considered; the next steps will be to finalise the drafting of legislation and bring the Bill to government for approval and subsequent publication.⁷⁰

The Commission's recommendation is relatively clear, but could still be improved:

The Minister for Arts, Media, Communications, Culture and Sport should swiftly publish and enact legislation to complete the reform to provide funding for public service media that is appropriate for the full realisation of its public service remit while guaranteeing its independence.

Commission's 2025 assessment: Some progress

ICCL's current assessment: In progress

68 Department of Culture, Communications and Sport Broadcasting (Amendment) Bill, 17 October 2026 <https://www.gov.ie/en/department-of-culture-communications-and-sport/publications/broadcasting-amendment-bill/>

69 Joint Committee on Arts, Media, Communications, Culture and Sport Report on Pre-Legislative Scrutiny of the revised General Scheme of the Broadcasting (Amendment) Bill 17 September 2025 https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_arts_media_communications_culture_and_sport/reports/2025/2025-09-17_report-on-pre-legislative-scrutiny-of-the-revised-general-scheme-of-the-broadcasting-amendment-bill_en.pdf

70 Dáil Éireann Debate, Parliamentary Questions on the Media Sector, PQ 368, Houses of the Oireachtas, 15 January 2026 <https://www.oireachtas.ie/en/debates/question/2026-01-15/368/>

Recommendation: Finalise the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists (first made in 2022)

The Defamation (Amendment) Bill 2024 continues to progress through parliament, but very slowly.⁷¹ The provisions on the removal of juries in defamation cases remain despite objections from a large cohort of experts regarding the erosion of the role of the public in the administration of justice,⁷² as do inadequate anti-SLAPP provisions.⁷³

Following a general election in November 2024, the Bill was reintroduced to the order paper in 2025. The Minister for Justice, Home Affairs and Migration has not accepted opposition amendments which would serve to retain juries⁷⁴ and strengthen anti-SLAPP provisions to focus on the full range of potential SLAPPs, beyond those related to defamation.⁷⁵

This recommendation is repeated year on year with no recognition of the slow pace of reform. A stronger recommendation would be:

Complete the passage of the Defamation (Amendment) Bill 2024 in the Oireachtas but abandon plans to remove juries from the process and include measures to enhance the anti-SLAPP provisions of the Bill to fully transpose the EU Anti-SLAPP Directive.

Commission's 2025 assessment: Some further progress

ICCL's current assessment: In progress

Gaps in the Commission's Report

ICCL observed no important issues on which the Commission should have made a recommendation but did not, but reiterates that our work on the media environment and media freedoms is limited to specific issues as previously stated.

71 Defamation (Amendment) Bill 2024, Houses of the Oireachtas, <https://www.oireachtas.ie/en/bills/bill/2024/67/>

72 Law Society Gazette, Keep defamation juries – Law Society DG, 9 January 2024 <https://www.lawsociety.ie/gazette/top-stories/2024/january/keep-defamation-juries--law-society-dg/>

73 Law Society Gazette, Jury service, February 2025, <https://www.lawsociety.ie/gazette/in-depth/2025/jan-feb/jury-service/>

74 Dáil Éireann debate, Defamation (Amendment) Bill 2024: Committee Stage, Vol. 1066 No. 3, Houses of the Oireachtas, 30 April 2025, <https://www.oireachtas.ie/en/debates/debate/dail/2025-04-30/17/>

75 National Union of Journalists, NUJ expresses concern over Ireland's Defamation Amendment Bill, 9 July 2025 <https://www.nuj.org.uk/resource/nuj-expresses-concern-over-ireland-s-defamation-amendment-bill.html>

New Issues that Emerged in 2025

Proposals contained in the Garda Síochána (Powers) Bill 2025 allow for the seizure of journalists' phones

The Garda Síochána (Powers) Bill 2025,⁷⁶ published on 27 December 2025,⁷⁷ has drawn serious criticism over fears it will have a chilling effect on press freedoms and force journalists to reveal their sources. The proposal also works against one of the stated objectives of the European Media Freedom Act, namely the protection of journalistic sources,⁷⁸ which is in the process of being transposed in the Media Regulation Bill 2025.⁷⁹ Ann Marie Lenihan, CEO of NewsBrands Ireland (the representative group for news publishers in Ireland), said: “The bill needs to explicitly recognise journalistic protection of sources to bring the law into line with recent decisions of the Court of Justice of the European Union and the Irish Supreme Court.”⁸⁰ The National Union of Journalists has also voiced its opposition, saying, “There is a Supreme Court ruling and case law in the European Courts in relation to the protection of sources, so that would have to be taken into account. We would be concerned that [it] would run the risk of not protecting journalists’ sources. Journalists aren’t entitled to absolute privilege, but we would be looking for detailed clarification as to what the Bill will actually do in practice.”⁸¹

The proposals have been criticised by parties from across the political spectrum with Independent Ireland calling for an immediate Oireachtas review of the draft bill and for the inclusion of press

76 Draft Garda Síochána (Powers) Bill 2025, https://assets.gov.ie/static/documents/21e20094/SD_AGS_PB_2025.pdf

77 Department of Justice, Home Affairs and Migration, Minister Jim O’Callaghan to publish new legislation to consolidate Garda powers of search, seizure and detention, *Government of Ireland*, 27 December 2025 <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-to-publish-new-legislation-to-consolidate-garda-powers-of-search-seizure-and-detention/>

78 European Commission, *European Media Freedom Act*, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en

79 Department of Culture, Communications and Sport, Minister O’Donovan secures government approval of the General Scheme of the Media Regulation Bill, *Government of Ireland*, 3 July 2025 <https://www.gov.ie/en/department-of-culture-communications-and-sport/press-releases/minister-odonovan-secures-government-approval-of-the-general-scheme-of-the-media-regulation-bill/>

80 NewsBrands Ireland, NewsBrands Ireland seeks stronger protection of journalists’ sources in Garda Síochána (Powers) Bill, 6 January 2026 <https://newsbrandsireland.ie/newsbrands-ireland-seeks-stronger-protection-of-journalists-sources-in-garda-siochana-powers-bill/>

81 Brain Mahon, New powers would allow gardaí to seize journalists’ phones, *Extra.ie*, 6 January 2026 <https://extra.ie/2026/01/06/news/new-powers-journalists-phones>

and civil society stakeholders in any legislative process affecting journalistic freedom. The party also confirmed that it will table a Private Member's Bill which would elevate journalistic source protection to the status of a "protected privilege", with access only in cases of an imminent and specific threat to life, property or critical infrastructure, and only under tightly controlled judicial orders.⁸² The Social Democrats, Sinn Féin and Labour also expressed their opposition to the proposals.⁸³

Recommendations for 2026

Suggested recommendation: The Minister for Justice, Home Affairs and Migration should amend the Garda Síochána (Powers) Bill 2025 to ensure that any proposals relating to the seizure of digital devices and journalistic privileges comply with both domestic and international court rulings and guarantee that press freedoms and the protection of journalistic sources are upheld.

82 Roscommon People, Independent Ireland condemns "deeply dangerous assault on press freedom", 7 January 2026 <https://roscommonpeople.ie/independent-ireland-condemns-deeply-dangerous-assault-on-press-freedom/>.

83 Jane Matthews, 'Sinister': Serious concerns raised about Bill allowing gardaí to seize journalists' phones, *The Journal*, 7 January 2026 <https://www.thejournal.ie/gardai-seize-journalists-phones-6920598-Jan2026/>.

CHECKS AND BALANCES

General assessment

There have been no public updates on progress related to the recommendation on access to civil society funding. Following the November 2024 general election, changes in parliamentary rules have undermined the role of the opposition in holding the government to account. Furthermore, politicians and civil society have raised concerns about the application of the EU Whistleblowing Directive (2019/1937)⁸⁴ in practice as it pertains to the roles of government ministers and poor involvement of CSOs in the development of primary legislation.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the 1997 Electoral Act (first made in 2022)

The Electoral Commission is privately consulting with stakeholders as part of a review of the Electoral Act 1997, to include consideration of issues around access to non-domestic advocacy funding for civil society organisations. Section 22(2)(aa) of the Act effectively prohibits any person or organisation based in

Ireland from accepting any international donations to assist them in influencing public policy.⁸⁵ No progress has been announced but a report with recommendations is expected in 2026, as outlined in a response to a parliamentary question in December 2025.⁸⁶

The Commission's recommendation is too broad and vague. The recommendation should call on the Department of Housing, Local Government and Heritage to legislate swiftly to address the issues related to civil society funding which have been repeatedly highlighted by the Commission:

84 Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>

85 Electoral Act, 1997 (As Amended), Part 4, Section 22(2)(aa) <https://www.iccl.ie/wp-content/uploads/2018/09/Electoral-Act-1997-Consolidated.pdf>

86 Dáil Éireann Debate, Parliamentary Questions on Departmental Data, PQ 508, Houses of the Oireachtas, 9 December 2025, https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq_508

The Department of Housing, Local Government and Heritage should amend the Electoral Act 1997 to remove funding restrictions placed on civil society to ensure freedom of association is guaranteed and in compliance with the judgment of the CJEU in case C-78/18 on the free movement of capital.⁸⁷

Commission's 2025 assessment: Some further progress ICCL's current assessment: No visible progress

Gaps in the Commission's Report

There were no important issues upon which the Commission should have made a recommendation but did not.

New Issues that Emerged in 2025

Politicisation of the speaker of parliament role and undermining of the function of the opposition following 2024 general election

Ireland held a general election on 29 November 2024; in December the newly-elected members of Dáil Éireann (the lower house of the Irish Parliament) elected a new Ceann Comhairle (speaker) of the Dáil.⁸⁸ Her nomination and election were part of a coalition deal between the governing coalition parties (Fianna Fáil and Fine Gael) and a bloc of independent TDs (elected members of Dáil Éireann) known as the Regional Independent Group (RIG). As part of this deal, in return for supporting the coalition government, the RIG was granted a number of junior ministerial positions and the Ceann Comhairle role.⁸⁹ This generated disquiet among opposition TDs and some observers, who raised concerns about the impact of the deal on the role's impartiality.⁹⁰

87 *Court of Justice of European Union, Judgment of the Court, C-78/18 - Commission v Hungary* ('Transparency of associations'), 18 June 2020 <https://curia.europa.eu/juris/document/document.jsf?jsessionid=F68FE797C7CE2248CD46A9F-7C6FA8663?text=&docid=227569&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2630599>

88 Marie O'Halloran, Verona Murphy makes Dáil history as first woman Ceann Comhairle, *The Irish Times*, 18 December 2024, <https://www.irishtimes.com/politics/oireachtas/2024/12/18/verona-murphy-makes-dail-history-as-first-woman-ceann-comhairle/>

89 Justine McCarthy, How 'stroke' politics saddled Ireland's new government with a fox in the hen house, *The Guardian*, 25 January 2025 <https://www.theguardian.com/commentisfree/2025/jan/25/how-stroke-politics-saddled-irelands-new-government-with-a-fox-in-the-hen-house>

90 Chloe O'Keefe, 'You need to go' — Opposition leaders voice no confidence in Ceann Comhairle, *Extra.ie* 26 March 2025 <https://extra.ie/2025/03/26/news/politics/ceann-comhairle-no-confidence>

Concerns deepened in early 2025 when members of the RIG sought to form a “technical group” to secure opposition-style speaking rights, despite being aligned with the government.⁹¹ In February, the Ceann Comhairle ruled that the group did not meet the criteria under the standing orders, a decision welcomed by opposition parties and seen as upholding parliamentary norms.⁹²

However, in March, Dáil Éireann passed a government motion amending the standing orders to create a new “Other Members” category for speaking rights.⁹³ This new designation provided government-aligned independents and backbench TDs with dedicated speaking time that was formally distinct from both government and opposition benches.⁹⁴ During the session, there were heated objections and chaotic scenes; opposition TDs shouted protests and the House was suspended.⁹⁵

Opposition parties responded by tabling, for the first time in the history of the State, a motion of no confidence in a sitting Ceann Comhairle. The motion was defeated (96 votes to 71, with two abstentions) and the Ceann Comhairle retained her position.⁹⁶

The events outlined above have weakened the internal accountability architecture within the Oireachtas (national parliament) and reduced the ability of opposition TDs to challenge and scrutinise executive power. A neutral, apolitical office has been re-cast in perception, as a political instrument. The episode also delayed the legislative functioning of the Oireachtas.⁹⁷

91 Eva Osborne, Explained: Who are the eight Independent TDs joining government, *BreakingNews.ie*, 16 January 2025, <https://www.breakingnews.ie/ireland/explained-who-are-the-eight-independent-tds-joining-government-1718485.html>

92 David MacRedmond, Verona Murphy explains decision to deny regional independents opposition technical group, *The Journal*, 4 February 2025, <https://www.thejournal.ie/verona-murphy-explains-decision-to-deny-regional-independents-opposition-technical-group-6612983-Feb2025/>

93 Dáil debate record, *Houses of the Oireachtas*, 25 March 2025, pg738 <https://data.oireachtas.ie/ie/oireachtas/debateRecord/dail/2025-03-25/debate/mul@/main.pdf>

94 Jack McCarron, Joe Mag Raollaigh, Reigniting: All you need to know about the Dáil speaking rights row, *RTE News*, 24 March 2025, <https://www.rte.ie/news/primetime/2025/0324/1503633-reigniting-all-you-need-to-know-about-the-dail-speaking-time-row/>

95 RTE News YouTube, The Dáil was suspended amid chaotic scenes as the speaking rights row boiled over again, 25 March 2025, <https://www.youtube.com/watch?v=4sFmy95DRRE>

96 Cillian Sherlock, Gráinne Ní Aodha, Ceann Comhairle wins no confidence vote in divided Dáil, *BreakingNews.ie*, 1 April 2025 <https://www.breakingnews.ie/ireland/speaker-wins-confidence-vote-in-divided-irish-parliament-1747207.html>

97 Jane Matthews, Oireachtas committees won't be running properly until after Easter due to speaking rights row, *TheJournal.ie*, 4 March 2025 <https://www.thejournal.ie/speaking-rights-row-committees-dail-6638651-Mar2025/>

It should be noted, however, that notwithstanding the controversy, one year on the new Ceann Comhairle is largely seen by members of the opposition as being effective in her role.⁹⁸

Incorrect interpretation of Protected Disclosures Act 2014

Recent statements made on the record of Dáil Éireann raise serious concerns regarding the interpretation and operation of Ireland's protected disclosures framework. During Leaders' Questions on 12 November 2025⁹⁹ and 25 November 2025,¹⁰⁰ the Taoiseach (Prime Minister) and the Minister for Climate, Energy and the Environment stated that ministers are legally prohibited from reading protected disclosures submitted via the ministerial reporting channel, asserting that such disclosures must be transmitted to the Office of the Protected Disclosures Commissioner "sight unseen" and that Ministers "do not engage with" their contents. This interpretation is not expressly supported by the Protected Disclosures Act 2014,¹⁰¹ as amended in 2022.¹⁰²

The Act defines ministers as "relevant persons", imposes statutory duties on them to receive and transmit disclosures, and restricts the disclosure of a reporting person's identity rather than access to the substance of allegations. Statutory guidance issued under Section 21 of the Act envisages engagement by senior office-holders where disclosures concern serious or systemic wrongdoing.¹⁰³ The asserted prohibition risks structurally insulating ministers from knowledge of wrongdoing within their remit, thereby weakening ministerial accountability under the Ministers and Secretaries Acts 1924-2022?¹⁰⁴ and undermining the effectiveness of the EU Whistleblowing Directive, which requires competent authorities to assess and act upon reports at appropriate senior levels.¹⁰⁵ Civil society and politicians

98 Jane Matthews, They won't shout about it, but Verona Murphy has quietly won over the Opposition, *The Journal*, 4 January 2026 <https://www.thejournal.ie/verona-murphy-ceann-comhairle-2-6916227-Jan2026/>

99 Dáil Éireann Debates, Leaders' Questions, Vol. 1075 No. 3, Houses of the Oireachtas, 12 November 2025, <https://www.oireachtas.ie/en/debates/debate/dail/2025-11-12/2/>

100 Dáil Éireann Debates, Leaders' Questions, Vol. 1076 No. 2, Houses of the Oireachtas, 25 Nov 2025 <https://www.oireachtas.ie/en/debates/debate/dail/2025-11-25/3/>

101 Protected Disclosures Act 2014, Acts of the Oireachtas, <https://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

102 Protected Disclosures (Amendment) Act 2022, Acts of the Oireachtas, <https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/html>

103 Department of Public Expenditure, NDP Delivery and Reform, Protected Disclosures Act: Statutory guidance for public bodies and prescribed persons, Government of Ireland, July 2023 <https://assets.opdc.ie/media/285139/e9c29575-0f06-4c55-9693-401a47d96ca8.pdf>

104 Law Reform Commission, Ministers and Secretaries Act 1924, <https://revisedacts.lawreform.ie/eli/1924/act/16/revised/en/html>

105 Directive EU 2019/1937, Articles 5, 6, 20.

have voiced concerns regarding the way in which ministers seem to be interpreting their duties under the Act based on the above statements in parliamentary debates.

Barriers to civil society participation in policy- and lawmaking

Concerns regarding participatory law-making and civic space in Ireland have been raised in Dáil Éireann, in the media¹⁰⁶ and in a letter signed by 113 CSOs to the Houses of the Oireachtas Commission (the governing body responsible for the administration of the Oireachtas).

During a committee debate on 11 December 2025,¹⁰⁷ opposition TD Pádraig Rice referred to the letter which expressed civil society's dissatisfaction at being routinely ill-informed of legislative and policy developments, inadequately notified of consultations, and excluded from meaningful engagement until late stages of the legislative process. He characterised these issues as systemic rather than isolated, echoing findings in ICCL's *That's Not Your Role* report from 2024, which documents structural barriers to civil society participation in policy-making and a culture of defensiveness within public decision-making.¹⁰⁸

In response, the Taoiseach reaffirmed the government's commitment to consultation and cited existing engagement structures and legislative constraints, without directly addressing concerns relating to advance notice, transparency of legislative planning and consistency of consultation practices.¹⁰⁹ These issues align with data from the Organisation for Economic Co-operation and Development (OECD) showing limited stakeholder engagement during early stages of primary law development in Ireland, raising broader rule of law concerns regarding transparency, accountability and inclusive governance.¹¹⁰

106 Pádraig Rice TD, We have a go-slow government and a dysfunctional Dáil, *The Journal*, 6 January 2026 <https://www.thejournal.ie/readme/opinion-we-have-a-go-slow-government-and-a-dysfunctional-dail-6915053-Jan2026/>

107 Working Group of Committee Cathaoirligh, Engagement with An Taoiseach, Oireachtas Joint and Select Committees, Kildare Street, 11 December 2025 <https://www.kildarestreet.com/committees/?id=2025-12-11a.4#g33>

108 Irish Council for Civil Liberties, Community and voluntary organisations afraid to criticise the State for fear of financial implications, 1 May 2024 <https://www.iccl.ie/news/thats-not-your-role/>

109 Working Group of Committee Cathaoirligh, Engagement with An Taoiseach, Oireachtas Joint and Select Committees, Kildare Street, 11 December 2025, <https://www.kildarestreet.com/committees/?id=2025-12-11a.4#g35>

110 Organisation for Economic Co-operation and Development, OECD Regulatory Policy Outlook 2025, 9 April 2025, https://www.oecd.org/en/publications/oecd-regulatory-policy-outlook-2025_56b60e39-en/full-report/regulating-for-people_6d2fc8d4.html#chapter-d1e2044-036752c453

Recommendations for 2026

To address the aforementioned developments in 2025, we would like to see the Commission's upcoming report include the following recommendations.

Suggested recommendation: The practice of allocating 'Other Members' speaking time in parliament to be discontinued and procedures put in place to ensure the neutrality of the office and election process of the Ceann Comhairle.

Suggested recommendation: The Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to ensure the EU Whistleblowing Directive is implemented in a manner that requires ministers to fulfil their duties with respect to protected disclosures.

Suggested recommendation: The Houses of the Oireachtas Commission to adopt binding minimum standards for civil society participation in the legislative process, in line with Article 25 of the International Covenant on Civil and Political Rights and the obligation to ensure effective participation in public affairs.¹¹¹ These standards should give effect to existing commitments, including guidance issued by the Department of Rural and Community Development,¹¹² by requiring advance publication of legislative plans, minimum consultation periods at early stages of primary legislation, and transparent reporting on how submissions are considered. These standards should be embedded within the Public Sector Equality and Human Rights Duty¹¹³ and subject to oversight to ensure consistent application across departments.

111 *United Nations, International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>*

112 *Department of Rural and Community Development, Values and Principles for Collaboration and Partnership Working with the Community and Voluntary Sector, Government of Ireland, 2022, <https://assets.gov.ie/static/documents/values-and-principles.pdf>*

113 *Irish Human Rights and Equality Commission, What is the Public Sector Equality and Human Rights Duty? 2025 <https://www.ihrec.ie/public-sector-duty>*

CONTACTS

Irish Council for Civil Liberties (ICCL)

The Irish Council for Civil Liberties (ICCL) is Ireland's oldest independent human rights organisation. It has been at the forefront of every major rights advance in Irish society for 50 years, since 1976. ICCL helped decriminalise homosexuality, divorce, and contraception. It has fought censorship and driven police reform, defending suspects' rights in dark times. In recent years, ICCL has led successful campaigns for marriage equality, data protection, and reproductive rights.

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ABOUT THE CONTRIBUTING ORGANISATIONS

Italian Coalition for Civil Liberties and Rights (CILD)



Founded in 2014, the CILD is a network of civil society organisations that protect and expand the rights and liberties of all, through a combination of advocacy, public education and legal action.

Antigone



Antigone, an Italian Non-Governmental Organisation (NGO) founded in 1991, deals with human rights protection in the penal and penitentiary system. Antigone carries out cultural work on public opinion through campaigns, education, media, and publications. It conducts studies and research and cooperates in writing normative texts. Thanks to its Observatory on Italian Prisons for Adults and Minors, it monitors conditions in all prisons in Italy and publishes a report on the Italian penitentiary system. Antigone also has an ombudsman and legal clinics around Italy that collect complaints from prisoners. Antigone also carries out investigations about ill-treatment and is at times formally involved in the related trials.

Osservatorio Balcani e Caucaso Transeuropa (OBCT)



Established in 2000, OBCT is a think tank focused on Southeast Europe, Turkey, and the Caucasus that explores and reports on the socio-political and cultural developments of Italy and six other European Union (EU) Member States, namely those taking part in the EU enlargement process and those included in the European Neighbourhood Policy. As an operational unit of the Center for International Cooperation, OBCT is committed to strengthening the European project by supporting transnational relations and raising public awareness on areas at the heart of many European challenges, thanks to a participatory and multi-sectoral approach that weaves together online journalism, research, training, outreach, and policy advice.

StraLi (STRAtegic LItigation)

STRA LI

strategic litigation

StraLi is a non-profit organisation of legal professionals dedicated to safeguarding rights through strategic litigation. It is a non-partisan, non-denominational, democratic association recognised as an ETS - ODV (Third Sector Entity - Voluntary Organisation). Guided by principles of civic engagement, solidarity, and social benefit, StraLi focuses on protecting fundamental rights and freedoms by utilising both national and international judicial systems.

OVERALL ASSESSMENT: DISMANTLER

This year followed the trajectory initiated in 2022, when Giorgia Meloni took office as Prime Minister. This government has been slowly eroding the rule of law and civic space. In particular, the increasing criminalisation process, which started at the very beginning of this legislature, peaked with the Security Decree - passed in April 2025 and converted into law in June 2025 - and is proceeding with the practical application of such measures, targeting minorities, dissenting people, and activists of all types. Moreover, migration policies have become more and more restrictive, despite being continuously challenged by the judiciary, against which government officials started launching smear attacks, threatening its independence and authority. As a consequence, deaths in the Mediterranean increased, search and rescue (SAR) ships were often detained and heavily fined, and the migration management and repatriation procedures were externalised to Albania.

2025 started with the violation of the International Criminal Court (ICC) orders with the Almasri case¹ and the emergence of the use of spyware against activists and journalists, once again challenging international law, and, on the other hand, violently threatening and dissuading civil participation and free journalism in Italy. This year we also witnessed the failure of the Prisons Decree in tackling overcrowding in prisons, while more criminal charges were introduced in the Italian framework due to the Security Decree and other criminalising provisions. Lastly, the bomb attack against journalist Ranucci from Report was the tip of the iceberg of the current state of media and press freedom in Italy.²

In 2025, on one hand, the Italian government managed to strengthen institutions by reducing responsibilities of public officials and increasing guarantees, especially for public order officials. On the other hand, it pursued threats against dissenting opinions, the violent repression of demonstrations, increasing discriminatory policies against ethnic minorities and migrant people, harsh criminalisation of activists, and a growing political pressure on the magistrature.

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- 1 ANSA, *Italy failed to comply with obligations over Almasri case – ICC*, InfoMigrants, 21 October 2025, <https://www.infomigrants.net/en/post/67629/italy-failed-to-comply-with-obligations-over-almasri-case--icc>; Redazione MeltingPot, *The International Criminal Court accuses the Meloni government in the Almasri case (La Corte Penale Internazionale accusa il Governo Meloni sul caso Almasri)*, MeltingPot 1 July 2025, <https://www.meltingpot.org/2025/07/la-corte-penale-internazionale-accusa-il-governo-meloni-sul-caso-almasri/> [in Italian]
 - 2 Redazione, *An explosive device detonates under the car of Report host Sigfrido Ranucci (Esplode un ordigno sotto l'auto del conduttore di Report Sigfrido Ranucci)*, 17 October 2025, Il Manifesto, <https://ilmanifesto.it/esplode-un-ordigno-sotto-l'auto-del-conduttore-di-report-sigfrido-ranucci> [in Italian]

Assessment of the trajectory

Against this backdrop, as in the *2025 Rule of Law Report*, Italy is flagged as a dismantler, due to the systematic and deliberate erosion of the rule of law by its governments. No progress has been recorded both in the justice system and in the anti-corruption framework, while severe regression has been pointed out in the field of media and press freedom and democratic checks and balances.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Since the Meloni government started ruling the country in 2022, civil society organisations (CSOs) and international organisations have pointed out concerning developments in the rule of law, causing a progressive shrinking of the civic space in Italy. For this reason, Italy has often been compared to Orbán's Hungary. Indeed, increasing intolerance and repression of protests, the criminalisation of dissent and minorities, institutional forms of racism, media freedom under continuous threats and the repetitive condemnation of Italy for violations of the Article 3 of the European Convention on Human Rights (ECHR) in prisons are subtle elements supported by the government within a wider political project aimed at strengthening institutions and oppressing the people, through a punitive approach, in an increasingly complex geopolitical context.

If the European Commission, the European Parliament, or one third of the Member States consider - based on sources such as the Commission's Annual Rule of Law Report and information provided by civil society - that there is a clear risk of a serious breach of the values referred to in Article 2 TEU (Treaty on European Union) (*Trattato sull'Unione Europea, TUE*) in Italy, it may submit a reasoned proposal to the Council pursuant to Article 7(1) TEU. This occurred in 2018 in relation to Hungary, when the European Parliament submitted a reasoned proposal under Article 7(1) TEU. Therefore, if the EU Commission acknowledged in its annual report the rule of law concerns highlighted in this independent report and its past editions, those elements would probably be sufficient to potentially trigger an Article 7(1) TEU procedure. Indeed, many early signs of a progressive and severe erosion of the civic space and the rule of law are precisely outlined by CSOs but overseen by the EU Commission and denied by the government.

The same goes for triggering budget conditionality mechanisms, as the EU Commission Rule of Law Report is one of the core sources for the Commission's assessment. By acknowledging the concerning state of the rule of law in Italy, the EU could indeed trigger budget conditionality mechanisms as a

form of sanction to demand legal changes.³ This mechanism has only been activated once against Hungary in 2022, due to corruption concerns; we noted that the anti-corruption framework in Italy lacks integrity, and 2025 developments risk raising chances of corruption.

At the end of December 2025, Italy had 69 infringement procedures open, most of them for bad application of directives (25) and non-conformity of transposition for directives (19).⁴ At the end of 2024, 39 pre-infringement dialogues were open.⁵ Seven new infringement procedures were opened in December 2025, mainly targeting the lack of transposition of EU directives concerning nature and sustainability.⁶ Under media pressure due to a severe attack against a journalist, the government rushed the transposition of the EU Anti-SLAPP (Strategic Lawsuits Against Public Participation) directive – after two years of negligence, Italy could have gone through an infringement procedure in May 2026.⁷ Lastly, the insufficient compliance of the reformed Consolidated Audiovisual Media Services Act (TUSMA) (*Testo Unico dei Servizi di Media Audiovisivi*) can also consist in non-compliance with the European Media Freedom Act (EMFA), mostly in force since August 2025, hence triggering an infringement procedure. Other legal fields sensitive to potential infringement procedures in 2026 are mainly about the environment, hence do not directly impact the rule of law in the country.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

- 3 Csaky, Z. , *Freezing EU funds: An effective tool to enforce the rule of law?*, Centre for European Reform, 27 February 2025, <https://www.cer.eu/insights/freezing-eu-funds-effective-tool-enforce-rule-law>
- 4 European Commission, *Repartition of infringement cases by type Applied filters: Member State: Italy; Policy area: All; Topic: All ; 5 January 2026*, <https://ec.europa.eu/implementing-eu-law/member-state-infringement-cases/en>
- 5 European Commission, *Infringement decisions adopted in a year Applied filters: Member State: Italy; Infringement type: All; Policy area: All; Topic: All ; 5 January 2025*, <https://ec.europa.eu/implementing-eu-law/member-state-infringement-cases/en>
- 6 Bonini, E., *Seven infringement procedures in one go: the EU's Christmas gift to the Meloni government*, EUnews, 11 December 2025, <https://www.eunews.it/en/2025/12/11/seven-infringement-procedures-in-one-go-the-eus-christmas-gift-to-the-meloni-government/>
- 7 Oleandri, A., Gherardi, S. , *Policy Brief: SLAPP in Italia: impatto, lacune normative e proposte*, CILD, 28 November 2025, <https://cild.eu/wp-content/uploads/2025/11/Policy-Brief-SLAPP-IN-ITALIA-Cild.pdf> [in Italian]

JUSTICE SYSTEM –

General assessment

While the pace of recruitment of judges and administrative staff is a positive development,⁸ the lack of early action on the stabilisation of administrative staff is a serious warning sign with potentially severe consequences in 2026. Around 12,000 staff members recruited using Italy's National Recovery and Resilience Plan (PNRR) (*Piano Nazionale di Ripresa e Resilienza*) funds will see their contracts expire in 2026, and the current 2026 Budget Law contains no provisions for their renewal or stabilisation of these positions.⁹ Most of these staff members provide legal and administrative support to judges within the Office for the Trial (*Ufficio per il Processo*).¹⁰ If their contracts are not renewed, there is a real risk that the progress achieved so far – including in the criminal sector – will be reversed.¹¹

The length of proceedings is further undermined by persistent deficiencies in the new digital case management system for criminal courts. Since its introduction, the system has suffered from serious technical shortcomings that remain unresolved.¹² For instance, it happened that documents uploaded by public prosecutors for the deputy prosecutor to double-check them would disappear from the system, forcing prosecutors to redraft them.¹³ Given the serious risks posed by the system's shortcomings

8 European Commission (2025), *2025 Rule of Law Report Country Chapter on the rule of law situation in Italy*, SWD(2025) 912 final, Strasbourg, 8 July 2025, pp. 5-6, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en

9 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

10 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

11 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

12 Il Post, The electronic criminal trial is already blocked (*Il processo penale telematico è già bloccato*), Il Post, 8 January 2025, <https://www.ilpost.it/2025/01/08/processo-penale-telematico-bloccato/> [in Italian]

13 Frosina, P., Nordio's "App" now makes documents disappear: Prosecutor's offices paralyzed. The National Magistrates' Association (ANM): "These are the priorities, not separation." (*La "App" di Nordio ora fa sparire gli atti: Procure paralizzate. L'Anm: "Queste sono le priorità, altro che separazione"*), Il Fatto Quotidiano, 7 November 2025, a <https://www.ilfattoquotidiano.it/2025/11/07/app-nordio-atti-scomparsi-procure-paralizzate-oggi/8188290/> [in Italian]

and following repeated warnings of members of the judiciary, the Ministry of Justice drafted a decree to postpone the mandatory extension of the digital system to preliminary investigations to the end of March 2026 (originally set for 1 January 2026).¹⁴ Temporary derogations persisted throughout 2025, increasing the risk of territorial disparities in digital infrastructure and undermining the overall coherence of the reform.¹⁵

The Italian ‘Milleproroghe’ Decree - converted with Law No. 18/2024¹⁶ - again postponed the broadening of competences allocated to the Justice of the Peace (*Giudice di Pace*) within civil jurisdiction, under the Cartabia reform revealing a deeper structural crisis in the justice system.¹⁷ A further challenge is that many Justice of Peace offices are understaffed to efficiently carry out the additional tasks resulting from this reform.¹⁸ Scholars and the Constitutional Court have stressed the need for stability, training, and adequate status for these judges to preserve the quality and independence of judicial protection. This delay risks undermining the constitutional guarantee of a reasonable length of proceedings and frustrating reform objectives.¹⁹

14 Frosina, P., Online trials: Nordio’s “App” for wiretapping will soon be mandatory. The CSM: “Postpone or the evidence will disappear.” (*Processo telematico, a breve la “App” di Nordio sarà obbligatoria per intercettare. Il Csm: “Rinvviare o spariranno le prove”*), *Il Fatto Quotidiano*, 11 December 2025, <https://www.ilfattoquotidiano.it/2025/12/11/processo-telematico-app-intercettazioni-csm-rinvio-notizie/8223146/> [in Italian]

15 Redazione (2025), Online criminal proceedings: application suspended (*Processo penale telematico: sospeso l’applicativo, Il diritto, quotidiano Dike*), 23 January 2025, <https://ildiritto.it/penale/processo-penale-telematico-sospeso-lapplicativo/> [in Italian]

16 Law No. 18 of 23 February 2024, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2024-02-23;18> [in Italian]

17 Moving its effective date from October 31st, 2025, to June 30, 2026. See: Zimbé Zaire, E., The postponement of the entry into force of the Justice of the Peace’s new powers: regulatory aspects and systemic criticalities (*Il rinvio dell’entrata in vigore delle nuove competenze del Giudice di Pace: profili normativi e criticità sistemiche, Processo Civile Telematico*), 8 April 2025, <https://www.processociviletelematico.it/2025/04/08/il-rinvio-dellentrata-in-vigore-delle-nuove-competenze-del-giudice-di-pace-profil-normativi-e-criticita-sistemiche/?utm> [in Italian]

18 Senato della Repubblica, *Ordine del giorno 279a seduta pubblica*, 27 February 2025, pp. 12-15,; <https://www.senato.it/service/PDF/PDFServer/BGT/1446636.pdf?utm> [in Italian]

19 Zimbé Zaire, E., The postponement of the entry into force of the Justice of the Peace’s new powers: regulatory aspects and systemic criticalities (*Il rinvio dell’entrata in vigore delle nuove competenze del Giudice di Pace: profili normativi e criticità sistemiche, Processo Civile Telematico*), 8 April 2025, <https://www.processociviletelematico.it/2025/04/08/il-rinvio-dellentrata-in-vigore-delle-nuove-competenze-del-giudice-di-pace-profil-normativi-e-criticita-sistemiche/?utm> [in Italian]

As a follow-up to the findings in the EU Commission's 2025 Rule of Law Report,²⁰ on 30 October 2025, the parliament approved the constitutional reform which would separate the career paths of the judiciary and public prosecutors.²¹ Under Article 138 of the Constitution, the reform will be the object of a confirmatory referendum, which will be held on 22 and 23 March 2026.²² This reform would make it not possible anymore for magistrates to move from one career to the other and would also split the Superior Council of the Judiciary (CSM) (*Consiglio Superiore della Magistratura*) into two different governing bodies, which would be competent over only one branch of the magistrature and adopt a new way of electing magistrates. Critics continue to warn that the creation of two careers and two CSMs risks increasing political influence over prosecutors, particularly due to the fact that members of the governance bodies would be selected partly by lot and partly with the involvement of the parliament.²³ Those consequences raise particular concerns in the light of the tug-of-war between the government and the magistrature, which went on throughout the year, with open criticisms raised by the government over the magistrature's decisions on migration issues.²⁴

20 European Commission (2025), *2025 Rule of Law Report Country Chapter on the rule of law situation in Italy*, SWD(2025) 912 final, Strasbourg, 8 July 2025, p. 4, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en

21 Acts of Constitutional bodies (*Atti degli organi costituzionali*), Career separation: the text of the constitutional law in the Official Journal (pending the referendum) (*Separazione delle carriere: il testo della legge costituzionale in Gazzetta Ufficiale* (in attesa del referendum), *Sistema Penale*, 30 October 2025, <https://www.sistemapenale.it/it/documenti/separazione-delle-carriere-il-testo-della-legge-costituzionale-in-gazzetta-ufficiale-in-attesa-del-referendum> [in Italian]

22 Sky TG 24, *Justice Referendum 2026: When and What to Vote For* (*Referendum Giustizia 2026, quando e per cosa si vota*), 12 January 2026, <https://tg24.sky.it/politica/2026/01/12/referendum-giustizia-2026-data> [in Italian]

23 ANSA English Desk, *Magistrates protest at judicial-year-opening ceremonies*, ANSA, 25 January 2025, https://www.ansa.it/english/news/politics/2025/01/25/magistrates-protest-at-judicial-year-opening-ceremonies_5b7c724d-0472-4724-95f0-bf63c43bd8f7.html?utm

24 Bei, F., Cerami, F., De Cicco, F., Vitale, G., Career separation, Senate approval. Meloni: historic achievement. Marina Berlusconi: dad's victory (*Separazione carriere, ok del Senato. Meloni: traguardo storico. Marina Berlusconi: vittoria di papà*, *la Repubblica*), 30 October 2025, https://www.repubblica.it/politica/2025/10/30/diretta/separazione_carriere_riforma_giustizia_voto_oggi_news-424947420/; RaiNews, Meloni slams the judiciary, and the National Magistrates' Association responds: "We don't engage in politics; we only respect the Constitution." (*Meloni contro le toghe, l'Anm risponde: "Non facciamo politica, rispettiamo solo la Costituzione"*), RaiNews, 8 August 2025, <https://www.rainews.it/articoli/2025/08/meloni-contro-le-toghe-l-anm-risponde-non-facciamo-politica-rispettiamo-solo-la-costituzione-c9baed15-4574-4427-9e13-983b254c5f4d.html> [in Italian]

Implementation of 2025 Commission recommendations

Recommendation: Complete the digital case management system for criminal courts and prosecution offices (first made in 2022)

According to the most recent data published by the Ministry of Justice, updated as of 30 September 2025, the ‘Digitalization investment’ for the justice sector is financed with €133,203,200, of which €59,053,996.79 has already been spent.²⁵ Last year, as of June 2024, €19,082,970.63 had been spent, so this year there has been a significant increase in spending. In addition, the government has introduced a new expenditure item called ‘Ministry Digitization’ in Table five of the 2026 Budget Bill dedicated to the Ministry of Justice, to which it allocates €4.7 million.²⁶

However, it should be noted that these positive figures are offset by a simultaneous reduction in a series of expenditure items necessary to make the entire expenditure sector efficient overall. In fact, within the overall allocation of funds to the Ministry, there has been a reduction of approximately €80 million in the civil and criminal justice programme. In particular, the contraction affected items allocated to judicial efficiency, cutting most of the investments that had been made possible by the so-called ‘Cartabia Reform’ and the National Recovery and Resilience Plan (PNRR) (e.g., reduction of court backlogs, support staff expenses, in particular the so-called Office for the Trial, training of administrative and judicial staff).²⁷

Commission's 2025 assessment: Some further progress

CILD's current assessment: Some progress

- 25 Ministry of Justice (Ministero della Giustizia), Digitization (M1C1-I1.6.2) (*Digitalizzazione (M1C1-I1.6.2)*), Ministero della Giustizia, https://www.giustizia.it/giustizia/page/it/pnrr_digitalizzazione [in Italian]
- 26 State General Accounting Office (Ragioneria Generale dello Stato), Table No. 5 - Budget estimates of the Ministry of Justice - Supplementary note to the budget bill for the year 2026 and for the three-year period 2026-2028 (*Tabella N. 5 - Stato di previsione del Ministero della Giustizia - Nota integrativa al disegno di legge di bilancio per l'anno 2026 e per il triennio 2026 - 2028*); https://www.rgs.mef.gov.it/_Documenti/VERSIONE-I/attivita_istituzionali/formazione_e_gestione_del_bilancio/bilancio_di_previsione/bilancio_finanziario/2026-2028/DLB/DLB-04-AT-050-GIUSTIZIA.pdf [in Italian]
- 27 Morelli, C., Digitalization of Justice: Ministry “takes everything” (*Digitalizzazione della Giustizia: Ministero “prende tutto”*), Altalex, 11 November 2025, <https://www.altalex.com/documents/news/2025/11/10/digitalizzazione-giustizia-ministero-prende-tutto> [in Italian]

Gaps in the Commission's Report

Constitutional Court deadlock: Parliament's delay in electing Constitutional Court judges

Following the expiry of the term of office of four of the judges of the Italian Constitutional Court, those positions remained vacant for some months, reopening a debate on the timely replacement of judges whose terms were expiring. The vacancies were only filled in February 2025, when parliament elected four new judges. Under the Italian Constitution, five judges of the Constitutional Court are elected by parliament in joint session and require a qualified majority, a mechanism designed to ensure broad political consensus and safeguard judicial independence.²⁸ Although late appointments are unfortunately common practice in Italian political and judicial contexts, the vacant positions within the Constitutional Court are capable of altering the delicate balance of powers that guarantees its independence.²⁹

Indeed, as noted in the 2025 report, the nomination of the missing members depends on a political compromise which needs to be reached in the parliament, precisely because the required qualified majority exceeds the governing coalition's ordinary political majority.³⁰

Prosecutorial and judicial accountability

In 2024, according to the Ministry of Justice's report to the parliament on Personal Precautionary Measures and Compensation for Unjust Detention, 552 people were compensated for unjust

28 In addition to the five judges elected by Parliament, five judges are elected by the magistrates of the three highest courts (three from the Corte di Cassazione, one from the Consiglio di Stato, and one from the Corte dei Conti), and the remaining five are elected by the President of the Republic.

29 In general, the Italian constitutional system is designed to limit the risk of appointments based solely on political affiliation. In fact, those appointed must be highly professional, excluding those with purely political careers. The term of office of a constitutional judge is longer than that of the legislature, thus preventing any overlap between appointment as a constitutional judge and a political office. The secret ballot within the Court also protects the appointed figure from political interference that could influence their work. The Constitution also requires that the appointment of judges by the parliament be made by a qualified majority, which, as such, requires a favorable vote greater than the political majority that reflects the executive branch of power. The election of the five judges by the parliament in a 'joint session,' i.e., by the two chambers meeting together, requires a two-thirds majority vote of the members in the first three ballots and a three-fifths majority vote of the members from the fourth ballot onwards.

30 *Civil Liberties Union For Europe*, *Liberties Rule of Law Report 2025 – Italy*, *Civil Liberties Union For Europe*, 17 March 2025, pp. 8–9, <https://www.liberties.eu/f/bwhfvr>.

detention.³¹ Among these cases, compensation resulting from judicial error (pursuant to Article 643 of the Code of Criminal Procedure)³² must be excluded. Given this, only two disciplinary actions were taken against magistrates.

According to the report by Enrico Costa,³³ at the Court of Cassation, a member of the Chamber of Deputies, promoter of the bill on the modification of the liability of magistrates and related disciplinary offences, the General Prosecutor receives 2,000 disciplinary reports every year.³⁴ Among these reports, over 95% are dismissed, but the reasons behind each decision are not published. In this context, the bill, assigned to the Justice Commission on 5 May 2025, is divided into four provisions.³⁵ Article 1 aims to change the conditions for recognizing compensation for wrongful imprisonment. Article 2 aims at greater coordination between the various areas when proceedings are opened for wrongful imprisonment, wrongful application of precautionary measures, or ‘abuse of process’. Article

31 Ministry of Justice - Department of Justice Affairs - General Directorate of Justice Affairs (Ministero della Giustizia - Dipartimento per gli Affari di Giustizia - Direzione Generale degli Affari Interni) , Personal Precautionary Measures and Reparation for Wrongful Imprisonment: Data for 2024 (*Misure Cautelari Personali e Riparazione per Ingiusta Detenzione: dati anno 2024*), January 2025, <https://terzultimafermata.blog/wp-content/uploads/2025/02/rel.-min.-giust.-misure-cautelari-gennaio-2025.pdf> [in Italian]

32 *The compensation for wrongful imprisonment guarantees the defendant the right to obtain fair compensation for wrongful imprisonment prior to the trial and, therefore, prior to the judgment. Judicial error, on the other hand, occurs when a person, after serving a sentence, or part of it, as a result of a conviction, is subsequently found innocent following a new trial.*

33 Chamber of Deputies (Camera dei Deputati), Bill - Amendments to the Code of Criminal Procedure, regarding fair compensation, as well as to the implementing, coordination and transitional provisions of the same code and to the legislative decree of 23 February 2006 n. 109, regarding liability, Parliamentary Acts Chamber of Deputies No. 2248 (*Proposta di legge - Modifiche al codice di procedura penale, in materia di equa riparazione, nonché alle norme di attuazione, di coordinamento e transitorie del medesimo codice e al decreto legislativo 23 febbraio 2006, n. 109, in materia di responsabilità*, Atti Parlamentari Camera dei Deputati No. 2248), 14 February 2025, https://images.processopenaleegiustizia.it/f/sentenze/documento_IUPy1_ppg.pdf [in Italian]

34 Chamber of Deputies (Camera dei Deputati), Unjust detention and disciplinary liability of magistrates (*Ingiusta detenzione e responsabilità disciplinare dei magistrati*), Camera dei deputati Servizio Studi XVIII Legislatura, 13 July 2020, <https://documenti.camera.it/leg18/dossier/Testi/gi0133.htm> [in Italian]

35 Chamber of Deputies (Camera dei Deputati), Bill - Amendments to the Code of Criminal Procedure, regarding fair compensation, as well as to the implementing, coordination and transitional provisions of the same code and to the legislative decree of 23 February 2006 n. 109, regarding liability, Parliamentary Acts Chamber of Deputies No. 2248 (*Proposta di legge - Modifiche al codice di procedura penale, in materia di equa riparazione, nonché alle norme di attuazione, di coordinamento e transitorie del medesimo codice e al decreto legislativo 23 febbraio 2006, n. 109, in materia di responsabilità*, Atti Parlamentari Camera dei Deputati No. 2248), 14 February 2025, https://images.processopenaleegiustizia.it/f/sentenze/documento_IUPy1_ppg.pdf [in Italian]

3 broadens the scope of disciplinary offences and, at the same time, repeals a provision excluding liability. It also intervenes in disciplinary proceedings by requiring the General Prosecutor at the Court of Cassation to no longer proceed directly with the dismissal of cases, but to share the decision with the Minister of Justice. Article 4 sets out the financial provisions.³⁶

While the prospect of providing people with easier access to compensation is encouraging, certain aspects of the reform raise concerns regarding its potential impact on judicial independence. In particular, Article 3 provides for the involvement of the Minister of Justice in decisions to dismiss disciplinary cases, thereby introducing the executive branch into a sensitive stage of disciplinary oversight of magistrates. This may create a risk of real or perceived political influence and weaken safeguards designed to ensure judicial independence. However, as the reform is still at the proposal stage, its final content and implications remain uncertain.

Ineffective procedure made the prison reform unable to reduce prison overcrowding

The situation in Italian prisons is dramatic. According to the latest data published by the Ministry of Justice, there were 63,868 inmates, compared to a regulatory capacity of 51,275 places, resulting in an official overcrowding rate of 125%.³⁷ However, it should be noted that as of 21 December 2025, there were 5,208 places unavailable, resulting in a real overcrowding rate of 138%.³⁸ The government measures adopted in recent years did not improve the situation. In particular, the so-called Prison Decree (Decree-Law No. 92 of 2024), converted into Law No. 112/2024, which was presented as the tool that would drastically reduce overcrowding in Italian prisons, has eventually failed to live up to expectations. It was only on 3 October 2025, that the provisions concerning the granting of early release were implemented by Presidential Decree 176/2025,³⁹ amending Presidential Decree 230/2000 to make the new measures provided for in the decree-law operational, especially with regard to how to submit applications and calculate deductions.

36 Andolina, E. , Updates on fair compensation and the liability of magistrates (Novità in tema di equa riparazione e di responsabilità dei magistrati), *Processo Penale e Giustizia*, 9 May 2025, https://www.processopenaleegiustizia.it/Tool/Evidenza/Single/view_html?id_evidenza=3505 [in Italian]

37 Ministry of Justice (Ministero della Giustizia), Current inmates - updated as of November 30, 2025 (Detenuti presenti - aggiornamento al 30 novembre 2025), Ministero della Giustizia, 30 November 2025, https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1482939 [in Italian]

38 See: Prison Overcrowding in Italy, An analysis of data from the Ministry of Justice, last updated 21 January 2026, <https://www.sovraffollamentocarcerario.it/> [in Italian]

39 Decree of the President of the Republic No. 176 of 3 October 2025, *Gazzetta Ufficiale della Repubblica Italiana*, <https://www.gazzettaufficiale.it/eli/id/2025/11/25/25G00184/SG> [in Italian]

In particular, the modification of the procedure for granting early release was presented as the measure that would lead to a reduction in the prison population. The implementing decree provides that for every six months of sentence served, the prisoner's file should contain notes on the prisoner's conduct and the absence of disciplinary proceedings against them. If the prisoner's conduct is negatively assessed, it should be communicated to the detainee, who has the right to apply to the Supervisory Judiciary for a new assessment within 30 days. The obligation to indicate the 'actual' end of the sentence and the 'virtual' end of the sentence, calculated taking into account the days of early release that the person accumulates during the period of imprisonment, has been included directly in the sentence. Within 90 days until the end of the sentence calculated by applying the so-called 'virtual early release', the Supervisory Judiciary will be required to take independent action to verify that the requirements for granting early release have been met. Nevertheless, it remains unclear how the magistrate can be aware of this deadline, as there are no provisions for improving communications between prisons and supervisory courts, nor for computerising data. Instead of addressing the failure of the judiciary to respond promptly to requests filed by detainees, this new procedure may result in misunderstandings and unnecessary delays.⁴⁰ Certainly, the goal of reducing overcrowding has not been achieved.

Caivano Decree destabilised juvenile justice system

In October 2022, when the current Italian government took office, Italian juvenile prisons hosted 392 children and young adults, which used to constitute less than 3% of the total number of young people under the care of the juvenile justice system. As of 15 December 2025, that number has risen to 568 in Juvenile Penal Institutions (IPM) (*Istituti Penali per i Minorenni*), marking an increase of over 44%.⁴¹

However, the peak crowding was recorded on 15 March 2025, when the number of young people in IPM reached 611. These figures would be significantly higher were it not for the fact that many young people, who were under 18 years old when they committed a criminal offence and who would have been eligible to remain in juvenile facilities until age 25, have instead been transferred to adult prisons upon turning 18. This practice, which the Caivano Decree has greatly facilitated in punitive terms, shows a complete disregard for the young person's rehabilitative path.

40 Fortuna, L. , Early release: what doesn't work (*Liberazione anticipata: cosa non funziona*), Ristretti Orizzonti, 20 December 2025, <https://ristretti.org/liberazione-anticipata-cosa-non-funziona> [in Italian]

41 Department of Juvenile and Community Justice - Office I of the Head of Department - Statistics Section (Dipartimento per la giustizia minorile e di comunità - Ufficio I del Capo Dipartimento - Sezione Statistica), Minors and young adults in the care of juvenile services - Updated as of December 15, 2025 (*Minorenni e giovani adulti in carico ai servizi minorili - Aggiornamento al 15 dicembre 2025*), Ministero della Giustizia, 19 December 2025, https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1485122 [in Italian]

This sharp rise has been particularly notable following the entry into force of the so-called ‘Caivano Decree’ in September 2023, which expanded the scope for applying pre-trial detention to children and reduced the use of alternatives to detention. It should be noted that roughly half of the young detainees are unaccompanied foreign children, many of whom have endured traumatic experiences and never received adequate reception or support upon arriving in Italy.⁴²

To cope with overcrowding, a section of the adult prison Dozza in Bologna was set aside for young adults with more difficult behaviour from all juvenile detention centres in Italy. The section was closed last November when the new juvenile detention centre in L’Aquila was inaugurated, followed shortly afterwards by the one in Lecce. At the end of June 2025, Antigone, Defence for Children Italia, and Libera launched a joint appeal – which was signed by over 100 organisations, guarantors and individuals – to halt the drift towards repression and reaffirm the role of juvenile justice as a space for support, rehabilitation and protection.⁴³ At the end of July, the appeal was submitted to the UN Committee on the Rights of the Child, which will assess the situation in Italy within the year.

Excessive litigation costs and language barriers in courts

Last year, the Criminal Division I of the Court of Florence raised the issue of constitutional legitimacy concerning the negligible remuneration paid to court assistants – in this case, reference was made specifically to interpreters and translators. The Constitutional Court, in its ruling No. 16 of 11 December 2024– 10 February 2025,⁴⁴ partially upheld the question, declaring the constitutional illegitimacy of Article 4, second paragraph, of Law No. 319 of 8 July 1980 (Remuneration due to experts, technical consultants, interpreters, and translators for operations carried out at the request of the judicial authorities) in the part in which it provides for the payment of a lower fee for services subsequent to the first. This offers a spark of hope that there will be more professionals able to support the work of the judiciary.

42 For the full analysis of the data up to 15 December 2025, see: Dipartimento per la giustizia minorile e di comunità – Ufficio I del Capo Dipartimento – Sezione Statistica (2025), *Minorenni e giovani adulti in carico ai servizi minorili – Aggiornamento al 15 dicembre 2025*, Ministero della Giustizia, 19 December 2025, available at: https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1485122.

43 Associazione Antigone, Defence for Children International – Italia, Libera (2025), *Urgent Appeal for Juvenile Justice in Italy*, 23 June 2025, available at: <https://www.antigone.it/news/3598-la-giustizia-minorile-e-in-crisi-le-associazioni-lanciano-un-appello-urgente-torni-la-cultura-educativa>.

44 The Constitutional Court (Corte Costituzionale), Sentence No. 16 11 December 2024 – 10 February 2025, Gazzetta Ufficiale della Repubblica Italiana, <https://www.gazzettaufficiale.it/eli/id/2025/02/12/T-250016/s1> [in Italian]

Language barriers in the Italian justice system have multiple implications. There are only a few interpreters and translators, partly due to a lack of resources and inadequate remuneration for the required work, and they are often not sufficiently trained in technical legal language or familiar with the dialects of the applicants.⁴⁵

New Issues that Emerged in 2025

Criminalisation of vulnerable minorities

The process of criminalising the most vulnerable minorities, as discussed in the *2025 Liberties Rule of Law Report*,⁴⁶ shows no sign of stopping. After the conversion into law of the Security Decree,⁴⁷ the Council of Ministers is considering issuing a new decree that would strengthen public order and immigration controls, introducing faster eviction procedures for occupied housing, tighter family reunification rules for migrants, harsher penalties for juvenile crime, expanded police powers, and broader restrictions on protests and civil liberties in the name of security.⁴⁸

With regard to prisons, in addition to the continued failure to address longstanding structural problems,⁴⁹ the Department of Prison Administration (DAP) (*Dipartimento dell'Amministrazione Penitenziaria*) has recently adopted measures that appear to further limit detainees' access to cultural and educational opportunities. In October 2025, the DAP issued an internal memo significantly tightening the conditions under which civil society volunteers may access prisons to organise educational, cultural, or rehabilitative activities. In particular, the circular established that the organisation

45 Alberto, C. (2025), *Razzismo linguistico nei tribunali: quando il linguaggio giuridico esclude*, AntiRazzismo, 14 June 2025, available at: <https://www.antirazzismo.com/razzismo-linguistico-nei-tribunali/>

46 Civil Liberties Union For Europe, *Liberties Rule of Law Report 2025 - Italy*, Civil Liberties Union For Europe, 17 March 2025, pp. 18-21, <https://www.liberties.eu/f/hwhfvr>

47 Presidency of the Council of Ministers, Decree-Law No. 48 of 11 April 2025, Gazzetta Ufficiale della Repubblica Italiana, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2025-04-11;48>

48 ANSA, Security bill heads to the Cabinet meeting, clampdown on migrants, child gangs, and evictions: the measures (*Di sicurezza verso il Cdm, sul tavolo stretta su migranti, baby gang e sfratti: le misure*), SkyTG24, 13 November 2025, <https://tg24.sky.it/politica/2025/11/13/di-sicurezza-misure-cosa-prevede> [in Italian]

49 As stated also by the President of the Republic, Sergio Mattarella, during his meeting with the Head of the Department of Prison Administration on 30 June 2025. See: Presidenza della Repubblica, Speech by the President of the Republic Sergio Mattarella during the meeting with the Head of the Department of Penitentiary Administration, together with a representation of the Penitentiary Police (*Intervento del Presidente della Repubblica Sergio Mattarella in occasione dell'incontro con il Capo di Dipartimento dell'Amministrazione Penitenziaria, unitamente a una rappresentanza della Polizia Penitenziaria*), Palazzo del Quirinale, 30 June 2025, <https://www.quirinale.it/elementi/134834> [in Italian]

of cultural, educational, and rehabilitative activities within prisons hosting High Security sections - including facilities holding collaborators of justice and detainees under the 41-bis regime - would no longer be authorised by the individual prison directors, but instead would require prior approval from the DAP itself. The circular further requires that authorisation requests be submitted with 'adequate advance notice' and include a range of detailed information that is often difficult to determine in advance, such as the total number of participants⁵⁰ Although authorities have partially revised these provisions,⁵¹ following strong pressure by practitioners and civil society organisations,⁵² it did not reverse the centralisation of decision-making at the DAP level nor substantially reduce the bureaucratic burden on organisations. This is an emblematic symbol of a broader regression in the recognition of the educational and social function of detention.

This development is particularly troubling because in March 2025,⁵³ Italy has once again been condemned by the European Court of Human Rights (ECtHR) for violations related to prison conditions, in particular for violation of Article 3 of the Convention.⁵⁴

50 See: Gianfilippi F., New DAP circular regarding educational, cultural, and recreational events in prison (*Nuova Circolare del DAP in tema di eventi di carattere educativo, culturale e ricreativo in carcere*), Sistema Penale, 5 December 2025, <https://www.sistemapenale.it/it/notizie/gianfilippi-nuova-circolare-del-dap-in-tema-di-eventi-di-carattere-educativo-culturale-e-ricreativo-in-carcere> [in Italian]

51 *Ministry of Justice* (Ministero della Giustizia), Medium Security Circuit - Participation of the External Community in Intramural Prison Life - Circular supplementing and replacing Circular Letter No. 141254/5-4 of July 16, 1997 limited to point 4), as well as the DGGT Note No. 454011 of 21 October 2021 (*circolo Media sicurezza - partecipazione della Comunità esterna alla vita detentiva intramurale - circolare che integra e sostituisce la lettera circolare di prot. N. 141254/5-4 del 16 luglio 1997, limitatamente al punto 4*), nonché la nota DGGT di prot. n. 454011 del 21 October 2025, Sistema Penale, https://www.sistemapenale.it/pdf_contenuti/1764925290_20251201-circolo-media-sicurezza-partecipazione-della-comunita-esterna-alla-vita-detentiva-intramurale-copia.pdf [in Italian]

52 Unione delle Camere Penali Italiane, Revise the circular on educational activities in compliance with the Constitution and the penitentiary system (Rivedere la circolare sulle attività educative nel rispetto della costituzione e dell'ordinamento penitenziario, Unione delle Camere Penali Italiane), 19 November 2025, https://www.camerepenali.it/cat/13382/rivedere_la_circolare_sulle_attivit%C3%A0_educative_nel_rispetto_della_costituzione_e_dell%E2%80%99ordinamento_penitenziario.html ; Libera, New restrictions on prison activities (Nuove restrizioni per le attività in carcere), https://www.libera.it/it-schede-2787-dal_21_ottobre_2025_organizzare_un_laboratorio_o_un_evento_in_carcere_e_diventato_piu_difficile [in Italian]

53 ECtHR, *Niort v. Italy*, Application No. 4217/23, definitive sentence of 27 June 2025. <https://hudoc.echr.coe.int/?i=001-242444>

54 Ivanenko, A., Khakimova, L., The Protection of Human Dignity in Detention: The Case of *Niort v. Italy* and the Application of Article 3 ECHR, Human Rights Centre Antonio Papisca, 27 March 2025, <https://unipd-centrodirittiumani.it/en/topics/the-protection-of-human-dignity-in-detention-the-case-of-niort-v-italy-and-the-application-of-article-3-echr>

On 25 November 2025,⁵⁵ the Italian Parliament unanimously passed the reform introducing the crime of ‘femicide’ with Article 577-bis of the Italian Criminal Code, which came into force on 17 December 2025.⁵⁶ The newly introduced crime provides for a special hypothesis of homicide, where the victim is a woman and the crime has been committed for reasons of “hatred, discrimination, or oppression, or as an act of control, possession, or domination”. While the need to reform provisions criminalising gender-based violence in the Italian legal system responds to the need to meet international obligations (see, for instance, the latest GREVIO Report),⁵⁷ this reform has sparked significant debate amongst academics and practitioners. The fear is that this newly introduced legislation has a mere cosmetic effect, driven by emotional or populist demands, while failing to address the real root causes of the phenomenon.⁵⁸ On the other hand, the government opposes social and emotional

55 Law No. 181 of 2 December 2025, Gazzetta Ufficiale della Repubblica Italiana, a <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2025;181> [in Italian]

56 Laws and other regulatory acts (Leggi ed altri atti normativi), Gazzetta Ufficiale della Repubblica Italiana, 2 December 2025, https://www.sistemapenale.it/pdf_contenuti/1764711697_20251202-280.pdf [in Italian]

57 GREVIO, Building trust by delivering support, protection and justice - Italy, Coe, 2 December 2025, <https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/488029944>

58 Several interesting opinions can be found at: Lazzeri F., In the Official Journal, Law No. 181 of 2 December 2025 (the so-called femicide law): an overview of the substantive and procedural criminal aspects (In G.U. la l. 2 dicembre 2025, n. 181 (c.d. legge sul femminicidio): una panoramica dei profili penalistici sostanziali e processuali), Sistema Penale, 3 December 2025, <https://www.sistemapenale.it/it/scheda/legge-femminicidio-gazzetta-ufficiale-novita-diritto-penale-sostanziale-processuale>; Criminal Law Editorial Team (Redazione Giurisprudenza Penale), The proposal to introduce the crime of “femicide” has been definitively approved (Approvata definitivamente la proposta sull’introduzione del reato di “femminicidio”), Giurisprudenza Penale, 26 November 2025, <https://www.giurisprudenzapenale.com/2025/11/26/approvata-definitivamente-la-proposta-sullintroduzione-del-reato-di-femminicidio/>; Fiandaca G., Dear criminal law professors, it’s time to protest the crime of femicide (Cari prof. Di diritto penale, è ora di protestare contro il delitto di femminicidio), Sistema Penale, 14 March 2025, <https://www.sistemapenale.it/it/articolo/fiandaca-cari-prof-di-diritto-penale-e-ora-di-protestare-contro-il-delitto-di-femminicidio>; Pecorella C., Why a femicide case can be useful (Perché può essere utile una fattispecie di femminicidio), Sistema Penale, 2 June 2025, <https://www.sistemapenale.it/it/opinioni/perche-puo-essere-utile-una-fattispecie-di-femminicidio>; Allegri, Femicide as a separate crime: the risks of a merely punitive response to gender-based violence (Il femminicidio come reato autonomo: i rischi della risposta meramente punitiva alla violenza di genere), Associazione Antigone, <https://www.rapportoantigone.it/ventunesimo-rapporto-sulle-condizioni-di-detenzione/il-femminicidio-come-reato-autonomo/> [in Italian]

learning for children in the primary years of their education, contending that “the State cannot step in for the family”.⁵⁹

Implications and Recommendations for 2026

Given the dire situation in Italian prisons and the ineffective attempts at reform, the Commission should issue a new recommendation to address this area. The issue of remuneration for court translators, which is significantly impacting the justice system, should also be addressed. An additional recommendation should address the continued criminalisation of certain groups.

Suggested recommendation: Italy should adopt effective deflationary measures, such as extraordinary clemency, greater granting of alternative measures, and rewards.⁶⁰

Suggested recommendation: Italy should adopt a different method of remuneration for interpreters and translators, namely by replacing a fixed fee with a variable fee, calculated as a percentage, based on ministerial tables.⁶¹

Suggested recommendation: Italy should refrain from adopting further security-driven measures that disproportionately affect vulnerable groups and instead prioritise compliance with European human rights standards by addressing structural deficiencies in the prison system, ensuring detainees’ access to educational, rehabilitative and volunteer-led activities, and guaranteeing the effective functioning of legal aid as an essential component of access to justice.

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- 59 Carlino, A. , Sex education in schools, Meloni: “Educating children on such sensitive subjects is the parents’ responsibility; the state cannot replace the family.” (Educazione sessuale a scuola, Meloni: “Educare i figli su materie così delicate è compito dei genitori, lo Stato non può sostituirsi alla famiglia”), Orizzonte Scuola, 14 December 2025, <https://www.orizzontescuola.it/educazione-sessuale-a-scuola-meloni-educare-i-figli-su-materie-cosi-delicate-e-compito-dei-genitori-lo-stato-non-puo-sostituirsi-alla-famiglia/> [in Italian]
- 60 Associazione Antigone, Antigone’s proposals - “Inhumane and degrading” campaign (Le proposte di Antigone - Campagna “Inumane e degradanti”), Associazione Antigone, 2025, <https://www.antigone.it/upload2/uploads/docs/ProposteCampagnaInumaneDegradanti.pdf> [in Italian]
- 61 Augenti, N., Dari, A., Constitutional Court ruling on professional fees, Augenti: “Immediately applicable, but little could change, here’s why. (Sentenza Corte Costituzionale su compensi professionali, Augenti: “Immediatamente applicabile, ma poco potrebbe cambiare, ecco perché”), 14 February 2025, <https://www.ingenio-web.it/articoli/sentenza-corte-costituzionale-su-compensi-professionali-augenti-immediatamente-applicabile-ma-poco-potrebbe-cambiare-ecco-perche/> [in Italian]

Implementation of Judgments

In 2013, the ECtHR condemned Italy for the violation of Article 3 of the ECHR in *Torreggiani and others v. Italy*.⁶² The Torreggiani ruling was a ‘pilot judgment’, a procedure used by the court to deal with large groups of identical cases that derive from the same underlying problem. This decision has had a profound impact on Italian prisons, determining a number of reforms. Seen in this context, Italy introduced a compensatory remedy in 2014 for detainees who have suffered treatment in violation of Article 3 of the Convention. Detainees who have been subjected to non-compliant treatment and have been detained for at least 15 days under conditions that violate Article 3 have the right to obtain a reduction of their remaining prison sentence, equivalent to one day for every 10 days of violation. Those who have served a sentence of less than 15 days or are no longer in detention (or whose remaining sentence does not allow for the full deduction of the sentence reduction described above) have the right to receive compensation of €8 for each day spent in detention under the aforementioned conditions.

According to the most recent data available, during 2024, Italian surveillance offices decided 10,097 complaints; among these, 5,837 (57.8%) were accepted;⁶³ there was a 23.3% increase compared to complaints upheld in 2023. These dramatic figures escalate as overcrowding worsens. At the end of November 2025, there were 63,868 people detained in Italian prisons, almost 2,000 more than a year ago, compared to an actual capacity of only 46,124 places. The actual overcrowding rate reached 138.5%, with 72 institutions exceeding 150% and peaks reaching 200%. Antigone launched a petition, signed by 1,384 people as of 19 December 2025, to denounce this situation and call on the government to implement urgent reforms to tackle prison overcrowding.⁶⁴

Regarding access to justice, on 11 December 2025 Italy was condemned by the ECtHR in the case of *Diaci and Lenchi* on the grounds that the systematic delays experienced by lawyers in receiving their fees at the expenses of the state treasury (when a client is admitted to legal aid) constitute a violation of Article 1 of Protocol No. 1 of the Convention.⁶⁵

62 ECtHR, *Torreggiani and Others v. Italy* - Applications 43517/09, 46882/09, 55400/09 et al., January 2013, <https://hudoc.echr.coe.int/eng?i=002-7400>

63 Source: Ministry of Justice. Data obtained through a FOIA request.

64 Associazione Antigone, INHUMANE AND DEGRADING. Italian prisons are outside the constitutional law (INUMANE E DEGRADANTI. Il carcere italiano è fuori dalla legalità costituzionale), <https://www.antigone.it/iniziative/3611-il-carcere-italiano-e-fuori-dalla-legalita-costituzionale> [in Italian]

65 ECtHR, *Diaci et Lenchi v Italy*, Application No. 15587/10 et al., 11 December 2025, Strasbourg, <https://hudoc.echr.coe.int/eng%23%7B%22appno%22%5B%2259140/00%22%5D%7D?i=001-247437> [in Italian]

ANTI-CORRUPTION FRAMEWORK –

General assessment

In 2024, Italy scored 54/100 in the Corruption Perception Index, going down 10 positions in the ranking elaborated by Transparency International.⁶⁶ Italy's recent shifts in anti-corruption policy may be slowing its momentum. Several legal changes - most notably a tighter interpretation of 'influence peddling' and the removal of criminal liability for abuse of office - have reduced safeguards designed to detect and deter problematic connections between public authorities and organised crime. Oversight of the National Recovery and Resilience Plan (*Piano Nazionale di Ripresa e Resilienza, PNRR*) spending is also still constrained by limited transparency and uneven access to relevant data. In addition, Italy continues to lag behind many European peers in regulating lobbying and managing conflicts of interest. Even so, there are signs of progress: the National Anti-Corruption Authority is often cited as a model in the region, particularly for improving procurement transparency through its digital platform.⁶⁷

Having consideration for the EU Commission Recommendations in the *2025 Rule of Law Report*, Italy's past year performance demonstrates limited progress. Two main patterns have appeared: on the one hand, the legislator appears to be inert or slow in taking initiative; on the other hand, the legislative process, once initiated, is hindered by several factors. In fact, some legislative initiatives within the anti-corruption framework, initially appearing as promising reforms, either stagnated or ended up being passed as attenuated provisions compared to initial intentions. The legislative process in this area of law appears to have the tendency to advance at an early stage and then remain dormant for extended periods of time, while the approval of amendments reduces the scope of applicability of transparency safeguards. These aspects warrant attention.

Due to pending legislative processes, no quantifiable progress can yet be assessed, nor is it possible to fully evaluate whether these reforms will prove effective or whether the regulatory potential weaknesses identified will result in a backsliding upon their eventual approval.

66 Transparency International, Corruption Perceptions Index 2024 - Italy, <https://www.transparency.org/en/cpi/2024/index/ita>

67 Cresswell, F., Prokic, L., Myrzabekova, A., CPI 2024 for Western Europe & EU: Leaders' hollow efforts cause worsening corruption levels, Transparency International, 11 February 2025, <https://www.transparency.org/en/news/cpi-2024-western-europe-eu-leaders-hollow-efforts-cause-worsening-corruption-levels>

Implementation of 2025 Commission recommendations

Recommendation: Adopt the pending legislative proposal on conflicts of interest and step up efforts to adopt comprehensive rules on lobbying to establish an operational lobbying register, including a legislative footprint (first made in 2022)

Conflicts of interest

To date, the conflict of interest reform, after some steps forward in 2024, is in a procedural stalemate.⁶⁸ The draft delegation law (Act of Chamber No. 304), approved by the Chamber of Deputies in May 2024, awaits the discussion by the Senate, without a hearing having been scheduled for this purpose.⁶⁹ This situation suggests that the reform is not among the legislative priorities, thus making it unlikely that a new regulation will be implemented before the end of the legislature.

68 Atto Camera No. 304 of 28 May 2024, Provisions on conflicts of interest and delegation to the government for the adaptation of the regulations relating to the holders of local government offices and to the members of the independent guarantee, supervision and regulation authorities, as well as provisions concerning the prohibition on the receipt of grants from foreign countries by the holders of public offices (Disposizioni in materia di conflitti di interessi e delega al Governo per l'adeguamento della disciplina relativa ai titolari delle cariche di governo locali e ai componenti delle autorità indipendenti di garanzia, vigilanza e regolazione, nonché disposizioni concernenti il divieto di percezione di erogazioni provenienti da Stati esteri da parte dei titolari di cariche pubbliche), <https://www.camera.it/leg19/126?leg=19&idDocumento=304> [in Italian]

69 Atto Senato No. 1154 of 13 June 2024, Delegation to the government for the reform of the regulations regarding conflicts of interest of holders of government offices at state and regional level and of the autonomous provinces of Trento and Bolzano, as well as of the presidents and members of the independent guarantee, supervisory and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitti di interessi dei titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano nonché dei presidenti e componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), assigned to the 1st Standing Committee (Constitutional Affairs) on 13 June 2024, <https://www.senato.it/leggi-e-documenti/disegni-di-legge/scheda-ddl?did=58284> [in Italian]

Furthermore, the substantial content, if compared to the original project, appears altered. Through an extensive amendment, the majority parties revised the initial proposal, delegating to the government more powers than initially proposed, and expunging some provisions.⁷⁰ For instance, with regard to cases of incompatibility stemming from patrimonial activities of persons exercising top executive functions (PTEFs), an amended formulation, which will act as one of the delegation principles and criteria, weakens the safeguards against conflict of interest through a relevant elevation of the shareholding threshold (from 2% to 50% of the share capital of companies that carry out their activity under public concession or holding exclusive rights or operating under a monopoly regime) and narrowing subjective and objective categories which could give rise to that kind of incompatibility.⁷¹

Lobbying regulation

Some progress has been made with regard to lobbying regulation, but some issues are emerging. Five proposals are currently under joint consideration by the first Constitutional Affairs Commission of the Chamber of Deputies, following the approval, in September 2024, of a final document from an in-depth fact-finding parliamentary investigation.⁷²

- 70 Atto Camera 304-A of 13 October 2022, Delegation to the government for the reform of the rules on conflicts of interest for holders of government offices at state, regional, and autonomous provinces of Trento and Bolzano, and for the presidents and members of independent guarantee, supervisory, and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitto di interessi per i titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano e per i presidenti e i componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), p. 3 and following, https://document.camera.it/appscommonServices-getDocumento.ashx?sezione=lavori&tipoDoc=testo_pdl_pdf&id=legislatura=19_codice=leg.19.pdl.camera.304_A.19PDL0083000 [in Italian]
- 71 Atto Camera 304-A of 13 October 2022, Delegation to the government for the reform of the rules on conflicts of interest for holders of government offices at state, regional, and autonomous provinces of Trento and Bolzano, and for the presidents and members of independent guarantee, supervisory, and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitto di interessi per i titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano e per i presidenti e i componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), lett. e, https://document.camera.it/appscommonServices-getDocumento.ashx?sezione=lavori&tipoDoc=testo_pdl_pdf&id=legislatura=19_codice=leg.19.pdl.camera.304_A.19PDL0083000 [in Italian]
- 72 Camera dei Deputati, Disciplina dell'attività di relazioni istituzionali per la rappresentanza di interessi. AA.C. 308, 983, 1700, 1894 e 2336 (Disciplina dell'attività di relazioni istituzionali per la rappresentanza di interessi. AA.C. 308, 983, 1700, 1894 e 2336), Dossier, 11 June 2025, <http://documenti.camera.it/leg19/dossier/Pdf/AC0363.pdf>

However, some recently agreed-upon amendments to Article 3 of Draft Bill 2336 risk diminishing the framework's comprehensiveness and functionality.⁷³ More specifically, a clause has introduced further exceptions to compulsory enrolment in the stakeholders' register, making it not applicable to representatives of trade unions and employers' organisations.⁷⁴ This amendment was met with criticism from professional associations, as it potentially compromises the law's effectiveness.⁷⁵ In fact, exempting major stakeholders from rules that enhance transparency creates issues of equal treatment.⁷⁶ Moreover, the amendment regarding the frequency of updating obligations of the meetings agenda with lobbyists, from weekly to quarterly, could attenuate the legislative footprint's efficacy and timeliness. A further weakening of accountability may stem from the reduction of the re-registration waiting period from two to one year post-deletion.⁷⁷

- 73 Amendments 3.14 (M.P. Boschi) and 3.15 (M.P. Urzi et al.), List of proposed amendments (26) in the 1st Commission in the referring office published in the Bulletin of the Committees and Commissions of 27/11/2025 (n. 593) referring to C. 2336, in order of publication (Elenco delle proposte emendative (26) in I Commissione in sede referente pubblicate nel Bollettino delle Giunte e Commissioni del 27/11/2025 (n. 593) riferite al C. 2336, in ordine di pubblicazione), <https://documenti.camera.it/apps/emendamenti/getProposteEmendativeSeduta.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&tipoListaEmendamenti=1> [in Italian]
- 74 This exclusion collides with existing Chamber of Deputies' rules on the subject; see 'Disciplina dell'attività di rappresentanza di interessi nelle sedi della Camera dei deputati (Deliberazione dell'Ufficio di Presidenza dell'8 febbraio 2017), Article. 1 (Register), par. 4, which states 'Trade unions and employers' organisations are required to register in the Register where they intend to carry out the activity referred to in paragraph 3 at the Chamber's premises [...]'; <https://rappresentantiinteressi.camera.it/sito/deliberazione.html>
- 75 Redazione, #Lobbying4Change, FERPI, UNA, A law on lobbying cannot apply only to some (Una legge sul lobbying non può valere solo per alcuni), FERPI, 1 December 2025, <https://www.ferpi.it/news/una-legge-sul-lobbying-non-puo-valere-solo-per-alcuni> [in Italian]
- 76 Marino, M., Lobbying Law: One Step Forward, Two Steps Back (Legge sul lobbying: un passo avanti e due indietro. Perché l'esclusione delle organizzazioni datoriali e delle parti sociali dalla legge sulla rappresentanza di interessi rischia di cristallizzare l'opacità, anziché superarla), The Good Lobby, 10 December 2025, <https://www.thegoodlobby.it/legge-sul-lobbying-un-passo-avanti-e-due-indietro/> [in Italian]
- 77 Amendment 5.3 (M.P. Boschi) to Article 5, Draft Law 2336, Amendment proposal 11.7. in the 1st Committee in the referring body referred to C. 2336 (Proposta emendativa 11.7. in I Commissione in sede referente riferita al C. 2336), XIX Legislature, <https://documenti.camera.it/apps/emendamenti/getPropostaEmendativa.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&idPropostaEmendativa=5.3.&position=20251127>; Amendment No. 11.7 (M.P. Urzi) to Article. 11, at: <https://documenti.camera.it/appsemendamenti/getPropostaEmendativa.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&idPropostaEmendativa=11.7.&position=20251127> [in Italian]

Provisions underlying the institutional structure add further potential shortcomings. The designation of CNEL (National Council for Economics and Labour) as the supervisory authority on the register is raising constitutional doubts, despite suggested in the aforementioned investigation. Article 99 of the Constitution only confers consultative powers to this entity, not regulatory enforcement ones, such as the imposition of sanctions. On the basis of concerns regarding institutional independence and technical competency, the opposition parties recommend allocating that function to the Italian Competition Authority (*Autorità Garante della Concorrenza e del Mercato, AGCM*) instead.⁷⁸

The recommendation clearly addresses two complex reform areas, identifying measurable general goals. However, a distinct formulation for each reform would be beneficial, along with an enhanced focus on implementation quality. More specifically, the recommendation adopts generic expressions that lack operational specificity and reference standards. Better recommendations would be:

Adopt comprehensive rules on conflicts of interest applicable to all persons with top executive functions (PTEFs), including government advisers, establishing clear preventive mechanisms, ad hoc disclosure obligations, and a system for the systematic verifications of declarations.

Adopt comprehensive rules on lobbying applicable to all stakeholders; establish a mandatory operational lobbying register with a timely legislative footprint; designate an independent supervisory authority with adequate monitoring and enforcement powers.

Commission's 2025 assessment: Some progress

CILD's current assessment: No progress

Recommendation: Step up efforts to effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information (first made in 2022)

Both issues addressed by the European Commission's recommendation remain unimplemented - no further progress has been made compared to 2025.

⁷⁸ Gonzato, F., The law on lobbyists is not yet in place, but in the meantime it has already changed (La legge sui lobbisti non c'è ancora, ma intanto è già cambiata), *Pagella Politica*, 2 December 2025, <https://pagellapolitica.it/articoli/modifiche-legge-lobbisti-parlamento?utm> [in Italian]

Considering that draft laws aimed at reforming it are still pending before both parliamentary chambers, with no scheduled discussions, the current framework continues to rely on Decree-Law No. 149/2013 (converted into Law No. 13/2014). Similarly, the examination of bills that would strengthen the autonomy of the Committee for Transparency and Control of Political Parties and Political Movements is not scheduled. Hence, issues persist. Past reforms attempted to expand accountability obligations to political foundations and associations, establishing criteria to define when they must comply with party-level transparency standards. Nevertheless, those conditions are weak and could be easily circumvented.

An example of this is the threshold by Article 5(4) of Decree-Law 149/2023, which equates foundations to political parties if at least one-third of their governing bodies consist of current or former political individuals. This requirement is rather permissive, as organisations can remain exempt from stricter transparency rules by formally staying below it.

Such regulatory weaknesses are confirmed by the mismatch between the numerous foundations mapped as politically connected and the few actually subject to transparency obligations, i.e. by publishing their financial statements online and disclosing their donor list. According to the latest report of the Committee for Transparency and Control of Political Parties, only 14 foundations/associations equivalent to political parties and movements had complied with the obligation to submit financial statements (which were still under examination at the report release date). Indeed, civil society organisations have mapped a significantly higher number of foundations linked to political parties. This opacity enables the practice flagged by the EU Commission, allowing donations to reach parties and donors to exert potential influence on policy agendas without adequate forms of scrutiny.

To date, no unified electronic platform enables citizens to access aggregated party and campaign financial information. Data remains scattered across multiple sources (party websites, parliamentary databases, and records issued by the Committee for Transparency and Control of Political Parties). These gaps are often filled by civil society organisations, journalistic investigations, and expert analysis.

Against the backdrop outlined above, this area of law shows no measurable progress. The Commission could improve the formulation of this recommendation, as it identifies two specific objectives, but remains vague on concrete implementation. Terms like ‘step up’ and ‘effectively and swiftly address’ lack clarity and precision.

In order to address the practice of channelling donations through political foundations and associations, establish a single electronic register for centralised and timely disclosure of party and campaign finance data. Ensure that transparency and accountability obligations effectively cover all entities functionally linked to political parties, preventing the use of formal legal distinctions to circumvent public scrutiny.

Commission's 2025 assessment: No progress

CILD's current assessment: No progress

Gaps in the Commission's Report

Whistleblowing

As for whistleblowing regulation, the Gap Analysis conducted by Liberties on the European Commission's 2025 *Rule of Law Report* highlighted, amongst other issues, the lack of legal certainty regarding the practical application of the new framework.⁷⁹ With particular reference to Italy's implementation of Directive (EU) 2019/1937, it was noted, inter alia, that some provisions of the transposition decree (Legislative Decree 24/2023) are ambiguously worded and diverge to some extent from the EU standards. The Commission's failure to highlight implementation issues was reflected in the lack of specific recommendations. These could have prompted Italy to improve the quality of legislation in this area, ensuring clarity of interpretation and, thus, efficiency in its implementation.

The National Anti-Corruption Authority (ANAC) (*Autorità Nazionale Anticorruzione*) conducted a monitoring on critical issues in the application of the norms between December 2023 and May 2024, with the participation of 319 public bodies and 213 private entities, which revealed a complex picture of application problems.⁸⁰ ANAC itself is addressing these issues through its own guidelines on internal reporting channels, published in November 2025. They aim to "ensure uniform and effective application of the legislation" and "further guide those required to implement it".⁸¹ In the same period, ANAC updated those on external reports.⁸²

79 Civil Liberties Union for Europe (2025), European Commission's Rule of Law Report 2025 - Gap Analysis, 5 November 2025, p. 48, <https://www.liberties.eu/f/uw2pr->; see also: Civil Liberties Union for Europe (2025), *Rule of Law Report 2025 on Italy*, 17 March 2025, pp. 25-26, <https://www.liberties.eu/f/hwhfv->

80 ANAC, Monitoring of critical issues in the application of whistleblowing regulations (Legislative Decree no. 24/2023) (*Monitoraggio sulle criticità nell'applicazione della disciplina whistleblowing (d.lgs. n. 24/2023)*), ANAC, March 2024, <https://www.anticorruzione.it/documents/91439/195511204/Monitoraggio+criticit%C3%A0+applicazione+disciplina+whistleblowing+-+18.03.2024.pdf/59f99896-2861-8eb8-847d-9b3212f2a49e?t=1710847767490> [in Italian]

81 ANAC, Guidelines No. 1 - 2025 on whistleblowing through internal reporting channels - approved with Resolution No. 478 of November 26, 2025 (Linee Guida n. 1 - 2025 in materia di whistleblowing sui canali interni di segnalazione - approvate con Delibera n. 478 del 26 novembre 2025), ANAC, 26 November 2025, <https://www.anticorruzione.it/-/del.n.478-26.11.2025.llgg.wb> [in Italian]

82 ANAC, *Amendment and addition to Resolution No. 311 of 12 July 2023 containing 'Guidelines on the protection of persons reporting breaches of Union law and the protection of persons reporting breaches of national legislation. Procedures for submitting and managing external reports'*, ANAC, 26 November 2025, <https://www.anticorruzione.it/-/del.479-26.11.2025> [in Italian]

It has been noted that the institution remains underutilised.⁸³ Experts also point out that the stratification of sources (supranational and national hard law, on the one hand, and internal soft law, i.e., ANAC guidelines and those of private operators such as Confindustria, on the other) adds complexity to the reference framework. Therefore, looking forward, some analysts hope for reform measures to remedy the ambiguities.⁸⁴

Revolving doors

Another persistent significant gap in Italy's anti-corruption framework is the lack of effective *pantouflage* (revolving doors) restrictions on politicians. The only applicable provision is Article 2 (par. 4) of Law No. 215/2004,⁸⁵ which establishes a 12-month 'cooling off-period' following the conclusion of the term of office.

This provision applies before taking on positions in public law institutions, including economic ones, or in profit-making companies operating primarily in sectors related to the position held previously. This provision is inadequate in several respects. Firstly, the cooling-off period is significantly shorter than the three year period imposed on public employees, pursuant to Article 53 (par. 16-ter) of Legislative Decree No. 165/2001.⁸⁶ Secondly, there is no effective preventive surveillance system, as

83 ANAC, Monitoring of critical issues in the application of whistleblowing regulations (Legislative Decree no. 24/2023) (Monitoraggio sulle criticità nell'applicazione della disciplina whistleblowing (d.lgs. n. 24/2023)), ANAC, March 2024, p. 8, <https://www.anticorruzione.it/documents/91439/195511204/Monitoraggio+criticit%C3%A0+applicazione+disciplina+whistleblowing+-+18.03.2024.pdf/59f99896-2861-8eb8-847d-9b3212f2a49e?t=1710847767490> [in Italian]

84 Parisi, N., Tambasco, D., Whistleblower support measures. A comparative experience starting from the Italian system (Le misure di sostegno del whistleblower. Un'esperienza comparata a partire dal sistema italiano), Etica Pubblica: studi su legalità e partecipazione, n. 2, 2024, <https://www.torrossa.com/en/resources/an/5977731#> [in Italian]

85 Law No. 215 of 20 July 2004, *Norme in materia di risoluzione dei conflitti di interessi*, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2004-07-20;215> [in Italian]

86 Legislative Decree No. 165 of 30 March 2001, General rules on the organization of work within public administrations (Norme generali sull'ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche), <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2001-03-30;165> [in Italian]. In this regard, see the guidelines issued by the National Anti-Corruption Authority on 25 September 2024, <https://www.anticorruzione.it/documents/91439/190203148/Linee+guida+n.+1+-+divieto+di+pantouflage+-+del.n.493-25-2024.pdf/ba91a700-0dd1-8382-10ec-e3b83b57964d?t=1737365321713> [in Italian]

there is no obligation to communicate subsequent occupations to the AGCM (for ministers, who left office. Moreover, as pointed out in the GRECO's Fifth Evaluation Round Report, it remains unclear whether Legislative Decree 165/2001 applies to members of the offices of direct collaboration of the ministers (advisors, experts, consultants), who undoubtedly perform key functions in the government's decision-making process.⁸⁷

Nevertheless, the pending draft law on conflicts of interest does not aim to fill this gap. Although the text delegates the government to identify situations of incompatibility, no specific principles or criteria concern post-assignment restrictions. The only reference to the topic is found in the letter m) of paragraph 3, which merely recalls the provisions of Article 29-bis of Law No. 262/2005 for former CONSOB members,⁸⁸ without, however, extending this regime to government officials.⁸⁹ Furthermore, the delegation is intended to repeal Law No. 215/2004 (paragraph 5), but it is unclear whether, and to what extent, the future legislative decree will address political pantouflage. Significantly, in 2024, GRECO recommended Italy to strengthen its post-employment regime in order to improve effectiveness and broaden its scope to cover all persons with top executive functions.⁹⁰ Nevertheless, while the European Commission's rule of law recommendations invite Italy to adopt a comprehensive regulation on conflicts of interest and lobbying, there is no specific reference to pantouflage restrictions, despite their evident importance as a preemptive measure to counteract corrupt dynamics.

87 GRECO, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Report Italy, CoE, 28 August 2024, p. 25, par. 97, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680b16315>.

88 The Commissione Nazionale per le Società - the public authority responsible for regulating the Italian financial markets.

89 Atto Camera 304-A of 13 October 2022, <https://documenti.camera.it/leg19/pdl/pdf/leg.19.pdl.camera.304.19PDL0005690.pdf> [in Italian]

90 GRECO, *Fifth Evaluation Round, Evaluation Report Italy, recommendation No. X* "that the post-employment regime be strengthened in order to improve its effectiveness and that it be broadened in scope to cover all persons with top executive functions (paragraph 97)", p. 76, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680b16315>

New Issues that Emerged in 2025

GRECO recommendations

Following the GRECO Fifth Round Evaluation Report, Italy was supposed to submit a follow-up report based on the recommendations received by the end of September 2025.⁹¹ Nevertheless, the report might have been submitted but has not been published to today.

GRECO flagged the ‘Transparent Administration’ portal as a good practice from that round of evaluation. Moreover, from 19 September a new online platform was made available on the ANAC website to improve accessibility to transparency data.⁹² Moreover, consultations were organised about the 2025 National Anti-Corruption Plan.⁹³ This new pluriannual plan is impact-focused, with clear indicators and goals. In the 2026-2028 period, the ANAC will aim at improving the transparency platform through AI tools able to process complex data and by increasing accessibility for people with disabilities. The plan also seeks to consolidate whistleblowing practices and reinforce corruption prevention in public procurement through end-to-end digitalisation and better data integration, including during contract execution. While the ANAC will oversee implementation and monitoring, criminal corruption prosecutions remain handled by ordinary public prosecutors rather than a dedicated national prosecutorial authority.

Law on lobbying, abuse of office, and influence peddling

As regards the bill on lobbying, a civil society coalition was formed by #Lobby4Change, FERPI, and UNA to oppose the amendments approved in November. The CSOs demand equal lobbying regulations, with no exceptions for specific sectors such as workers’ unions. They claim that a lobbying law needs to apply to everyone and to all fields, otherwise the provision risks not reaching full application, hence lacking efficacy.⁹⁴

91 Wahl T. , GRECO: Fifth Round Evaluation Report on Italy, Eucrim, 26 September 2024, <https://eucrim.eu/news/greco-fifth-round-evaluation-report-on-italy/>

92 ANAC, Unified Transparency Platform (Piattaforma Unica della Trasparenza), <https://www.anticorruzione.it/en/-/piattaforma-unica-trasparenza> [in Italian]

93 ANAC, National Anti-corruption Plan 2025 - Draft of 07/08/2025 (Piano Nazionale Anticorruzione 2025-Schemi del d.lgs. n. 39.2013 – Consultazione 07.08.2025), <https://www.anticorruzione.it/-/consultazione.07.08.25.pna-2025#p2>[in Italian]

94 Lisi, E., Here’s why lobbyists are defending the lobbying law (Ecco perché I lobbisti difendono la legge sul lobbying), Policy Maker, 1 December 2025, <https://www.policymakermag.it/insider/ecco-perche-i-lobbisti-difendono-la-legge-sul-lobbying/> [in Italian]

Finally, in 2025, two important sentences were published by the Constitutional Court: on the abolition of the crime of abuse of office, and on the lawfulness of influence peddling. In July 2025, the Constitutional Court - with sentence No. 95/2025 - rejected challenges brought by fourteen referring judges against the parliament's 2024 repeal of the criminal offence of 'abuse of office'.⁹⁵ On the merits, taking into consideration the United Nations Convention against corruption (Merida Convention) (UNCAC) invoked by the referring judges alongside the violation of Article 117 of the Constitution, the court concluded that the Convention does not require States to criminalise 'abuse of office' as such. Moreover, the offence is not uniformly present across the criminal laws of all States parties, which reinforces the conclusion that UNCAC cannot be read as imposing a strict obligation to retain this particular offence. Nonetheless, the court acknowledged that the repeal produces "undeniable gaps in criminal protection", but held that assessing whether those gaps are adequately offset by the advantages sought by Parliament (as described in the legislative preparatory works) is ultimately a matter of political responsibility. In other words, the court said it cannot replace the legislature's policy judgment by conducting its own overall 'effectiveness review' of the post-repeal system of prevention and repression of abusive conduct by public officials.

In Sentence No. 185 of 16 December 2025,⁹⁶ the Constitutional Court held that the 2024 reform of the offence of illicit trading in influence (or influence peddling) is not unconstitutional, even though it substantially reduces criminal-law protection of the proper functioning and impartiality of the public administration, and it does not violate Italy's international obligations under the Criminal Law Convention on Corruption (the Strasbourg Convention).⁹⁷ The case arose from proceedings before the Rome Tribunal: several business people were accused of paying more than €11 million to an intermediary who, according to the prosecution, was supposed to use his connections with the Commissioner for the COVID-19 emergency to secure a contract concerning 800 million face masks. With the 2024 reform, however, trading in influence no longer punishes 'unlawful mediation' in a broad sense: it now requires that the mediation agreement concerns the commission of a criminal offence by a public official. In the Rome case, the Commissioner had been accused of abuse of office, but that offence was meanwhile repealed by the same reform. As a result, under the new legal framework, the defendants would have had to be acquitted. This is why the Rome Tribunal questioned whether such a restrictive

95 Constitutional Court, Sentence No. 95 of 7 May 2025, <https://www.cortecostituzionale.it/scheda-pronuncia/2025/95> [in Italian]

96 Constitutional Court, Sentence No. 185 of 7 October 2025, <https://www.cortecostituzionale.it/scheda-pronuncia/2025/185> [in Italian]

97 Constitutional Court (2025), The reform of the crime of influence trafficking is not unconstitutional (Non è incostituzionale la riforma del reato di traffico di influenze), 16 December 2025, https://www.sistemapenale.it/pdf_contenuti/1765885898_694141291649e.pdf

definition was compatible with Article 12 of the Strasbourg Convention, which refers to ‘improper influence’ without necessarily requiring that the public official must commit a crime.

With this sentence, the Italian Court chose to define the broad notion of influence peddling, as requested by the Convention. Nevertheless, its interpretation is restricted to cases where the improper influence is aimed at a crime by a public official. In its press release, the court also noted that Italy still lacks a comprehensive statutory framework on lobbying that would clearly distinguish between legitimate forms of advocacy and illegitimate intermediation. Finally, the court included an institutional policy message: it urged the parliament to adopt lobbying legislation that makes interactions with public authorities transparent and provides clear rules and sanctions. In the court’s view, such a framework would help define unlawful influence more clearly and could, in the future, support a reconsideration of the current criminal rules on trading in influence, and ensure stronger protection of the impartiality and proper functioning of the public administration against serious conduct that, under the present narrowed offence, risks going unpunished.

Court of Auditors reform and the fiscal damage to the public administration

On 27 December 2025, the Senate approved the final version of a bill presented in 2023 on the reform of the Court of Auditors.⁹⁸ Pushed by the ruling coalition, this reform reshapes how Italy polices the legality and financial responsibility of public spending, especially in public tenders, by narrowing officials’ exposure to sanctions and speeding up pre-award checks. This law is presented as a response to the ‘fear of signing’ (officials delaying decisions to avoid personal liability), which the government argues is slowing public works and the rollout of projects linked to the EU-funded National Recovery and Resilience Plan (PNRR).⁹⁹ At the core is a tighter definition of ‘gross negligence’ (pantouflage) for ‘*danno erariale*’ (fiscal damage to the public administration): liability remains for intentional wrongdoing, and still exists for gross negligence, but that concept is restricted to cases such as a manifest violation of applicable law or a clear distortion/denial of incontrovertible facts, excluding broader forms of serious negligence.¹⁰⁰ The reform also caps financial penalties when an official is ordered to compensate the state; the amount cannot exceed 30% of the assessed loss and, in any case, cannot exceed twice

98 Senato della repubblica, Senate Act no. 1457 (Atto Senato n. 1457), <https://www.senato.it/leggi-e-documenti/disegni-di-legge/scheda-ddl?did=59070> [in Italian]

99 Innamorati, G., The reform of the Court of Auditors is now law, amid controversy (La riforma della Corte dei Conti è legge, tra le polemiche), ANSA, 28 December 2025, https://www.ansa.it/sito/notizie/politica/2025/12/27/il-senato-approva-il-ddl-sulla-corte-dei-conti-e-legge_819c72bb-28c0-4310-914e-b2593632d202.html [in Italian]

100 Innamorati, G., The reform of the Court of Auditors, the contents (La riforma della Corte dei Conti, i contenuti), ANSA, 27 December 2025, https://www.ansa.it/sito/notizie/politica/2025/12/27/la-riforma-della-corte-dei-conti-i-contenuti_48ecd63b-9d56-4be4-885e-5e86c9d58475.html [in Italian]

the official's gross annual salary. On procurement oversight, it introduces a 'silence-assent' mechanism for preventive legality controls on 'above-threshold' contracts (those over EU relevance thresholds). If the court does not respond within 30 days (extendable up to 90), the act is deemed registered, and the administrator is protected from subsequent erarial liability tied to that authorisation. The Court of Auditors magistrates describe the reform as "a dark page for citizens", arguing it strips away a key constitutional safeguard over how public money is spent. They warn that narrowing 'gross negligence' and capping compensation at 30% turns liability into a mild, predictable cost - so most losses fall back on taxpayers. They also fear the new 'silence-assent' deadlines will work like an automatic shield - if the court can't respond in time (without extra staff), contracts are effectively cleared, and officials gain protection. The Magistrates Association concluded that "a more efficient public administration is not achieved by reducing the role of the Court of Auditors' judiciary, but by strengthening the independent and impartial safeguard that guarantees the proper use of public money."¹⁰¹

Implications and Recommendations for 2026

To address the above-mentioned gaps in the Commission's report, Italy should implement the prior recommendations for Italy included in the 2025 EU Commission's report in this area, including adopting the pending Bill on conflicts of interest, adopting comprehensive rules on lobbying, establishing an operational lobbying register, addressing channeling of donations via political entities, and introducing a single electronic register for party/campaign finance information.

101 Redazione ANSA , 'The Court of Auditors' Association calls it a "dark page for citizens." (Associazione magistrati Corte Conti, 'pagina buia per i cittadini'), ANSA, 27 December 2025, https://www.ansa.it/amp/sito/notizie/cronaca/2025/12/27/associazione-magistrati-corte-conti-pagina-buia-per-i-cittadini_500aedbd-ff51-47a5-b8c7-63d30da27646.html [in Italian]

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

In 2025, journalists were targeted with various forms of legal and physical attacks and smear campaigns by political figures, violently aimed at silencing criticism. Furthermore, a new concerning issue has emerged over the use of spyware and surveillance targeting journalistic work, posing serious risks to press freedom and journalists' safety. At the same time, no serious steps have been taken to transpose or enforce EU legislation, resulting in non-compliance with the EMFA and inadequate implementation of the Anti-SLAPP Directive. Italy's public service media (*Radiotelevisione italiana*, RAI) remains weak, with no realistic prospect of meaningful reform. Political interference in RAI continues to increase, undermining both governance, editorial, and financial independence.

Implementation of 2025 Commission recommendations

Recommendation: Advance with the ongoing legislative work to ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit and to guarantee its independence (first made in 2022)

Italy's public service media reform has so far produced no tangible results, leaving national legislation out of compliance with Article 5 of the EMFA on financial independence. In September 2025, the 8th Permanent Committee of the Senate adopted a unified text proposing amendments to the TUSMA, forming the basis for the continuation of the reform process.¹⁰²

The current financial model, largely reliant on the annually set RAI licence fee, fails to provide the adequate, sustainable, predictable, and multiannual resources required under the EMFA. While the unified text limits fee reductions to 'exceptional motivations' and no more than 5% of the previous year, these safeguards are insufficient to protect RAI from progressive budget cuts that could jeopardise its financial stability and editorial independence. Moreover, the 2026 Budget Law provides for a €10 million reduction in licence fees, further constraining RAI's resources and its ability to fulfill its public service mandate.¹⁰³

102 Senato della repubblica, 19th Legislature - 8th Standing Committee - Summary Report No. 210 of 17 September 2025 (Legislatura 19^a – 8^a Commissione permanente – Resoconto sommario n. 210 del 17/09/2025), http://www.senato.it/show-doc?leg=19&tipodoc=SommComm&id=1473376&part=doc_dc-allegato_a&crif=0 [in Italian]]

103 [Italy's 2026 Budget Law](#)

The recommendation has a clear objective. However, it should take a more assertive stance by explicitly stating that adequate legislative reform must be completed to ensure national legislation complies with Article 5 of the EMFA, otherwise Italy risks an EU infringement procedure:

Italy should put in place procedures that guarantee adequate, sustainable, and predictable funding so that the public service media can fulfil their remits and are capable of innovating and further developing, in line with Article 5 of the EMFA.

Commission's 2025 assessment: Some progress CILD's current assessment: No progress/Potential backsliding

Recommendation: Continue the ongoing legislative process on the draft reform on defamation, the protection of professional secrecy and journalistic sources while avoiding any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists (first made in 2022)

The Italian government has made no progress in implementing Article 4 of the European Media Freedom Act, which governs the protection of journalistic sources. In particular, this concerns the obligations regarding transparency of data processed through spyware and the establishment of a responsible authority that is genuinely open to the needs of the journalistic community.

It should also be noted that existing Italian legislation is, in some respects, more protective than the provisions set out in Article 4. Therefore, it is recommended that the government refrain from introducing measures that would ultimately weaken journalistic safeguards rather than strengthen them.

The issue of preventive interceptions remains unresolved; these are permitted under Italian law and are subject to a procedure that lacks transparency and undermines the right to defence.

The Commission could improve this recommendation by splitting into separate recommendations to address the issues individually:

Continue the ongoing legislative process on the protection of professional secrecy and journalistic sources while avoiding any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists.

Amend the draft defamation reform (Balboni Bill) to eliminate the proposed excessive fines for press-related criminal defamation, as well as the ancillary penalties, and launch a parliamentary debate to fully decriminalise defamation.

Commission's 2025 assessment: No further progress

CILD's current assessment: No progress

Gaps in the Commission's Report

In its 2025 report, the EU Commission disregarded some concerning aspects related to the media landscape in Italy - namely, potential media concentration concerns, *par condicio* rules, and state advertising transparency.

Potential media concentration

In the 2025 Rule of Law Report, we pointed out the alleged acquisition of AGI (*Agenzia Giornalistica Italiana*) by the Angelucci group, owned by Antonio Angelucci, a Lega party MP and entrepreneur in the health and media sector, whose assets include *Il Giornale*, *Libero*, and *Il Tempo*. Concerns regarded growing media concentration, undue political influence, and possible conflicts of interest. Nevertheless, the negotiations by Angelucci did not succeed, and the media agency remains on sale for now.¹⁰⁴

In December 2025, negotiations were confirmed for the sale of the GEDI media group, publisher of *La Repubblica* and *La Stampa*, to the Greek Antenna Group owned by Theodore Kyriakou, raising concerns about media pluralism and editorial independence in Italy. Journalists at both newspapers staged strike actions in mid-December, warning that the acquisition could undermine critical journalism and the independence of their newsrooms.¹⁰⁵

Political communication and *par condicio* rules

The debate, which started in sight of the 2024 EU elections around the amended *par condicio* rule, approved with the so-called Fazzolari Decree,¹⁰⁶ died soon after the elections took place. Nevertheless, a similar argument emerged around the communication campaign on the five referenda, which took place in spring 2025. The five referendum questions tackled citizenship and workers' rights

104 Panzarella, M., Romanelli, D., In the Hands of a Few: Who Controls Information in Italy? The Infographic (Nelle mani di pochi: chi controlla l'informazione in Italia? L'infografica), LaViaLibera, 1 September 2025, https://lavi-alibera.it/it-schede-2414-chi_controlla_informazione_giornali_italia_proprietari_infografica [in Italian]

105 *Reporters without Borders, Sale of La Repubblica and La Stampa: threat to future of media pluralism in Italy, 22 December 2025*, <https://rsf.org/en/sale-la-repubblica-and-la-stampa-threat-future-media-pluralism-italy>

106 F.Q., The right splits over the Fazzolari provision; Boschi's proposal is rejected. The 'save-Petrecca' measure passes: on RaiNews, a simple disclaimer will be enough to broadcast campaign rallies in full (*Sul lodo Fazzolari la destra si divide, bocciata Boschi. Passa il "salva-Petrecca": a Rainews basterà una sigla per trasmettere i comizi per intero*), 10 April 2024, *Il fatto Quotidiano*, <https://www.ilfattoquotidiano.it/in-edicola/articoli/2024/04/10/sul-lodo-fazzolari-la-destra-si-divide-bocciata-boschi-passa-il-salva-petrecca-a-rainews-bastera-una-sigla-per-trasmettere-i-comizi-per-intero/7507408/> [in Italian]

- although these concerned the majority of the population, CSOs and workers' unions complained about censorship on RAI, also organising protests in front of RAI local headquarters.¹⁰⁷ Furthermore, members of the majority in the government aimed at boycotting the referenda by inviting people to abstain from voting or not to withdraw all five voting cards, excluding the one on citizenship, given that it clearly goes against the nationalist political agenda of Meloni.¹⁰⁸ In light of this situation, the Communication Authority (*Autorità per le Garanzie nelle Comunicazioni*, AGCOM) was requested to intervene and issued a provision calling on RAI to adequately communicate about the upcoming referenda.¹⁰⁹ At the end, only 30,6% of the population cast their vote, and as a consequence, no referendum question passed.¹¹⁰

State advertising transparency

The shortcomings highlighted in the 2025 Rule of Law Report as regards state advertising transparency persist. Article 49 of TUSMA is intended to make the use of public money for institutional advertising more transparent and to steer how those resources are distributed across the media market. It requires public administrations and other public bodies to inform AGCOM of the sums they spend on buying advertising space for institutional campaigns. The provision also sets minimum allocation thresholds, reserving at least 15% for local private TV and radio stations and at least 50% for daily newspapers and periodicals.¹¹¹ A major limitation, however, is that these obligations do not cover state-owned or publicly controlled companies, even though they are often among the most significant

107 Zero, D. , Silence, there's the referendum (Silenzio, c'è il referendum, Collettiva), 13 May 2025, <https://www.collettiva.it/speciali/referendum-2025/silenzio-informazione-referendum-qkb9adl9> [in Italian]

108 Redazione, The governing parties are calling for a voter not to vote in the referendum. (I partiti al governo invitano a non votare ai referendum), Pagella Politica, 6 May 2025, <https://pagellapolitica.it/articoli/referendum-cittadinanza-lavoro-governo-invito-astensione> [in Italian]

109 AGCOM , Press release – Call on television and radio broadcasters to ensure adequate coverage of the referendums (Comunicato stampa – Richiamo alle emittenti televisive e radiofoniche per garantire adeguata copertura ai referendum), AGCOM, 13 May 2025, <https://www.agcom.it/comunicazione/comunicati-stampa/comunicato-stampa-33> [in Italian]

110 IPSOS , Abrogative referendums on June 8 and 9, 2025: low turnout and reasons, Italians' opinions (Referendum abrogativi 8 e 9 giugno 2025: bassa affluenza e motivazioni, le opinioni degli italiani), IPSOS, 16 June 2025, <https://www.ipsos.com/it-it/referendum-abrogativi-lavoro-cittadinanza-voto-italiani> [in Italian]

111 Legislative Decree No. 208 of 8 November 2021, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2021-11-08;208> [in Italian]

advertisers connected to the public sector. As a result, the mismatch between the current domestic rules and the standards envisaged in Article 25 of the EMFA persists.¹¹²

New Issues that Emerged in 2025

Use of spyware against journalists

A worrying trend of the use of spyware against journalists emerged in Italy. The Italian government showed little interest in investigating the cases, to the point that the targeted journalists were not even heard by the inquiring parliamentary committee.¹¹³

On 31 January 2025, it was reported that 90 users of Meta's social media platform WhatsApp, including journalists and members of civil society, were targeted with Paragon spyware, also known as Graphite. In the EU, it is understood that individuals were targeted in 13 Member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Germany, Greece, Latvia, Lithuania, the Netherlands, Portugal, Spain, and Sweden.¹¹⁴ One of the targets was investigative journalist Francesco Cancellato, the editor-in-chief of Italian news outlet Fanpage, who was informed of the spyware attack by WhatsApp on 31 January.¹¹⁵ The company reportedly discovered that Paragon was targeting its users in December 2024 and had since disrupted the hacking effort. It was unknown how long Cancellato may have been compromised, but the journalist published a high-profile investigative story in May 2024, which exposed how members of Italian Prime Minister Giorgia Meloni's far-right party's youth

112 Vigevani, G. E., Canzian, N., Cecili, M. , Monitoring media pluralism in the European Union : results of the MPM2025. Country report : Italy; (Monitoraggio del pluralismo dell'informazione nell'Unione Europea : risultati del MPM2025. Rapporto : Italia), EUI, RSC, Research Project Report, Centre for Media Pluralism and Media Freedom (CMPF), 2025, Country Reports, p. 47, <https://hdl.handle.net/1814/92896>

113 Cancellato, F. , Everything that doesn't add up in the Copasir report on the Paragon case (Tutto quello che non torna nella relazione del Copasir sul caso Paragon), Fanpage, 6 June 2025, <https://www.fanpage.it/politica/tutto-quello-che-non-torna-nella-relazione-del-copasir-sul-caso-paragon/>; Pellegrino, C., The story of Paragon spyware on my phone. What happens when a journalist discovers he's been spied on? (Storia dello spyware Paragon sul mio telefono. Cosa accade quando un giornalista scopre di essere stato spiato), Fanpage, 12 June 2025, <https://www.fanpage.it/politica/storia-spyware-paragon-ciro-pellegrino-fanpage/> [in Italian]

114 Media Freedom Rapid Response (2025), Italy: Call for full transparency after Fanpage editor-in-chief surveilled with spyware, Media Freedom Rapid Response, 2025, <https://www.mfrr.eu/italy-call-for-full-transparency-after-fanpage-editor-in-chief-surveilled-with-graphite-spyware/>

115 Kirchgaessner, S., Italian investigative journalist targeted on WhatsApp by Israeli spyware, The Guardian, 1 February 2025, <https://www.theguardian.com/technology/2025/jan/31/italian-journalist-whatsapp-israeli-spyware>

wing had engaged in fascist chants, Nazi salutes, and antisemitic rants. Cancellato reportedly said he did not have reason to suspect that his mobile device had been compromised and that he had never been told by any authorities that he was under investigation.

The parliamentary committee that oversees the work of Italian intelligence services (Copasir) published an investigation report in June 2025,¹¹⁶ denying the involvement of Italian actors in the surveillance of the journalist, while indicating the possibility that foreign services were involved. The government authorities have not taken further action, while two court proceedings are ongoing in Rome and Naples. In April 2025, another Fanpage journalist, Ciro Pellegrino, who has been similarly critical of the Meloni government, received a notification by Apple warning that a mercenary spyware was used against him, which was later confirmed to be Graphite in a Citizen Lab report.¹¹⁷

Implications and Recommendations for 2026

The emergence of the use of spyware against journalists should be addressed by the Commission in its upcoming report with the following recommendation:

Suggested recommendation: It is recommended that the Italian government implements Article 4 of the European Media Freedom Act, particularly regarding: paragraph 7, implementation of safeguards such as the right of the data subject to information and access to personal data undergoing processing carried out in the context of the deployment of the surveillance measures; paragraph 8, right to effective judicial protection through an independent authority, body or self-regulatory mechanism with relevant expertise to provide assistance with regard to the exercise of that right.

116 Camera dei Deputati e Senato della Repubblica, Report on the use of the spyware “Graphite” by the intelligence services for the security of the republic (Relazione sull’utilizzo dello spyware “Graphite” da parte dei servizi di informazione per la sicurezza della repubblica), 4 June 2025, https://documenti.camera.it/_dati/leg19/lavori/documentiparlamentari/IndiceETesti/034/004/INTERO.pdf [in Italian]

117 Reuters, Alleged Italian phone hacking involves political gossip website, sources say, Reuters, 19 June 2025, <https://www.reuters.com/world/alleged-italian-phone-hacking-involves-political-gossip-website-sources-say-2025-06-19/>

CHECKS AND BALANCES

General assessment

Civic space in Italy has been described as ‘obstructed’ in the latest Civicus Monitor Report, placing our country at the same level as Orban’s Hungary, in line with the *2025 Liberties Rule of Law Report*. CSOs share consensus over identifying the security bill, the criminalisation of protest, and intimidation of journalists and activists through spyware, the three main catalyst elements to the shrinking of civic space in the country.¹¹⁸

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to establish a National Human Rights Institution taking into account the UN Paris Principles (first made in 2022)

More than 30 years later the UN General Assembly stated the obligation for Member States to establish a National Human Rights Institution (NHRI) according to the Paris Principles. With resolution 48/134, the Italian government is finally taking some steps in this direction. Nevertheless, this is happening only as a consequence of the upcoming full entry into force of the New Pact on Asylum and Migration foreseen in June 2026. Indeed, Article 10 of the Regulation (EU) 2024/1356 (Screening Regulation)¹¹⁹ and Article 43 Para. 4 of Regulation (EU) 2024/1348 (Procedure Regulation)¹²⁰ provide for the establishment of an independent human rights monitoring mechanism. In the context of the National Implementation Plan of the Pact, a document was circulated in November 2025, announcing that the National Data Protection Authority appears to be an adequate institution to allocate this mandate to. To this aim, €10 million will be granted to this existing body, in order to hire multidisciplinary personnel, buy technological equipment for monitoring activities, develop an online data platform, and lastly to cover organisational and logistical costs as well as external contributors costs, e.g. mediators and translators.

118 Amnesty International Italia (2025), Italy like Orban’s Hungary for Civicus Monitor, Amnesty International Italia (L’Italia come l’Ungheria di Orban per Civicus Monitor), Amnesty International Italia, 9 December 2025, <https://www.amnesty.it/litalia-come-lungheria-di-orban-per-civicus-monitor/> [in Italian]

119 Official Journal of the European Union, REGULATION (EU) 2024/1356 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 22 May 2024, <http://data.europa.eu/eli/reg/2024/1356/oj>

120 Official Journal of the European Union, REGULATION (EU) 2024/1348 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, 22 May 2024, <http://data.europa.eu/eli/reg/2024/1348/oj>

Those developments raised several concerns among CSOs, both regarding the independence and the mandate of ombudsman bodies in Italy. Firstly, by opting for allocating this mandate to the Data Protection Authority rather than to the Guarantor of the Rights of People in Detention, the government denies the forms of deprivation of personal liberties resulting from immigration procedures, devaluating the role and mandate of the Guarantor of the Rights of People in Detention.¹²¹ Indeed, this results in an administrative shortcut taken by the government to comply with regulations' obligation and risks undermining the objective of the NHRI mandate in the context of the New Pact on Asylum and Migration. Lastly, a few weeks before this, the Data Protection Authority was at the centre of attention due to alleged political influence and conflict of interests emerged thanks to an independent journalistic investigation,¹²² which caused the resignation of Angelo Fanizza, General Secretary of the Data Protection Authority.¹²³

As stated by CILD Co-Executive Director, "the protection of fundamental rights cannot be entrusted to temporary solutions or to bodies not equipped for this purpose. Italy now has an opportunity to strengthen its democratic institutions and align itself with international standards by establishing a long lasting and independent human rights authority with real powers and a clear mandate."¹²⁴

Commission's 2025 assessment: No further progress

CILD's current assessment: In progress

Gaps in the Commission's Report

Criminalisation of solidarity

Since 2023, the work of SAR NGOs and supporting CSOs has been increasingly hindered through administrative detention measures and economic sanctions, in application of the so-called Piantedosi

121 Merli, G. , The government likes the guarantor: privacy also includes the right to asylum (Al governo il garante piace: alla Privacy anche il diritto di asilo), Il Manifesto, 11 November 2025, <https://ilmanifesto.it/al-governo-il-garante-piace-alla-privacy-anche-il-diritto-di-asilo> [in Italian]

122 Gambirasi, M., Report case, now the privacy guarantor is in the balance (Caso Report, ora il garante della privacy è in bilico), Il Manifesto, 10 November 2025, <https://ilmanifesto.it/caso-report-ora-il-garante-della-privacy-e-in-bilico>

123 Redazione , Privacy, the Secretary General resigns (Privacy, il segretario generale si dimette), Il Manifesto, 20 November 2025, <https://ilmanifesto.it/privacy-il-segretario-generale-si-dimette>

124 Oleandri, A., Instead of shortcuts we demand a truly independent human rights authority, CILD, 12 November 2025, <https://cild.eu/en/2025/11/12/instead-of-shortcuts-we-demand-a-truly-independent-human-rights-authority/>

Decree (Decree-Law No. 1/2023) and the 2024 Flow Decree (Decree-Law No. 145/2024), which further tightened restrictive provisions and extended the applicability of administrative detention and monetary sanctions to aircrafts supporting monitoring violations and distress cases in the Mediterranean. In 2025, the Piantedosi Decree was applied to ten SAR ships, consisting of detention periods and high fees – in many cases, the order was appealed and suspended by the court as illegitimate.¹²⁵ Moreover, for the first time, two supporting aircrafts were also detained for 20 days, with sanctions up to €100,000.¹²⁶ On 8 July 2025, the Constitutional Court published a sentence on the lawfulness of the Piantedosi Decree provisions, reaffirming that the Law of the Sea cannot be sidestepped through punitive or discriminatory measures, and that any order conflicting with it must be regarded as unlawful and illegitimate.¹²⁷ Moreover, with a sentence published on 3 December 2025, the Agrigento Tribunal once again challenged the application of the Piantedosi Decree to SAR ships, by excluding its application in the case of lack of communication with the Libyan authorities, as not among the conditions stated in the Decree.¹²⁸

125 RESQSHIP, Arbitrary detention after rescuing 112 people, 9 June 2025, <https://resqship.org/en/detention-nadir/>; RESQSHIP, Nadir blocked in port – again! Political repression against RESQSHIP continues, 8 July 2025, <https://resqship.org/en/detention-2/>; Sea-Eye, After Rescuing 65 People: SEA-EYE 5 Unlawfully Detained in Sicily, 17 June 2025, <https://sea-eye.org/en/after-rescuing-65-people-sea-eye-5-unlawfully-detained-in-sicily/>; Sea-Watch, Sea-Watch rescue ship Aurora detained, 22 July 2025, <https://sea-watch.org/en/sea-watch-rescue-ship-aurora-detained/>; Sea-Watch, Rescue ship Aurora blocked after rescuing 75 people, 9 September 2025, <https://sea-watch.org/en/rescue-ship-aurora-blocked-after-rescuing-75-people/>; Mediterranea Savung Humans, Mediterranea fermata dal Decreto Legge Piantedosi, 25 August 2025, <https://mediterraneaescape.org/it/news/mediterranea-fermata-dal-decreto-legge-piantedosi> [in Italian]; Mediterranea Savung Humans, 60 giorni di detenzione e 10 mila euro di multa per Mediterranea: una sanzione ingiusta e punitiva, 15 November 2025, <https://mediterraneaescape.org/it/news/60-giorni-di-detenzione-e-10mila-euro-di-multa-per-nave-mediterranea> [in Italian]; Compass Collective, Trotamar III is free, 10 September 2025, <https://compass-collective.org/en/2025/09/10/trotamar-iii-is-free/>; SOS Humanity, Rescue ship Humanity 1 detained in Ortona, 10 December 2025, <https://sos-humanity.org/en/press/humanity-1-detained-in-ortona/>.

126 Sea-Watch, Italy detains human rights monitoring aircraft, 8 August 2025, <https://sea-watch.org/en/italy-detains-human-rights-monitoring-aircraft/>; Bellini, F., La sanzione esemplare contro gli occhi scomodi di Pilotes Volontaires sul Mediterraneo, Altreconomia, 3 October 2025, <https://www.pilotes-volontaires.org/fr/carnet-de-vol/> [in Italian]

127 Constitutional Court, Sentence No. 101/2025 of 21 May 2025, https://www.asgi.it/wp-content/uploads/2025/07/pronuncia_101_2025.pdf

128 ASGI, Agrigento Court: NGOs cannot be sanctioned for failing to communicate with Libyans (Tribunale di Agrigento: non si possono sanzionare le ONG perché non comunicano con i Libici), ASGI, 22 December 2025, <https://www.asgi.it/antidiscriminazione/tribunale-di-agrigento-non-si-possono-sanzionare-le-ong-perche-non-comunicano-con-i-libici/> [in Italian]

In July 2025, an appeal signed by 32 SAR NGOs reported that since 2023, the application of such provisions entailed spending “960 days in harbours instead of rescuing lives at sea.”¹²⁹ Indeed, the obstructive policies affecting SAR actors have severe impacts on the deadliness of the Mediterranean route and also implies higher capacity of NGOs operating in this field in terms of resources to sustain legal and administrative costs faced due to the application of such provisions.¹³⁰

In this context of increased restrictions on solidarity in the Mediterranean, in 2025, two episodes of direct attacks against SAR NGOs by the so-called Libyan Coast Guard have been recorded: in August against the Ocean Viking ship, from SOS Humanity,¹³¹ and in September against Sea-Watch 5, from Sea-Watch.¹³² Libyan authorities, which are responsible for those violent threatening episodes, are supported by Italy through the Italy-Libya Memorandum of Understanding,¹³³ which was renewed for three more years on 2 November 2025. CSOs opposed to the renewal of the agreement as there is evidence that over the past eight years, it has empowered the Libyan Coast Guard to intercept tens of thousands of people at sea and return them to Libya, where they may be subjected to inhumane detention conditions, torture, and other forms of ill-treatment.¹³⁴ Moreover, despite a warrant order from the International Criminal Court for crimes against humanity and war crimes, the Italian government returned Libyan General Nijeem Osama Almastri to Libya on board a State flight, after

129 Redazione MeltingPot, Piantedosi insists, the judges deny it (Piantedosi insiste, i giudici lo smentiscono), MeltingPot, 12 December 2025, <https://www.meltingpot.org/2025/12/piantedosi-insiste-i-giudici-lo-smentiscono/> [in Italian]

130 Echoes Team, The obstruction of search and rescue vessels causes hundreds of deaths at sea, Civil MRCC, 28 July 2025, <https://civilmrcc.eu/criminalisation/the-obstruction-of-search-and-rescue-vessels-causes-hundreds-of-deaths-at-sea/>

131 SOS Méditerranée, Ocean Viking under heavy fire by Libyan Coast Guard in unprecedented attack against survivors and humanitarian workers, 25 August 2025, <https://www.sosmediterranee.org/sos-med-libyan-attack/>

132 Sea-Watch, Libyan militia fires on rescue ship Sea-Watch 5, 26 September 2025, https://sea-watch.org/en/libyan-militia-fires-on-rescue-ship-sea-watch-5/?_gl=1*1b0mi1w*_up*MQ..*_gs*MQ..&gclid=Cj0KCQjwmYzIBh-C6ARIsAHA3IkRizvjeMDHdVjfLb1TdynBeXSox3AyKw7WOC1z0g2N-0P7g89T3DjIaAmB4EALw_wc-B&gclid=0AAAAApIZxqoj3vvnuFRbVANOR6eGN4D_6

133 Presidente del Consiglio dei Ministri, Memorandum of Understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, and smuggling, and on strengthening border security between the State of Libya and the Italian Republic (Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana), Governo della Repubblica Italiana, 2 February 2017, <https://www.governo.it/sites/governo.it/files/Libia.pdf> [in Italian]

134 Human Rights Watch, Italy: End Border Control Pact with Libya, 13 October 2025, <https://www.hrw.org/news/2025/10/13/italy-end-border-control-pact-with-libya>

being arrested in Turin on 19 January 2025. Italy has been accused of violating international cooperation obligations,¹³⁵ while an investigation was opened by the Tribunal of Ministers against Prime Minister Giorgia Meloni, Justice Minister Carlo Nordio, Interior Minister Matteo Piantedosi, and Cabinet Secretary Alfredo Mantovano.

In the same days as the Almasri case, a worrying espionage case emerged. It seems that the Italian government had a contract with an Israeli military spyware company which spied on around 90 people in 20 countries, including Italian SAR activists and journalists.¹³⁶ As stated by Elina Castillo Jiménez, Amnesty International: “The use of spyware against activists and journalists by Italian authorities and the lack of transparency and cooperation undermine international norms that Italy is bound by and raises serious concerns about its commitment to the Pall Mall Process and its Code of Practice for States, which seeks to stop the abuse of commercial spyware which undermine freedom of expression.”¹³⁷

Right to protest

In the 2025 Rule of Law Report, we expressed great concern about the so-called Security Bill (DDL 1660), which was presented in the parliament back in September 2024, due to the fact that it would criminalise forms of dissent, creating a chilling effect.¹³⁸ After months of the parliamentary discussion and opposition from CSOs, international organisations, and academics, the government decided to adopt those provisions through Decree-Law No. 48/2025 of 11 April 2025,¹³⁹ then converted

135 ANSA, *Italy failed to comply with obligations over Almasri case – ICC*, InfoMigrants, 21 October 2025, <https://www.infomigrants.net/en/post/67629/italy-failed-to-comply-with-obligations-over-almasri-case--icc>; Redazione MeltingPot, *The International Criminal Court accuses the Meloni government in the Almasri case (La Corte Penale Internazionale accusa il Governo Meloni sul caso Almasri)*, MeltingPot 1 July 2025, <https://www.meltingpot.org/2025/07/la-corte-penale-internazionale-accusa-il-governo-meloni-sul-caso-almasri/> [in Italian]

136 Fonte, G., Armellini, A. (2025), *Italy and Israeli Paragon part ways after spyware affair*, Reuters, 9 June 2025, available at: <https://www.reuters.com/sustainability/society-equity/italy-has-ended-spyware-contract-with-paragon-parliamentary-document-shows-2025-06-09/> [in Italian]

137 Amnesty International Italia (2025), *Italy: New case of journalist targeted with Graphite spyware confirms widespread use of unlawful surveillance*, Amnesty International Italia, 13 June 2025, available at: <https://securitylab.amnesty.org/latest/2025/06/italy-new-case-of-journalist-targeted-with-graphite-spyware-confirms-widespread-use-of-unlawful-surveillance/>.

138 Civil Liberties Union for Europe (2025), *Rule of Law Report 2025 on Italy*, 17 March 2025, p. 50, available at: <https://www.liberties.eu/f/hwhfvr>.

139 *Decree-Law No. 48 of 11 April 2025*, available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2025-04-11;48> [in Italian]

with Law No. 80/2025.¹⁴⁰ This raises different questions challenging the rule of law in Italy. First, once again, the government bypassed the political and technical debate that was happening within the regular parliamentary legislative process by adopting a decree-law. This is a concerning dynamic, which is highlighted in the 2025 Report, also given the persistent use of this strategy by the Meloni government. CILD denounces: “The abuse of emergency decree-making is a serious distortion of the democratic process, used to impose security-focused reforms without debate, without transparency, and without opposition.”¹⁴¹ Secondly, this legislative decree introduced new crimes affecting activists, minorities, and opponents, undermining civic participation on various fronts. In particular, it further criminalises forms of peaceful demonstrations, such as road blockades by eco-activists, and forms of passive resistance and protest both in prisons and administrative detention centres for migrant people (CPRs).

The criminalizing provisions introduced by the Security Bill found application starting from June 2025. In June 2025, Article 14 on road blockade was applied against the road blockade resulting from a steelworkers’ demonstration in Bologna,¹⁴² while Article 20 was applied against a 22-years-old man following his participation in a pro-Palestine demonstration in Bari.¹⁴³ Moreover, in August 2025, nine migrant people were arrested following a protest in the CPR in Palazzo San Gervasio, in application of Article 27 of the Security Decree.¹⁴⁴ Finally, the provision prohibiting the production, selling, and distribution of cannabis light under Article 19 of Decree-Law No. 48/2025 was finally appealed, and a sentence by the Constitutional Court on its constitutionality is awaited.¹⁴⁵

140 Law No. 80 of 9 June 2025, available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2025;80> [in Italian]

141 Biondi, M. (2025), Il Decreto Sicurezza per scavalcare il Parlamento, CILD, 15 April 2025, available at: <https://cild.eu/blog/2025/04/15/il-decreto-sicurezza-per-scavalcare-il-parlamento/> [in Italian]

142 F.Q. (2025), Sciopero dei metalmeccanici, a Bologna 10mila bloccano la tangenziale. “Denunciati in base al dl sicurezza”, Il Fatto Quotidiano, 20 June 2025, available at: <https://www.ilfattoquotidiano.it/2025/06/20/10mila-metalmeccanici-bloccano-la-tangenziale-di-bologna-saranno-denunciati-in-base-al-decreto-sicurezza/8033631/>.

143 Spagnolo, C. (2025), Arrestato dopo il corteo per Gaza in base al Decreto sicurezza, ragazzo di 22 anni condannato a Bari, La Repubblica, 18 November 2025, available at: https://bari.repubblica.it/cronaca/2025/11/18/news/arrestato_al_corteo_per_gaza_in_base_al_decreto_sicurezza_manifestante_di_22_anni_condannato_a_bari-424989181/.

144 Covella, A. R. (2025), CPR di Palazzo San Gervasio: dall’exasperazione alla protesta per denunciare condizioni disumane, Meltingpot, 12 August 2025, available at: <https://www.meltingpot.org/2025/08/la-rivolta-nel-cpr-di-palazzo-san-gervasio-dallesasperazione-alla-protesta-per-denunciare-condizioni-disumane/>.

145 Bocci, M., Giannoli, V. (2025), Cannabis light, dubbi di incostituzionalità sul divieto. Il ricorso del giudice: “Decida la Consulta”, La Repubblica, 3 December 2025, available at: https://www.repubblica.it/cronaca/2025/12/03/news/corte_costituzionale_decisione_su_divieto_coltivare_vendere_cannabis_light-425018311/.

Finally, on the morning of 30 December 2025, the Turin Police Headquarters carried out a precautionary measure against six minors from the ‘Einstein high school’ (Istituto di Istruzione Superiore Albert Einstein) ordering that they remain under house arrest pending trial.¹⁴⁶ This is a serious precedent, especially given the students’ very young age. The charges relate to certain protest episodes, including a road blockade, linked to the large pro-Palestinian demonstrations for the Global Sumud Flotilla this autumn.¹⁴⁷ For the same events, many other demonstrators have been fined in recent weeks, up to €5,000.¹⁴⁸

LGBTQIA+ rights

No progress has been made regarding LGBTQIA+ rights, especially as concerns same-sex marriage and rights over children from same-sex couples. However, the Court of Justice of the European Union (CJEU) judgment 917/2025 published on 25 November 2025 states that all EU Member States have the obligation to recognise same-sex marriages among EU citizens occurring in another State, in respect of the right of free movement and family life.¹⁴⁹ The court reiterates that, under the EU law, while Member States are not required to introduce same-sex marriage in their domestic legal systems, they nevertheless cannot refuse to recognise and register same-sex marriages lawfully concluded in another EU Member State.

A report shows that, in 2024, the number and the geographic spread of bias-motivated violence against LGBTQIA+ people in Italy rose worryingly, with incidents reported nearly every month.¹⁵⁰ Never-

146 Questura di Torino, Torino: la Polizia di Stato esegue provvedimento cautelare nei confronti di sei minorenni, Questura di Torino, 30 December 2025, available at: <https://www.poliziadistato.it/articolo/scontri-di-piazza-a-torino--sei-minorenni-indagati> [in Italian].

147 Redazione La Stampa, Clashes outside Einstein Hospital: Six minors placed under house arrest for resisting arrest and assaulting police officers (Scontri davanti all’Einstein: sei minorenni ai domiciliari per resistenza e lesioni ai poliziotti), La Stampa, 30 December 2025, https://www.lastampa.it/torino/2025/12/30/news/scontri_liceo_einstein_minorenni_arresti_domiciliari-15450498/ [in Italian]

148 @Torino.per.Gaza, Have you received a fine during the Palestine protests? Let us know! (Hai ricevuto una multa nell’ambito delle manifestazioni per la Palestina? Scrivici!), Instagram @Torino.per.Gaza, 3 January 2026, https://www.instagram.com/p/DTC6xKTDdSP/?img_index=2 [in Italian]

149 CJEU, Jakub Cupriak-Trojan and Mateusz Trojan v. Wojewoda Mazowiecki, Case C-713/23, CJEU, 25 November 2025, <https://curia.europa.eu/juris/document/document.jsf%3Bjsessionid%3D5CB9250C175BD8C-B744257CC8AC192F2?cid=15531415&dir=&docid=306544&doclang=EN&mode=req&occ=first&pageIndex=0&part=1&text=&>

150 ILGA Europe, Annual Review 2025 - Italy, Brussels, ILGA Europe, <https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Italy.pdf>

theless, no progress has been made regarding the approval of a law against hate towards LGBTQIA+ community in Italy. On the contrary, the Meloni government is restricting sex education in schools under the pretext of containment of the ‘gender ideology’, which is thought to be a threat to traditional-family values.¹⁵¹ Indeed, the Parliament is currently discussing a bill which would forbid sex-education in kindergarten and primary school, alongside the requirement of written consent of parents to teach it in middle school and high school.¹⁵²

Administrative detention

Throughout 2025, the implementation of Italy’s model of offshored administrative detention in Albania continued in an uneven and conflictual way, fuelling an ongoing tug-of-war between the government and the judiciary. Early in the year, critical issues emerged immediately (including potential vulnerabilities and minors), and the Rome Court of Appeal again refused to validate detention orders and referred questions to the CJEU, resulting in transfers back to Italy.¹⁵³ At the same time, the government attempted to ‘fix’ the regulatory framework: with Decree-Law No.37 adopted on 28 March 2025,¹⁵⁴ it expanded the operational scope of the scheme, allowing transfers to Albania also of people already held in Italian CPRs, thereby consolidating the use of the Albanian facilities as places of detention and not merely as sites for an accelerated border procedure.¹⁵⁵

One of the legal knots that had emerged since the opening of the Gjadër centre - namely the notion of a ‘safe country of origin’ and the extent to which the related ‘safe-country list’ is amenable to judicial

151 Giuffrida, A., Outcry in Italy over sex education bill to crack down on ‘gender ideology’, The Guardian, 4 December 2025, <https://www.theguardian.com/world/2025/dec/04/outcry-in-italy-over-sex-education-bill-to-crack-down-on-gender-ideology>

152 Atto Camera No. 2423 of 23 May 2025 “Provisions on informed consent in the school environment” (2423) (“Disposizioni in materia di consenso informato in ambito scolastico” (2423)), <https://www.camera.it/leg19/126?leg=19&idDocumento=2423> [in Italian]

153 Reuters, Italy resumes migrant transfers to Albania detention centres,, Reuters, 26 January 2025, <https://www.reuters.com/world/europe/italy-resumes-migrant-transfers-albania-detention-centres-2025-01-26/>; Corte di Appello di Roma, Ordinanza della Corte di Appello di Roma – Convalida del trattenimento, 31 January 2025, <https://www.dirittoimmigrazione cittadinanza.it/allegati/fascicolo-n-2-2025/allontanamento-5/1757-all-40-c-app-roma-20250131/file> [in Italian]

154 Decree-Law No. 37 of 28 march 2025, <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2025-03-28&atto.codiceRedazionale=25G00050&tipoDettaglio=multivigenza&classica=true&generaTabId=true&bloccoAggiornamentoBreadCrumb=true&title=lbl.dettaglioAtto>

155 Amante, A., Italy to turn empty Albania migrant centre into repatriation hub, Reuters, 28 March 2025, <https://www.reuters.com/world/europe/italy-turn-empty-albania-migrant-centre-into-repatriation-hub-2025-03-28/>

review - continued to directly affect the feasibility of detention. After the hearing before the CJEU on 25 February 2025 on the questions raised by Italian judges, the CJEU's judgment of 1 August 2025¹⁵⁶ clarified that a Member State may designate a third country as a 'safe country of origin' by legislative act only if that designation is subject to effective judicial review, that the sources underpinning such a designation must be accessible to both the applicant and the national court, and that a Member State may not include a country on the list if it does not offer adequate protection to its entire population.¹⁵⁷ These principles significantly undermined the legal architecture underpinning the 'Albania model' as it had been operationalised by Italy.¹⁵⁸

The political reaction was swift. Government figures, particularly Interior Minister Matteo Piantedosi, reiterated the intention to press ahead with the Albania centres and framed judicial decisions as an obstacle to the executive's action.¹⁵⁹ By the end of 2025, litigation resurfaced on an even broader basis: on 17 November 2025, the Rome Court of Appeal referred to the CJEU questions concerning the overall compatibility of the protocol and extraterritorial detention with EU law. In essence, it asked (i) whether Italy had competence to conclude the agreement with Albania on its own or whether the matter falls within the exclusive competence of the EU, and (ii) even assuming such national

156 CJEU, LC (C-758/24) and CP (C-759/24) C. Commissione territoriale per il riconoscimento della protezione internazionale di Roma – Sezione procedure alla frontiera II, 1 August 2025, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=303022&pageIndex=0&doclang=IT&mode=req&dir=&occ=-first&part=1&cid=9234151> [in Italian]

157 Specifically, in its decision, the Court sets out three fundamental principles:

- the designation of a 'safe country' is lawful only if it can be reviewed by the national court;
- the sources on which the designation is based must be accessible to both the applicant and the court;
- a country that does not guarantee sufficient protection for everyone, including specific vulnerable categories, cannot be included in the list.

158 ASGI, EU Court of Justice: Safe country of origin must be a safe country for all. The Albanian model falls apart (Corte di Giustizia UE: Il Paese di origine sicuro deve esserlo per tutti. Cade il modello Albania), ASGI, 1 August 2025, <https://www.asgi.it/allontamento-espulsione/cgue-il-paese-di-origine-sicuro-deve-esserlo-per-tutti-cade-il-modello-albania/> [in Italian]; CILD (2025), The Court of Justice of the European Union invalidates the "Albania model", CILD, 1 August 2025, <https://cild.eu/en/2025/08/01/the-court-of-justice-of-the-european-union-invalidates-the-albania-model/>

159 Huffpost, Matteo Piantedosi slams the EU Court: "Move forward with CPRs in Albania. It's problematic if judges decide instead of governments." (Matteo Piantedosi contro la Corte Ue: "Avanti sui cpr in Albania, è un problema se i giudici decidono al posto dei governi"), Huffpost, 2 August 2025, https://www.huffingtonpost.it/politica/2025/08/02/news/matteo_piantedosi_contro_la_corte_ue_avanti_sui_cpr_in_albania_e_un_problema_se_i_giudici_decidono_al_posto_dei_governi-19768835/- [in Italian]

competence, whether the EU law - read in light of the Charter of Fundamental Rights - permits detention and the handling of asylum procedures in a territory outside the EU.

Pending the CJEU's reply, the Court of Appeal suspended the decision on validating detention; and, by operation of law, detention ceases to have effect after 48 hours.¹⁶⁰ The Constitutional Court, too, with Order No. 104 of 2025,¹⁶¹ raised ex officio the question of constitutional legitimacy in the proceedings concerning the validation of the measure by which the Chief of Police ordered the detention or the extension of the administrative detention of the applicant for international protection.¹⁶² Some associations, such as Association Antigone, requested to be admitted before the Constitutional Court as *amicus curiae*; their written opinion submitted alongside the request were accepted on 5 December 2025.¹⁶³

Politically and socially, the institutional conflict continued to produce a strongly polarised climate, with spillover effects on the safety of judges in immigration sections. Judge Silvia Albano publicly denounced the political-media instrumentalisation of judicial decisions¹⁶⁴ and linked this context to the threats she received, which led her to seek protective measures.¹⁶⁵ In parallel, parts of the public

160 CILD, The Italy-Albania Protocol at the Court of Justice of the European Union (Il Protocollo Italia-Albania alla Corte di Giustizia UE), CILD, 10 December 2025, <https://cild.eu/blog/2025/12/10/il-protocollo-italia-albania-alla-corte-di-giustizia-ue/> [in Italian]

161 Corte di Appello di Lecce, Atto di promovimento - ordinanza No. 104 of 7 May 2025, <https://www.gazzettaufficiale.it/eli/id/2025/06/04/25C00132/s1> [in Italian]

162 The main issue under discussion is the possibility that asylum seekers may be detained for a considerable period of time without any legal basis for such detention. In fact, there is no provision placing limits or regulations on the repetition of the procedure underlying detention, so that the administration could issue a series of measures not validated by the judicial authority, keeping the migrant detained in a state of deprivation of liberty.

163 Constitutional Court, 5 December 2025, <https://www.cortecostituzionale.it/uploads/amicus/ro-188-2025-decr-ammissione-opinio-6937e58998ca9.pdf> [in Italian]

164 Stasi, L., CPR in Albania, Silvia Albano: "Our rulings have been exploited. Today the European Court has ruled in our favor." (Cpr in Albania, Silvia Albano: "Le nostre sentenze sono state strumentalizzate. Oggi la Corte europea ci dà ragione"), L'Espresso, 1 August 2025, available at: <https://lespresso.it/c/politica/2025/8/1/silvia-albano-sentenza-corte-ue-migranti-albania-intervista/55988> [in Italian]

165 LaPresse, Death threats filed against Judge Silvia Albano (Minacce di morte alla giudice Silvia Albano, presentata denuncia), SkyTG24, 24 October 2024, available at: <https://tg24.sky.it/cronaca/2024/10/24/giudice-albano-minaccia-denuncia> [in Italian]

and media discourse persisted in delegitimising judges working on immigration matters, contributing to a confrontational framework that continued throughout 2025.¹⁶⁶

New Issues that Emerged in 2025

A new Security Bill

At the end of 2025, the Lega party announced a new ‘Security Bill’ consisting of 14 new provisions further criminalising protests, forms of dissent, and minorities, while strengthening once again guarantees for police officers. Those provisions would include stricter rules for family reunification for migrant people, increased forced evictions, pecuniary sanctions to parents of children committing crimes (so-called *baby gangs*), a monetary deposit from people organising demonstrations to be kept in case of damages, and, lastly, the establishment of a national monitoring body on ‘islamisation’.¹⁶⁷ The bill has been announced, yet not formally presented to the parliament, leaving the possibility for the government to pass it as a decree-law, bypassing the parliamentary debate.¹⁶⁸

Referendum on the separation of the magistrature career path

As reported above, in spring 2026, a new referendum is going to be held – this time, it will concern a constitutional law reforming the career path of prosecutors and judges. The debate around this question is vivid,¹⁶⁹ and the main concern is its effects on the independence of the magistrature, as highlighted in the justice system section. An additional element to consider for the upcoming vote is that, contrary to the ones held in June 2025, a quorum is not needed for the success of the referendum. Considering

166 Biloslavo, F., Money, lawsuits, and friendly judges: this is the system that supports illegal immigrants (Soldi, querele e toghe amiche: ecco il sistema pro clandestini), *Il Giornale*, 12 December 2025, <https://www.ilgiornale.it/news/magistratura/soldi-querele-e-toghe-amiche-ecco-sistema-pro-clandestini-2581581.html> [in Italian]

167 *Il Post*, Salvini has a new idea: a security decree (Matteo Salvini ha avuto un’idea nuova: un decreto sicurezza), *Il Post*, 12 November 2025, <https://www.ilpost.it/2025/11/12/decreto-sicurezza-lega-salvini-meloni-sfratti-reati-immigrazione/> [in Italian]

168 Stasi, L., The League presents a new security package: from a deposit for those organizing demonstrations to faster evictions (La Lega presenta un nuovo pacchetto Sicurezza: dalla cauzione per chi organizza manifestazioni agli sgomberi più rapidi), *L’Espresso*, 12 November 2025, <https://lespresso.it/c/politica/2025/11/12/lega-sicurezza-nuove-misure-cauzione-manifestazioni-sgomberi-islamizzazione/58174> [in Italian]

169 Redazione Pagella Politica, Separation of judicial careers: what does the reform approved by the Chamber of Deputies envisage? (Separazione delle carriere dei magistrati: che cosa prevede la riforma approvata alla Camera), *Pagella Politica*, 17 January 2025, <https://pagellapolitica.it/articoli/separazione-carriere-magistrati-contenuti-riforma> [in Italian]

the boycotting tendency that representatives of the government demonstrated last spring,¹⁷⁰ it may happen that, once again, people are discouraged to cast their vote as a political strategy by the majority in the parliament - which has always convincingly supported the reform - and the decision will result being taken by the minority of the people, hence bypassing the participation issue created by disinformation and disinterest in politics spread among the Italian population.

Implications and Recommendations for 2026

The gaps mentioned above highlight serious, ongoing issues should be addressed through new recommendations by the Commission. Moreover, the new issue that emerged over 2025 related to the Security Bill is also serious enough to warrant a new recommendation in the Commission's upcoming report.

Suggested recommendation: Cease the criminalisation of NGOs' activity at sea by imposing fines and administrative detention orders against vessels and aircraft engaged in SAR operations in the Mediterranean. No activist or journalist should be subject to spyware activity because of their civic participation.

Suggested recommendation: Effectively protect the right to protest by stopping the criminalisation of dissenting opinions through the increase of penalties, the introduction of new offences and the strengthening of administrative measures of repression against activists, minorities, and human rights defenders.

Suggested recommendation: Grant the status of marriage to civil unions between same-sex couples, allowing the automatic recognition of children regardless of the sexual orientation and/or gender identity of the parents, and allowing adoptions, also through the approval of the step-child adoption.

Suggested recommendation: Resume the discussion on a law that can protect LGBTQIA+ people from all forms of discrimination and hate crime.

Suggested recommendation: Halt the implementation and expansion of offshored administrative detention schemes and ensure that any form of administrative detention fully complies with EU law, the Charter of Fundamental Rights, and the CJEU jurisprudence. In particular, Italy should refrain from building detention facilities outside EU territory, guarantee effective judicial

170 Redazione ANSA, Meloni: "I'm going to vote but I won't collect my ballot." (Meloni, 'vado a votare ma non ritiro scheda'), ANSA, 2 June 2025, https://www.ansa.it/sito/notizie/topnews/2025/06/02/meloni-vado-a-votare-ma-non-ritiro-scheda_9af6596a-afa9-4bb1-a7a6-649079cec605.html [in Italian]

review of detention decisions and of 'safe country of origin' designations, and prioritise non-custodial, rights-based alternatives to detention in asylum and migration procedures.

Suggested recommendation: Effectively protect the right to protest, by stopping the criminalisation of dissenting opinions through the increase of penalties, the introduction of new offences, and the strengthening of administrative measures of repression against activists, minorities, and human rights defenders.

CONTACTS

Coalizione Italiana Libertà e Diritti Civili (CILD) / Italian Coalition for Civil Liberties and Rights

Founded in 2014, the CILD is a network of civil society organisations that protect and expand the rights and liberties of all, through a combination of advocacy, public education and legal action.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Latvian Centre for Human Rights



The Latvian Centre for Human Rights (LCHR) was established in 1993 as an independent non-governmental organisation. Over the past three decades, LCHR worked with integration (minority rights and promotion of tolerance) issues, elimination of discrimination and hate crimes/speech, asylum, migration and fundamental rights issues, as well as human rights observation in closed institutions (prisons, immigration detention facilities).

LCHR conducts human rights monitoring, research and policy analysis, training of different target groups, and provides legal aid to victims of human rights violations, including their representation before domestic and international courts. The LCHR provides expert opinions both locally (to government, parliament, media, educational institutions, courts, and lawyers), as well as internationally. The LCHR is involved in advocacy for change, ranging from raising public awareness to specific policy or legislative change.

OVERALL ASSESSMENT: HARD WORKER

According to various global surveys, Latvia scores high or relatively high concerning the rule of law. According to the 2025 World Justice Project Rule of Law Index,¹ Latvia is among the minority of countries to see its rule of law score increase in 2025. It ranks 21st out of 143 countries worldwide.² According to IDEA, Latvia ranks 13th out of 173 countries concerning rule of law category of the Global State of Democracy (GSoD) framework.³ The justice system in Latvia continues to perform efficiently. However, the European Commission's recommendation concerning the need for further safeguards to protect the appointment procedure for judges of the Supreme Court from undue political influence has not been addressed. The new Judicial Academy officially opened its premises in October 2025.

Latvia acceded to Protocol No. 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which will allow the Supreme Court (also known as the Senate) and the Constitutional Court to request an advisory opinion from the European Court of Human Rights (ECtHR) on significant questions concerning the interpretation or application of the rights and freedoms guaranteed by the Convention or its Protocols.

The parliament supported public procurement reform in the first reading,⁴ but Transparency International Latvia – Delna has raised concerns about the reform's impact on corruption risks and integrity.⁵ In response to calls to reduce administrative burdens and improve the legal framework, Latvia has postponed the full launch of its interest-representation register to 2028, while allowing interest representatives to voluntarily disclose their information in a publicly accessible register starting in

1 *The 2025 WJP Rule of Law Index® evaluates 143 countries and jurisdictions around the world*

2 2025 World Justice Project Rule of Law Index. Latvia, <https://worldjusticeproject.org/rule-of-law-index/country/2025/Latvia/>; https://worldjusticeproject.org/sites/default/files/documents/Latvia_2.pdf

3 Global State of Democracy Initiative - Launched by International IDEA, the GSoD Initiative brings together a robust set of products that provides data and analysis about democracy worldwide. Its goal is to contribute to the public debate on democracy and to inform policy interventions aimed at strengthening democratic governance. Latvia, p.243 <https://www.idea.int/>

4 The Saeima gives conceptual support to the public procurement reform (Saeima konceptuāli atbalsta publisko iepirkumu reformu), 2 October <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/35051-saeima-konceptuali-atbalsta-publisko-iepirkumu-reformu>

5 Delna (2025). SUMMARY: Public Procurement Reform in Latvia Signals Reduced Transparency of Public Spending, 7 November, <https://delna.lv/lv/2025/11/07/kopsavilkums-publisko-iepirkumu-reforma-latvija-sola-mazaku-atklatibu-par-publikajiem-izdevumiem/>

2025. Whistleblower contact points will be transferred to the Corruption Prevention and Combating Bureau (KNAB) as of 1 January 2026.

Although different measures have been undertaken by the authorities, e.g. adoption of a two-year Anti-Corruption Prevention and Combating Action Plan 2026-2027 and the elaboration of the legislative framework, the successful implementation of the measures ultimately depends on political will, and without anti-corruption efforts being consistently treated as a top-level priority, they risk remaining largely formal or only partially realised. This concern is echoed by leading anti-corruption experts in NGOs Delna and Providus, who highlight concerns, including also lack of political will in key areas such as public procurement, whistleblowing, and lobbying transparency.

Following the rejection of two civil society candidates to the Public Electronic Mass Media (SEPLP), calls have been made to improve the SEPLP members selection procedure to reduce political influence. Some Latvian MPs and public figures warned that restricting Russian-language content on public media could undermine social cohesion and media pluralism by cutting off fact-checked information and increasing the risk of disinformation among audiences that still depend on Russian-language media.

The government approved the Journalists and Other Media Professionals' Safety Plan for 2025–2027,⁶ which aims to strengthen media freedom in Latvia, protect journalists from violence, threats, and persecution, and support the establishment of a robust legal and institutional framework for their protection. The Administrative Regional Court ruled in favour of Russian independent TV channel TV Rain ('Doždj' - Дождь),⁷ operating in exile, declaring unlawful the 2022 decision of the National Electronic Mass Media Council (NEPLP) to revoke the broadcaster's licence. Media organisations have repeatedly warned politicians that NEPLP's actions may threaten editorial independence, and the court's findings should now also be taken seriously.

Parliament's move to withdraw from the Istanbul Convention triggered a major public backlash with mass protests, and a presidential veto followed, highlighting both domestic concern and the risk that opting out of a recently ratified human rights treaty could damage Latvia's credibility and reliability as a partner in European and global human rights frameworks.

6 *Cabinet of Ministers, Journalists and Other Media Professionals' Safety Plan for 2025–2027 (Žurnālistu un citu mediju profesionāļu drošības plāns 2025.–2027. gadam), adopted on 11 November 2025, available at <https://likumi.lv/ta/id/364395-zurnalistu-un-citu-mediju-profesionalu-drosibas-plans-20252027gadam>*

7 Tiesas.lv (2025). "In the 'TV Rain' case, the regional court recognizes the NEPLP decision as unlawful ('TV Rain' lietā apgabaltiesa NEPLP lēmumu atzīst par prettiesisku), 16 July, <https://www.tiesas.lv/lv/jaunums/tv-rain-lieta-apgabaltiesa-neplp-lemumu-atzist-par-prettiesisku>

Draft amendments to the Law on Assemblies, Marches and Pickets and Children's Rights Protection Law were submitted by MPs from an opposition party in September 2025 to seek the prohibition of minors from participating in events that promote LGBTQIA+ ideas and values.

The government approved the draft 'Law on the Protection of Persons Engaged in Activities in the Public Interest'⁸ and the related amendments to the Civil Procedure Law⁹ to strengthen protection against strategic lawsuits against public participation (SLAPPs).

Assessment of the trajectory

Latvian authorities generally take systemic steps to improve the state of the rule of law, as reflected in various global assessments, although gaps remain in legislation and practice, including in the anti-corruption framework. At the same time, parliamentary attempts to withdraw from the Istanbul Convention and to introduce restrictions prohibiting minors from participating in assemblies that promote LGBTQIA+ ideas and values are warning signs that risk undermining these broader efforts and lowering human rights standards.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

8 Sabiedrības interesēs iesaistīto personu aizsardzības likums, <https://tapportals.mk.gov.lv/structuralizer/data/nodes/68ee0795-751f-447a-bbed-8c3bb5881219/preview>

9 Grozījumi Civilprocesa likumā, <https://tapportals.mk.gov.lv/structuralizer/data/nodes/a4a63e16-7000-457b-ab-da-985127846887/preview>

JUSTICE SYSTEM

General assessment

Overall, progress across the judicial system continues, albeit more slowly in some areas, yet the commitment of the relevant authorities is undeniable. On 17 October 2025, the official opening of the Justice Academy's new premises took place; the facility was established using funding from the European Union's Recovery Fund. In 2025, case-processing times improved across all departments (criminal, civil, administrative) of the Supreme Court (the Senate). To increase applications for judicial careers since 1 September 2025, judicial selection is already carried out under a new approach, which allows candidates to apply in a specific initial specialisation – criminal law, civil law, or administrative law. The Supreme Court 2026 priorities focus on assessing the use and impact of judicial guidelines, developing the Supreme Court's new AI search tool, and improving work organisation through an automated deadline-management system for all Senate departments. On 27 January 2026, the government approved amendments to improve the state-funded legal aid system,¹⁰ allowing residents to receive assistance not only during Constitutional Court proceedings but also when preparing a complaint. Latvia's accession to Protocol No. 16, which entered into force on 6 November 2025, allows the Supreme Court and Constitutional Court to request non-binding but authoritative advisory opinions from the ECtHR on important questions concerning the interpretation and application of Convention rights.

10 Ministry of Justice (2026), The availability of state-funded legal aid in Constitutional Court proceedings will be expanded [Paplašinās valsts nodrošinātās juridiskās palīdzības pieejamību Satversmes tiesas procesā], 27.01 <https://lvportals.lv/dienaskartiba/385403-paplasinas-valsts-nodrosinatas-juridiskas-palidzibas-pieejamibu-satversmes-tiesas-procesa-2026>

Implementation of 2025 Commission recommendations

Recommendation: Take measures to ensure the adequate safeguards against undue political influence in the appointment procedure for Supreme Court judges, taking into account European standards on judicial appointments (first made in 2023)

According to the Commission's 2024 Report on Latvia,¹¹ which itself refers to input from stakeholders (including information provided by the President of the Supreme Court, the Judicial Council, and the Council of Sworn Advocates during the 2024 country visit), the previous rejection of the candidate was considered an isolated and unusual incident rather than evidence of a systemic problem.

However, neither the Government nor Parliament has so far taken any steps – particularly legislative ones – to introduce safeguards in law to ensure the objectivity of future appointments, such as a requirement to provide reasons for decisions or the possibility of judicial review of appointment decisions.

Commission's 2025 assessment: No progress

LCHR's current assessment: No progress

New Issues that Emerged in 2025

Increase in public trust in court system

Compared to 2024, a public opinion survey 'Attitudes towards the courts and views on judicial processes' published in September 2025 shows that public trust in the Latvian court system is increasing. Among those surveyed, 43% expressed trust in the courts, which is 5% more than in the previous year. Trust is more commonly expressed by women, young people aged 18 to 34, individuals with higher education, ethnic Latvians, public-sector employees, and residents of Vidzeme and Zemgale. By contrast, distrust in the courts is more common among men, respondents aged 45 to 54, and those aged 65 and over. Distrust was also more frequently expressed by people with only basic education, non-citizens of the Republic of Latvia, the unemployed, low-income respondents, and residents of Riga and Latgale. The overall distrust among those surveyed is 44%.

11 European Commission (2024). "2024 Rule of Law Report Country Chapter on the rule of law situation in Latvia", SWD(2024) 814 final, p.5 https://commission.europa.eu/document/download/c068f798-9708-46c3-bc18-44dee3a1b5e5_en?filename=33_1_58068_coun_chap_latvia_en.pdf

New Justice Academy facility and training

On 17 October 2025, the official opening of the Justice Academy's new premises took place; the facility was established using funding from the European Union's Recovery Fund.¹² Earlier on 15 April 2025, the government approved amendments that allow tuition fees for judges and prosecutors to be reimbursed.¹³ A priority for the Justice Academy is to strengthen a learning culture as an integral part of a judiciary focused on growth and development. On 22 January 2026, the Justice Academy launched the training cycle 'EU Law Month', providing a platform for the exchange of ideas on European Union law between Latvian legal professionals and legal experts from the Court of Justice of the European Union and the General Court of the European Union.¹⁴

Amendments to improve the state-funded legal aid system

On 27 January 2026, the government approved amendments to improve the state-funded legal aid system,¹⁵ allowing residents to receive assistance not only during Constitutional Court proceedings but also when preparing a complaint. Legal aid at this stage will be available only if the case falls within the Court's jurisdiction, all general remedies have been exhausted, and the applicant can present the facts and justify the alleged constitutional rights violation. The amendments also raise standards for legal aid providers (including advocates and associations) by strengthening reputation requirements and expanding qualification checks, including verification of criminal records, administrative offences, and professional experience. Since 2019, when state-funded legal aid was introduced for Constitutional Court proceedings, it has been granted only nine times over six years, while more than 1,300 applications have been submitted to the Constitutional Court in total. These figures show that the existing framework has not been sufficiently effective in ensuring legal assistance for those who objectively need it.

12 LVportals (2025). *Atklāta Tieslietu akadēmija – ieguldījums nākotnes tiesiskumā*, 17.10 <https://lvportals.lv/dienaskartiba/381815-atklata-tieslietu-akademija-ieguldijums-nakotnes-tiesiskuma-2025>

13 LSM.LV (2025). *Valsts pilnībā apmaksās tiesnešu un prokuroru mācības Tieslietu akadēmijā*, 15.04, <https://www.lsm.lv/raksts/zinas/latvija/15.04.2025-valsts-pilniba-apmaksas-tiesnesu-un-prokuroru-macibas-tieslietu-akademija.a595628/>

14 TM.GOV.LV (2026). *I. Ziemeļe: Tieslietu akadēmija – vieta ar augstu potenciālu modernu zināšanu ienesšanai Latvijas juristu saimē*, 23.01, <https://www.tm.gov.lv/lv/i-ziemele-tieslietu-akademija-vieta-ar-augstu-potencialu-modernu-zinasanu-ienesanai-latvijas-juristu-saime>

15 Ministry of Justice (2026), *The availability of state-funded legal aid in Constitutional Court proceedings will be expanded* [Paplašinās valsts nodrošinātās juridiskās palīdzības pieejamību Satversmes tiesas procesā], 27.01 <https://lvportals.lv/dienaskartiba/385403-paplasinas-valsts-nodrosinatas-juridiskas-palidzibas-pieejamibu-satversmes-tiesas-procesa-2026>

Changes to judicial selection and drop in Supreme Court cases

A. Strupišs, Chair of the Supreme Court, noted in 2025¹⁶ that although Latvia formally lacks 70 judges, around 30 of those positions are likely unnecessary. He argued that Latvia already has a comparatively high number of judges for its population and that maintaining such a large judicial corps is not justified by the current caseload. He suggested reallocating resources from abolished posts to significantly increase judicial assistants' salaries. Strupišs also highlighted difficulties in attracting young lawyers to judicial careers, with the most acute shortage among criminal law specialists, who seldom apply in judicial selection competitions.¹⁷

Since 1 September 2025, judicial selection is already carried out under a new approach, which allows candidates to apply in a specific initial specialisation – criminal law, civil law, or administrative law. At the same time, if a candidate is approved as a judge of a court of general jurisdiction, they must undergo additional training in the legal field that was not their initial specialisation.¹⁸ At the end of September, the Judicial Council reported that a total of 168 applications were received in the judicial candidate selection competition.¹⁹

In 2025, the Supreme Court (Senate) received 1,862 cases, a 7% drop from the previous year. The number of cases examined fell by 9%, reducing the Senate's case-handling rate from 100% to 98%. Case-processing times improved across all departments: 9 months in Administrative Cases, 4.3 months in Civil Cases, and 4.7 months in Criminal Cases. Long-running cases lasting over three years decreased to 21, some paused due to EU Court of Justice or Constitutional Court proceedings. The Chair of Supreme Court A. Strupišs also highlighted the high rate of refusals to hear

16 LSM.LV (2025). <https://www.lsm.lv/raksts/zinas/latvija/04.06.2025-strupiss-no-70-tiesnesu-vakancem-varetu-likvidet-30-par-ietauptito-palielinatu-algas-tiesnesu-paligiem.a601728/>

17 Tiesas. LV (2025). Tieslietu padomes priekšsēdētājs Aigars Strupišs tiekas ar Rīgas apgabaltiesas Kriminālietu tiesas kolēģijas tiesnešiem, 23.01, <https://www.tm.gov.lv/lv/i-ziemele-tieslietu-akademija-vieta-ar-augstu-potencialu-modernu-zinasanu-ienesanai-latvijas-juristu-saime>

18 Blumberga-Švēde S. Jauna pieeja tiesnešu atlasē – kandidātu specializācija konkrētā tiesību jomā . LV portāls, 23.05.2025, at <https://lvportals.lv/tiesas/376482-jauna-pieeja-tiesnesu-atlase-kandidatu-specializacija-konkrete-tiesibu-joma-2025>

19 Economic Court (criminal law specialisation) – 6 applications Economic Court (civil law specialisation) – 7 applications Administrative Regional Court – 7 applications Criminal Division of the General Jurisdiction Regional Court – 12 applications Civil Division of the General Jurisdiction Regional Court – 17 applications District (City) Court (criminal law specialisation) – 22 applications Administrative District Court – 41 applications District (City) Court (civil law specialisation) – 56 applications. In: Judicial Council (2025), 26.09, <https://www.tieslietupadome.lv/lv/jaunums/tiesnesu-atlases-konkursa-sanemti-168-pieteikumi>

cassation cases—65% in Administrative, 85% in Civil, and 73% in Criminal. This may reflect stable case law and better-quality regional court judgments. Most importantly, fewer cases now result in overturned decisions.²⁰

New operational strategy for Supreme Court

In 2025 a new four-year operational strategy for the Supreme Court was approved. Of the tasks set for 2026, three priorities have been highlighted. First, the examination and evaluation of how various guidelines are being used and what results they produce. These include the Judicial Council's guidelines for preparing first- and second-instance judgments, the Senate's internal guidelines for drafting its own judgments, and, in particular, the use of the Supreme Court's guidelines for preparing cassation complaints. The second task is the development of the Supreme Court's artificial-intelligence search tool. A test version is expected by mid-February 2026, with a fully functioning version planned for June. The third task is improving work organisation by creating an automated deadline-management tool for all Senate departments.

Implementation of Judgments

European Court of Human Rights

As of 5 December 2025, there were 101 leading cases transmitted to Latvia, of those 94, or 93%, were closed, while 7% were pending. 148 cases were transmitted for supervision, of those 139, or 94% were closed, while 6% were pending.²¹

On 8-9 October 2025, the Department for the Execution of Judgments carried out a mission to Riga²² to discuss various aspects related to the implementation of the European Court's judgments against Latvia. The delegation exchanged with the authorities on lessons learned from some of the recently closed cases concerning, for example, effective investigations in ill-treatment cases (*Malinovskis v.*

20 Jurista Vārds (2026). Augstākās tiesas plēnumā aizvadītā gada darbu novērtē atzinīgi, 19.01, <https://m.juristavards.lv/zinas/287509-augstakas-tiesas-plenuma-aizvadita-gada-darbu-noverte-atzinigi/>

21 *Department of the Execution of Judgments of the European Court of Human Rights* (2025). Latvia <https://www.coe.int/en/web/execution/latvia>

22 *Council of Europe* (2025). Visit to Latvia on the execution of the European Court's judgments, 13 October, <https://www.coe.int/en/web/execution/-/visit-to-latvia-on-the-execution-of-the-european-court-s-judgments?redirect=%2Fen%2Fweb%2Fexecution%2Flatvia>

Latvia²³), or parents' contact rights (E.K. v. Latvia²⁴). They also discussed the status of execution, current obstacles, and future perspectives in cases still pending under the supervision of the Committee of Ministers, notably concerning informal prison hierarchies (D v. Latvia²⁵), ineffective investigation into a homophobic attack (Hanovs v. Latvia²⁶), access to documents in criminal proceedings (Spruds and Others v. Latvia²⁷), retention of assets in criminal proceedings (Krievina v. Latvia²⁸ and Rutule v. Latvia²⁹), and improper examination of a trade union element in a labour dispute (Straume v. Latvia³⁰).

On 6 November 2025, the Law 'On Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms' entered into force, by which the Saeima, Latvia's parliament, approved Latvia's accession to the Protocol. With the Protocol's entry into force in Latvia, the Supreme Court and the Constitutional Court will have the right to request an advisory opinion from the ECtHR on significant questions concerning the interpretation or application of the rights and freedoms guaranteed by the Convention or its Protocols.

Although the conclusions set out in the Court's advisory opinions are not legally binding, they provide insight and guidance on how to interpret and apply the rights guaranteed by the Convention and its Protocols in contentious or previously unresolved matters.³¹

The Office of the Representative of Latvia before International Human Rights Institutions prepared an updated report on ECtHR case³² law concerning the length of proceedings in Latvian cases. The

23 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-65851%22%5D%7D>

24 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-63723%22%5D%7D>

25 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-65667%22%5D%7D>

26 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-67045%22%5D%7D>

27 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-67047%22%5D%7D>

28 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-67693%22%5D%7D>

29 <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-67037%22%5D%7D>

30 <https://hudoc.exec.coe.int/eng?i=004-61022>

31 *Lvportals.lv* (2025). *Latvia ratifies Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Latvija ratificē Eiropas Cilvēka tiesību un pamatbrīvību aizsardzības konvencijas 16. protokolu)*, 26 November, <https://lvportals.lv/dienaskartiba/383254-latvija-ratifice-eiropas-cilveka-tiesibu-un-pamatbrivibu-aizsardzibas-konvencijas-16-protokolu-2025>

32 MFA.GOV.LV (2025). Latvijas pārstāvja starptautiskajās cilvēktiesību institūcijās birojs, EIROPAS CILVĒKTIESĪBU TIESAS NOLĒMUMOS LATVIJAS LIETĀS IZTEIKTĀS ATZIŅAS SAISTĪBĀ AR TIESĪBĀM UZ LIETAS IZSKATĪŠANU SAPRĀTĪGĀ TERMIŅĀ, 19.09, <https://www.mfa.gov.lv/lv/media/3284/download?attachment>

report outlines the Court's general principles for assessing the duration of proceedings and its conclusions in cases involving Latvia.

Between 1997 and 17 September 2025, the ECtHR delivered 410 judgments concerning Latvia, with 100 applicants alleging a breach of the right to a fair trial within a reasonable time, mostly in criminal cases. Since the Criminal Procedure Law entered into force on 1 October 2005, such complaints have decreased, as the ECtHR has recognised Latvia's compensatory remedies as effective. In *Siņicins v. Latvia*, the Court confirmed that an acquitted applicant may seek compensation for excessively long proceedings. In criminal cases, proceedings concluded at three judicial instances within three years are generally considered reasonable. Complex cases may last five years or more, but the conduct of the parties and the applicant's interests remain relevant. Proceedings exceeding ten years create a strong presumption of a violation. In civil cases, the ECtHR has found a violation in all Latvian cases lasting more than six years, except *Guravska and Simons and Others*, where domestic remedies had not been exhausted. In administrative cases, violations have been found in almost all proceedings lasting more than seven years, such as *Klopcovs and Kirjaņenko*. Shorter cases were dismissed for failure to exhaust remedies or as manifestly ill-founded.

ANTI-CORRUPTION FRAMEWORK

General assessment

Although different measures have been undertaken by the authorities, e.g. adoption of a two-year Anti-Corruption Prevention and Combating Action Plan 2026-2027, elaborating legislative framework, the successful implementation of the measures ultimately depends on political will, and without anti-corruption efforts being consistently treated as a top-level priority, they risk remaining largely formal or only partially realised. This concern is echoed by leading anti-corruption experts in NGOs Delna and Providus, who highlight concerns, including also lack of political will in key areas such as public procurement, whistleblowing, and lobbying transparency.

Implementation of 2025 Commission recommendations

Recommendation: Ensure the effective implementation of the legislation on lobbying, including as regards the special interim lobby register (first made in 2024)

Amendments to the Law on the Transparency of Interest Representation,³³ adopted by the parliament on 12 June 2025, provided that, until the entry into force of the interest-representation register and system on 1 September 2028, interest representatives may, from 1 September 2025, voluntarily make information about themselves public by requesting inclusion in the Register of Interest Representatives. Anyone who wishes to be, or identifies themselves as, an interest representative may submit an application to the Register of Enterprises for their data to be included in the Register. The Register of Interest Representatives will be publicly accessible on Latvia's open data portal, 'Data.gov.lv', in open data format, and will be updated at least once a month. The list of interest representatives is for informational purposes only, and the information it contains is not considered register entries or registered data within the meaning of the Law 'On the Register of Enterprises of the Republic of Latvia'.

The postponement was suggested by the Latvian Confederation of Employers, Latvian Chamber of Commerce, Ministry of Justice, with key reasons being that the existing legal framework should be improved by reducing the administrative burden on interest representatives, lowering administrative costs, and temporarily postponing the launch of the interest-representation register and the interest-representation declaration system.

33 *Amendments to the Law on the Transparency of Interest Representation (Grozījumi Interešu pārstāvības atklātības likumā)*
<https://likumi.lv/ta/id/361477-grozijumi-interesu-parstavibas-atklatibas-likuma>

The NGOs Delna (Transparency International Latvia) and think-tank Providus anti-corruption expert V.Kalniņš both highlight lack of political will as evident in the area of interest representation. V.Kalniņš, when evaluating the KNAB Anti-Corruption Prevention and Combating Action Plan, highlights that “this is also reflected in the plan, which contains only a commitment to prepare the necessary regulatory amendments and to take steps towards designating the institution responsible for the Interest Representation Transparency Law. However, the adoption of these amendments ultimately lies in the hands of politicians. It is worth recalling that the law was adopted back in 2022, yet a key element — the so-called lobbyists’ register — is still missing. Moreover, on 12 June this year, the Saeima adopted amendments that did not strengthen the law but significantly weakened it. It is therefore unsurprising that KNAB, aware of the political climate, has been rather modest in the ambitions expressed in the plan.”³⁴

Commission’s 2025 assessment: Some progress

LCHR’s current assessment: Minor progress

Gaps in the Commission’s Report

Criminal liability amendments related to cartels rejected by Parliament

In 2024 the Saeima rejected proposed amendments³⁵ to the Criminal Law, which aimed to establish criminal liability for prohibited agreements, including price-fixing, in public procurement. The Competition Council has long drawn attention to the fact that individuals who organise cartels face no legal consequences, even though their actions hinder competition and lead to inefficient use of public funds. Administrative fines are not enough to deter violations that undermine fair competition. The Office of the Prosecutor General, KNAB, the Competition Council, the Foreign Investors’ Council, and anti-corruption NGOs have all argued that meaningful sanctions are necessary to protect public funds and ensure fair competition.

In early 2026, Prime Minister Evika Siliņa stated that the Saeima must return to addressing the issue of cartels, as previous attempts to criminalise prohibited agreements have not moved forward.³⁶

34 Laganovskis G. Jaunais pretkorupcijas plāns. Ko tas paredz un kā ir vērtējams. LV portāls, 12.09.2025, at <https://lvportals.lv/norises/380351-jaunais-pretkorupcijas-plans-ko-tas-paredz-un-ka-ir-vertejams-2025>

35 The amendments were proposed by an MP

36 LETA (2026). Siliņa: Saeimai jāatgriežas pie karteļu jautājuma risināšanas, 12.01. <https://leta.lv/home/important/5D8AC55E-682B-4679-BB0E-57DAE75B7C24/>

In 2021, the Competition Council (KP), using information gathered by KNAB, uncovered a construction-sector cartel³⁷ whose participants had been involved in at least 70 procurement procedures with a total contract value of €687 million. On 30 July 2021, the KP fined the 10 companies involved in the construction cartel a total of €16,652,927. Eight of them appealed KP's fine to the Administrative Regional Court. The Administrative Regional Court dismissed the construction companies' application to annul the KP's decision. On 6 January 2026, the Senate ruled that the Administrative Regional Court must re-examine the case. The key issue was procedural: the Senate held that evidence obtained through KNAB's operational-investigative measures in a criminal case cannot be used by KP to prove a cartel agreement in an administrative proceeding. Detecting cartels is not among the purposes defined in the Law on Operational Activities, so companies could not reasonably expect such information to be transferred or used against them in this context. As a result, the Administrative Regional Court must reassess whether KP's decision can be legally justified on the basis of other evidence in the case. In turn, the Competition Council,³⁸ while respecting the Senate's ruling, emphasised that the Senate did not assess the actual existence of the prohibited cartel agreement. Nor did it consider that, without the lawfully obtained criminal-case recordings, it would be impossible to prove such a long-running, secret and orally executed infringement. The Senate did not dispute the legality or reliability of these recordings; however, its assessment focused solely on the formal procedure for transferring the evidence. As a result, the ruling leaves unaddressed the essential issue — the practical ability to detect and prove the infringements.

On 20 January 2026, the Saeima's Legal Affairs Committee,³⁹ responding to a decision of the Supreme Court the previous December — which held that conversations intercepted under the Operational Activities Law cannot be used as evidence in the administrative proceedings concerning the construction-sector cartel case — instructed the Ministry of Justice to prepare, within three weeks, proposals for legislative amendments to ensure more effective combatting of cartels.

37 Konkurences padome (2021). Konkurences padome soda 10 būvniecības uzņēmumus par dalību kartelī, 10.08, <https://www.kp.gov.lv/lv/jaunums/konkurences-padome-soda-10-buvniecibas-uznemumus-par-dalibu-karteli>

38 Competition Council (2026). CC: The Supreme Court ruling in the Builders' Cartel case restricts cooperation between law enforcement agencies and their ability to uncover serious competition violations, 08.01., <https://www.kp.gov.lv/en/article/cc-supreme-court-ruling-builders-cartel-case-restricts-cooperation-between-law-enforcement-agencies-and-their-ability-uncover-serious-competition-violations>

39 Saeima.LV (2026). Juridiskā komisija uzdod Tieslietu ministrijai sagatavot grozījumus efektīvākai kartelu apkarošanai, 20.01., <https://www.saeima.lv/aktualitates/saeimas-zinas/35422-juridiska-komisija-uzdod-tieslietu-ministrijai-sagatavot-grozijumus-efektivakai-kartelu-apkarosanai>

New Issues that Emerged in 2025

New Anti-Corruption Action Plan unveiled

The Anti-Corruption Prevention and Combating Action Plan for 2026–2027 was submitted by the KNAB for public discussion on 2 September 2025. The Plan provides for 19 measures across four areas of action. The plan sets out four policy results, or desired directions of change, in public administration and society: increased public trust in public institutions; strengthened capacity of the public sector to identify and prevent corruption risks; enhanced integrity and oversight of public procurement; and improved public engagement and institutional capacity in detecting and investigating corruption. Three areas have been highlighted as high-risk for corruption: public procurement; healthcare, where informal payments — so-called ‘gratitude payments’ to medical staff — remain widespread; national defence, where, despite restrictions on publicly available information, an unprecedented increase in funding is expected, reaching up to 5% of GDP. Therefore, the measures planned for the next programming period focus on strengthening oversight of the public procurement system, including the development of artificial intelligence solutions for procurement monitoring, reducing corruption risks in the provision of healthcare services, and implementing corruption-risk management measures in the field of national defence. In Latvia, the losses caused by corruption could amount to between €814 and €2.4 billion per year.

According to Delna, the 2026–2027 Plan is, overall, a well-structured and strategically grounded policy document with a clear objective: to strengthen public administration that is honest, transparent, and aligned with the interests of society. Its successful implementation will depend on several external factors, namely the stability of political priorities, institutional capacity, the availability of funding, and effective coordination. However, the plan’s implementation period is only two years. Yet most of the measures it sets out inherently require long-term implementation and consistent inter-institutional cooperation over several years. The successful implementation of the plan will depend on political will. If anti-corruption efforts are not consistently upheld as a top-level priority, the plan may remain merely formal or be implemented only partially. A leading anti-corruption expert from think-tank Providus has criticised the plan for lacking ambition, narrowing its measures, avoiding genuine political commitments, and reflecting limited political will—particularly in areas like public procurement, whistleblowing, ethics, and lobbying transparency—resulting in a document whose broad goals are unsupported by sufficiently robust actions.⁴⁰

40 Laganovskis G. Jaunais pretkorupcijas plāns. Ko tas paredz un kā ir vērtējams. LV portāls, 12.09.2025, at <https://lvportals.lv/norises/380351-jaunais-pretkorupcijas-plans-ko-tas-paredz-un-ka-ir-vertejams-2025>

Public procurement reform

On 2 October 2025 the parliament conceptually supported public procurement reform in the first reading.⁴¹ The Budget and Finance (Taxation) Committee, which is responsible for advancing the draft law in the Saeima, agreed to set up a working group with representatives from all stakeholders to refine the regulation. Ahead of the second reading, Delna held an expert forum and round-table discussion, raising concerns about the reform's impact on corruption risks and integrity.⁴²

According to Delna, the reform significantly raises below-limit procurement thresholds (up to €5.54 million for construction and €143,000 for supplies and services) and removes the requirement to publish information online, meaning contracts will become visible only after they are signed. It also eliminates reputation checks for procurement commission members and no longer requires disclosure of subcontractors. These changes reduce transparency, increase risks of unfair competition, and remove green procurement requirements, potentially jeopardising EU funding.

Delna recommends not moving forward with the threshold increases or, at minimum, keeping below-limit procurement information publicly accessible. Existing exclusion grounds should remain in force, subcontractor disclosure should be reinstated and expanded, and oversight institutions—including the Competition Council, KNAB, the Court Administration, and the Procurement Monitoring Bureau—should be involved in the reform process.

Amendments to the Whistleblower Law

On 15 December 2025, the parliament adopted amendments to the Whistleblower Law in the second reading.⁴³ Whistleblower contact point will be transferred to the Corruption Prevention and Combating Bureau as of 1 January 2026, recognising KNAB's stronger practical experience compared with the State Chancellery. Amendments were introduced following several assessments, including the European Commission's review of the transposition of Directive 2019/1937, proposals by Delna. The amendments clarify key definitions (such as 'information about a violation', 'adverse consequences', and

41 The Saeima gives conceptual support to the public procurement reform (Saeima konceptuāli atbalsta publisko iepirkumu reformu), 2 October <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/35051-saeima-konceptuali-atbalsta-publisko-iepirkumu-reformu>

42 Delna (2025). SUMMARY: Public Procurement Reform in Latvia Signals Reduced Transparency of Public Spending, 7 November, <https://delna.lv/lv/2025/11/07/kopsavilkums-publisko-iepirkumu-reforma-latvija-sola-mazaku-atklatibu-par-publikajiem-izdevumiem/>

43 Saeima. Amendments to the Whistleblowing Law (Grozījumi Trauksmes celšanas likumā), No 1051/Lp14, <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/webSasaiste?OpenView&restricttocategory=1051/Lp14>

‘associated person’) and allow private-law entities with 50–249 employees, as well as small municipal institutions, to establish joint internal whistleblowing systems. Oral reports may now be submitted by phone, other communication channels, or in person within a reasonable time. Additional protections prohibit intimidation, exclusion, causing losses, or blacklisting whistleblowers. The law now also covers disclosures involving state secrets. Individuals will be entitled to compensation for losses, personal harm, and non-pecuniary damage arising from whistleblowing activities.

Implications and Recommendations for 2026

The rejection of amendments that would introduce criminal liability for prohibited agreements in public procurement leaves a significant gap in Latvia’s ability to protect fair competition and public finances. Administrative fines are not enough to deter violations that undermine fair competition.

Suggested recommendation: Latvia should adopt amendments to introduce criminal liability for individuals for prohibited agreements in public procurement

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

There have been growing concerns about media governance and pluralism, following the rejection of two civil society candidates to the Public Electronic Mass Media Council (SEPLP), which has prompted calls to improve the selection procedure to limit political influence. Additional worries have been voiced by MPs and public figures that restricting Russian-language content on public media may weaken social cohesion and media pluralism by depriving certain audiences of fact-checked information and increasing their exposure to disinformation. On the positive side, the government has approved the Journalists and Other Media Professionals' Safety Plan for 2025–2027, aimed at strengthening media freedom and protecting journalists.

Implementation of 2025 Commission recommendations

There were no recommendations made in this area.

New Issues that Emerged in 2025

Selection process of new members of the Public Electronic Mass Media Council (SEPLP) criticised for ignoring civil society opinion.

Due to the expiry of the terms of members of the SEPLP – an independent body tasked with representing the public interest in the governance of Latvia's public media – the selection process for new members began in May 2025. SEPLP consists of three members, who are approved by the Parliament. One member is nominated for approval by the President, one by the Parliament, one by the Cooperation Memorandum Council of Non-Governmental Organisations and the Cabinet of Ministers (Memorandum Council).

On 19 June 2025, Saeima approved two candidates – Una Klapkalne and Sanita Upleja-Jegermane – nominated by the Parliament and the President. At the same time, the Parliament refused to approve a candidate nominated by the Memorandum Council – former Latvian Television head Ivars Belte. On 13 November 2025, the Parliament did not approve a second candidate nominated by the Memorandum Council – former head of SEPLP and Latvian Radio Jānis Siksnis.

These rejections prompted strong criticism from civil society and the Latvian Media Ethics Council, an NGO, which accused the Parliament of ignoring and demeaning civil society. It described

the process as an “imitation of democracy” and called for reforms to reduce political influence over appointments.⁴⁴

The third candidate nominated by the Memorandum Council – researcher Andris Saulitis – was approved by the Parliament on 18 December 2025.

Government approves Journalists and Other Media Professionals' Safety Plan for 2025-2027

On 11 November 2025, the Cabinet of Ministers approved the Journalists and Other Media Professionals' Safety Plan for 2025–2027,⁴⁵ developed by the Ministry of Culture in collaboration with media and journalist organisations and law enforcement institutions. The plan aims to strengthen media freedom in Latvia, protect journalists from violence, threats, and persecution, and support the establishment of a robust legal and institutional framework for their protection. It emphasises the importance of public understanding of journalists' work and associated risks, involving not only civil society but also police, prosecutors, and courts. The plan's measures are structured around three key areas: ensuring a safe working environment for journalists and media professionals, raising awareness and providing education on journalist safety, and protecting journalists in specific situations or belonging to vulnerable groups, such as women, minorities, or those reporting from conflict zones or covering protests. It also includes psychological support for journalists under high-stress conditions and incorporates initiatives from NGOs, including Media HUB Riga. The Ministry of Culture will establish a monitoring group to oversee implementation, involving all interested stakeholders. The plan builds on the Anti-SLAPP directive, the 'Latvian Media Policy Guidelines 2024–2027', various recommendations and research on journalists' safety.

In July 2025, the board of Latvian Public Media (LSM) adopted new strategic priorities for 2026–2029 which state that content in foreign languages (including Russian, English and Ukrainian) will be produced and distributed only in the digital environment, and radio linear broadcasting will be exclusively in Latvian from 2026 onwards. This plan directly affected Latvijas Radio 4 (LR4) – the Russian-language channel of the former Latvijas Radio – as part of a broader reorganisation following

44 Latvijas Mediju ētiskas padome, ATKLĀTA VĒSTULE par MK Memoranda padomes virzītā SEPLP locekļa izvēli un apstiprināšanu, 2 december 2025, available at <https://www.lmepadome.lv/jaunumi/params/post/5177294/atklata-vestule-par-mk-memoranda-padomes-virzita-seplp-locekla-izveli-un-ap>

45 Cabinet of Ministers, Journalists and Other Media Professionals' Safety Plan for 2025–2027 (Žurnālistu un citu mediju profesionāļu drošības plāns 2025.–2027. gadam), adopted on 11 November 2025, available at <https://likumi.lv/ta/id/364395-zurnalistu-un-citu-mediju-profesionalu-drosibas-plans-20252027gadam>

the merger of Latvian Radio and Latvian Television into LSM on 1 January 2025. As a result, LR4 ceased its FM broadcast on 31 December 2025. Radio content in Russian will no longer be aired in linear radio form, although some minority-language content, including in Russian, Ukrainian and English, will be available via the LSM.lv digital platform.⁴⁶

Officially these changes are justified by the aim to create a more unified, digitally-focused public media with less editorial separation by language. However, earlier on 28 September 2023 the Parliament approved the updated National Security Concept, which explicitly stated that all publicly funded media content should be in Latvian or a “language belonging to the European cultural space”, effectively ending state-produced Russian-language broadcasts.⁴⁷

Some Latvian MPs and public figures have expressed alarm of the potential negative impact on social cohesion and media pluralism due to limiting content in Russian. For example, removing Russian content entirely could limit access to fact-checked news and fuel disinformation, particularly among communities that still rely on Russian-language media. As an alternative measure which could help to strengthen the media environment, particularly in Eastern Latvia (largely inhabited by Russian-speakers) Latvian Public Media plans to establish a Latgale regional studio, scheduled to open in Daugavpils (second largest city) in early 2026.⁴⁸

Recommendations for 2026

Suggested recommendation: To improve the SEPLP members selection procedure to reduce political influence.

46 LSM.lv (2025), *From preparation to action – Latvian Public Media will implement a new strategy next year* [No sagatavošanās uz rīcību – Latvijas Sabiedriskais medijs nākamgad ieviesīs jaunu stratēģiju], 30 December 2025

47 Cabinet of Ministers, *National Security Concept (Nacionālās drošības koncepcija)*, adopted on 28 September 2023

48 LSM.lv (2025), *From preparation to action – Latvian Public Media will implement a new strategy next year* [No sagatavošanās uz rīcību – Latvijas Sabiedriskais medijs nākamgad ieviesīs jaunu stratēģiju], 30 December 2025

CHECKS AND BALANCES

General assessment

Parliament's move to withdraw from the Istanbul Convention triggered a major public backlash with mass protests, and a presidential veto followed, highlighting both domestic concern and the risk that opting out of a recently ratified human rights treaty could damage Latvia's credibility and reliability as a partner in European and global human rights frameworks. Draft amendments to the Law on Assemblies, Marches and Pickets and Children's Rights Protection Law were submitted by MPs from an opposition party in September 2025 to seek the prohibition of minors from participating in events that promote LGBTQIA+ ideas and values. The proposal raises concerns about compatibility with EU values, as restricting minors from attending events linked to LGBTQIA+ issues may conflict with principles of equality, non-discrimination, freedom of assembly, and the protection of fundamental rights enshrined in the EU Charter. At the same time the government approved the draft 'Law on the Protection of Persons Engaged in Activities in the Public Interest', aimed at strengthening the protection of journalists, researchers, civil society activists against strategic lawsuits.

Implementation of 2025 Commission recommendations

There were no recommendations made in this area.

New Issues that Emerged in 2025

Latvian Parliament's Attempt to Withdraw from the Istanbul Convention

On 25 September 2025, the Saeima voted to begin the process of withdrawing Latvia from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention). The initiative came from opposition MPs and was supported by the Greens and Farmers Union, despite the party having backed ratification in 2023. On 30 October 2025, the Saeima voted in favour of withdrawal (56–32, with 2 abstentions).⁴⁹ Latvia had ratified the Convention on 30 November 2023, and it entered into force on 1 May 2024.

49 LSM.LV (2025). Latvian parliament votes to exit Istanbul Convention, 30.10, <https://eng.lsm.lv/article/politics/saeima/30.10.2025-latvian-parliament-votes-to-exit-istanbul-convention.a620375/>

The withdrawal process triggered large public protests: around 5,000 people demonstrated in Riga on 29 October 2025, more than 10,000 on 6 November 2025,⁵⁰ and further rallies took place across Latvia and abroad, including by the Latvian diaspora at embassies in Europe and North America. Protests were organised by the NGO resource centre for women ‘Marta’ and a dozen of other NGOs.

A public initiative urging President Edgars Rinkēvičs to return the legislation to Parliament gathered over 68,000 signatures, becoming the most popular of its kind.⁵¹ Three days after the vote, the President refused to sign the legislation and sent it back to the Saeima, noting that ratifying and then denouncing the Convention within one parliamentary term sends a contradictory message and creates an unprecedented situation for Latvia’s human rights commitments.⁵²

Upon reconsideration, the Saeima postponed further action until after the 2026 parliamentary elections. If completed, Latvia would become the first EU member state to withdraw from the Convention. Analysts note that several political groups, including populist and radical right-wing actors, as well as the party Stability, appear to be using the issue to mobilise their supporters ahead of the elections,⁵³ reflecting broader trends observed in other democracies.

A delegation of the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence⁵⁴ (GREVIO) carried out its baseline evaluation visit to Latvia from 3 to 7 November 2025.⁵⁵

50 Euronews (2025). Thousands protest against Latvia’s potential withdrawal from Istanbul Convention, 06.11, <https://www.euronews.com/2025/11/06/thousands-protest-against-latvias-potential-withdrawal-from-istanbul-convention>

51 Manabalss.LV (2025). Lūgums prezidentam neparakstīt likumu par izstāšanos no Stambulas konvencijas, <https://manabalss.lv/i/3788>

52 President. Lv (2025). The President has asked the Saeima to reconsider the law “On Withdrawal from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence” [Valsts prezidents lūdz Saeimai likuma “Par izstāšanos no Eiropas Padomes Konvencijas par vardarbības pret sievietēm un vardarbības ģimenē novēršanu un apkarošanu” otrreizēju caurlūkošanu], 3 November, <https://www.president.lv/lv/jaunums/valsts-prezidents-ludz-saeimai-likuma-par-izstasanos-no-eiropas-padomes-konvencijas-par-vardarbibas-pret-sievietem-un-vardarbibas-gimene-noveršanu-un-apkarosanu-otrreizeju-caurlukosanu>

53 Parliamentary elections in Latvia are due on 3 October 2026

54 <https://www.coe.int/en/web/istanbul-convention/grevio>

55 GREVIO carries out its baseline evaluation visit to Latvia, <https://www.coe.int/en/web/istanbul-convention/-/grevio-carries-out-its-baseline-evaluation-visit-to-latvia>

On 15 December 2025 the Venice Commission issued an opinion “On the draft law on the withdrawal from the Council Of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)”.⁵⁶ The request for this opinion came after Latvia’s Minister of Justice sought an assessment of the legal consequences of a potential withdrawal. In its opinion, the Commission warns that withdrawing from international human rights treaties, including the Istanbul Convention, generally weakens human rights protections. Any withdrawal must follow proper legal procedures, be well-justified, and respect democratic principles and the rule of law. Political or ideological motives alone are not sufficient grounds.

It stresses that decisions should be transparent, inclusive, and involve groups affected by the convention. The Council of Europe’s human rights system relies on layered international oversight, and GREVIO is the only independent body monitoring compliance on preventing violence against women and domestic violence. National laws cannot replace the value of international monitoring. The commission rejects the argument that an EU directive could substitute for the Istanbul Convention and recommends that Latvia remain a party to it.

Human rights defender sentenced to 200 hours of community service

In August 2025, the Latgale District Court delivered its verdict, finding human rights defender Ieva Raubiško from the NGO I Want to Help Refugees (Gribu palīdzēt bēgļiem) guilty on a reduced charge of abetting illegal border crossing rather than organising it. She was sentenced to 200 hours of community service.⁵⁷ The prosecutor had sought a sentence of one and a half years’ imprisonment.⁵⁸ Raubiško announced her intention to appeal the decision, maintaining that her actions were motivated solely by humanitarian concerns and by the need to ensure compliance with the ECtHR’s interim measures.

56 Venice Commission (2025). Latvia. Opinion on the draft law “On the withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence”CDL-AD(2025)053, 15 December, <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2025-053-e>

57 Tiesas.lv (2025). Tiesa Ievai Raubiško par nelikumīgas robežas šķērsošanas atbalstīšanu piespriež 200 stundu sabiedrisko darbu, 20.08, <https://www.tiesas.lv/lv/jaunums/tiesa-ievai-raubisko-par-nelikumigas-robezas-skersosanas-atbalstisanu-piespriez-200-stundu-sabiedrisko-darbu>

58 LSM.LV (2025). Bēgļu atbalstītāju Raubiško par robežas nelikumīgas šķērsošanas atbalstīšanu soda ar sabiedrisko darbu, 20.08, <https://www.lsm.lv/raksts/zinas/latvija/20.08.2025-beglu-atbalstitaju-raubisko-par-robezas-nelikumigas-skersosanas-atbalstisanu-soda-ar-sabiedrisko-darbu.a611088/>

Raubiško is accused of organising the illegal movement of a group of people across the Belarus–Latvia border. The charges stemmed from her assistance to five asylum seekers who had been granted interim measures by the ECtHR, instructing the Latvian authorities to refrain from returning them to Belarus and to provide basic humanitarian support. Raubiško and her colleague Egils Grasmanis were detained by border guards while visiting the border area to monitor Latvia’s compliance with the ECtHR ruling. Proceedings against Grasmanis were later dropped.

The anti-LGBTIQ+ propaganda law

The draft amendment to Article 20 of the Law On Assemblies, Marches and Pickets was submitted by MPs from an opposition party in September 2025 to seek the prohibition of minors from participating in events that promote LGBTQIA+ ideas and values.⁵⁹ On 18 September 2025, the Saeima held a vote on whether to refer the draft for further consideration.

The motion passed with 42 votes in favour, including some MPs from a governing coalition party, 33 votes against, and 1 abstention; 8 MPs did not vote. Following this vote, the draft was referred to the Human Rights and Public Affairs Commission for detailed review.

Two draft amendments have also been submitted to the Law On the Protection of Children’s Rights.⁶⁰ The first is an amendment to Article 13(2), which adds the term ‘morality’ to the list of grounds on which a child’s right to freedom of association may be restricted, so that the provision would read: “A child has the right to freedom of association insofar as it does not endanger their health, life, or morality.”⁶¹ The second is an amendment to Article 20, which introduces a new sentence explicitly prohibiting minors from participating in events that promote LGBTQIA+ ideas and values. Draft amendments are designed to align the provisions of the child-protection legislation with those proposed for the assemblies law. On 18 September 2025, the Saeima held a vote at committee level on whether to refer the draft for further consideration. The motion passed with 46 votes in favour, 33 votes against, and 0 abstentions. Following this vote, the draft was referred to the Human Rights and Public Affairs Commission for detailed review.

59 Draft Law “On Assemblies, Marches and Pickets”, <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/5E9700885DDBA372C2258D070045B1F4>

60 Draft law “Amendments to the Law on the Protection of Children’s Rights” (No. 1046/Lp14), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/7641B29BE552698DC2258D0700456558>

61 Draft law “Amendments to the Law on the Protection of Children’s Rights” (No. 1046/Lp14), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/7641B29BE552698DC2258D0700456558>

Government approves the draft Law on the Protection of Persons Engaged in Activities in the Public Interest

On 22 December, the government approved the draft ‘Law on the Protection of Persons Engaged in Activities in the Public Interest’⁶² and the related amendments to the Civil Procedure Law⁶³. Their aim is to strengthen protection against strategic lawsuits. The Ministry of Justice stated that the changes will reinforce freedom of expression and the public’s right to receive comprehensive and high-quality information, ensuring greater independence for journalists, editorial offices, civil society activists and researchers, while protecting them from malicious litigation and reducing the risk of self-censorship.

The draft laws provide for the following:

- a clear definition of what constitutes acting in the public interest and for the protection of the public interest;
- the establishment of criteria for identifying claims brought with malicious intent;
- the introduction of procedural safeguards for persons targeted by such proceedings, including the possibility for the court to terminate the proceedings, require the claimant to cover the defendant’s legal costs, or impose a financial penalty;
- ensuring protection also in cases where a strategic lawsuit is initiated outside the European Union.

The draft law requires adoption by the parliament in three readings.

Implications and Recommendations for 2026

Given the above-mentioned developments over the last year, the next report from the Commission should include several new recommendations to address existing issues.

Suggested recommendation: Latvia must remain a state party to the Istanbul Convention and ensure that human rights protections are not weakened.

62 “Law on the Protection of Persons Engaged in Activities in the Public Interest” [Sabiedrības interesēs iesaistīto personu aizsardzības likums], <https://tapportals.mk.gov.lv/structuralizer/data/nodes/68ee0795-751f-447a-bbed-8c3bb5881219/preview>

63 “Amendments to the Civil Procedure Law” [Grozījumi Civilprocesa likumā], <https://tapportals.mk.gov.lv/structuralizer/data/nodes/a4a63e16-7000-457b-abda-985127846887/preview>

Suggested recommendation: Human Rights defender Ieva Raubiško should be acquitted, as her actions were carried out in the context of providing humanitarian assistance and ensuring compliance with interim measures issued by the European Court of Human Rights. Criminalising such conduct risks undermining the protection of asylum seekers' rights and discouraging legitimate human rights monitoring at the EU's external borders.

Suggested recommendation: The proposed amendments to the Law 'On the Protection of Children's Rights' should not be pursued. Adding vague notions such as 'morality' to restrict children's freedom of association, and prohibiting minors from attending events that promote LGBTQIA+ ideas and values, would undermine fundamental rights and conflict with Latvia's human rights obligations.

CONTACTS

Latvian Centre for Human Rights

The Latvian Centre for Human Rights (LCHR) was established in 1993 as an independent non-governmental organisation. Over the past three decades, LCHR worked with integration (minority rights and promotion of tolerance) issues, elimination of discrimination and hate crimes/speech, asylum, migration and fundamental rights issues, as well as human rights observation in closed institutions (prisons, immigration detention facilities).

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REPORT

2026



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The HRMI team of lawyers and experts in social and political sciences conducts research, drafts legal and policy briefings, compiles reports to international human rights bodies, undertakes strategic cases before domestic and international courts, provides expert consultations, engages in various national and international projects, delivers conventional and online trainings to law enforcement officers, other professionals and members of vulnerable groups.

OVERALL ASSESSMENT: STAGNATOR

In 2025, Lithuania's rule of law environment reflected a complex interplay of active judicial oversight, engaged civil society, and ongoing political challenges. At the national level, the Constitutional Court continued to assert its central role in safeguarding constitutional principles, addressing politically and socially sensitive matters such as fundamental rights, executive decisions, and legislative omissions. Notably, in April 2025, the Court ruled that the absence of legal recognition for same-sex partnerships violated constitutional equality and non-discrimination principles, highlighting both the vitality of constitutional review and gaps in legislative follow-through. Draft amendments proposing a gender-neutral partnership were registered in Parliament, bringing partnerships closer to marriage while still leaving some gaps that could affect partners and their children. Several competing models are expected to reach Parliament, making the outcome uncertain. Until a law is adopted, same-sex couples can seek recognition of their relationships through the courts (the courts have already granted such recognition to several couples), however, this process is neither consistent nor fully respectful of human dignity. It is notable that the newly appointed Minister of Justice publicly opposed the reforms, signalling political resistance that undermines the practical implementation of judicial decisions.

Civil society remained active, with structured engagement through national coalitions and events such as the Civic Resilience Forum in 2025. However, NGOs continue to face structural pressures, including limited funding, bureaucratic hurdles, short consultation timelines, and partial access to information, particularly at the local level. These constraints challenge the capacity of civil society to function effectively as a check on power. In the media sector, concerns regarding editorial independence at the public broadcaster, the Lithuanian National Radio and Television (LRT), including allegations of political interference and delayed reporting on governance matters, emerged toward the end of the year, indicating vulnerabilities in the information environment.

In the anti-corruption field, Lithuania maintained functioning oversight and enforcement mechanisms. High-profile investigations by the Special Investigation Service and other institutions, including the ongoing bribery case involving the State Plant Service under the Ministry of Agriculture and probes linked to financial irregularities at the political level, demonstrate active scrutiny and institutional responsiveness. Public perception surveys indicate a decline in everyday corruption experiences, and Transparency International's Corruption Perceptions Index continues to reflect Lithuania's relatively strong—albeit plateaued—performance.

Internationally, Lithuania's commitments under Council of Europe frameworks, OECD anti-corruption recommendations, and European Court of Human Rights rulings continue to shape domestic governance. Similarly, ongoing attention to freedom of expression, civic participation, and minority rights demonstrates the relevance of international norms for ensuring checks and balances, protecting fundamental rights, and strengthening institutional accountability.

Overall, Lithuania in 2025 presents a rule of law environment characterised by functioning institutions and engaged societal actors, alongside persistent structural weaknesses. Political resistance to judicial decisions, pressures on civil society, and emerging concerns regarding media independence underscore areas requiring vigilance. At the same time, active constitutional review, civil society engagement, and anti-corruption enforcement provide foundational strengths that, if reinforced, can prevent regression and support continued resilience.

Assessment of the trajectory

Across key areas—justice system, media environment, checks and balances, and anti-corruption frameworks—the country maintained formal institutions and procedural mechanisms without significant regression. Courts, particularly the Constitutional Court, remained active and independent; civil society continued to engage in public policy, and oversight bodies functioned effectively. The anti-corruption framework also remained robust, with high-level investigations ongoing and public reporting on corruption risks continuing.

Despite these strengths, progress remains limited and uneven. Legislative follow-through on Constitutional Court rulings, such as those recognising same-sex partnerships, continued to lag, while political resistance in sensitive areas highlighted the gap between judicial oversight and practical policy implementation. Civic space, though formally open, continues to face structural pressures. NGOs encounter limited funding, bureaucratic hurdles, and short consultation timelines, which constrain their capacity to engage effectively in decision-making. In the media sector, concerns about editorial independence, particularly related to governance issues at LRT, emerged toward the end of 2025, indicating potential vulnerabilities in the information environment.

Several early warning signs are evident. The explicit opposition by political actors to the implementation of Constitutional Court decisions risks undermining the authority of constitutional review, while ongoing pressures on civil society could weaken one of the system's key balancing forces over time. Emerging challenges in media governance also highlight the importance of protecting independent journalism. Although these issues do not yet constitute entrenched backsliding, if left unaddressed, they could gradually erode institutional resilience.

At the same time, there are signs of progress that should be built upon. The Constitutional Court continues to assert its independence and uphold constitutional principles, including in areas affecting fundamental rights. Civil society remains active and increasingly structured in its advocacy and consultation with public institutions, contributing to greater awareness of democratic norms. Anti-corruption mechanisms continue to function, investigating high-level cases and supporting transparency, while public perception surveys show a modest decline in everyday corruption experiences.

Looking ahead, Lithuania's trajectory reflects stability without substantial improvement. Consolidating existing strengths and addressing the warning signs requires timely legislative implementation of court rulings, reinforcement of civil society participation, safeguarding of independent media, and continued strengthening of anti-corruption measures. By addressing these areas proactively, Lithuania can prevent emerging risks from translating into systemic weaknesses, ensuring that its rule of law framework remains effective and resilient.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

JUSTICE SYSTEM

General assessment

The trajectory of the justice system in Lithuania in 2025 can be assessed as showing cautious progress, primarily in practice rather than in law. Improvements observed during the year indicate a greater capacity for institutions to function more smoothly and predictably, particularly with regard to judicial appointments and access to legal aid. These developments demonstrate that existing institutional frameworks can deliver better outcomes when institutions cooperate and show genuine commitment.

At the same time, the absence of legislative or regulatory reform constitutes an early warning sign. Positive developments remain largely dependent on informal practices, institutional goodwill, and the discretion of current officeholders. This creates a structural vulnerability: progress achieved through practice alone can be easily reversed, slowed down, or unevenly applied in the future. The lack of binding safeguards—such as clearly codified selection criteria, formalised evaluation procedures, or mandatory reasoning for appointment decisions—continues to limit accountability and resilience, especially in appointments to senior judicial positions.

There are no clear indications of entrenched backsliding in the justice system during 2025. However, many of the improvements are based on established practices and institutional cooperation rather than on formalised legal guarantees. Without follow-up through legislative action, improvements may plateau and fail to address long-standing structural weaknesses.

In the area of access to justice, constitutional review and administrative simplification signal a positive direction. The Constitutional Court's intervention highlighted systemic gaps affecting vulnerable persons and reinforced the importance of effective access to legal aid as part of the rule of law. This corrective role represents an important safeguard and should be built upon. Nevertheless, persistent shortcomings in the remuneration of legal aid providers remain a significant warning sign. The continued failure to address this issue undermines the sustainability and quality of legal aid and risks turning access to justice into a formal rather than effective right.

Overall, the key sign of progress lies in improved institutional functioning, increased transparency in practice, and stronger constitutional oversight. These elements provide a foundation for further reform. However, urgent action is needed to translate practice-based improvements into binding legal safeguards and to address structural issues in legal aid financing. Without such steps, the current progress risks remaining fragile and reversible rather than becoming embedded and sustainable.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments (first made in 2022)

During 2025, no formal changes were introduced to the legal framework governing judicial appointments. Nevertheless, there have been some improvements in the functioning of the system, with appointments now taking place without the prolonged delays previously observed.

The Judicial Council and the Office of the President of the Republic have cooperated to clarify priorities for announcing competitions and appointing candidates, which has contributed to a more straightforward selection process and reduced the number of judicial posts remaining vacant for long periods. Although the President retains discretion in selecting candidates and is not legally obliged to provide reasons, the Office of the President has adopted a practice of presenting the reasons for appointment decisions orally during publicly broadcast Judicial Council meetings, thereby increasing transparency.

To increase the efficiency of the courts, in January 2025, the Judicial Council established¹ a working group on improving the selection procedures for judges and judicial candidates. The deadline for the working group to prepare and submit proposals to the Judicial Council has been extended² until 28 February 2026.

- 1 Judicial Council of Lithuania, “On the Establishment of a Working Group to Improve Procedures for Selection of Judges and Judicial Candidates” (*„Teisėjų tarybos 2025 m. sausio 31 d. nutarimas Nr. 13P-30-(7.1.2.E), Dėl teisėjų ir pretendentų į teisėjus atrankos procedūrų tobulinimo darbo grupės sudarymo“*), Lietuvos teismai, 31 January 2025, https://www.teismai.lt/data/public/uploads/2025/01/d1_13p-30.docx
- 2 Judicial Council of Lithuania, “On Extending the Deadline for the Working Group on Improving Procedures for the Selection of Judges and Judicial Candidates” (*„Teisėjų tarybos 2025 m. spalio 31 d. nutarimas Nr. 13P-162-(7.1.2.E), Dėl darbo grupės Teisėjų ir pretendentų į teisėjus atrankos procedūrų tobulinimo veiklos termino pratęsimo“*), Lietuvos teismai, 31 October 2025, <https://www.teismai.lt/data/public/uploads/2025/11/13p-162-7.1.2.e.docx>

New legislative measures aimed at further improving the clarity and efficiency of judicial selection procedures were foreseen in the Programme of the 19th government,³ particularly through innovations in the selection and career progression of judges, including making the verification of candidates' knowledge an essential criterion for assessing their competence. In the Programme of the 20th government,⁴ however, the commitment is presented more generally, stating that judicial selection procedures will be improved to ensure the continued smooth formation of the judiciary, without specifying concrete measures such as knowledge verification.

Despite these developments, key challenges remain. No legislative or regulatory reforms have been adopted, leaving the fundamental structure of judicial appointments unchanged. The improvements observed rely primarily on internal practices and cooperation rather than binding rules, which makes them potentially fragile and dependent on the discretion of current office-holders. The working group's proposals have not yet been publicly documented or implemented, leaving uncertainty regarding their concrete impact on transparency. As a result, the lack of legally mandated safeguards—such as published selection criteria, formal evaluation procedures, or mandatory justification of appointments—continues to pose a risk to accountability, particularly in appointments to top-level courts such as the Supreme Court.

The recommendation itself identifies the specific issue of improving transparency in appointments, particularly to the Supreme Court, but does not specify which elements of the process require adjustment or how European standards should be operationalised. Therefore, the recommendation is clear in direction but vague in operational steps, and could be improved:

Ensure greater transparency in the appointment of judges, notably to the Supreme Court, by defining the concrete procedural and institutional measures required to align the process with European standards on judicial appointments. This should include establishing clear and public criteria for selection, strengthening safeguards against undue influence, and enhancing the openness and accountability of the decision-making process.

Commission's 2025 assessment: Some further progress

HRMI's current assessment: In progress

- 3 Seimas of the Republic of Lithuania, "On the Nineteenth Government of the Republic of Lithuania Programme" („Lietuvos Respublikos Seimo 2024 m. gruodžio 12 d. nutarimas Nr. XV-54, Dėl Devynioliktosios Lietuvos Respublikos Vyriausybės programos"), Register of Legal Acts (TAR), 12 December 2024, <https://www.e-tar.lt/portal/lt/legalAct/0b418dc0b89811ef88c08519262548c4>
- 4 Seimas of the Republic of Lithuania, "On the Programme of the Twentieth Government of the Republic of Lithuania" („Lietuvos Respublikos Seimo 2025 m. rugsėjo 25 d. nutarimas Nr. XV-439, Dėl Dvidešimtosios Lietuvos Respublikos Vyriausybės programos"), Seimas of the Republic of Lithuania, 25 September 2025, <https://www.e-tar.lt/portal/lt/legalAct/568b271299f611f0a8bbd1e98310677d>

Recommendation: Finalise the reform of the legal aid system, in particular by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid (first made in 2022)

The Ministry of Justice has advanced work on reforming workload distribution among legal aid providers. A draft ministerial order was prepared in 2024 to introduce a point-based system that allocates cases according to their complexity with the aim of ensuring a more even distribution of work. This system was piloted between March and May 2025, after which it is to be revised in consultation with the Bar Association. No further developments have been identified.

In parallel, efforts have been made to reduce administrative burdens, including through the simplification of the Legal Aid Information System⁵, which is intended to streamline procedures for providers. The legal framework governing access to legal aid has also been subject to constitutional review (see below). No further developments have been identified.

The Supreme Administrative Court filed a petition to the Constitutional Court regarding provisions of Article 11 of the Law on State-Guaranteed Legal Aid. On 26 November 2025, the Constitutional Court issued a ruling⁶ declaring parts of paragraphs 10 and 11 of Article 11 unconstitutional. The Court found that the law failed to empower the Legal Aid Service to grant secondary legal aid in exceptional cases where applicants are unable to pay the required contribution, even when individual circumstances justify such support. The Court emphasised that this legal gap risks denying effective access to secondary legal aid for socially vulnerable persons and may undermine the constitutional right to apply to a court, which forms part of the rule of law. In relation to this ruling, amendments have been made to the State Guaranteed Legal Aid Law.⁷

5 TEISIS, Legal Aid and Mediation Information System („Valstybės garantuojamos teisinės pagalbos tarnybos TEISIS portalas, Teisinės pagalbos ir mediacijos informacinė sistema“), <https://teis.lt/external/home/main>

6 Constitutional Court of the Republic of Lithuania News, “The Provisions of the Law on State-Guaranteed Legal Aid That Do Not Provide for the Possibility of Assessing the Individual Situation of a Person Who Has Refused to Pay Part of the Costs of Secondary Legal Aid and of Granting Him or Her Such Aid Were Contrary to the Constitution” („Valstybės garantuojamos teisinės pagalbos įstatymo nuostatos, kurios nenumato galimybes įvertinti individualią asmens situaciją, kai jis atsisako mokėti dalį išlaidų už antrinę teisinę pagalbą, ir skirti tokią pagalbą jam prieštarauja Konstitucijai“), 26 November 2025, <https://lrkt.lt/en/about-the-court/news/1342/the-provisions-of-the-law-on-state-guaranteed-legal-aid-that-do-not-provide-for-the-possibility-of-assessing-the-individual-situation-of-a-person-who-has-refused-to-pay-part-of-the-costs-of-secondary-legal-aid-and-of-granting-him-or-her-such-aid-were-are-contrary-to-the-constitution:815>

7 Seimas of the Republic of Lithuania, Law No. VIII-1591 of 2000 on State-Guaranteed Legal Aid (*Lietuvos Respublikos valstybės garantuojamos teisinės pagalbos įstatymas*), <https://www.e-tar.lt/portal/lt/legalAct/TAR.EAA93A47BAA1/asr>

Despite the draft order and the pilot project on workload distribution, key elements of the reform remain incomplete. Most notably, no concrete measures have been adopted to increase remuneration for legal aid providers, even though the Programme of the current 20th government includes such a commitment. Remuneration for defence lawyers in criminal cases remains the lowest in the EU,⁸ raising concerns about the sustainability and quality of the service. Although administrative simplification is underway, broader structural issues persist. The insufficient remuneration framework continues to hinder the effective finalisation of the reform.

The recommendation from the Commission is relatively clear, but the steps to take are not fully articulated and it could be improved:

Ensure the effective finalisation of the legal aid reform by adopting the concrete legislative and administrative measures needed to guarantee adequate conditions for legal aid providers. This should include establishing clear rules on workload distribution, improving remuneration in line with European standards, and reducing administrative burdens, developed in close consultation with the Bar Association and other stakeholders.

Commission's 2025 assessment: Some further progress

HRMI's current assessment: In progress

Gaps in the Commission's Report

Lack of binding safeguards and enforcement mechanisms in judicial appointments

While the Commission highlighted the need to improve transparency in judicial appointments and finalise the legal aid reform, it did not explicitly address the lack of legally binding safeguards and long-term enforcement mechanisms to ensure that practical improvements in both areas are sustainable.

The year saw modest progress in the functioning of judicial appointments and legal aid provision. Appointments to courts occurred more smoothly, and workload distribution reforms for legal aid were piloted. The Constitutional Court addressed gaps in legal aid access for vulnerable individuals. However, these improvements remain largely dependent on institutional practices and internal initiatives rather than formalised legal or regulatory guarantees. The Judicial Council's working group on judicial selection continues its work without public interim outputs, leaving uncertainty about when and how structural reforms will be enacted. Key gaps remain, including the absence of mandatory

8 European Commission, 2025 Rule of Law Report Country Chapter: Lithuania, p. 6, (Figure 25 2025 EU Justice Scoreboard), https://commission.europa.eu/document/download/8db3f59c-a364-4aca-aa3b-4223cb268f8d_en?file-name=19_1_63952_coun_chap_lithuania_en.pdf

publication of appointment criteria, formalised evaluation procedures, and enhanced remuneration for legal aid providers.

Implications and Recommendations for 2026

By not recommending the codification of binding safeguards, the Commission left Lithuania without clear guidance on how to secure the positive developments achieved in 2025. Without such recommendations, there is a risk that progress may stall, regress, or become contingent on current office-holders' discretion, leaving systemic vulnerabilities unaddressed. This represents an early warning sign: while the immediate situation appears stable, entrenched weaknesses could resurface under political or institutional pressure.

The 2026 report should emphasise the need to translate recent practical improvements into durable institutional safeguards, notably through clearer and more transparent judicial appointment procedures.

Suggested recommendation: Timely and concrete follow-up to the Judicial Council's reform work and renewed efforts to address structural weaknesses in the legal aid system, including remuneration, in order to prevent the gradual entrenchment of existing vulnerabilities.

Implementation of Judgments

As of December 2025, Lithuania has 18 judgments⁹ from the ECtHR, still pending implementation, representing a decrease of four compared to the previous year. According to the European Implementation Network (EIN) data¹⁰ from January 2025, the implementation rate for leading judgments issued upon Lithuania over the past decade stood at 68%, up from 66% in 2024, leaving 32% outstanding. The average duration for which these judgments had remained unimplemented was 4 years and 7 months, compared to 3 years and 8 months in 2024. The oldest pending leading judgment, unresolved for nearly 17 years, relates to the absence of legislation governing the conditions and procedures

9 Ministry of Justice of the Republic of Lithuania (*Lietuvos Respublikos Teisingumo ministerija*), Execution of European Court of Human Rights Judgments in Cases Against Lithuania: Cases Against Lithuania in Which Execution Proceedings Are Ongoing, („Europos Žmogaus Teisių Teismo sprendimų bylose prieš Lietuvą vykdymas: bylos prieš Lietuvą, kuriose vyksta vykdymo procesas“), Ministry of Justice of the Republic of Lithuania, <https://tm.lrv.lt/lt/veiklos-sritys-1/atstovavimas-eztt/eztt-sprendimu-bylose-pries-lietuva-vykdydas/bylos-pries-lietuva-kuriose-vyksta-vykdyimo-procesas/>

10 European Implementation Network and Lithuanian Centre for Human Rights, “Preview Brief: Non-implementation of European Court Judgments” („Peržiūros santrauka: Europos Teismo žmogaus teisių sprendimų nevykdymas“), 2025, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>

for gender reassignment. Other pending cases relate to various areas of civil, administrative, and human rights law.

Progress has been observed in several instances. Notably, in the *Macatė v. Lithuania* case, concerning the censorship of a children's book depicting same-sex relationships, all necessary measures—including legislative changes following the Constitutional Court's intervention¹¹—were implemented in under two years, illustrating relatively timely and comprehensive execution of an ECtHR ruling. This demonstrates Lithuania's capacity to respond effectively when political and legal priorities align. However, the extended duration of other pending judgments reflects structural or legislative challenges, as well as resource constraints, which can delay full implementation.

Regarding the Court of Justice of the European Union (CJEU), Lithuania has maintained an estimated 80% rate of full compliance with CJEU judgments, with two cases remaining only partially implemented. While Lithuania generally respects CJEU rulings, delays or partial implementation may arise from the need to adjust national legislation or administrative procedures to comply with the Court's decisions, or from the complexity of coordinating multiple governmental and parliamentary actors.

Overall, Lithuania demonstrates steady progress in implementing ECtHR and CJEU decisions, particularly in cases that have strong institutional or societal support, but a combination of legislative gaps, procedural complexity, and resource limitations continues to slow full compliance in certain cases.

11 The Constitutional Court of the Republic of Lithuania, Ruling on the Compliance of Item 16 of Paragraph 2 (wording of 22 December 2009) of Article 4 of the Republic of Lithuania's Law on the Protection of Minors Against the Detrimental Effect of Public Information with the Constitution of the Republic of Lithuania* (*"Dėl Lietuvos Respublikos įstatymo, Dėl nepilnamečių apsaugos nuo žalingos viešosios informacijos, 4 straipsnio 2 dalies 16 punkto (2009 m. gruodžio 22 d. redakcija)"*) atitikties Lietuvos Respublikos Konstitucijai), No. KT101-N15/2024, 18 December 2024, <https://lrkt.lt/en/court-acts/search/170/ta3096/content>

ANTI-CORRUPTION FRAMEWORK —

General assessment

Lithuania's anticorruption framework in 2025 demonstrates a mixed and partially stagnant trajectory, best characterised as 'no progress' rather than regression or clear advancement. While several indicators point to gradual, long-term improvements in transparency and public attitudes, these gains have not translated into stronger systemic prevention, political leadership, or decisive progress in addressing high-level corruption risks.

From a perception and monitoring perspective, Lithuania's performance remains stable but plateaued. In the 2024 *Transparency International Corruption Perceptions Index*, Lithuania scored 63 out of 100,¹² ranking 32nd globally and 12th among EU Member States, with no meaningful improvement compared to previous years. Similarly, the Special Investigation Service's (STT) *National Corruption Index*¹³ shows a slow upward trend over time, increasing from 59 in 2018 to 63 by 2024, reflecting incremental improvements in transparency and reporting mechanisms rather than a qualitative shift in corruption prevention. These figures suggest that while deterioration has been avoided, anticorruption efforts have reached a point of limited momentum.

At the societal level, public experience of petty corruption continues to decline, indicating a positive cultural shift. For example, a 2025 Ministry of Health survey¹⁴ found that 87% of respondents did not provide unofficial gifts or payments to healthcare professionals (up from 76% the previous year), while 93% reported no pressure to pay unofficially for services. Increased willingness among citizens and professionals to report corruption, also noted by the STT, points to improving norms and lower tolerance for everyday corruption. These developments constitute a genuine sign of progress that should be built upon.

12 Transparency International, "Corruption Perceptions Index 2024: Lithuania", <https://www.transparency.org/en/cpi/2024/index/ltu>

13 Special Investigation Service (STT), "*National Corruption Index: The Anti-Corruption Environment in Lithuania Is Improving, but Efforts Must Be Strengthened in Areas Where Progress Remains Insufficient*", 1 October 2025, <https://www.stt.lt/en/news/7481/national-corruption-index-the-anti-corruption-environment-in-lithuania-is-improving-but-efforts-must-be-strengthened-in-areas-where-progress-remains-insufficient:4081>

14 Ministry of Health of the Republic of Lithuania, "*Increasing Number of People Believe Corruption in the Healthcare System Is Decreasing*", 1 December 2025, <https://sam.lrv.lt/en/during-the-visit-to-japan-the-focus-was-on-patient-safety/increasing-number-of-people-believe-corruption-in-the-healthcare-system-is-decreasing-OIUU/>

However, early warning signs persist at the structural and political level, and these are not being addressed with sufficient urgency. Despite improvements in petty corruption, public perceptions of corruption in key institutions remain high,¹⁵ particularly in areas linked to public procurement and political decision-making. The most notable illustration of these unresolved risks was the resignation of Prime Minister Gintautas Paluckas in July 2025,¹⁶ amid allegations of financial irregularities and possible misuse of public funds connected to closely associated companies. Ongoing investigations by the Financial Crime Investigation Service and the Special Investigation Service brought anticorruption scrutiny to the highest political level. While the resignation itself signals a degree of institutional response, it also underscores the continued vulnerability of political office to corruption risks, rather than demonstrating systemic prevention.

Importantly, these developments do not yet amount to entrenched backsliding. Law enforcement institutions continue to operate, investigations proceed, and overt political interference has not been documented. At the same time, the absence of decisive political leadership in corruption prevention remains a core weakness. Anticorruption efforts too often focus on investigation and punishment after the fact, rather than on proactive prevention, risk mitigation, and accountability at ministerial level. As highlighted by the Special Investigation Service,¹⁷ corruption prevention must be treated as a political priority, requiring sustained engagement by all institutions. The underuse of existing coordination mechanisms, such as the Government Commission on Corruption Prevention, reflects a missed opportunity to ensure high-level and continuous attention to systemic risks. It is crucial that ministers take a more active role in preparing an effective 2026–2029 implementation plan for the National Anti-Corruption Agenda for 2022–2033.¹⁸

15 Transparency International Lithuania, “Corruption Perceptions Index: Lithuania Scores 63 Points and 32nd Place Globally” („Korupcijos suvokimo indeksė Lietuvai skirti 63 balai ir 32 vieta pasaulyje”), 17 February 2025, <https://transparency.lt/korupcijos-suvokimo-indekse-lietuvai-skirti-63-balai-ir-32-vieta-pasaulyje/>

16 Eglė Samoškaitė, “Lithuanian PM Paluckas Resigning Amid Allegations of Shady Business Dealings” („Lietuvos Ministras Pirmininkas Paluckas atsistatydina dėl įtarimų dėl neaiškių verslo sandorių”), Lithuanian Radio and Television (LRT), 5 August 2025, https://www.lrt.lt/en/news-in-english/19/2629127/lithuanian-pm-paluckas-resigning-amid-allegations-of-shady-business-dealings?srsId=AfmBOorqfIBN0Ert2Agz2A1GAkqcZ38xaeiM_Q6B4Azozp6rEgx5Vszu

17 Special Investigation Service (STT), “High-Level Meeting of State Leaders: Lithuania Must Sustain Progress in Transparency”, 11 December 2025, <https://www.stt.lt/en/news/7481/high-level-meeting-of-state-leaders-lithuania-must-sustain-progress-in-transparency:4109>

18 Special Investigation Service (STT), “Anti-Corruption Strategic Agenda Document”, August 2022, https://www.stt.lt/data/public/uploads/2022/08/stt_darbotvarke_en.pdf

There are, nevertheless, credible signs of institutional capacity and international alignment that provide a foundation for future progress. According to OECD assessments,¹⁹ Lithuania's indicators for regulating and implementing anticorruption policies exceed the OECD average. In the OECD working group on Bribery's Phase 3 two-year follow-up report, 27 of 49 recommendations were fully implemented, 14 partially implemented, and only eight not implemented, with measures taken assessed as having tangible impact. The report positively evaluated training initiatives for law enforcement, prosecutors and judges, improved detection of foreign bribery, enhanced monitoring of media and financial risks, and strengthened cooperation with international partners. At the same time, the OECD reiterated concerns regarding unresolved legislative gaps, notably the continued requirement linking corporate criminal liability to shareholder knowledge, as well as the need to strengthen whistleblower protection and ensure sufficient resources for complex investigations.

Noteworthy was the fact that whistleblower protection in Lithuania remains legally aligned with EU standards, and institutional engagement (such as the forum on whistleblower protection held at the Office of the Prosecutor General in September 2025 to discuss implementation challenges, the role of internal reporting channels, and practical issues in fostering organisational trust²⁰) shows active discussion of implementation challenges.

However, practical implementation gaps and a lack of systematic data, combined with ongoing cultural reluctance to use reporting channels due to fear of retaliation, indicate that whistleblower protection is still in early stages of effective operation. Authorities and civil society appear to be aware of these challenges and are working on awareness and system improvements (for example, Transparency International Lithuania continues to promote improvements through initiatives such as the 'SAFE for Whistleblowers' project, which aims to strengthen protection across the EU, raise awareness among potential whistleblowers, assess implementation gaps, and encourage better workplace implementation

19 Special Investigation Service (STT), "OECD Acknowledges Lithuania's Significant Progress in Implementing Foreign Bribery Recommendations" 18 December 2025, <https://www.stt.lt/en/news/7481/oecd-acknowledges-lithuanias-significant-progress-in-implementing-foreign-bribery-recommendations:4117>

20 Government of the Republic of Lithuania Anti-Corruption Programme, "A Discussion in Vilnius Focused on the Progress of Whistleblower Protection in Lithuania and the European Union", Placiuostis – Government Anti-Corruption Portal, 6 October 2025, <https://placiajuostis.lrv.lt/en/news/a-discussion-in-vilnius-focused-on-the-progress-of-whistleblower-protection-in-lithuania-and-the-european-union-LY5/>

of protections.²¹ Also, the new whistleblower protection framework is being implemented.²²), but more systematic data reporting, stronger enforcement and cultural change are needed to ensure that whistleblower protections are effective and trusted.

Overall, Lithuania's anticorruption trajectory in 2025 reflects incremental societal and institutional improvements without corresponding political drive or structural reform. Early warning signs related to high-level corruption and procurement risks remain insufficiently addressed, while prevention mechanisms are not fully utilised. Although backsliding is not yet entrenched, continued stagnation risks eroding public trust and state resilience. The existing positive trends—declining petty corruption, improved reporting culture, and strong institutional expertise—provide a solid basis for progress, but only if matched by sustained political leadership, preventive action, and accountability at the highest levels.

Implementation of 2025 Commission recommendations

There were no recommendations in this area provided in the 2025 EU Commission's report.

New Issues that Emerged in 2025

Large-scale, organised corruption within the Ministry of Agriculture

In late December 2025, a new and significant corruption case emerged involving the State Plant Service under the Ministry of Agriculture (VAT ŽŪM), revealing alleged large-scale, organised corruption at senior institutional level. The case raises serious concerns about systemic corruption risks within public administration, including failures of internal control and anticorruption safeguards.

During 2025, the Special Investigation Service, under the supervision of the Prosecutor General's Office, launched a large-scale pre-trial investigation²³ into suspected corruption involving senior

21 Transparency International Lithuania, "TI Lithuania Introduces the SAFE for Whistleblowers Initiative to Strengthen Whistleblower Protection", 7 April 2025, <https://transparency.lt/en/ti-lithuania-introduces-the-safe-for-whistleblowers-initiative-to-strengthen-whistleblower-protection/>

22 Seimas of the Republic of Lithuania, Law No. XIII-804 of 2017 on the Protection of Whistleblowers (Lietuvos Respublikos pranešėjų apsaugos įstatymas), <https://www.e-tar.lt/portal/lt/legalAct/2986b360d-b3611e7910a89ac20768b0f/asr>

23 Special Investigation Service (STT), "Systemic Corruption Under Investigation in the State Plant Service" („Tiriama sisteminė korupcija Valstybinėje augalininkystės tarnyboje“) 17 December 2025, <https://www.stt.lt/naujienos/7464/tiriama-sisteminė-korupcija-valstybineje-augalininkystes-tarnyboje:4113>

officials and employees of the State Plant Service and associated private actors, allegedly acting as an organised criminal group. According to investigators, representatives of companies transporting plants and plant products were systematically required to pay bribes in exchange for the issuance of phytosanitary certificates. The total value of the alleged bribes is estimated at approximately €1.5 million, paid not only in cash but also in gold bars and other illicit assets, indicating a high degree of criminal organisation.

The investigation implicated a number of high-ranking officials, including the Director of the State Plant Service, his deputy, senior advisers, and regional division heads. Of particular concern is the fact that the Director of the Service, who is among the suspects, was formally responsible for anticorruption efforts within the Ministry of Agriculture and had previously held the position of ministry chancellor. The case has also revealed links to other senior public offices, highlighting the breadth of the alleged corruption network and pointing to serious weaknesses in institutional oversight and integrity mechanisms.

Recommendations for 2026

In light of this case, the Commission should consider issuing a recommendation aimed at strengthening anticorruption safeguards within public administration, particularly in regulatory and supervisory bodies exposed to corruption risks. Greater attention should also be paid to detecting and preventing organised corruption schemes, including through improved coordination between oversight bodies and law enforcement authorities.

Suggested recommendation: Reinforce internal control systems, enhance the independence and effectiveness of anticorruption functions within ministries and agencies, and ensure effective asset control and conflict-of-interest prevention for senior public officials.

MEDIA ENVIRONMENT AND MEDIA FREEDOM —

General assessment

In 2025, the overall media environment in Lithuania remained operationally pluralistic, but several developments indicate early warning signs that require careful monitoring. The most significant concern relates to public service media governance, particularly the legislative initiatives affecting the Lithuanian National Radio and Television (LRT). While the proposed amendments lowering thresholds for dismissing the Director General, allowing secret ballots, and freezing LRT's budget have not yet been fully enacted, they illustrate a risk of political influence over editorial leadership. The strong domestic reaction, including large-scale protests and a petition against the political takeover of LRT signed by over 144,000 citizens, highlights widespread public concern and the potential reputational costs for media freedom. International institutions, including the Council of Europe and the European Broadcasting Union, have expressed similar warnings, yet the legislative process continues, suggesting that early warning signals are not being fully addressed.

Outside public service media, commercial and online outlets continue to operate with relative independence, and journalists generally face low levels of physical threat. Public trust in the media has remained largely stable. The persistence of partial distrust, in combination with political pressure on LRT, indicates that societal polarisation and challenges in ensuring accountability of public broadcasters remain unresolved issues.

Positive developments in 2025 include continued civil society engagement, protests, petitions, and public debate on media freedom, which demonstrate resilience and a capacity to counteract potential encroachments. The creation of oversight mechanisms for ethical standards and the Media Support Fund for local journalism is also encouraging, although their long-term effectiveness depends on adequate implementation.

In this context, the trajectory of Lithuania's media environment is best described as stable but under pressure. No systemic deterioration has yet occurred in most segments, but the unresolved legislative initiatives concerning LRT, combined with financial interventions and political rhetoric, constitute early warning signs that, if ignored, could lead to entrenched backsliding. Progress is visible in active public and professional engagement, which should be leveraged to reinforce safeguards and institutional independence of public service media.

Overall, while operational pluralism remains, the pressures on LRT governance highlight risks that require urgent attention to prevent future regression and to consolidate the resilience of the media system.

Implementation of 2025 Commission recommendations

There were no recommendations in this area provided in the 2025 EU Commission's report.

New Issues that Emerged in 2025

Independence and institutional safeguards of public service media

A major new issue emerged in late 2025 concerning the independence and institutional safeguards of public service media in Lithuania, following legislative initiatives targeting the governance and financing of the national public broadcaster, LRT. While previous discussions on media governance had focused mainly on regulatory frameworks and market conditions, the 2025 developments marked a qualitative shift by directly affecting the internal governance and financial stability of public service media.

In late 2025, members of the parliamentary majority, led by Remigijus Žemaitaitis from Nemunas Dawn political party, introduced amendments²⁴ to the law on LRT that would significantly alter the governance framework of the public service broadcaster. The proposed amendments would lower the threshold required for the LRT Council to dismiss the Director General—from the current two-thirds majority in an open vote (eight of 12 members) to as few as six or seven members—and would allow such decisions to be taken by secret ballot. In parallel, the Parliament adopted amendments to freeze LRT's budget for three years at approximately €80 million per year, interrupting the previously established automatic funding indexation mechanism and halting planned increases. On 6 January 2026, opposition factions in the Parliament collected²⁵ the required signatures to apply to the Constitutional Court regarding the Law on the LRT, which provides for the freezing of allocated funding.

24 Venice Commission of the Council of Europe, Amendments to the Law of the Lithuanian Radio and Television (unofficial translation from the Lithuanian language), CDL-REF(2025)053, Council of Europe, 19 December, 2025, <https://www.coe.int/en/web/venice-commission/-/cdl-ref-2025-053>

25 Lithuanian Radio and Television (LRT), "On the LRT Law: Opposition Factions in the Seimas Petitioning the Constitutional Court" („Dėl LRT įstatymo: Seimo opozicinių frakcijų kreipimasis į Konstitucinį Teismą“), 6 January 2026, <https://www.lrt.lt/naujienos/lietuvoje/2/2797349/del-lrt-istatymo-seimo-opoziciniu-frakciju-kreipimasis-i-konstitucini-teisma?srsId=AfmBOop9KwrDwK--7v3JYMGKbrLyq9abKTv6m09Xzwlesk7ugio-QC8d>

Proponents of the reforms justified the measures as a response to governance shortcomings identified in a recent audit²⁶ by the National Audit Office and argued that clearer dismissal rules and stricter oversight were necessary to ensure accountability and enable the LRT Council to act where trust in management is lost. The audit and its conclusions were repeatedly invoked during parliamentary debates as the factual basis for reform. Critics, however, argued that the audit was being used selectively to justify disproportionate changes that weaken institutional safeguards protecting editorial and managerial independence.

While no changes were formally introduced to the broader system of appointments during the reporting period, the combination of the proposed governance amendments—lowering dismissal safeguards, introducing secret ballots, and freezing funding—was widely perceived by journalists, civil society organisations, and international observers as creating conditions conducive to increased political influence over public service media. Stakeholders argued that, taken together, these measures risk politicising LRT’s governance rather than addressing identified shortcomings through proportionate, depoliticised reforms, such as strengthening transparent appointment procedures, improving oversight mechanisms, or enhancing the independence of the LRT Council itself.

The proposals triggered an immediate and strong response from journalists, professional media organisations, cultural figures, and civil society. LRT journalists and professional associations organised protests, symbolic on-air actions and moments of silence, while a large-scale public demonstration under the slogan ‘Hands Off Free Speech’ took place outside the Parliament in Vilnius,²⁷ with police estimating participation at around 10,000 people. Several other wide-scale protests followed throughout December 2025.²⁸ In parallel, the Association of Professional Journalists launched a petition entitled ‘Peticija prieš LRT politinį užvaldymą’²⁹ (‘Petition against the political takeover of LRT’), calling on the Parliament to withdraw the draft amendments. By January 2026, the petition had gathered over 144,000 signatures, reflecting a high level of public concern about threats to media

26 Valstybės kontrolė, “*State Audit Report: Activities of the Lithuanian National Radio and Television, 31 October 2025, No. VAE-10*” („Valstybinio audito ataskaita: Lietuvos nacionalinio radijo ir televizijos veikla, 2025 m. spalio 31 d., Nr. VAE-10“), State Audit Office of Lithuania, <https://www.valstybeskontrole.lt/LT/Product/24361>

27 Organized Crime and Corruption Reporting Project (OCCRP), “*Mass Rally Hits Vilnius as Lawmakers Fast-Track Controversial Media Bill*”, OCCRP, 7 December 2025, <https://www.occrp.org/en/news/mass-rally-hits-vilnius-as-lawmakers-fast-track-controversial-media-bill>

28 Kultūros asamblėja, “*The ‘Hands Off Free Speech’ Protest Continues: Bonfires Will Burn near the Seimas from 16 to 18 December*” („Protestas ‘Šalin rankas’ tęsiasi: gruodžio 16–18 d. degs laužai prie Seimo“), 13 December 2025, <https://kulturosasambleja.lt/protestas-salin-rankas-tesiamas-gruodzio-16-18-d-degs-lauzai-prie-seimo>

29 Peticijos.lt, “*Petition: Against the Political Takeover of LRT*” („Peticija: prieš LRT politinį užvaldymą“), 11 November 2026, <https://www.peticijos.lt/visos/87725/peticija-pries-lrt-politini-uzvaldyma/signed>

independence and freedom of expression. The petition was publicly supported by prominent figures, including former President Dalia Grybauskaitė, who stated that defending free speech was tantamount to defending a free Lithuania.³⁰

Concerns were also raised by domestic institutions and at the international level. Legal advisers to the Parliament flagged potential constitutional issues with the draft legislation, while civil liberties organisations and professional bodies warned that the proposals could conflict with European standards on public service media governance. The Council of Europe publicly warned³¹ against making it easier to dismiss the Director General of LRT and against freezing—and potentially reducing—the broadcaster’s funding, noting that “several ongoing initiatives in Lithuania have raised concern about risks to the independence and effective functioning of the public broadcaster, Lithuanian National Radio and Television (LRT).” Similar concerns were expressed by international media freedom organisations, the European Broadcasting Union’s Central and Eastern Europe group,³² and other public service media networks, which cautioned that the proposed changes could undermine editorial independence and be incompatible with the principles reflected in the European Media Freedom Act.³³

Despite the scale of public mobilisation and international criticism, the legislative process continued during the reporting period. The Parliament advanced the draft amendments through a first and second reading, using a fast-track procedure, with strong support from the ruling coalition. Notably,

30 Lithuanian Radio and Television (LRT), “Grybauskaitė Signed the Petition Against the Political Takeover of LRT”, („Grybauskaitė pasirašė peticiją prieš LRT politinį užvaldymą“), 13 December 2025, <https://www.lrt.lt/naujienos/lietuvoje/2/2764113/grybauskaite-pasirase-peticija-pries-lrt-politini-uzvaldyma?srsltid=AfmBOOpNHMsxtfun-LBzMBDktWCy8U3Pqhb2vBeW7YdGmsQhzkMylt47w>

31 Lithuanian Radio and Television (LRT), “Council of Europe Warns of “Risks to LRT” over Politicisation Attempts”, 26 November 2025, https://www.lrt.lt/en/news-in-english/19/2757273/council-of-europe-warns-of-risks-to-lrt-over-politicisation-attempts?srsltid=AfmBOooNVhvQUd3s9um2-Jri4UQpKU-0N1KDY6W6D9o_kzoxdP2d5hSX

32 European Broadcasting Union, *Open Letter – Safeguarding the Independence of LRT: Appeal from the Public Service Media of Central and Eastern Europe*, 5 December 2025, <https://www.ebu.ch/files/live/sites/ebu/files/News/2025/12/Open%20Letter%20-%20Safeguarding%20the%20Independence%20of%20LRT%20-%20Appeal%20from%20the%20Public%20Service%20Media%20of%20Central%20and%20Eastern%20Europe.pdf>

33 Lithuanian Radio and Television (LRT), “Signs of Concern: International Organisations Warn Against Efforts to Politicise and Weaken LRT” („Nerimo signalai: tarptautinės organizacijos įspėja dėl siekių politizuoti ir silpninti LRT“), 24 November 2025, <https://www.lrt.lt/naujienos/lietuvoje/2/2755177/nerimo-signalai-tarptautines-organizacijos-ispeja-del-siekiu-politizuoti-ir-silpninti-lrt>

the President signed the amendments freezing LRT's budget.³⁴ Opposition parties and independent members of Parliament warned of the risks posed to media freedom and the rule of law, while journalists' organisations and civil society actors signalled their intention to pursue further political and legal remedies, including constitutional challenges. Conservative members of Parliament also referred the proposals to the Special Investigations Service for an anti-corruption assessment, and the Minister of Culture publicly suggested³⁵ pausing the legislative process to allow for broader consultation with the media community.

Overall, the combined effect of weakening dismissal protections for LRT's leadership while freezing its funding was widely perceived as a two-pronged attempt to increase political leverage over public service media. Even where governance shortcomings were acknowledged, the choice of legislative instruments and the speed of the parliamentary timetable amplified concerns about politicisation rather than constructive reform. The episode has already had tangible effects, including newsroom protests, heightened self-scrutiny among journalists and an intensified public debate about Lithuania's media freedom record. As of December 2025, the bill had been referred to parliamentary committees, with the ruling majority signalling its intention to proceed, making continued close monitoring necessary as regards the final content of the law, the sustainability of LRT's funding model, and the adequacy of safeguards to prevent political interference in public service media governance.

Implications and Recommendations for 2026

The Commission should issue a clear recommendation emphasising the independence and editorial freedom of public service media. This could include guidance on maintaining transparent and depoliticised governance structures for LRT, ensuring sustainable and predictable funding, and strengthening safeguards against politically motivated dismissals. Additionally, attention should be paid to fostering pluralism and protecting journalists from indirect pressures or self-censorship, thereby supporting a resilient and free media environment in line with European standards, including the European Media Freedom Act.

34 Augustas Stankevičius, Ieva Martinkutė, Vilmantas Venckūnas, BNS, *"The President Signed Amendments Freezing the LRT Budget"* („Prezidentas pasirašė pataisas dėl LRT biudžeto įšaldymo“), Lithuanian Radio and Television (LRT), 3 December 2025, https://www.lrt.lt/naujienos/lietuvoje/2/2764242/prezidentas-pasirase-pataisas-del-lrt-biudze-to-isaldymo?srsId=AfmBOortUzz4e3KzmmaqcoCoKy_ch_1CkRDgi6ktGTPiM-0w_WZzu22y

35 BNS, *"Minister: Before Submitting a New Bill on Dismissing the Head of LRT, a Pause Should Be Taken"* („Ministrė: prieš naujo projekto dėl LRT vadovo atleidimo teikimą reikėtų padaryti pertrauką“), Lithuanian Radio and Television (LRT), 9 December 2025, https://www.lrt.lt/naujienos/lietuvoje/2/2770414/ministre-pries-naujo-projekto-del-lrt-vadovo-atleidimo-teikima-reiketu-padaryti-pertrauka?srsId=AfmBOors0Wt3F984HHMMcDlCeI-ba5UnN-NoLr_lUh0-Tm32SoIWMNqWm

Suggested recommendation: Ensure the independence of public service media by maintaining robust safeguards against political interference in governance and financing, including transparent and objective procedures for the appointment and dismissal of management and sustainable, predictable funding in line with the European Media Freedom Act.

CHECKS AND BALANCES —

General assessment

In 2025, Lithuania's system of checks and balances remained formally intact, with key institutions—most notably the Constitutional Court, oversight bodies, and civil society—continuing to perform their roles in constraining executive and legislative power. Courts maintained independence and accessibility, providing effective mechanisms for judicial review in politically and socially sensitive matters. Constitutional adjudication continued to address gaps in legislation and executive action, demonstrating that judicial oversight remains a vital safeguard of fundamental rights and the rule of law.

Civil society continued to play an active role, participating in structured consultations on legislative reforms, advocating through coalitions, and contributing to public debate. Ombudsman institutions and other oversight bodies remained engaged, monitoring rights compliance and raising concerns when legal or policy frameworks fell short. These developments illustrate the resilience of institutional pluralism and highlight areas where civic engagement strengthens checks and balances.

At the same time, early warning signs warrant close monitoring. Persistent delays in implementing Constitutional Court rulings, selective political responses, and structural pressures on civil society—such as short consultation timelines, limited feedback mechanisms, and constrained access to information—pose risks to the effectiveness of oversight. Regional and smaller NGOs remain particularly vulnerable due to limited financial and human resources, which could gradually weaken civil society's capacity to hold authorities accountable. Additionally, emerging tensions in the interplay between constitutional review and political decision-making signal that the authority of judicial institutions may be challenged in practice, even if their formal powers remain robust. Public statements, often framed in ideological and religious terms, by prominent executive figures opposing the Constitutional Court's ruling signal a willingness to delay or narrow compliance with binding constitutional decisions.

Despite these concerns, there are no clear indications of entrenched backsliding. Constitutional review remains active, oversight bodies continue to function, and civic space, though constrained in certain areas, remains open. Importantly, public awareness of constitutional norms and the role of civil society have grown, creating opportunities to reinforce accountability mechanisms.

Looking ahead, the trajectory of Lithuania's system of checks and balances would benefit from building on these existing strengths. Timely legislative implementation of constitutional rulings strengthened support for civil society—including through funding, capacity-building, and improved consultation processes—and sustained respect for judicial independence would help prevent structural vulnerabilities from escalating into systemic weaknesses. Proactive attention to these areas is essential

to ensure that Lithuania's institutional safeguards remain effective, resilient, and capable of protecting democratic governance and fundamental rights.

Implementation of 2025 Commission recommendations

There were no recommendations in this area provided in the 2025 EU Commission's report.

Gaps in the Commission's Report

Involvement of civil society in decision-making process

The Commission observed that civil society continues to face challenges in participating in decision-making, particularly at the local level, due to short consultation timelines, limited feedback mechanisms, and restricted access to certain information. It also highlighted funding limitations and concerns about negative rhetoric targeting some NGOs. However, no recommendations were made to address these issues.

Beyond civic space dynamics, emerging developments in Lithuania's constitutional review mechanisms, particularly in areas where courts are shaping policy outcomes in sensitive human rights areas, were not addressed in the recommendations. While some of these developments unfolded only after the Commission's cut-off date, they reflect broader checks-and-balances and civic participation issues that merit explicit attention.

In 2025, Lithuania's Constitutional Court continued to play a pivotal role in upholding constitutional norms on fundamental rights and separation of powers. A landmark decision³⁶ in April 2025 found that the absence of legal recognition for same-sex partnerships in the Civil Code violated the Constitution's equality and non-discrimination principles. This ruling effectively opened a pathway for same-sex couples to seek civil partnership recognition through the courts in the absence of specific legislation. It underscores both the vitality of judicial oversight in addressing legislative gaps and the ongoing need for timely legislative follow-through to ensure full protection of minority rights and inclusivity. Despite such high-profile constitutional interventions becoming more frequent, the

36 The Constitutional Court of the Republic of Lithuania, Ruling on the Compliance of Article 28 of the Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania and Article 3.229 of the Civil Code of the Republic of Lithuania with the Constitution of the Republic of Lithuania ("Dėl Lietuvos Respublikos civilinio kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymo 28 straipsnio, Lietuvos Respublikos civilinio kodekso 3.229 straipsnio atitikties Lietuvos Respublikos Konstitucijai"), No. KT21-N5/2025, 17 April 2025, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3121/content>

Commission's 2025 report did not highlight the evolving role of constitutional review or the broader implications of these decisions for checks and balances.

Moreover, while civil society remains active—through initiatives such as the Civic Resilience Forum 2025 and structured NGO engagement in public policy via coalitions—the formal recognition of these civic space dynamics was absent from the Commission's assessment.

New Issues that Emerged in 2025

Intensification of political resistance to Constitutional Court rulings

While political resistance to Constitutional Court rulings is not a completely new challenge in Lithuania, 2025 saw a notable intensification and publicisation of this dynamic. Following the April 2025 ruling of the Constitutional Court on same-sex partnerships, which clarified that the continued absence of a legal framework for same-sex partnerships is incompatible with the Constitution and declared unconstitutional the provision of the Civil Code that restricts partnership exclusively to a union between a man and a woman, draft amendments introducing a gender-neutral partnership regime were registered in Parliament. Nonetheless, the newly appointed Minister of Justice has publicly opposed the registered draft amendments and stated that she would neither submit nor support legislation introducing gender-neutral partnerships, signalling her intent to prevent same-sex couples from receiving rights equivalent to the 'natural family'.³⁷ Although resistance to constitutional decisions has occurred previously, the direct and highly public nature of these statements represents a distinct development in 2025: even with active constitutional review, the effectiveness of judicial oversight depends on political actors' willingness to respect rulings, making these manifestations of resistance a critical point of attention. A broader pattern of resistance to the effective execution of constitutional review is reflected, raising questions about respect for judicial authority and the rule of law.

Implications and Recommendations for 2026

The Commission should recommend the timely and full implementation of Constitutional Court rulings, particularly in areas affecting fundamental rights, and emphasise that political authorities must refrain from actions or statements that undermine the binding nature of constitutional decisions.

37 Gytis Pankūnas, Liudmila Petrakova, "*Tamašunienė Does Not Support Partnership Amendments: They Do Not Reflect My or Many People's Opinions*" (*„Tamašunienė nepritaria partnerystės pataisoms: neatitinka mano ir daugelio žmonių nuomonės“*), ELTA/LRT, 4 November 2025, https://www.lrt.lt/naujienos/lietuvoje/2/2735307/tamasuniene-nepritaria-partnerystes-pataisoms-neatitinka-mano-ir-daugelio-zmoniu-nuomones?srsId=AfmBOoofz-_2Fe_gtx-73acZP9-MPZtL80eTA9TrSFcUhphv0V52iPgsl

Stronger monitoring of legislative follow-up and safeguards against prolonged non-implementation should be encouraged to preserve the effectiveness of checks and balances and protect civic space.

Suggested recommendation: Fully implement Constitutional Court rulings, particularly in areas affecting fundamental rights.

CONTACTS

Human Rights Monitoring Institute

Human Rights Monitoring Institute (HRMI) is a non-governmental, not-for-profit human rights organisation. Since its establishment in 2003, HRMI has been advocating for full compliance of national laws and policies with international human rights obligations, and working to ensure that rights can be exercised in practice.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

The Daphne Caruana Galizia Foundation



Daphne Caruana Galizia Foundation was established in Malta following the assassination of investigative journalist Daphne Caruana Galizia in 2017. The foundation is dedicated to seeking full justice for Daphne, ensuring her and other investigative work continues, and advocating for press freedom and accountability in public interest cases.

aditus foundation



aditus foundation is an independent, voluntary, non-profit and non-governmental organisation established in 2011 by lawyers dedicated to ensuring human rights access in Malta. Our main activities include the identification of priority areas, formulating advocacy strategies and working towards improvement in legal and administrative standards. This includes offering pro bono legal information, advice and engaging in strategic litigation. The main areas of activity in which we work are migration and asylum, anti-discrimination, governance and rule of law issues.

OVERALL ASSESSMENT: SLIDER

The effects of the significant weakening of the rule of law in Malta continue to be felt. The country faces undue court delays, difficulties for the media to work effectively, and high levels of corruption and clientelism.¹ The status quo on key rule of law issues² and a continued assault on human rights³ in the form of indiscriminate breaches by successive Maltese governments show a clear negative trend. State institutions fail to carry out their lawful duties, causing ‘institutional failure’.⁴ However, although there is a tendency for Maltese courts to be reluctant to invoke rule of law principles independently, there are a handful of recent judgements that address breaches of the principle of separation of powers

- 1 Lobina Benedetta, Malta’s Rule of Law in Crisis: Perspectives from a captured Member State, Institute for European Studies, University of Malta. European Commission, <https://www.um.edu.mt/library/oar/bitstream/123456789/122016/1/BenedettaLobina.pdf>; 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.
- 2 Caroline Muscat, ‘A desperate keep-me-out-of-jail card’ – Bonello on magisterial inquiry bill, The Shift, 12 February 2025, <https://theshiftnews.com/2025/02/12/a-desperate-keep-me-out-of-jail-card-bonello-on-magisterial-inquiry-bill/>; Repubblica, The Right of Individual Petition for Magisterial Inquiries, 5 February 2025, https://repubblica.org/press-release/repubblica-publishes-its-detailed-objections-about-the-destruction-of-citizens-right-to-request-magisterial-inquiries/#flipbook-df_6817/1/; the Daphne Foundation, Malta Government’s legal reforms should serve justice, not impunity, 16 January 2025, <https://www.daphne.foundation/en/2025/01/16/justice-not-impunity>; Joint statement by Repubblica, SOS Malta, Aditus and The Daphne Caruana Galizia Foundation, Malta fails to tackle systemic corruption and strengthen rule of law, 30 July 2024, <https://www.daphne.foundation/en/2024/07/30/rule-of-law-report-malta>; Lobina B., Malta’s Rule of Law in Crisis: Perspectives from a Captured Member State, Institute for European Studies, University of Malta, 2024, <https://www.um.edu.mt/media/um/docs/events/20yearseumembers/BenedettaLobina.pdf>.
- 3 aditus, Prime Minister, hands off our human rights!, 25 March 2025, <https://aditus.org.mt/prime-minister-hands-off-our-human-rights/>; Repubblica, Fundamental Rights Do Not Expire, 25 March 2025, <https://repubblica.org/press-release/fundamental-human-rights-do-not-expire/>.
- 4 Parliamentary Ombudsman, Own Initiative Investigation into possible systemic maladministration within the Corradino Correctional Facility, January 2025, <https://www.ombudsman.org.mt/media/jh3ialis/final-report-own-initiative-investigation-into-possible-systematic-maladministration-within-the-ccf.pdf>; Aquilina Kevin, The Rule of Law a la Maltese – Selected writings of Kevin Aquilina, Faculty of Laws, University of Malta, 2017, <https://www.um.edu.mt/library/oar/bitstream/123456789/109670/1/The%20rule%20of%20law%20a%20la%20maltese%20selected%20writings%20of%20Kevin%20Aquilina%202017.pdf>; Justice Giovanni Bonello, The courts- how to screw human rights in ten gutless steps, Times of Malta, 10 March 2024, <https://timesofmalta.com/article/the-courts-screw-human-rights-ten-gutless-steps.1088287>.

of state institutions and the role of civil society as watchdogs in conjunction with violations of fundamental rights, such as the right to property, the right to life and the right to freedom of expression.⁵

Assessment of the trajectory

The reactive promulgation of legislation eroding long-established rights of citizens to request criminal investigations, as well as the powers of the judiciary in planning matters, are emblematic of a sustained deterioration of the rule of law in Malta. This is evidenced further by the following:

- Slow and uneven implementation of reforms: while Malta has initiated, particularly through the Recovery and Resilience Facility (RRF), reforms in the justice system, media, public administration, and anti-corruption, implementation has often been delayed or partial;
- Checks and balances remain fragile: Malta still lacks an independent national human rights institution and continues to present a strained environment for civil society and human rights defenders;
- Long-running rule of law issues: various Commission recommendations across all areas, particularly Justice and Corruption, are repeated and remain unimplemented; recent legislation relating to magisterial inquiries and planning serves to further contribute to the problems identified;
- Slow execution, weak enforcement, and limited measurable outcomes risk creating a situation where deficiencies persist long enough to become structural. Without clear timelines, transparent monitoring, and consequences for non-delivery, gaps in areas such as judicial efficiency, corruption prosecution, and public sector accountability could become de facto permanent;
- Most of the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed;
- Malta's transposition of the anti-SLAPP directive is still at the bare minimum level, failing to deal with domestic SLAPP cases;

5 Delia Emanuel vs L-Onorevoli Byron Camilleri Et, 201/2020, Qorti Ċivili Prim'awla (Ġurisdiżzjoni Kostituzzjonali) 11 December 2023, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=143021>; Lanzon Peter Et vs L-Avukat Ġenerali Et, 201/2020, Qorti Ċivili Prim'awla (Kostituzzjonali), 27 October 2021, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=128860>; Delia Adrian L-Onorevoli Dottor vs L-Avukat Ġenerali, 81/2018, Qorti Ċivili Prim'awla (Kostituzzjonali), 16 December 2019, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=119672>.

- Malta's Freedom of Information (FOI) Act needs immediate reform.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

While dialogue and recommendations remain essential, experience in Malta suggests that where key concerns persist across reporting cycles - particularly regarding implementation and enforcement - additional elements of the rule of law toolbox should be considered. Enhanced monitoring, clearer benchmarks, and proportionate follow-up mechanisms may be necessary to ensure that reforms translate into effective practice and to safeguard mutual trust within the EU.

EU law requires Member States, under Articles 2 and 19(1) of the Treaty on European Union, not only to safeguard the rule of law but also “to provide remedies sufficient to ensure its effective legal protection”. The principle of non-regression, formalised by the European Court of Justice in its judgment in Case C-896/19 - *Repubblica v Il-Prim Ministru* - prohibits any national rules, including constitutional provisions, which could constitute a reduction in the protection of the value of the rule of law. According to the Court, Member States of the Union cannot amend their legislation in a way that would bring a reduction in the protection of these values. Bill 125 to the Criminal Code (Amendment No.2) to amend the procedure of ‘in genere’ inquests,⁶ which drastically reduces the access of individuals to justice in the event of suspected criminal activity, clearly violates the principle of non-regression. This violation merits the launch of infringement proceedings due to the importance of its anticipated impact on access to justice in the country.

State of play (versus 2025)

- Justice system
- ↓ Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

Legend

Regression	No progress	Progress
↓	—	↑

6 Bill 125 to Criminal Code (Amendment No.2), <https://parlament.mt/media/132384/bill-no125-online-version.pdf>.

JUSTICE SYSTEM

General assessment

The justice system in Malta in 2025 continues to be hampered by lengthy judicial proceedings, under-resourced courts, and outdated administrative practices. Transparency remains limited, particularly regarding government plans, draft laws, and procurement processes under the Ministry for Justice. Key stakeholders, including the Chamber of Advocates, are frequently excluded from consultations on critical reforms and bills.⁷ For example, the Chamber was not consulted on the relocation of the Family Court and Civil Court Commercial Section,⁸ despite the logistical challenges posed to lawyers in multiple locations. Similarly, the government issued tenders for a unified court diary and a case management system without considering prior proposals from the Chamber.⁹

The European Commission's *2025 Rule of Law Report* acknowledged ongoing constitutional reforms, but stakeholders note that tabling a few draft bills does not constitute a comprehensive reform process. Advocates have called for an inclusive constitutional convention to address systemic reforms,¹⁰ as prior efforts in 2019 and 2021 lacked structural dialogue and excluded civil society organisations.¹¹

7 Aditus foundation, Bill 125- In Genere Inquests, 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>; Chamber of Commerce, Quest for Truth and Justice, 2025 <https://maltachamber.org.mt/quest-for-truth-and-justice/>; aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, Bill 134: Rushed Judicial Constitutional Amendments without Consultation, May 2025, <https://aditus.org.mt/bill-134-rushed-judicial-constitutional-amendments-without-consultation/>; Chamber of Advocates, PA Bills Statement from the Chamber of Advocates, August 2025, <https://avukati.org/news/pa-bills-statement-from-the-chamber-of-advocates/>; Chamber of Advocates, Public Statement on the Protection of Agricultural Leases Regulations, August 2025, <https://avukati.org/news/public-statement-on-the-protection-of-agricultural-land-regulations/>.

8 Chamber of Advocates, Email to Members Courts and its Buildings in the years to come (Qrati u l-Bini tagħhom fis-snin li ġejjin), 12 December 2025.

9 Chamber of Advocates, Circular to Members, 15 December 2025.

10 Times of Malta, Piecemeal constitutional reforms risk undermining the rule of law, May 2025, <https://timesofmalta.com/article/piecemeal-constitutional-reforms-risk-undermining-rule-law-repubblika.1110102>

11 aditus foundation, Feedback to DG Justice on the Malta Country Chapter - Rule of Law Report, 2021 https://aditus.org.mt/Publications/feedbacktodgjustice/maltacountrychapterrolreport_25042021.pdf; aditus foundation and Daphne Caruana Galizia Foundation, 2023 Rule of Law Report - Joint Submissions, 2023, <https://aditus.org.mt/Publications/2023ruleoflawreportsubmission.pdf>.

In 2025, the government rushed a critical amendment to Article 546 of the Criminal Code,¹² which had allowed private individuals to request magisterial inquiries into serious crimes – a mechanism that had facilitated investigations into major corruption scandals where police inaction had occurred. Without public consultation, the amendment replaced the right to petition directly with a requirement to report to the executive police, raising the threshold for initiating inquiries. Despite significant public outcry,¹³ the bill became law by April, effectively limiting citizen oversight.

Similarly, the government attempted to fast-track multiple constitutional amendments affecting the justice sector without stakeholder consultation. The May 2025 bill sought to remove the prohibition on judges becoming President, modify the Chief Justice appointment procedure, extend judges' tenure, and alter frameworks for complaints and disciplinary proceedings against legal professionals. Of the 13 proposed amendments, only three were passed after the government used a procedural motion to split the vote clause-by-clause, bypassing the two-thirds majority normally required. These included establishing the Commissioner for Standards of the Judiciary, allowing citizens to file complaints, though the Chief Justice and Justice Minister may disregard the Commissioner's reports.¹⁴ The former European Court of Human Rights (ECtHR) judge Giovanni Bonello warned¹⁵ that the Commissioner could pose risks to judicial independence.

Repeated recommendations since 2022 to improve judicial appointments and system efficiency have seen no progress. Administrative tribunals remain unreformed, with independence unguaranteed. The prime minister continued to publicly criticise specific members of the judiciary involved in magisterial inquiries into corruption scandals, undermining confidence in judicial impartiality.

12 Criminal Code, CAP 9 of the Laws of Malta, <https://legislation.mt/eli/cap/9/eng/pdf>.

13 Chamber of Advocates (2025), press release of 8 February 2025, <https://avukati.org/news/request-for-press-releases-on-bill-125-act-viii/>; Repubblika, Memorandum on the Right of Individual Petition for Magisterial Inquiries of 4 February 2025 <https://repubblika.org/press-release/repubblika-publishes-its-detailed-objections-about-the-destruction-of-citizens-right-to-request-magisterial-inquiries/>; Malta Chamber of Commerce, 'Quest for Truth and Justice', 10 February 2025, <https://maltachamber.org.mt/quest-for-truth-and-justice/>; European Commission Rule of Law Report 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

14 ACT No XVI of 2025 - Constitution of Malta (Amendment) Act, June 2025, <https://parliament.mt/en/14th-leg/acts/act-xvi-of-2025/>.

15 The Shift, Judicial independence at risk with new Bill, former Judges warn, 2025, https://www.maltatoday.com.mt/news/xtra/134930/abela_does_not_rule_out_early_election_if_pn_leadership_change_destabilises_parliament

Overall, Malta's justice system in 2025 is characterised by under-resourcing, opaque decision-making, exclusion of key stakeholders from reforms, curtailment of public oversight, rushed legislative amendments, and ongoing threats to judicial independence and accountability.

Implementation of 2025 Commission recommendations

Recommendation: Take forward the ongoing reform to involve the judiciary in the procedure for the appointment of the Chief Justice, taking into account European standards on judicial appointments (first made in 2022)

The Maltese Government proposed a number of amendments to the Constitution through Bill 134¹⁶ and one of the aims of the bill was to provide for the involvement of the judiciary in the process of appointment of the Chief Justice. The provisions relating to the appointment of the Chief Justice did not become law.

Apart from the fact that there was no public consultation with stakeholders, the proposed amendment can only be seen as a weak attempt to satisfy the Commission's recommendation by introducing an extremely limited role for the judiciary. The proposed amendment that was put forward obliges the Prime Minister (PM), before presenting a motion for the resolution for the appointment of the Chief Justice, to declare to the parliament that he consulted the current Chief Justice and the President about the choice of the person to be appointed as Chief Justice. The PM must also inform the Leader of the Opposition of the result of the said consultation.

16 Bill No. 134 - Constitution of Malta (Amendment) Bill, <https://parlament.mt/en/14th-leg/bills/bill-134-constitution-of-malta-amendment-bill/?page=1&numItems=10&text=&number=134&totalItems=1>

In this regard whilst one can be tempted to call this progress, the contents of the bill and the method with which the Government attempted to pass it cannot be seen as such. In this regard, we believe that a mere consultation with the sitting Chief Justice doesn't satisfy the requirement of the involvement of the judiciary in accordance with European standards on judicial appointments. In its feedback to the European Commission the government declared that, "This amendment will require the mandatory consultations with the incumbent Chief Justice, which represents the judiciary as a collective body."¹⁷ Whilst the Chief Justice leads the judiciary and is president of the Courts of Appeal and the Constitutional Court, this does not mean that that role represents the judiciary as a collective body and that consultation with that individual would result in the involvement of the judiciary, which at law include all judges and magistrates in the local courts.

The recommendation is relatively clear but steps to be taken are not clearly articulated. The Commission could improve the recommendation:

Amend the process for the appointment of the Chief Justice, which should include a public call for applicants. The appointment process should be conducted by the Judicial Appointments Committee without the involvement of any political power.

Commission's 2025 assessment: Some progress	Daphne Caruana Galizia and aditus foundations' current assessment: No progress

17 Government of Malta, Rule of Law Malta's Input to the 2025 Rule of Law Report, January 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

Recommendation: Step up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings (first made in 2022)

The government has again reiterated that it invested €10,000,000 in a new case management system, however this is still at the tender stage.¹⁸ It should be noted that this tender was issued in 2024 and is still being processed.¹⁹ This call for proposals seems not to have been discussed in the Digital Justice Committee set up to monitor and implement changes with a view to digitalisation of the courts, which the committee as of October 2024 had not met up once since inception, contrary to the government's assertion that the committee meets regularly. The Chamber of Advocates lamented that besides not being advised on the contents of the call, the 28-month time-frame imposed on the eventual service provider is not realistic and such a major overhaul of the working of the national justice system requires more consultation with stakeholders and time for it to be implemented properly.²⁰ It remains the case that a functional digitalisation system is not in place and practitioners face a lack of digital tools in their daily work. It is unlikely that a court management system will be implemented in 2026.

Furthermore, due to a severe lack of physical space, the government has started a process to decentralise the court buildings which were previously hosted in and around the courts' main building. Whilst one building dedicated to magisterial inquiries was opened at the end of 2025,²¹ discussions relating to other relocations of buildings have been typified by a lack of consultation and disagreement between the Chamber of Advocates and the administration.²²

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- 18 Press Release, 16 September 2025, Prime Minister inaugurates new Court building for Inquiring Magistrates – a project that strengthens justice in our country, <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/09/16/pr251579en.aspx>.
- 19 Tender for the Customisation and Implementation of An Off The Shelf Courts Management Information System for The Court Services Agency, 2024. <https://www.etenders.gov.mt/epps/cft/prepareViewCfTWS.do?sourceId=11447800>.
- 20 Speech of the President of the Chamber of Advocates on the Opening of the 2024 - 2025 Forensic Year (Diskors tal-President ta' l-Kamra ta' l-Avukati – Ftuh tas-sena Forensi 2024-2025), 1 October 2024, <https://themalteseherald.com/wp-content/uploads/2024/10/Sena-Forensi-2024-Chambers-Dr-Peter-Fenech-Speech.pdf>.
- 21 Press Release: Prime Minister inaugurates new Court building for Inquiring Magistrates – a project that strengthens justice in our country, 16 September 2025, <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/09/16/pr251579en.aspx>.
- 22 Chamber of Advocates, Email to Members Courts and its Buildings in the years to come (Qrati u l-Bini tagħhom fis-snin li ġejjin), 12 December 2025.
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Parliament began discussion on the re-establishment of the Commercial Court which will focus on commercial and trade cases. The Bill²³ is in its second reading in parliament and it is hoped that it will reduce the burden on the First Hall of the Civil Court where judges are handling a substantial number of cases.

In spite of the Commission noting some progress, the length of judicial proceedings in civil, criminal and administrative sectors remains concerning²⁴ and is amongst the longest in the European Union. In some sectors, the length of judicial proceedings and backlogs has increased. A study by the Daphne Caruana Galizia Foundation on delayed court wilful homicide proceedings reports a growing backlog, with 46% of homicide cases arraigned between 2010 and 2020 remaining pending.²⁵ The report also finds that Malta has one of the highest expenditure rates on the courts, yet one of the smallest judiciaries per capita and one of the lowest resolution rates in Europe.

In the speech of the opening of the Courts, the Chief Justice lamented that the government did not issue calls for new members of the judiciary before the retirement of members of the judiciary. Whilst he noted that a call for two judges and two magistrates had been issued, he pointed out that three out of seven senior judges are set to retire in the coming months. He further noted that over 800 cases could not be assigned before new judges were appointed. On the subject of criminal proceedings, he highlighted that there are over 100 trials still waiting to be appointed and, therefore, there is an urgent need for additional judges to sit in the criminal courts.²⁶ These concerns were reiterated by the President of the Chamber of Advocates, whilst he also highlighted that citizens have been suffering from severe delays and lack of professionalism, with sittings regularly starting late and/or overrunning.²⁷

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- 23 Bill No. 133 Various Laws relating to the Establishment and Jurisdiction of the Commercial Court (Amendment) Bill, 2024 <https://parlament.mt/14th-leg/bills/bill-133-establishment-and-jurisdiction-of-the-commercial-court/>.
- 24 World Justice Project, Malta 2025 Ranking, <https://worldjusticeproject.org/rule-of-law-index/country/2025/Malta/>.
- 25 Daphne Caruana Galizia Foundation, Justice at Risk: The Impact of Delayed Legal Proceedings in Wilful Homicide Cases in Malta, 2025, <https://www.daphne.foundation/documents/reports/justice-at-risk-delayed-court-proceedings-in-malta.pdf>.
- 26 Times of Malta, Chief Justice urges MPs to reconsider constitutional amendments he had proposed, 1 October 2025, <https://timesofmalta.com/article/chief-justice-urges-mps-reconsider-constitutional-amendments-proposed.1117103>.
- 27 Newsbook, Chief Justice renews call for watchdog, lawyers slam delays and dysfunction in courts, 1 October 2025, <https://newsbook.com.mt/en/chief-justice-renews-call-for-watchdog-as-lawyers-slam-delays-and-dysfunction-in-courts/>.

In spite of years in the making, lawyers are still without a law that regulates their profession,²⁸ which results in a lack of regulation and discipline that is compounded by the severe delays and lack of resources in a dysfunctional court system.

The recommendation is too broad and vague as it covers a wide range of issues without clear steps. The Commission could improve the recommendation:

(i) Set targets as to the number of additional members of the judiciary that are needed to address the current backlog;

(ii) Open an effective and transparent stakeholder consultation on the digitalisation of the Justice System, including case management, IT Tools and systems;

(iii) Open an effective and transparent stakeholder consultation on improving and increasing Court buildings and space;

(iv) Set targets for the increase of judicial support staff and administrative staff in court;

(v) Set fixed target dates for the implementation of the results of the consultations.

Commission's 2025 assessment: Some progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

Gaps in the Commission's Report

Appointment of Adjudicators on Specialised Tribunals

Several acts of parliament grant individual ministers the authority to appoint members of quasi-judicial bodies, committees, commissions, and similar entities, which have the mandate to decide on

28 Times of Malta, Chief Justice urges MPs to reconsider constitutional amendments he had proposed, 1 October 2025, <https://timesofmalta.com/article/chief-justice-urges-mps-reconsider-constitutional-amendments-proposed.1117103>.

appeals or applications presented to them by any person.²⁹ It should be noted that, although the basic principles of natural justice apply to all deciding boards and quasi-judicial tribunals, there is no conformity or uniformity on the composition of such bodies, nor on their basic rules of procedure or the remedies available after the decision is taken. Here are some problematic commonalities:

- In the majority of cases, the members of the tribunals are not members of the judiciary and are not bound by any codes of ethics, as is the case with members of the judiciary. Generally, the only prerequisite for the tribunals to be validly constituted is that one member has had a number of years exercising a profession, most commonly an advocate, and the other members have shown some form of capacity in matters deemed appropriate for the purpose. The appointment of persons who lack any specific qualification and experience on boards that examine particularly sensitive issues, such as the International Protection Appeals Tribunal and the Immigration Appeal Board, denies individuals the right to an effective remedy. Furthermore, most members are appointed to the tribunals part-time. This means they often have regular day jobs, usually in the private sector, and perform their Board functions for several hours during the week. This can raise serious conflict of interest issues, besides affecting the efficiency of the tribunals.
- Members of these quasi-judicial bodies are either appointed and removed by the Prime Minister or by the responsible minister under the relevant law.³⁰ Whilst not automatically assuming that

29 The Maltese legal system is largely built around these Tribunals, others include: Immigration Appeals Board, Immigration Act, CAP 217 of the Laws of Malta <https://legislation.mt/eli/cap/217/eng>; the International Protection Appeals Board, International Protection Act, CAP 420 of the Laws of Malta <https://legislation.mt/eli/cap/420/eng>; Environment and Planning Review Tribunal, Environment and Planning Review Tribunal Act, CAP 551 of the Laws of Malta <https://legislation.mt/eli/cap/551/20230919/eng>; Consumer Claims Tribunal, Consumer Affairs Act CAP. 378 of the Laws of Malta <https://legislation.mt/eli/cap/378/eng>; Industrial Tribunal, Employment and Industrial Relations Act CAP 452 of the Laws of Malta <https://legislation.mt/eli/cap/452/eng>; Information and Data Protection Appeals Tribunal, Data Protection Act CAP 586 of the Laws of Malta, <https://legislation.mt/eli/cap/586/eng>; Patent Tribunal, Patents and Designs Act CAP 417 of the Laws of Malta <https://legislation.mt/eli/cap/417/eng>; Police Licences Appeals Tribunal, Licences Procedures Regulations S.L. 128.02 <https://legislation.mt/eli/sl/128.2/eng>; Panels of Administrative Review Tribunals, Administrative Review Tribunal (Establishment of Panels) Regulations S.L. 490.04 <https://legislation.mt/eli/sl/490.4/eng>; Prison Appeals Tribunal, Prisons Regulations S.L. 260.03 <https://legislation.mt/eli/sl/260.3/eng>.

30 Article 25A of the Immigration Act establishes the Immigration Appeals Board. Article 25A(1) lays down that the board is composed of a lawyer, a person versed in immigration matters and another person each of whom shall be appointed by the President acting on the advice of the Minister responsible for immigration matters, <https://legislation.mt/eli/cap/217/eng>. Alexis Galand, J.B. v Malta: The Systemic Consequences of Rule of Law Failures on Migrants' Rights, Strasbourg Observers, 7 January 2025 <https://strasbourgoobservers.com/2025/01/07/j-b-v-malta-the-systemic-consequences-of-rule-of-law-failures-on-migrants-rights/>.

such an appointment would lead to political interference, it is clear that the system could impact on independence and impartiality, and could strengthen the government's agenda on any particular issue. It must be underlined that these boards or quasi-judicial tribunals examine decisions taken by governmental bodies.

- The procedural rules, regulating such boards and how they conduct their proceedings, are not publicly available through published guidelines. In many of the boards we have experience with, a lack of procedural transparency has been noted: proceedings are not appropriately recorded, the minutes of the hearing are poorly kept (if kept at all), and the method of receiving submissions from parties is not formalised. The decisions of most quasi-judicial tribunals are not published and not publicly available.

In some cases, the board's decision is final, and no further appeal is possible on substantive issues. Whilst judicial review of administrative action might be possible, in addition to a constitutional case alleging human rights violations, there are few avenues to bring substantive elements before the courts of law.

The Venice Commission³¹ and the European Commission admit systemic risks to judicial independence on several instances, including in successive rule of law reports. Furthermore, Malta's Recovery and Resilience Plan³² contains Milestones 6.3 and 6.4 that oblige Malta to review the tribunal system to ensure its independence. It should be noted that Malta has missed the timeline for the completion of Milestone 6.3, an "independent review of the independence of specialised tribunals", which was meant to be completed in 2024, and looks likely to miss Milestone 6.4, which calls for legislative changes deemed necessary by the independent review by the first quarter of 2026. In the meantime, the boards are still deciding on crucial issues relating to detention, refoulement, and asylum, amongst others, which have clear implications on fundamental rights in the implementation of European Union law.

Attention is drawn to the recent ECtHR judgment *J.B. and others v Malta*,³³ which found that Malta had breached Article 5(4) of the Convention, amongst others. Crucially, it found that the Immigration

31 See Venice Commission Opinion No. 940/2018 CDL-AD (2018)028, 2018; Opinion CDL-AD(2020)006, 2020; and Opinion CDL-AD(2020)019-e, 2020.

32 Council of the European Union, ANNEX to the COUNCIL IMPLEMENTING DECISION amending Council Implementing Decision (EU) (ST 11941/2021; ST 11941/2021 ADD 1) of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta, 2023, <https://data.consilium.europa.eu/doc/document/ST-11202-2023-ADD-1/en/pdf>.

33 *JB and others v Malta*, Application no. 1766/23, 2024, <https://hudoc.echr.coe.int/eng#%7B%22ap-pno%22:%5B%221766/23%22%5D%7D>

Appeals Board (IAB) was not an effective remedy for the review of the lawfulness of detention. The decision was based on the fact that IAB decisions were not subject to any further control by a judicial body with full jurisdiction, and that there was a lack of proper, clear, and transparent appointment procedure and selection criteria for members. In addition, there was an absence of guarantees against outside pressure and the appearance of independence. The Court also imposed a general measure which requires Malta to ensure the enactment of legislation for conformity of the IAB with independence and impartiality requirements.³⁴ This judgement was built on an earlier decision, also against Malta in *A.D. v Malta*,³⁵ which highlights the inaction of the IAB and the lack of an effective remedy. The independence of the International Protection Appeals Board and of the IAB are also subject to Commission Complaints CHAP(2021)02127,³⁶ which is still pending.

In its 2025 report, the Commission stated that the authorities concluded a public procurement procedure for the selection of an independent contractor to carry out the independent review required by Milestone 6.3, although no further steps were taken. It then stated that the government formalised a draft bill which proposes that the executive will no longer be involved in the appointment of members of these administrative tribunals. These statements were not supported by any references or links, and a request was sent by email³⁷ to the Commission to send the reference of the public procurement procedures, as the research conducted on the government procurement website did not result in the finding that such procedures were launched in 2024. In addition, the Commission was asked to confirm whether or not it had seen the draft bill that they had also made reference to and whether the government was committed to making the bill public for consultation. The Commission replied that they could not give a specific reference to the procurement procedure and that the draft bill was communicated to them during preparations of the report.³⁸

It is concerning that the European Commission notes developments that are not in the public domain and/or are not referenced or even mentioned in the Malta government's public submissions during the Rule of Law.

34 Carla Camilleri, Justice on Trial, December 2025, <https://timesofmalta.com/article/justice-trial.1120724>, Alexis Galand, *J.B. v. Malta: The Systemic Consequences of Rule of Law Failures on Migrants' Rights*, January 2025, <https://strasbourgobservers.com/2025/01/07/j-b-v-malta-the-systemic-consequences-of-rule-of-law-failures-on-migrants-rights/>.

35 *A.D. v Malta*, Application no 12427/22, 2023, <https://hudoc.echr.coe.int/eng?i=001-228153>. See also *S.H. v Malta*, Application no 37241/21, 2022, <https://hudoc.echr.coe.int/fre?i=001-221838>.

36 ECRE, AIDA Malta Country Report, 2025 <https://asylumineurope.org/reports/country/malta/asylum-procedure/procedures/regular-procedure/>.

37 Email sent to DG JUST European Commission from aditus foundation on 9 July 2025.

38 Email from DG JUST European Commission to aditus foundation on 18 July 2025.

Appointment of the Attorney General

Whilst the new procedures for the appointment of the Attorney General³⁹ see the setting up of an Appointment Commission, the members of the Commission are handpicked by the Minister for Justice.⁴⁰ They are people who, in his opinion, are respected and trusted by the public and are ‘technically qualified’ to examine whether candidates for the office of Attorney General have the appropriate qualifications and other merit and suitability requirements. There is no further definition of what ‘technically qualified’ means or how someone can be considered to be respected and trusted by the public.

Whilst the appointment procedure is clear albeit lacking in guarantees, the criteria for the appointment of the Attorney General (Article 91 of the Constitution)⁴¹ are **the same as for the** appointment as a judge of the Superior Courts: that the person must have practised as an advocate or served as a Magistrate in Malta for no less than 12 years.

Appointment of Nominees to the Courts of Justice of the European Union

Whilst the EU Treaties allow Member States to regulate their own national procedure for the appointment of judges of the European Courts of Justice, they must ensure that their “independence is beyond doubt” and they “possess the qualifications required for appointment to the highest judicial offices in their respective countries”. The procedure for choosing candidate/s to be nominated by the Maltese government to the Courts of Justice is nebulous and not laid down by law.

In order to select a nominee, the Minister for Justice appoints an ad hoc Selection Board that interviews candidates and selects the most appropriate candidates for the post.⁴² Whilst the general requirements are published in the Government Gazette, the process differs greatly from the judicial appointment procedure, recently changed, laid down by the Maltese Constitution and the published Judicial Appointments Committee – Rules and Guidelines.⁴³

39 Attorney General Ordinance, CAP. 90 of the Laws of Malta <https://legislation.mt/eli/cap/90/eng>.

40 Article 2(2)(a) of the Attorney General Ordinance, CAP. 90 of the Laws of Malta <https://legislation.mt/eli/cap/90/eng>.

41 Constitution of Malta, <https://legislation.mt/eli/const/eng>.

42 See Government Gazette notice for applications for appointment as judge to the Courts of Justice, 2024, <https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2024/04/Government%20Gazette%20-%2030th%20April.pdf>.

43 Judicial Appointments Committee – Rules and Guidelines, 10 November 2020, <https://judiciary.mt/wp-content/uploads/2022/09/JAC-Rules-and-Guidelines.pdf>.

The names of the persons on the Selection Committee are not public, nor are their terms of reference, nor any guidelines guiding them through the selection process. Finally, the ranking and/or reasons for any selected candidate are not made public. Suffice to say that the selected candidate nominated by the government, despite his close relations with the man accused of Daphne Caruana Galizia's assassination and money laundering, did not pass the Comité 255 scrutiny.⁴⁴ Malta is still currently without a selected nominee.

Access to the Courts

In order to be eligible for legal aid in civil cases, an individual needs to pass two tests,⁴⁵ namely:

- a. Means test: For an applicant to qualify under the means criteria, the person must not possess property of any sort, including disposable money, the net value of which does not exceed €13,000 for the preceding 12 months. Moreover, the applicant's income should not exceed the national minimum wage for persons above the age of 18;
- b. Merit test: For an applicant to qualify under the merits criteria, the Advocate for Legal Aid, on examining the nature of the case, must conclude that the applicant has reasonable grounds for taking or defending proceedings before the courts, i.e., that the applicant has in his favour a *probabilis causa litigandi*.

There is a need to increase the threshold for the means test to take into account the increase in the cost of living and to expand the right to legal aid for those whose income may exceed the national minimum wage (which is under €12,000 per annum) but who still cannot afford to pay for legal services. Furthermore, there is also a need to expand the merit test to include legal advice which extends

44 Times of Malta, Justice Minister writes to EU General Court to rebut Repubblica claims, 26 June 2024, <https://timesofmalta.com/article/selection-process-eu-court-judge-ongoing-government.1094479>; MaltaToday, Who are the five people who have thrown their hat in the ring to become judge at the European court?, 1 July 2024, https://www.maltatoday.com.mt/news/national/129995/who_are_the_five_people_who_have_thrown_their_hat_in_ring_to_become_judge_at_the_european_court; MaltaToday, Government set to nominate Zammit Lewis for judge at the EU's General Court, 19 June 2024, https://www.maltatoday.com.mt/news/national/129813/government_set_to_nominate_zammit_lewis_for_judge_at_the_eus_general_court; Times of Malta, Zammit Lewis blames PN as his nomination as European judge is rejected, 4 December 2024, <https://timesofmalta.com/article/zammit-lewis-blames-pn-nomination-european-judge-rejected.1101972>.

45 Code of Organisation and Civil Procedure, CAP 12 of the Laws of Malta <https://legislation.mt/eli/cap/12/eng/pdf>.

beyond *probabilis causa litigandi*, in order to allow individuals who do not have sufficient financial means to have access to free prelitigation legal advice.

Legal Aid for asylum and immigration cases is not provided within the ambit of the Ministry of Justice but via a different system through the Ministry for Home Affairs which issues separate calls, appoints the lawyers, and assigns cases. We are not aware of any case-management system or rotation of such lawyers. This can cause issues of conflict of interest in cases where the same Ministry's agencies are the plaintiffs in immigration and asylum appeals.

New Issues that Emerged in 2025

Judiciary rendered powerless by new planning bills⁴⁶

Courts will be precluded from annulling permits outright and will instead only be able to send them back to the Planning Authority's (PA) appeals tribunal for reconsideration. Objectors appealing a Planning Authority decision will only be able to argue points they raised in front of the PA.⁴⁷ Furthermore, the PA's appeals board – the Environment and Planning Review Tribunal – will have the power to approve applications without hearing objectors if it believes the required changes are not material in nature.

Clarity on the role of the Commissioner for Standards of the Judiciary and relationship with the Committee for Judges and Magistrates

As mentioned above, Bill 134 introduced a Commissioner for Standards of the Judiciary through an amendment to the Maltese constitution. The new article, Article 101AA⁴⁸ allows any person who has concerns about any member of the judiciary to submit such concerns to the Commissioner for Standards of the Judiciary, insofar as they allegedly breach the code of ethics for members of the judiciary or other disciplinary rules that may be published. The Commissioner must be a retired judge or magistrate or non-practising senior lawyer. The Commissioner has the power to investigate allegations he

46 Bill 143 – Development Planning Bill 2025 <https://parlament.mt/en/14th-leg/bills/bill-143-development-planning/?page=1&numItems=10&text=&number=143&totalItems=1> and Bill 144 – Environment and Planning Review Tribunal Bill 2025, <https://parlament.mt/en/14th-leg/bills/bill-144-environment-and-planning-review-tribunal/?page=1&numItems=10&text=&number=144&totalItems=1>.

47 Daniel Ellul: Appeal deadlines relaxed, controversial changes remain in planning law overhaul, Times of Malta, 2 October 2025, <https://timesofmalta.com/article/pa-appeal-deadlines-relaxed-controversial-changes-re-main.1117117>

48 Constitution of Malta, <https://legislation.mt/eli/const/eng>.

receives about members of the judiciary and report in writing to the Chief Justice and the Minister for Justice in case he finds that there is sufficient prima facie evidence to initiate disciplinary proceedings against a member of the judiciary.

A number of concerns have been raised as to the problematic drafting of this law, the vagueness of language and the lack of actual procedural rules when concerns are submitted.⁴⁹ The central and intrusive role of the Minister for Justice could also have an effect of undue influence, which could undermine the independence of members of the judiciary.⁵⁰

Furthermore, concerns were raised that the new role could duplicate or conflict with existing structures, potentially politicising judicial oversight and creating interference with the Commission for the Administration of Justice.⁵¹ An already existing disciplinary procedure under Article 101B of the Constitution grants the Committee for Judges and Magistrates, which is a subcommittee of the Commission for the Administration of Justice, the power to carry out disciplinary proceedings against members of the judiciary. The Committee is made up of three members elected amongst the judiciary: two of the three members in disciplinary proceedings against a magistrate shall be magistrates, and in the case of disciplinary proceedings against a judge, two of the three shall be judges. Disciplinary proceedings can only be instituted by a complaint in writing made by the Chief Justice or by the Minister. This procedure was already the subject of concern,⁵² with the Chamber of Advocates highlighting problems relating to the discipline of certain members of the judiciary, varying from delays in deciding to a lack of discipline in the courtroom, to disrespecting lawyers and the public. They called for the setting up of a disciplinary procedure, which is independent of the judiciary.

Although it is unclear how this new role will work, what is still amply clear is that proper disciplinary proceedings can only start with the Chief Justice or the Minister's action, which is problematic in

49 Times of Malta, The new law on a commissioner to oversee the judiciary, 31 August 2025, <https://timesofmalta.com/article/the-new-law-commissioner-oversee-judiciary.1115405>.

50 Repubblika, Detailed Response To Bill No. 134 To Amend The Constitution, 22 May 2025, <https://repubblika.org/press-release/detailed-response-to-bill-no-134-to-amend-the-constitution/>.

51 The Shift, Judicial independence at risk with new Bill, former Judges warn, 23 May 2025, <https://theshiftnews.com/2025/05/23/judicial-independence-at-risk-with-new-bill-former-judges-warn/>.

52 Speech of the President of the Chamber of Advocates on the Opening of the 2024 - 2025 Forensic Year (Diskors tal-President ta' l-Kamra ta' l-Avukati – Ftuh tas-sena Forensi 2024-2025), 1 October 2024 1 ta' Ottubru 2024, <https://themaltesheherald.com/wp-content/uploads/2024/10/Sena-Forensi-2024-Chambers-Dr-Peter-Fenech-Speech.pdf>. aditus foundation, 2025 Rule of Law Submission Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

itself, as it rests solely on the discretion of one person, an elected politician, and the other appointed by an elected politician.

Implications and Recommendations for 2026

Overall, the Commission's report acknowledges certain developments but fails to fully address persistent concerns regarding the independence of specialised tribunals and the effectiveness of remedies in immigration detention cases.

Suggested recommendation: include a specific recommendation for the review of the independence of the tribunals and to enact legislation in order to guarantee such independence in line with European human rights law and jurisprudence. We would also like the Commission to recommend to reporting states that statements need to be referenced with publicly available information.

Suggested recommendation: recommend a procedure for the appointment of the Attorney General that includes the cooperation between various state organs, and advice on the professional qualification of candidates should be taken from relevant experts, including the legal community and civil society, as suggested by the Venice Commission.

Suggested recommendation: increase the financial thresholds for eligibility for legal aid and widen the merit test for eligibility for legal aid to include pre-litigation advice.

Suggested recommendation: ensure a quick and effective method of filing complaints and starting disciplinary proceedings against legal aid lawyers who fail to appear for hearings, and ensure that court sittings are suspended if legal aid lawyers do not show.

Suggested recommendation: mainstream asylum and immigration legal aid with the general legal aid, which is administered by the Ministry of Justice.

Suggested recommendation: withdraw the two planning bills that are currently tabled in parliament and open a transparent and inclusive consultation process with all stakeholders on planning reform.

Suggested recommendation: clarify the roles of the Commissioner and the Commission for the Administration of Justice, and further strengthen the disciplinary procedures for members of the judiciary, which would guarantee transparency, independence of the procedures from government, and strengthen the procedural rights of the complainant.

Suggested recommendation: make public, via tabling in the parliament, annual reports which contain the number of concerns received, proceedings or investigations carried out by the Commissioner and/or the Commission for the Administration of Justice annually in relation to members of the judiciary.

Implementation of Judgments

In 2025, Malta had 14 leading judgments that were still pending implementation; these had been pending implementation for an average of six years and six months.⁵³ At the end of December 2024, there were 56 cases pending execution, of which four were leading cases classified under enhanced procedure, and 10 were leading cases classified under standard procedure.⁵⁴ Furthermore, six judgments of the ECtHR are under enhanced supervision, and three are under standard supervision by the Committee of Ministers of the Council of Europe.⁵⁵

The Committee of Ministers examined and adopted decisions in respect of four leading cases/groups of cases under enhanced procedure for the following issues:

- Refusal of the applicant's asylum requests without an assessment of the risk faced upon return to Bangladesh and lack of access to an effective remedy. *S.H. case/ J.B. case*;
- Excessive length of criminal proceedings and of constitutional redress proceedings and lack of effective remedies. *Galea and Pavia* group of cases;
- Unlawfulness of detention pending deportation, in poor conditions, and interference with correspondence between the applicant and the Court. *Feilazoo case / A.D. case*;
- Various deficiencies in the Maltese rent control legislation and a lack of effective remedy.

53 European Implementation Network, Malta, <https://www.einnetwork.org/malta-echr>.

54 Council of Europe, Annual Report 2024 of the Committee of Ministers, 2025, <https://www.coe.int/en/web/execution/annual-report-2024#page-37>.

55 Council of Europe, Main Issues before the Committee of Ministers - Malta, 2025, <https://rm.coe.int/mi-malta-eng/1680a23c9a>.

Of particular interest is the *J.B. and others v Malta*,⁵⁶ which was decided in October 2024. The ECtHR ruled that Malta had breached Article 5(4) of the Convention, amongst others, as it found that the Immigration Appeals Board (IAB) was not an effective remedy for the review of the lawfulness of detention. The decision was based on the fact that the tribunal's decisions were not subject to subsequent control by a judicial body with full jurisdiction, that there was a lack of proper, clear, and transparent appointment procedure and selection criteria for members. In addition, there was an absence of guarantees against outside pressure and the appearance of independence. The court also imposed a general measure that requires Malta to ensure the enactment of legislation for conformity of the IAB with independence and impartiality requirements, which Malta has not addressed. The tribunals fail to satisfy the requirements of independence, as stated multiple times by the Venice Commission and now also the ECtHR, and the lack of action by the government for reform also breaches the Recovery and Resilience Plan.

Out of the 138 cases received by the ECtHR since ratification of the European Convention, 88 were considered to be repetitive cases.⁵⁷

Furthermore, there is disagreement⁵⁸ between environmental NGOs and the Maltese government as to whether the opening of the season for the trapping of seven species of songbirds went against the recent decision by the European Court, which found Malta in breach of Directive 2009/147/EC in Case *C-23/23 Commission v Malta*, decided in September 2024.⁵⁹ The opening of the season was allowed via the publication of Legal Notice Conservation of Wild Birds Regulations, 2024 (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024).⁶⁰

56 *JB and others v Malta*, Application no. 1766/23, 2024, <https://hudoc.echr.coe.int/eng#%7B%22ap-pno%22:%5B%221766/23%22%5D%7D>. See also *S.H. v Malta*, Application no 37241/21, 2022, <https://hudoc.echr.coe.int/fre?i=001-221838>; *A.D. v Malta* Application no 12427/22, 2023, <https://hudoc.echr.coe.int/eng?i=001-228153>.

57 Council of Europe, Annual Report 2024 of the Committee of Ministers, 2025, <https://www.coe.int/en/web/executive/annual-report-2024#page-37>.

58 Times of Malta, Government allows trapping for songbirds under 'research programme', 20 October 2024; <https://timesofmalta.com/article/government-allows-trapping-songbirds-research-programme.1099814>, Times of Malta, Bird trapping defiance shows 'electoral interest put before rule of law', 21 October 2024, <https://timesofmalta.com/article/birdlife-electoral-interest-put-rule-law-trapping-season-reopening.1099833>

59 Case *C-23/23 Commission v Malta* decided in September 2024, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290208&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23809601>.

60 Legal Notice 270 of 2024 on the Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024) Regulations, 2024, <https://legislation.mt/eli/ln/2024/270/eng>.

ANTI-CORRUPTION FRAMEWORK

General assessment

There has been a clear regression in the state of the country's anti-corruption framework since last year's report. Backsliding is becoming entrenched and requires immediate action. Signs of regression occurring in 2025 include verbal attacks by the Prime Minister on journalists as well as members of the judiciary; the enactment of amendments to the law on magisterial inquiries through Bill 125⁶¹ - which serve to hinder the ability of private citizens to request a criminal inquiry into suspected wrongdoing by government officials; the government's blatant continued disregard of the recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia, by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system. Backsliding is becoming entrenched, requiring urgent action, as evidenced by the many examples of ethical breaches, nepotism, inappropriate/illegal lobbying, misuse of public funds, and revolving doors tolerated or perpetrated by members of government.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to address challenges related to the length of investigations of high-level corruption cases, and to establish a robust track record of final judgments (first made in 2022)

In a 2025 report,⁶² GRECO found that Malta has failed to adequately implement crucial anti-corruption reforms six years after they were first recommended. Of 23 recommendations ('GRECO Recommendations') issued in 2019 concerning top executive functions and law enforcement agencies, only eight have been satisfactorily implemented, seven are partly implemented, and a significant number, eight, have seen no implementation whatsoever.⁶³

61 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>.

62 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

63 Jurgen Balzan, GRECO issues damning report as Malta fails majority of anti-corruption reforms, Newsbook, 28 November 2025, <https://newsbook.com.mt/en/greco-issues-damning-report-as-malta-fails-majority-of-anti-corruption-reforms/>

Mr. Tekke Panman, Netherlands, EPP/CD, posed a question to the Committee of Ministers highlighting Malta's continued non-compliance with recommendations addressed to it by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system, and requesting information about proposed action by the Committee. There has as yet been no response.

Accessibility of investigations into high level corruption

In relation to GRECO Recommendation xiii, GRECO notes that “achieving a track record of final judgments for high-level corruption cases remains a challenge” in light of the heavily criticized Bill 125.⁶⁴

Amendments introduced by Act No. VIII of 2025 entitled the Criminal Code (Amendment No. 3)⁶⁵ (Bill 125 prior to enactment) requires that a magisterial (criminal) inquiry into suspected criminal activity may only be commenced by an individual upon the presentation of evidence which is admissible in court.

This requirement is in flagrant violation of part (ii) of GRECO recommendation xiii which requires “that it be made clear for criminal investigative bodies that the launching of an inquest or investigation can be based on a reasonable suspicion and does not require that evidence is readily submitted to them...”.⁶⁶

Prior to the enactment of Bill 125, if the police have failed to properly investigate suspected criminal activity, a private individual could directly petition a magistrate to open a magisterial (criminal) inquiry. If the magistrate refused, the complainant could appeal that decision through the ordinary judicial system to a superior criminal court.⁶⁷

64 Bill 125 , AN ACT to further amend the Criminal Code, Cap. 9., 31 January 2025, <https://parlament.mt/media/132384/bill-no125-online-version.pdf> ; aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>.

65 enacted by Parliament on 11 April 2025 as Act No. VIII of 2025 entitled the Criminal Code (Amendment No. 3), <https://legislation.mt/eli/act/2025/8/eng>

66 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 13, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>.

67 Matthew Xuereb: Everything you need to know about magisterial inquiries, 23 April 2017, https://timesofmalta.com/article/everything-you-need-to-know-about-magisterial-inquiries.645930?utm_source=chatgpt.com.

Bill 125 has effectively eliminated the possibility of appeal from a decision of the judiciary not to commence a magisterial (criminal) inquiry.

New investigations, prosecutions, and final judgements

In relation to this recommendation, the Commission noted that “[i]n 2024, there were new investigations and prosecutions, although the number of final judgments in corruption cases remains low.”⁶⁸

Proceedings in a number of major corruption cases involving high-level officials are still in progress. As most of these proceedings were initiated by individuals requesting a magisterial (criminal) inquiry, the limitation of access to such a remedy by virtue of Bill 125⁶⁹ is a cause for serious concern.

There have been no new final judgements in high-level corruption cases in 2025. However, in June 2025, two men were sentenced to life in prison for supplying the car bomb that killed the anti-corruption journalist Daphne Caruana Galizia in Malta eight years ago.⁷⁰

In February 2025, a court ruled that there is enough prima facie evidence for businessman Yorgen Fenech (currently awaiting trial for Daphne Caruana Galizia’s murder) and former head of the police’s anti-money laundering unit Ray Aquilina to face trial for money laundering and corruption. Aquilina is charged with corruption, leaking official secrets, money laundering and perjury. Fenech has been charged with complicity in the corruption of a public officer and money laundering.⁷¹

68 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

69 Simon Busuttil: Further Regression in Rule of Law, Times of Malta, 11 February 2025, <https://timesofmalta.com/article/further-regression-rule-law.1104965>.

70 Juliette Garside: Two men jailed for life for supplying car bomb that killed Daphne Caruana Galizia, The Guardian, 10 June 2025, <https://www.theguardian.com/world/2025/jun/10/two-men-jailed-for-life-for-supplying-car-bomb-that-killed-daphne-caruana-galizia>

71 Claudia Calleja: Enough evidence for Yorgen Fenech, Ray Aquilina to face money laundering trial, Times of Malta, 12 February 2025, <https://timesofmalta.com/article/enough-evidence-yorgen-fenech-ray-aquilina-face-money-laundering.1105059>

It is pertinent to note that, prior to the limitation on access to magisterial (criminal) inquiries posed by the amendments introduced by Bill 125,⁷² a number of inquiries resulted in recommendations for prosecutions being made by the inquiring magistrate, which were not acted upon by the Attorney General. Examples of this are found in the magisterial inquiry into Pilatus Bank, at the conclusion of which the magistrate recommended the prosecution of several individuals, including Ali Sadr (owner and director of Pilatus Bank), Metmet Tasli (operations supervisor) and Hamidreza Ghanbari (director), for whom prosecutions were never commenced.⁷³

Number of EPPO investigations

The Commission noted that in 2024, the European Public Prosecutor's Office (EPPO) investigated ten corruption cases in Malta, which accounts for around a fifth of the total number of EPPO cases.

In October 2025, the EPPO charged a suspect with defrauding EU funds aimed at supporting young farmers to start a business.⁷⁴

Duration of investigations

The Commission noted that: "According to the government, the complexity of the corruption cases, as well as the workload and the limited number of experts, impact the duration of investigations. Furthermore, the lack of judges affects the adjudication of corruption cases."⁷⁵

72 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>

73 Jorgen Balzan: Repubblika appeals court decision on Pilatus Bank prosecutions, 22 January 2025, <https://news-book.com.mt/en/repubblika-appeals-court-decision-on-pilatus-bank-prosecutions/>

74 EPPO: Malta: EPPO charges suspect with defrauding EU funds for young farmers, 23 October 2025, <https://www.eppo.europa.eu/en/media/news/malta-eppo-charges-suspect-defrauding-eu-funds-young-farmers>

75 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

During the last decade, the Maltese government has received significant support from the European Union to improve the judicial system.⁷⁶ Nevertheless, court proceedings remain notoriously slow, and the lack of efficiency in high level corruption cases continues to be highlighted by the Commission year after year.

GRECO Recommendation xiv⁷⁷ requires that: i) legislation be issued giving criminal investigation bodies the authority to seek and use special investigative techniques (such as wiretaps and other similar measures) in the investigation of corruption offences, empowering the judicial authority to authorise their use, and making the evidence obtained thereby admissible in court, while respecting the case law of the ECtHR and that ii) it be made clear to all authorities involved in the investigation of corruption that the evidence lawfully obtained by such means is admissible evidence in court.

The Maltese authorities, again, submitted no information to GRECO on measures taken to implement this recommendation, leading GRECO to conclude that this recommendation remains unimplemented.

GRECO expressed its regret that a key recommendation aimed at improving the efficiency of criminal investigations into corruption remains unaddressed. It recalled that this recommendation dates back to Malta's First Evaluation Report and was reiterated in the Fifth Round Evaluation Report seven years ago, and noted that the continued inaction of the authorities over the years is clearly unsatisfactory.⁷⁸

Consequently, GRECO urged the authorities to take the necessary legislative and practical measures to enable the use of special investigative techniques in corruption cases and ensure the admissibility of the resulting evidence in court.

76 European Commission: Establishing a digital justice strategy for the Maltese Justice Sector - Reform Support, 2019, https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/establishing-digital-justice-strategy-maltese-justice-sector_en European Commission: Digitalisation of civil proceedings and criminal judicial acts - European Commission, https://commission.europa.eu/projects/digitalisation-civil-proceedings-and-criminal-judicial-acts_en Council of Europe (CEPEJ): Supporting the Efficiency of Justice in Malta <https://www.coe.int/en/web/cepej/supporting-the-efficiency-of-justice-in-malta>

77 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 15, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

78 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 15, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

The recommendation as it covers a wide range of issues without providing clear steps for addressing the issues highlighted. The Commission could improve the recommendation as following:

(i) Revise the legal framework on magisterial inquiries following the enactment of Bill 125, taking into consideration the reasoned opinions of civil society,⁷⁹ to restore individuals' right to request inquiries, reinstate the 'reasonable suspicion' threshold, remove retroactive effects on pending requests, and ensure reasonable timelines for inquiries;

(ii) Ensure full implementation of the recommendations of the Daphne Caruana Galizia⁸⁰ Public Inquiry and of international monitoring bodies addressing corruption,⁸¹ money laundering,⁸² and governance,⁸³ including GRECO, MONEYVAL and the Parliamentary Assembly.

Commission's 2025 assessment: Some further progress

Daphne Caruana Galizia and aditus foundations' current assessment: Backsliding

- 79 Aditus et al: Open Letter re Bill 125 in Malta, 20 February 2025, https://aditus.org.mt/wp-content/uploads/2025/02/Letter-to-CoE-entities-re.-Bill-125_Malta_022025.pdf
- 80 Judge Michael Mallia, Public Inquiry Report - Daphne Caruana Galizia, 29 July 2021, <https://www.gov.mt/en/Documents/DCG%20final%20version%20as%20at%2012.08.2021.pdf> [in Maltese]; Daphne Caruana Galizia Foundation, Courtesy Translation of Public Inquiry Report, 20 November 2021, <https://www.documentcloud.org/documents/21114883-public-inquiry-report-en/>
- 81 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>
- 82 Moneyval, Anti-money laundering and counter-terrorist financing measures, Malta, Fifth Round Mutual Evaluation Report, July 2019, https://www.newsbook.com.mt/wp-content/uploads/2019/09/MONEYVAL20195_5th-Round_MER-Malta.pdf
- 83 Council of Europe, Parliamentary Assembly: The honouring of membership obligations to the Council of Europe by Malta, 12 April 2019, <https://assembly.coe.int/LifeRay/MON/Pdf/TextesProvisoires/2022/20220524-MonitoringMalta-EN.pdf> Council of Europe, Parliamentary Assembly, Committee on Legal Affairs and Human Rights: Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond, 29 May 2019, <https://www.assembly.coe.int/LifeRay/JUR/Pdf/TextesProvisoires/2019/20190529-CaruanaGaliziaAssassination-EN.pdf> Council of Europe, Parliamentary Assembly: Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges, Resolution 2293 (2019), 26 June 2019, <https://pace.coe.int/en/files/28053/html>

Gaps in the Commission's Report

The implementation of the National Anti-Fraud and Corruption Strategy⁸⁴ continues, and work remains to be done in order to ensure appropriate follow-up of the anti-corruption recommendations issued following the public inquiry into the assassination of journalist Daphne Caruana Galizia

The Commission found that almost half of the actions foreseen under the National Anti-Fraud and Corruption Strategy were completed in 2024 (including communication strategies, training programme), and the Co-ordinating Committee reported improvements across four categories of risk (i.e., unlawful use of resources, public procurement, conflicts of interest, and other fraud).

The Commission remarked that for full implementation of the anti-corruption recommendations, key actions remain to be taken, in particular with regard to lobbying and the code of conduct. The government is considering a reform of the asset declaration system following a recommendation by the OECD.

In 2025, multiple instances of unlawful use of public resources, procurement irregularities, conflicts of interest, nepotism, and fraud were reported in Malta.

1. Undervalued sale of public land: The National Audit Office reported⁸⁵ that the government rescinded decades-old restrictions on the sale of public land to a private hotel company for €8,000,000, despite an independent valuation of €18,000,000–24,000,000, which was suppressed.

2. Ministerial property dealings: Affordable Housing minister Rodrick Galdes purchased a penthouse below market value from a politically connected contractor and bartered an apartment for land controlled by property magnates. He had previously been accused of influencing Malita Investments and associating inappropriately with contractors.⁸⁶ The prime minister Robert Abela defended Galdes

84 Office of the Prime Minister, National Anti-Fraud and Corruption Strategy, May 2021, https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy_en.pdf

85 National Audit Office, The Government's rescission of restrictions on the site of the Fortina Hotel, September 2025, <https://nao.gov.mt/2025/09/15/the-governments-rescission-of-restrictions-on-the-site-of-the-fortina-hotel/>

86 Neveille Borg, Galdes penthouse developers leased 104 properties to Housing Authority, 2 December 2025 <https://timesofmalta.com/article/galdes-penthouse-developers-leased-104-properties-housing-authority.1120499>

and refused to publish ministers' annual wealth declarations, contravening GRECO Recommendation xi on public disclosure of top officials' assets.⁸⁷

3. Nepotism in the Health Ministry: Health Minister Jo Etienne Abela's nephew and the latter's partner were employed in public roles at Gozo General Hospital, with additional family members holding positions in the minister's office. Complaints by the Green Party to the Commissioner for Standards in Public Life remain unresolved.⁸⁸

4. Gozo Ministry contracts: Gozo and Planning minister Clint Camilleri awarded contracts to architect Godwin Agius, a close associate, including a €700,000 direct order for road verification works. The ministry resisted transparency requests until ordered by the Information and Data Protection Appeals Tribunal.⁸⁹

5. Political patronage in Infrastructure Malta: CEO of Infrastructure Malta, Steve Ellul, awarded a consultancy contract to Veronique Dalli, sister of the Energy Minister, Miriam Dalli, without public tender, despite other qualified candidates and existing legal firms. Dalli has a history of government contracts and political ties.⁹⁰

6. Energy sector appointments: The Energy Minister Miriam Dalli appointed her sister's law partner, Andrew Saliba, as Enemalta board secretary despite his lack of sector expertise.⁹¹

7. Former ministerial privileges: Ex-Gozo Minister, Justyne Caruana, holds four concurrent government positions, collectively exceeding 120 hours per week for €15,000 monthly.⁹²

87 Kevin Cassar, Robert Abela, shielding Roderick to protect himself, 28 December 2025, <https://timesofmalta.com/article/shielding-roderick-protect.1121622>

88 The Shift, Standards watchdog asked to probe nepotism in health ministry, 7 August 2025, <https://theshiftnews.com/2025/08/07/standards-watchdog-asked-to-probe-nepotism-in-health-ministry/>

89 The Shift, Confirmed: Minister's colleague paid €773,000 by direct order on Nadur road despite denials, 21 January 2026 <https://theshiftnews.com/2026/01/21/confirmed-ministers-colleague-paid-e773000-by-direct-order-on-nadur-road-despite-denials/>

90 The Shift, CEO Steve Ellul appoints his mentor's sister to Infrastructure Malta payroll, 25 March 2025, <https://theshiftnews.com/2025/03/25/steve-ellul-appoints-his-mentors-sister-to-infrastructure-malta-payroll/>

91 The Shift, Minister appoints her sister's law partner to senior role at Enemalta, 8 May 2025, <https://theshiftnews.com/2025/05/08/minister-appoints-her-sisters-law-partner-to-senior-role-at-enemalta/>

92 The Shift, Justyne: Four jobs, €15,000 a month, 6 January 2025, <https://theshiftnews.com/2025/01/06/justyne-four-jobs-e15000-a-month/>

8. Embezzlement: The finance manager of Malta College of Arts, Science & Technology was charged with embezzling €2,300,000 from payroll funds.⁹³

Regulatory and GRECO compliance: Directive No. 16, effective February 2024, sets a framework to prevent and manage conflicts of interest, but its scope excludes ‘persons of trust’ and does not allow public access to complaints.⁹⁴ GRECO has repeatedly noted Malta’s failure to implement recommendations on regulating contacts with lobbyists, enforcing top executive integrity, ensuring public disclosure of assets, and limiting discretionary appointments. Public accountability is limited, as investigations are mostly internal and the Commissioner lacks enforcement powers, while the Ombudsman requires a personal interest to act.

Overall, 2025 highlighted ongoing risks of undervaluation of public assets, conflicts of interest, political patronage, nepotism, and systemic gaps in transparency and accountability within Malta’s public administration.

The capacity of the Permanent Commission Against Corruption (PCAC) to achieve concrete results is yet to be demonstrated

GRECO Recommendation xiii instructs “(i) that the criminal investigation and prosecution system in relation to persons entrusted with top executive functions be reformed along the lines identified by the Venice Commission in its assessment from December 2018, giving a central active role to the prosecutors and without retaining the parallel jurisdiction of the Permanent Commission against Corruption...”⁹⁵

Inexplicably, the PCAC continues to exist at the expense of Maltese taxpayers, without any evidence of effectiveness. The PCAC’s role is supposedly to receive, investigate, and assess allegations of corruption involving public officials, and if it finds evidence suggesting a criminal offence has been committed, to transmit the file to the Attorney General, who then decides whether to prosecute.

93 Maya Galea, Francine Farrugia used MCAST employee names to hide fraudulent transactions, 21 August 2025, https://www.maltatoday.com.mt/news/court_and_police/136604/francine_farrugia_used_mcast_employee_names_to_hide_fraudulent_transactions

94 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 3, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

95 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

Since it was established, the PCAC has never transmitted any case to the Attorney General's Office (or police) that led to a prosecution.⁹⁶

The PCAC continues to be a drain on public resources without proof of effectiveness and contrary to GRECO Recommendation xiii.

Integrity measures for high-level politicians and public officials remain to be taken

The persistent lack of regulations relating to public appointments has led to the reappointment or re-engagement of various former disgraced government officials at all levels in the run-up to an anticipated general election:

- a. Gozo's most senior civil servant, who was censured by the National Audit Office (NAO) for repeated breaches of public procurement regulations and other irregularities, was rehired within days of his official retirement;⁹⁷
- b. Labour party member, Rosianne Cutajar, had resigned in the wake of the publication of WhatsApp chats exposing her close relationship with Yorgen Fenech, who is awaiting trial for the murder of Daphne Caruana Galizia. Cutajar was accepted back into Labour's parliamentary group a year later. She was appointed Chairperson of the Health Committee in 2022 and has now returned as a member;⁹⁸
- c. Chris Fearne, former Deputy Prime Minister and Health Minister, resigned following his arraignment in Court, being accused of defrauding the government through deceit and misappropriation of funds. Fearne still kept his seat in parliament and was reinstated as a government employee at the Health Ministry. He is now planning to contest the next general elections;⁹⁹

96 European Commission: 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, 8 July 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52025SC0918&utm>

97 Ivan Camilleri: Gozo's senior civil servant rehired on €46,000 contract after retirement despite NAO censure, The Shift News, 9 October 2025, <https://theshiftnews.com/2025/10/09/gozos-senior-civil-servant-rehired-on-e46000-contract-after-retirement-despite-nao-censure/>

98 Emma Borg: Rosianne Cutajar returns to health committee as Abela reshuffles roles for MPs, Times of Malta, 22 September 2025, <https://timesofmalta.com/article/rosianne-cutajar-returns-health-committee-abela-reshuffles-roles-mps.1116637>

99 Ivan Camilleri: Fearne planning comeback as polls put him in pole position, The Shift News, 20 September 2025, <https://theshiftnews.com/2025/09/20/fearne-planning-comeback-as-polls-put-him-in-pole-position/>

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- d. James Camenzuli, who was indicted for fraud and other serious offences relating to the Vitals/Steward hospitals deal¹⁰⁰ - one of the most serious cases of grand corruption to be perpetrated in Malta - was appointed by Energy Minister, Miriam Dalli, as the new Chairman of Petromal Co Ltd, the government company which owns Enemed (Malta's primary importer and distributor of fuel on the island). Despite public sector regulations that require officials facing criminal charges to be suspended from their positions, Camenzuli did not resign from his roles as CEO of Projects Plus and Chairman of the Regulator for Energy and Water Services (REWS). The latter is also a position which Minister Dalli gave him;¹⁰¹
- e. Ronald Mizzi, a senior civil servant also indicted in the Vitals/Steward hospitals corruption case, has been reinstated to a prominent position within the Office of the Prime Minister. Mizzi was permanent secretary to former health and energy minister Konrad Mizzi during the conception and negotiation of the corrupt hospital privatisation deal. Both are facing several serious corruption-related charges, alongside former Prime Minister Joseph Muscat and several other senior officials and associates. The Prime Minister Robert Abela defended the reinstatement with a curious justification, claiming that after observing court proceedings, he "saw fit" to return Mizzi to a senior governmental role.¹⁰² Mizzi will now be responsible for implementing and coordinating Malta Vision 2050, a strategic national development programme, which has received indirect support from the European Commission through its Structural Reform Support Programme (SRSP);
- f. Neville Gafà, former adviser to disgraced former prime minister Joseph Muscat, has returned to the Office of the Prime Minister in a customer care role. Gafà was at the centre of allegations involving a multi-million-euro medical visa scam, where Libyan nationals were allegedly charged thousands of euros to secure medical visas and treatment in Malta. Despite losing a defamation case that revealed his role in the scheme, he has escaped criminal charges. In 2022, a court asked police to investigate claims that Gafà had attempted to bribe witnesses to prevent them from testifying in the medical visa scam libel case. The investigation stemmed from his failed legal action against journalists who had exposed the alleged racket. Perhaps most damagingly, Gafà admitted under oath to coordinating the pushback of migrants in a tragedy that resulted in 12 deaths, acting on instructions from Muscat's Office of the Prime Minister. He had been commissioned
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100 The Independent: Hospitals deal: Prosecutors, defence make cases as Vitals proceedings against Fearne continue, 17 July 2024, <https://www.independent.com.mt/articles/2024-07-17/local/Hospitals-deal-Compilation-of-evidence-against-Chris-Fearne-and-others-continues-6736262772>

101 The Shift: Konrad Mizzi's indicted sidekick given third government post, 11 September 2025, <https://theshift-news.com/2025/09/11/konrad-mizzis-indicted-sidekick-given-third-government-post/>

102 Jurgen Fenech: Indicted permanent secretary reinstated to prime minister's office, 12 May 2025, <https://newsbook.com.mt/en/indicted-permanent-secretary-reinstated-to-prime-ministers-office/>

as an ‘independent’ diplomatic envoy to Libya, facilitating an agreement to transmit coordinates of migrant boats from the Armed Forces of Malta to the Libyan coastguard. This led to dozens of boats being prevented from entering Malta’s search and rescue zone, a move that arguably constitutes illegal non-refoulement under international law. During his Libya missions, Gafà cultivated relationships with sanctioned militia leaders, including Libyan warlord Haithem Tajouri, and admitted to meeting with militia commanders during visits to Tripoli.¹⁰³ Gafà’s behaviour towards journalists and critics has been particularly troubling. He was previously charged in court for threatening Italian journalist Nello Scavo, warning him to “Stop your dirty business. If not, we will be stopping you.”¹⁰⁴ His threats extended beyond professional criticism, with Gafà using his blog platform to intimidate critics with thinly veiled menaces about their personal safety;

- g. Johann Buttigieg, disgraced former CEO of the Planning Authority (PA), had famously paid to fly a PA board member to Malta by private jet to vote on a mega-development, and during his tenure had told business mogul, Yorgen Fenech (on trial for Daphne Caruana Galizia’s murder), that he would “do business” with him any time.¹⁰⁵ He had stepped down from his role with the PA in 2019, only to be appointed as the CEO of the Malta Tourism Authority. In February 2025, he returned to PA on a €140,000 contract (increased from his previous package of €100,000 in the same role);¹⁰⁶

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- 103 The Independent: Libya war victims offered €350,000 each to drop claims against Neville Gafa, court told, 11 May 2021, <https://www.independent.com.mt/articles/2021-05-11/local-news/Libya-war-victims-offered-350-000-each-to-drop-claims-against-Neville-Gafa-court-told-6736233357> Sylvana Debono: The government uses Gafa’ to co-ordinate pushback, 29 April 2020, <https://newsbook.com.mt/en/the-government-uses-gafa-to-co-ordinate-pushback/>
- 104 Jurgen Balzan: Scandal-plagued Gafà returns to heart of Labour government as election clouds gather, Newsbook, 28 August 2021, <https://newsbook.com.mt/en/scandal-plagued-gafa-returns-to-heart-of-labour-government-as-election-clouds-gather/> Daniel Ellul: Neville Gafà returns to Castille in customer care role, Times of Malta, 28 August 2025, <https://timesofmalta.com/article/neville-gafa-returns-castille-customer-care-role.1115308>
- 105 Jacob Borg: ‘We can do business whenever you want,’ PA chief told Yorgen Fenech, 7 March 2021, <https://timesofmalta.com/article/we-can-do-business-whenever-you-want-pa-chief-told-fenech.856273> Times of Malta, Calls for Buttigieg to resign, be investigated, after links to Fenech exposed, 7 March 2021, <https://timesofmalta.com/article/arnold-cassola-seeks-corruption-investigation-into-former-pa-chairman.856459> Julian Bonnici: Johann Buttigieg Hoped To Work For Yorgen Fenech After Planning Authority Stint, Lovin Malta, 22 October 2021 <https://lovinmalta.com/news/johann-buttigieg-hoped-to-work-for-yorgen-fenech-after-planning-authority-stint/> Tom Kingston: Malta’s rapid building boom leaves locals in the dust, The Times, 21 October 2021, <https://www.thetimes.com/world/article/maltas-rapid-building-boom-leaves-locals-in-the-dust-s3g27dbgn>
- 106 James Cummings, Johann Buttigieg returned to Planning Authority on a €140,000 contract, Times of Malta, 19 February 2025, <https://timesofmalta.com/article/johann-buttigieg-returned-planning-authority-140000-contract.1105280>

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- h. GRECO Recommendation ii¹⁰⁷ requires that, based on proper risk assessments, an integrity strategy be developed and implemented in respect of all pertinent categories of persons entrusted with top executive functions. This recommendation was not implemented in the Second Compliance Report; the risk assessment had not been carried out, nor had the anti-corruption integrity strategy been adopted. The Maltese authorities provided no new information to GRECO with regard to the same, leading that body to conclude that this recommendation remains unimplemented, and calling on the authorities to take resolute action without further delay;
- i. In Recommendation iii, GRECO urged the government to ensure that i) more robust and systematic awareness-raising measures (e.g. refresher training and workshops, guidance documents, written reminders) be provided to all persons entrusted with top executive functions, at the start of their term and at regular intervals throughout their term and ii) that information about the integrity requirements for public officials and their observance is made readily available, including by posting such information on the websites of public authorities;
- j. GRECO Recommendation iv urged the dissociation of the functions of confidential advice and of enforcement by the Commissioner on Standards in Public Life, and instructed that other persons or bodies be entrusted with the former. The Maltese authorities provided no information on any new developments regarding this recommendation. GRECO stated that attributing the function of confidential counselling to the main body responsible for enforcing the rules of conduct and other integrity requirements, and for verifying asset declarations, was not considered appropriate. This is because it could place the Commissioner on Standards in Public Life in a situation where the requested consultation would concern matters requiring his/her intervention as an enforcement body;

The public inquiry into the assassination of Daphne Caruana Galizia, presented to the Prime Minister in 2021,¹⁰⁸ recommended the introduction of provisions of law criminalising abuse of office by public officials. Four years later, in September 2025, the former Chief Justice and current Standards Commissioner, Joseph Azzopardi, categorically declared that abuse of office by government ministers should be a criminal offence, but no such law exists to date. The public inquiry also recommended the introduction of a law criminalising the obstruction of justice by government officials, as well as the introduction of unexplained wealth orders. Both remain unaddressed years later. Instead, the

107 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 4, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

108 Imhallel Michael Mallia: Rapport tal-Inkjestta Pubblika - Daphne Caruana Galizia, 29 July 2021, <https://www.gov.mt/en/Documents/DCG%20final%20version%20as%20at%2012.08.2021.pdf> [in Maltese]

government introduced Bill 125 (making it impossible for private individuals to request a magisterial inquiry into suspected criminal activity by public officials) and, in mid-2025, Bill 137 (Holders of Public Office and Public Entities (Responsibility) Bill).¹⁰⁹ The latter aims to protect public officials in civil cases by making the state assume civil liability, meaning the government pays damages for officials' actions unless criminal intent is proven. The promulgation of such legislation has been carried out without adequate public information and participation, contrary to GRECO Recommendation vi, which advocates that the government make provision for the disclosure, as a rule, of governmental draft legislation and other texts of particular public interest, accompanied by an appropriate level of consultations.

Auditing institutions indicated weaknesses in the use of public funds and changes to public procurement procedures

The Report by the Auditor General on the Public Accounts for the year 2024, published in December 2025,¹¹⁰ presents over 240 targeted recommendations designed to address the shortcomings identified during these reviews and to support good governance and best practice in the government's operations.

Some of the key findings identified were the following:

- Weak internal controls and insufficient verification performed before payment was effected;
- Bypassing of Public Procurement Regulations;
- Absence of formal documentation hindering verification and audit trail;
- Lack of Standard Operating Procedures.

New Issues that Emerged in 2025

Political party financing rules

The principal issues which emerged in 2025 in relation to anti-corruption may be summarised below:

109 Bill 137 – Holders of Public Office and Public Entities (Responsibility) Bill, 2 July 2025, <https://www.parlament.mt/media/134710/bill-137-holders-of-public-office-and-public-entities-responsibility-bill.pdf>.

110 National Audit Office, Report by the Auditor general on the Public Accounts for the year 2024, December 2025, <https://nao.gov.mt/2025/12/16/report-by-the-auditor-general-on-the-public-accounts-2024/>.

- The GRECO Report highlights the failure by the Maltese government to comply with several anti-corruption recommendations;¹¹¹
- The results of the Special Eurobarometer survey on public perceptions of corruption, published in the middle of 2025, found that the Maltese think corruption is most widespread among political parties and the Planning Authority;¹¹²
- Civil society has called for urgent reform of political party financing rules.¹¹³

In light of these findings, immediate and effective action is required to reform the framework governing political party financing. Such reforms should ensure full transparency and disclosure of political funding, establish independent oversight and enforcement mechanisms, introduce clear rules and limits on private donations, consider public funding linked to accountability criteria, and strengthen broader ethical standards for political actors.

Implications and Recommendations for 2026

Despite the improvements reported under the National Anti-Fraud and Corruption Strategy,¹¹⁴ instances of misuse of public funds, public procurement fraud, conflicts of interest, and other fraud remain high, with avenues for members of the public to access effective redress remaining very limited. In the absence of effective integrity measures for high-level politicians and public officials, including regulations on conflicts of interest and revolving doors, persons directly involved in high-level corruption continue to be engaged or re-engaged at various levels of governmental roles, perpetuating a cycle of corruption. As a result, corruption at all levels of government continues to be enabled by the above-mentioned factors, as well as by unchecked conflicts of interest, nepotism, and revolving doors.

111 GRECO: Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

112 James Debono, One in four knows someone who took or gave bribes, survey finds, MaltaToday, 19 July 2025, https://www.maltatoday.com.mt/news/national/136037/one_in_four_knows_someone_who_took_or_gave_bribes_survey_finds_?

113 Repubblika calls for urgent reform of political party financing rules, The Malta Independent, 16 December 2025, <https://www.independent.com.mt/articles/2025-12-16/local-news/Repubblika-calls-for-urgent-reform-of-political-party-financing-rules-6736285672?>

114 Office of the Prime Minister: National Anti-Fraud and Corruption Strategy, May 2021, https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy_en.pdf

Suggested recommendation: Take immediate and effective steps towards the dissolution of the PCAC, and channel the resources assigned to it towards effective investigative bodies, namely the Attorney General's Office and the courts.

Suggested recommendation: Take immediate and effective steps towards full compliance with recommendations addressed to the government by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system, as well as with the recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Most of the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed. Malta ranked in fifth place at the end of the EU in the 2025 World Press Freedom Index,¹¹⁵ partially due to such failure. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and avoiding protection in the most common SLAPP cases, which are purely domestic. In January 2025, the government committed to 'imminently launch a wide national public consultation'¹¹⁶ on extending rights under national anti-SLAPP legislation to domestic cases, but this hasn't been held yet.

Malta's Freedom of Information (FOI) Act has been widely criticised, even by international organisations, such as UNESCO.¹¹⁷ The latest to join a string of international calls was the Commonwealth Human Rights Initiative, which noted that freedom of information requests are "often denied on arbitrary grounds".¹¹⁸ Despite these calls, there has still been no effort to improve Malta's FOI Act. Governmental entities often limit access to information for journalists, reject FOIs on arbitrary grounds, or simply ignore journalists' questions.

Companies' Beneficial Ownership information is now accessible to some journalists. To obtain access, journalists need to show evidence of previous experience in anti-corruption or money-laundering research, as well as submit identification of the person requesting access, making it impossible for journalists and researchers starting out with no experience in AML to obtain access. The Beneficial

115 Malta ranks 67th in the latest World Press Freedom Index, remains one of the worst in EU, the Malta Independent online, 2 May 2025, <https://www.independent.com.mt/articles/2025-05-02/local-news/Malta-ranks-67th-in-latest-World-Press-Freedom-Index-remains-one-of-the-worst-in-EU-6736269787>

116 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

117 Elizabeth De Gaetano, UNESCO joins growing list of international organisations calling on Malta to reform its FOI act, The Shift News, 16 March 2024, <https://theshiftnews.com/2024/03/16/unesco-joins-growing-list-of-international-organisations-calling-on-malta-to-reform-its-foi-act/>

118 Neville Borg, Malta urged to revise FOI laws and scrap sedition law in Commonwealth report, Times of Malta, 10 September 2025, <https://timesofmalta.com/article/malta-urged-revise-foi-laws-scrap-sedition-law-commonwealth-report.1115990>

Ownership registry is also inaccessible to international journalists, since access can only be granted through a Maltese identification card.

The government continues to delay the publication of media reforms promised in 2023.¹¹⁹ In August 2025, the government finally launched a public consultation on media reform.¹²⁰

Thus, while there has been some improvement regarding the transparency of state advertising and public funding to media organisations, and changes to the independent governance and editorial independence of the Public Broadcasting Services (PBS), these changes are minimal, and cannot really be said to be progress. Certain legislative changes have been made, but have not been implemented yet.

Implementation of 2025 Commission recommendations

Recommendation: Adopt further legislative and other safeguards to improve the working environment of journalists including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents (first made in 2022)

Companies' Beneficial Ownership information is now accessible to some journalists.¹²¹ In order to obtain access, journalists need to show evidence of previous experience in anti-corruption or money-laundering research, as well as submit identification of the person requesting access, making it impossible for journalists starting out and researchers to obtain access. The Beneficial Ownership registry is also not accessible for international journalists since access can only be done through a Maltese identification card.

The government has also delayed publication of media reforms promised in 2023. However, in August 2025, the government finally launched a public consultation on media reform.¹²² The timeline for the next steps is unclear.

119 PM agrees to issue white paper on media reform bill, The Malta Independent, 2 October 2023, <https://www.independent.com.mt/articles/2023-10-02/local-news/PM-agrees-to-issue-white-paper-on-media-reform-bill-6736255300>

120 Media Reform Public Consultation, <https://www.gov.mt/en/publicconsultation/Pages/2025/L-0018-2025.aspx>.

121 Legal Notice 127 of 2025, <https://legislation.mt/eli/ln/2025/127/mlt>

122 Media Reform Public Consultation, <https://www.gov.mt/en/publicconsultation/Pages/2025/L-0018-2025.aspx>.

However, the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and neglecting defendants in Malta in cases lacking a cross-border element. In January 2025, the government committed to "imminently launch a wide national public consultation" on extending rights under national anti-SLAPP legislation to domestic cases.¹²³ However, this hasn't been held yet.

Furthermore, despite calls by international organisations to change Malta's FOI Act, there has still been no effort to improve it. Government entities often limit access to information to journalists, saying they have no information. This year, the Commonwealth Human Rights Initiative called for change, noting that freedom of information requests "are often denied on arbitrary grounds".¹²⁴

There is still a hostile environment towards journalists that continues to be fostered by the governing party, with government members attacking journalists for doing their job. In January 2025, the prime minister lashed out against independent news outlet The Shift News, saying that "90% of what they report contain falsehoods", after several of his ministers were investigated because of news reports by this media house.¹²⁵

Furthermore, journalists are often ignored when questions are posed to the ministries or members of the parliament. Furthermore, they are unable to contact ministries' spokespersons by phone, as their phone numbers are no longer public. This means journalists are ignored more easily.

123 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

124 Neville Borg, Malta urged to revise FOI laws and scrap sedition law in Commonwealth report, Times of Malta, 10 September 2025, <https://timesofmalta.com/article/malta-urged-revise-foi-laws-scrap-sedition-law-commonwealth-report.1115990>

125 Matthew Farrugia, [WATCH] Abela vows to protect under-fire ministers: 'They have to pass over my dead body', 15 January 2025, https://www.maltatoday.com.mt/news/national/133165/watch_abela_vows_to_protect_under-fire_ministers_they_have_to_pass_over_my_dead_body

The head of customer care at the Office of the Prime Minister, Neville Gafa, destroyed the protest memorial in Valletta that calls for justice for Daphne Caruana Galizia on the 8th anniversary of her assassination.¹²⁶ Three EU embassies (the Netherlands, Germany, Ireland) published statements condemning the destruction. The Prime Minister, Robert Abela, defended the action, claiming it was done “in a personal capacity” and that it is an “act of free expression”.¹²⁷ The Office of the Prime Minister parliamentary secretary, Andy Ellul, defended the action as ‘free expression’.¹²⁸ The perpetrator himself admitted his intended destruction of the protest memorial was motivated by antipathy towards Caruana Galizia. Gafa was eventually asked to resign over a totally unrelated issue, with the government failing to condemn his attack.¹²⁹

The recommendation is relatively clear but the steps to be taken have not been clearly articulated. Daphne Caruana Galizia Foundation and aditus foundation would like to see the following recommendation:

Strengthen the FOI Act to ensure government openness and transparency when requesting FOIs, rather than secrecy and time-wasting tactics. Strengthen the Anti-SLAPP law to ensure journalists are protected against domestic SLAPPs.

Commission's 2025 assessment: No progress

Daphne Caruana Galizia and aditus foundations' current assessment: In progress (initial steps)

126 Matthew Bonanno, Watch: Neville Gafa filmed clearing Daphne memorial as embassies condemn move, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/watch-neville-gafa-filmed-clearing-daphne-embassies-condemn-move.1118058>

127 Daniel Ellul, ‘Gafa acting in personal capacity’, OPM says, but cites freedom of expression, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/gafa-acting-personal-capacity-opm-say-cite-freedom-expression.1118071>

128 Nicole Meilak, WATCH | ‘Neville Gafa has a right to express himself too’ - Andy Ellul, Malta Today, MaltaToday20 October 2025, https://www.maltatoday.com.mt/news/national/137666/watch__neville_gafa_has_a_right_to_express_himself_too__andy_ellul

129 Neville Gafa submits resignation letter from person of trust role at OPM following blog post, the Malta Independent online, 25 October 2025, <https://www.independent.com.mt/articles/2025-10-25/local-news/Neville-Gafa-submits-resignation-letter-to-OPM-from-person-of-trust-role-following-blog-post-6736284280>

Recommendation: Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Due to the implementation of the European Media Freedom Act (EMFA), there have been positive changes that are still underway, including the establishment of a new Office for Advertising and the Media, with broad powers, and the standard transposition of EMFA rules on surveillance and source protection.¹³⁰ The Broadcasting Authority is now in charge of overseeing transparency on state advertising. Public bodies must now report every six months on their advertising contracts.¹³¹ Furthermore, there are positive changes on the media ownership transparency database, to be overseen by the Broadcasting Authority, with powers to enforce it. Whether it will be usable is not yet known.

The European Media Freedom Act fails to include any provisions on the independence of public service media and funding. Furthermore, the public consultation on media reform was not done before Maltese law was updated according to the EMFA. The public consultation is wider, but the white paper should include many areas covered by the EMFA. It is not ideal that there are two separate reform processes. Furthermore, the EMFA will have no impact on SLAPPs, defamation reform (family inheritance civil cases), FOI or wider government transparency, which are not included.

Furthermore, the provision in the Constitution, which establishes the Broadcasting Authority, states that this Authority shall be composed of two members loyal to the government and two loyal to the opposition members, with a neutral chair. Having four-fifths of the Authority that are not objectively impartial risks improper oversight, especially since smaller political parties have no representation.

130 Legal Notice 175 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

131 Article 19 of Legal Notice 175 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

Despite calls for the independent governance and editorial independence of public service media,¹³² the PBS has this year been criticised for its lineup ahead of elections, which prominently featured presenters closely linked to the Labour Party.¹³³ The editorial independence of the broadcaster, which is financed by taxpayers to the tune of €9,200,000 annually,¹³⁴ has been put into question, especially since many of the appointments are unmeritocratic, with persons lacking experience and preparation being given certain primetime slots. Furthermore, one of the defence lawyers for disgraced former Prime Minister Joseph Muscat will also front a political programme on the station. “It is evident that this schedule was not designed within the Public Broadcasting Services (PBS), but dictated by the Office of the Prime Minister,” a veteran broadcaster told The Shift.¹³⁵ The current appointments are a representation of the continuation of a long-standing tradition in which whichever party holds government exerts influence over PBS.

The recommendation is relatively clear, but the steps to be taken have not been clearly articulated. Daphne Caruana Galizia Foundation and aditus foundation would like to see the following recommendation:

Revise the provision of the Constitution which established the Broadcasting Authority and ensure a more transparent appointment procedure for the PBS’s management board and chairperson.¹³⁶

Commission’s 2025 assessment: No progress

**Daphne Caruana Galizia and aditus foundations’
current assessment: In progress (initial steps)**

132 PN calls for a truly independent and transparent media reform, The Malta Independent, 30 October 2025, <https://www.independent.com.mt/articles/2025-10-30/local-news/PN-calls-for-a-truly-independent-and-transparent-media-reform-6736284401>

133 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>.

134 Government quietly boosts PBS subsidies by 60% to €9.2m a year, The Shift News, 29 January 2026, <https://theshiftnews.com/2026/01/29/government-quietly-boosts-pbs-subsidies-by-60-to-e9-2-million-a-year/>

135 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>.

136 Article 118 of the Constitution of Malta, <https://legislation.mt/eli/const/eng>.

Gaps in the Commission's Report

Insufficient protection of journalists and gaps in access-to-information guarantees

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and neglecting defendants in Malta in cases lacking a cross-border element. In January 2025, the government committed to 'imminently launch a wide national public consultation' on extending rights under national anti-SLAPP legislation to domestic cases, but this hasn't been done yet.¹³⁷

Access to the Beneficial Ownership Registry was recently reopened to journalists, following advocacy work we did directly with MBR (Malta Business Registry). While this is a positive step, the process of accessing the BO register now involves a few steps and is extremely slow. The Daphne Caruana Galizia Foundation's monitoring of access requests to the Beneficial Ownership Registry of eight local journalists in Malta found that the process took over two months from the day the journalist requested access; some journalists waited 3 months.

The adaptation¹³⁸ of Maltese law to the European Media Freedom Act (EMFA) has forced the government to make some changes to enhance the independence of public service media; however, it is still too early to monitor progress in this regard. The Office for Advertising and the Media has been established by law since August, as part of Malta's implementation of the EMFA. The Office's role as a watchdog is to oversee state advertising and media transparency. Despite these changes, the allocation of state-financed advertising remains opaque, and the criteria are not publicly known, as the EMFA-mandated Office for Advertising and the Media has not been set up yet. Public authorities and entities that use public funds to advertise themselves must now report every six months on their advertising contracts. The newly appointed Office for Advertising and the Media shall monitor and report at the end of each financial year on the allocation of state advertising expenditure to media service providers and online platforms providers.

The Maltese government is not being held accountable for these deficiencies, particularly when it comes to FOI requests, which are often ignored or denied without any good reason. More often than not, it is the Information and Data Protection Commissioner that finally decides in favour of the person making the request - a process which on average takes two years.

137 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

138 European Media Freedom Act (Measures for Implementation) Order, Legal Notice 125 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

New Issues that Emerged in 2025

Lack of transparency and political influence in the governance of public service media

This year, the Public Broadcasting Service (PBS) came under fire after its lineup ahead of elections prominently featured presenters closely linked to the Labour Party.¹³⁹ This prompted an outpouring of criticism from viewers, political observers, and industry insiders alike, questioning the editorial independence of the PBS, which is financed by taxpayers to the tune of €9,200,000 annually.¹⁴⁰ Many of the appointments are unmeritocratic, with people, lacking experience and preparation, being given certain prime time slots. Furthermore, one of the defence lawyers for disgraced former prime minister Joseph Muscat will also front a political programme on the station.¹⁴¹ As part of Malta's implementation of the EMFA, Malta's public broadcaster, the PBS's CEO role must now be issued by public call. However, the new law¹⁴² provides nothing regarding transparency concerning the appointment of the chairperson and the management board of the PBS, as the EMFA only requires this with either the head or the board.

Furthermore, the Broadcasting Authority has been tasked with monitoring as per Article 5(4) of EMFA. This includes: ensuring public service media providers are editorially and functionally independent and provide a plurality of information and opinions to their audiences, ensuring that the procedures for the appointment and the dismissal of the head of management or the members of the management board of public service media providers aims to guarantee the independence of public service media providers, and that funding procedures for public service media providers are based on

139 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>

140 Government quietly boosts PBS subsidies by 60% to €9.2m a year, The Shift News, 29 January 2026, <https://theshiftnews.com/2026/01/29/government-quietly-boosts-pbs-subsidies-by-60-to-e9-2-million-a-year/>

141 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>

142 European Media Freedom Act (Measures for Implementation) Order, Legal Notice 125 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

transparent and objective criteria laid down in advance.¹⁴³ Yet, the Broadcasting Authority has been repeatedly criticised for failing to guarantee impartiality.¹⁴⁴

Implications and Recommendations for 2026

Suggested recommendation: fully implement the recommendations of the public inquiry into Daphne Caruana Galizia's assassination, including by revising the constitutional provision establishing the Broadcasting Authority, setting up of an office akin to Commissioner for Journalistic Ethics, revising the constitutional amendment recognising freedom of journalism as one of the pillars of a democratic society, revising of the FOI Act, and adopting a legal framework that enables journalists to operate freely and totally independent from interference or undue pressure.

Suggested recommendation: Amending anti-SLAPP legislation so that it also protects journalists in Malta in cases that do not contain a cross-border element.

Suggested recommendation: Strengthen Malta's FOI Act to prevent unnecessary delays in the FOI request process and arbitrary refusals by public authorities.

Suggested recommendation: Extend access to FOI requests to EU citizens who have not resided in Malta for five years.

Suggested recommendation: Prioritise the adoption of the Media Reform legislation.

Suggested recommendation: Ensure greater transparency in the appointment of the Chairperson and the Management Board of the PBS, given that the current EMFA only requires transparency for either the head or the board.

Suggested recommendation: reconstitute the Broadcasting Authority, including key stakeholders such as independent media experts, academic media specialists, and smaller political parties, instead of its composition being split up between the two main political parties.

143 REGULATION (EU) 2024/1083 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), Official Journal of the European Union, 11 April 2024, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401083.

144 Sean Montebello, Court Orders Pbs, Ba To Pay Damages For Unconstitutional, Partisan Broadcasting, The Shift News, 27 February 2023, <https://theshiftnews.com/2023/02/27/court-orders-pbs-ba-to-pay-damages-for-unconstitutional-partisan-broadcasting/>.

Suggested recommendation: Adopt clear rules discouraging attacks on journalists, or attempts to discredit them, by political parties or members of government.

CHECKS AND BALANCES

General assessment

Malta remains without an independent national human rights institution (NHRI) in line with the UN Paris Principles,¹⁴⁵ in spite of repeated recommendations to do so by the European Commission Annual Rule of Law reports¹⁴⁶ and other bodies.¹⁴⁷ The Maltese government had launched a human rights reform, which included the consolidation of equality laws and the setting up of a proper NHRI, over a decade ago in 2014, and to date, there has been no concrete progress.¹⁴⁸ The situation was also described by the Ombudsman in the 2025 Ombudsplan as a legal stalemate.¹⁴⁹

The context in which civil society organisations (CSOs) and human rights defenders (HRDs) work remains strained, and actors in the field have reported being targets of verbal attacks, threats, and intimidation. The work of CSOs and HRDs is often portrayed negatively and is subject to smear campaigns by political figures and other persons in authority.¹⁵⁰ However, the ODIHR noted that some steps have been taken by Malta to protect human rights defenders and journalists, whilst also noting that there are serious concerns about the lack of implementation of the recommendations from

145 United Nations, Principles relating to the Status of National Institutions (the Paris Principles), UN General Assembly resolution 48/134 (1993), https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris?utm_source=chatgpt.com.

146 European Commission, 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

147 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Sixth Opinion on Malta, 20 November 2025, <https://rm.coe.int/6th-opinion-malta-en/4880294c6a>.

148 Ibid., aditus foundation, 2025 Rule of Law Submission Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>; European Network of National Human Rights Institutions, NHRIs reveal key developments and challenges impacting rule of law across the European Union, 13 May 2025, <https://ennhri.org/news-and-blog/nhris-reveal-key-developments-and-challenges-impacting-rule-of-law-across-the-european-union/>; Office of the Ombudsman, The Proposal: The Office of the Parliamentary Ombudsman as the National Human Rights Institution for Malta, 1 February 2025, <https://www.ombudsman.org.mt/news-and-events/the-proposal-the-office-of-the-parliamentary-ombudsman-as-the-national-human-rights-institution-for-malta/>.

149 Ombudsman, Ombudsplan 2025, 2025, <https://ombudsman.org.mt/media/fxnkkhln/ombudsplan-2025-eng.pdf>.

150 OSCE Office for Democratic Institutions and Human Rights, The Situation of Human Rights Defenders in Malta: Good Practices and Protection Gaps, 2 September 2025, <https://www.osce.org/odihr/596929>.

the Inquiry into the murder of Daphne Caruana Galizia.¹⁵¹ On the eighth anniversary of Daphne Caruana Galizia's assassination, an official employed in the Office of the Prime Minister discarded tributes left on her memorial by activists, family members, and various embassies.¹⁵² After shocked reactions by the public, the Office of the Prime Minister stated that the employee acted in his personal capacity, but that he had the right to freedom of expression.¹⁵³ This is not the first time the clearing of the memorial was the subject of controversy. In 2020, the Constitutional Court found that continued cleaning of the memorial site by state entities breached the right to freedom of expression of civil society activists.¹⁵⁴ Like every year, no government representative attended any of the memorial services, meetings, or events.

151 Ibid., also noted by the European Commission, 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

152 Matthew Bonanno, Watch: Neville Gafa filmed clearing Daphne memorial as embassies condemn move, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/watch-neville-gafa-filmed-clearspelting-daphne-embassies-condemn-move.1118058>.

153 Karl Azzopardi, Matthew Farrugia, Office of the Prime Minister: Neville Gafa acting in personal capacity, MaltaToday, 17 October 2025, https://www.maltatoday.com.mt/news/national/137628/foreign_embassies_con-demn_neville_gafas_removal_of_flowers_from_caruana_galizia_memorial1.

154 Edwina Brincat and Sarah Carabott, Manuel Delia wins case against government over Caruana Galizia memorial, Times of Malta, 30 January 2020, <https://timesofmalta.com/article/manuel-delia-wins-case-against-government-over-caruana-galizia.767224>; Delia Emanuel vs L-Onorevoli Ministru tal-Gustizzja Kultura u Gvern Lokali Et, 30 January 2020, <https://ecourts.gov.mt/online-services/Judgements/Details?JudgementId=0&CaseJudgementId=120292>.

Implementation of 2025 Commission recommendations

Recommendation: Take forward measures to establish a National Human Rights Institution taking into account the UN Paris Principles (first made in 2022)

There has been no progress in relation to the setting up of NHRI in accordance with the Paris Principles. Whilst pre-2022 there had been a number of drafts¹⁵⁵ and consultation meetings on an Equality Bill and a Human Rights and Equality Commission Bill, which were tabled in the parliament, the 2022 General Election spelled the end of the process.

In an ODIHR stakeholder meeting held in December 2025 focusing on human rights defenders in Malta, a public body informed the participants that a draft bill on the setting up of an NHRI was at an advanced stage, however, both the Ombudsman and the CSOs present were not previously informed about nor consulted on the contents of such draft.¹⁵⁶

In spite of the government's 2025 Rule of Law Input¹⁵⁷ highlighting that it is in advanced internal discussions to finalise the bills by January 2026 no such bills were tabled in the parliament.

The recommendation is clear and precise.

Commission's 2025 assessment: No progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

155 Bill No. 96 Equality Bill <https://parlament.mt/13th-leg/bills/bill-no-096-equality/>; Bill No. 97 Human Rights and Equality Commission Bill <https://parlament.mt/en/13th-leg/bills/bill-no-097-human-rights/?page=3&numItems=5&text=97&number=&totalItems=20>; aditus foundation, Improved Human Rights Harmonised - Input to the Ministry for Social Dialogue, January 2016, https://aditus.org.mt/Publications/aditussubmissionsonth-eequalitybill_29012016.pdf; MaltaToday, Two bills addressing human rights to be tabled in parliament next week, 10 December 2016, https://www.maltatoday.com.mt/news/national/72476/two_bills_addressing_human_rights_to_be_tabled_in_parliament_next_week.

156 The drafts, if in existence, are not public.

157 Malta Government, Malta's Input to the 2025 Annual Rule of Law Report, 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

Recommendation: Introduce a formal framework for public participation in the legislative process (first made in 2023)

Whilst the Commission has noted some progress in 2024 and limited progress in 2025 with a provision that no formal framework has been established, this is not based on the reality in practice.

The only step undertaken by the government in this regard is to set up a Department of Public Consultation to facilitate discussion by establishing structures through which the public may contribute significantly to current themes and assist the Public Administration in public consultations to strengthen social dialogue.¹⁵⁸ This was done through a Legal Notice in October 2025, simply including the name and designation of the new Department in the Second Schedule to the Public Administration Act.

In the government's 2025 Rule of Law Input¹⁵⁹ it noted that it carried out 58 public consultations, almost half the amount it reported in 2021.

However, the introduction of the Department of Public Consultation¹⁶⁰ did not have any other accompanying legal provisions, measures or guidelines on when and how such consultations should take place. The process remains that of being at the whim of the particular minister or ministry proposing the law¹⁶¹ with no legal provisions obligating a consultation process and no procedural rules regulating such consultations when and if launched.

158 Administration Act (Amendment of Second Schedule) (Amendment No. 2) Order, 2025, <https://legislation.mt/eli/ln/2025/206/eng.be>

159 Malta Government, Malta's Input to the 2025 Annual Rule of Law Report, 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

160 Public Administration Act (Amendment of Second Schedule) (Amendment No. 2) Order, 2025 <https://legislation.mt/eli/ln/2025/206/eng>.

161 Public Consultation portal, <https://www.gov.mt/en/publicconsultation/Pages/default.aspx>.

Furthermore, we note that a number of controversial bills were tabled and/or passed with surprising speed and efficiency without any public consultation sought.¹⁶²

The Commission's recommendation is relatively clear, but the steps to taken are not clearly articulated. A recommendation that would be effective would include an articulated definition of what the Commission means by a formal 'framework' and effective public participation. The Commission needs to articulate what steps the government would have to take to satisfy the recommendation, including the recommendation to:

- (i) introduce legal provisions that oblige the prime minister or ministries to consult with stakeholders and/or consultative bodies that are representative of society on draft Bills and policies;*
- (ii) introduce guidelines to ensure that such participation is effective by including long periods of consultation and transparency;*
- (ii) amend the legislative process to include a real possibility for stakeholders to consult and provide evidence at committee stages or public reading stage;*
- (iv) introduce higher levels of public participation for amendments relating to the Constitution and/or effecting the protection of fundamental rights.*

Commission's 2025 assessment: Some progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

162 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>; Chamber of Commerce, Quest for Truth and Justice, the Malta Chamber, 10 February 2025, <https://maltachamber.org.mt/quest-for-truth-and-justice/>; aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, Bill 134: Rushed Judicial Constitutional Amendments without Consultation, 22 May 2025, <https://aditus.org.mt/bill-134-rushed-judicial-constitutional-amendments-without-consultation/>; Chamber of Advocates, PA Bills Statement from the Chamber of Advocates, 5 August 2025, <https://avukati.org/news/pa-bills-statement-from-the-chamber-of-advocates/>; Chamber of Advocates, Public Statement on the Protection of Agricultural Leases Regulations, 18 August 2025, <https://avukati.org/news/public-statement-on-the-protection-of-agricultural-land-regulations/>.

Gaps in the Commission's Report

Transparency and Quality of the Legislative Process

The Maltese government, as part of its legislative-making process, makes extensive use of regulations and legal notices that do not go through the same parliamentary scrutiny as main legislative acts. Legal notices are subsidiary laws drafted and brought into force by the minister in accordance with the enabling powers vested in the primary legislation. For legal notices to become law, no parliamentary debates or motions are required for their enactment. However, the Interpretation Act¹⁶³ mandates that a legal notice must be laid in the parliament for 28 days. If a motion to annul or amend the legal notice is raised and passed during that period, the notice will cease to have effect or be amended accordingly. Whilst draft bills and legislative procedures concerning them are published on the parliament website, this is not done with legal notices. The final text of legal notices can be found on the website that publishes Maltese legislation, without any other information or legislative process.

Regime for constitutional review of laws

A long-standing point of legal and institutional disagreement concerns the effect of Constitutional Court judgements. The Venice Commission has consistently recommended that when the Constitutional Court declares a law unconstitutional, its judgment should have erga omnes (universal) effect, thereby striking the law from the statute books for all citizens. The Maltese government has consistently rejected this principle, arguing that such a change would be incompatible with the national legal tradition, which does not recognise the principle of stare decisis (binding precedent). This stance necessitates that the parliament must actively amend or repeal a law that the Constitutional Court has already found to be unconstitutional, a process for which there is no stipulated timeframe. The number of times the Prime Minister took action to remove any inconsistency with the Constitution of Malta or with fundamental rights and freedoms as intended by Article 242(2) is not known. The European Commission continues to identify this as an ongoing issue requiring follow-up, as the current system allows unconstitutional laws to remain in force and creates friction between judicial findings and legislative prerogative.

The enabling framework for civil society

Civic space continues to be assessed as narrowed.¹⁶⁴ There have been no changes to the current voluntary organisation laws. However, a consultation document (CSO Consultation) was launched in

163 Interpretation Act, CAP. 249 of the Laws of Malta, <https://legislation.mt/eli/cap/249/eng/pdf>.

164 Civicus Monitor – Tracking Civic Space, <https://monitor.civicus.org/country/malta/>.

February 2024,¹⁶⁵ and the public was given less than a month to send in responses for feedback on the consultation. In December 2024, almost 9 months later, the government published an Outcome Report¹⁶⁶ on the submissions it received in a 10-page document. The 103 responses received were not made public but were summarised very briefly in the Outcome Report. Contrary to what is written in the outcome report, many CSOs present at a meeting held in February launching the document were frustrated at the short timeframe for consultation and at not being invited to any pre-consultation meetings. Furthermore, it was felt that reform plans were hard to assess without seeing any draft bills or draft legislation. The proposed introduction of various classes and sub-categories was thought to be too restrictive, and the practical effect of being classified and sub-categorised is not clear in the consultation document, besides the fact that many CSOs could fall into multiple classes and/or categories.

The document itself did not address the problems and threats that CSOs working in a specific sector face.¹⁶⁷ The threats faced by CSO and human rights defenders by the Labour party apparatchiks on blogs and social media, employing the same methods used to isolate Daphne Caruana Galizia before her assassination,¹⁶⁸ was highlighted in submissions to the Commission.¹⁶⁹ This negative environment was also the subject of an OIDHR report published in 2025¹⁷⁰ on the protection of human rights defenders in Malta and is discussed in more detail in the next section.

A new National Volunteering Strategy 2025–2030¹⁷¹ was published in December 2025. This document is primarily aimed at those organisations that provide volunteering services, and whilst its aim

165 Commissioner for Voluntary Organisations, The Reform of the Voluntary and Not for Profit Sector “Bl-Oħla Dawl Libbist” 2024, <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

166 Ministry For Inclusion and The Voluntary Sector, Government response to the consultation on Bl-Oħla Dawl Libbist - The Reform of the Voluntary and Not for Profit Sector, 2 December 2024, https://www.gov.mt/mt/publicconsultation/PCU%20Documents/2024/L-0004-2024/Outcome_Report.pdf.

167 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odihr.osce.org/sites/default/files/f/documents/1/b/5969specifically29.pdf>.

168 Council of Europe, Expert Council on NGO Law Stigmatisation Of Non-Governmental Organisations In Europe, 20 March 2024, <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>.

169 aditus foundation, 2025 Rule of Law Submissions – Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

170 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odihr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

171 Ministry For Inclusion and The Voluntary Sector, National Volunteering Strategy 2025–2030, 2025, <https://mal-tacvs.org/wp-content/uploads/2025/12/FINAL-Strategy-book-EN-version-3-SQUARE-1.pdf>.

was to modernise the legal landscape and provide financial resources for volunteering organisations, the document reads more like a list of general aims, as it lacks detail, concrete actions and outputs. Furthermore, the document does not make a distinction between different forms of civil society organisations.¹⁷²

Access to funding

There was nothing in the CSO Consultation that addressed the sustainability of CSOs, core funding, and/or co-financing being made available and/or accessible to CSOs, although it was noted that lack of funding was one of the key issues facing CSOs in Malta.¹⁷³ This was highlighted to the Commission as one of the core issues facing CSOs in Malta, and specifically the problems relating to high co-financing rates for EU projects. More information about access to funding is given following the publication of an ODIHR report in 2025.¹⁷⁴ No government initiatives or measures have been observed that foster a rule of law culture in Malta, and we therefore believe that funding for CSOs to carry out this work nationally is of even more importance.

New Issues that Emerged in 2025

Protection of Human Rights Defenders in Malta

In September 2025, ODIHR published its findings on the situation of human rights defenders (HRDs) in Malta.¹⁷⁵ The report found that HRDs, especially those on anti-corruption, migration, environment, and reproductive rights, face hostile rhetoric from politicians, labelling them as traitors or criminal enablers, alongside online threats, smears, and physical attacks, often underreported due to distrust in police response. Protection mechanisms like police risk assessments are limited to imminent threats, exclude HRDs' input, and fail to address broader needs; consultation processes lack inclusivity, and migrant search-and-rescue NGOs face closed spaces. The report concludes with a number of recommendations to enhance the protection of HRDs.

172 aditus foundation, 2025 Rule of Law Submissions – Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

173 Commissioner for Voluntary Organisations, The Reform of the Voluntary and Not for Profit Sector “Bl-Oħla Dawl Libbist” 2024, <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

174 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odihr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

175 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odihr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

Access to funding

Civil Society actors face challenges in access to funding under national and European Union programmes, as they are often project-based and require CSOs to contribute financially with high co-financing rates. Core funding for CSOs in Malta is generally not available, and with national funds, staff salaries are usually excluded. Furthermore, the administrative obligations that came with funding were burdensome¹⁷⁶ and particularly difficult for smaller CSOs, which are the majority in Malta. In 2025, some CSOs in Malta have felt the effect of the reduction of funding due to worldwide funding shortfalls to donor organisations, with some funding sources being cut completely, thus affecting the work being carried out by CSOs.¹⁷⁷ The government has not addressed this shortfall and has not stepped up contributions to fill in any funding gaps being felt on the ground.

Implications and Recommendations for 2026

The continued use of legal notices without meaningful parliamentary or public scrutiny weakens transparency, accountability, and democratic oversight in Malta's law-making process. This process lacks transparency in that it is unclear which or when legal notices have been laid in the parliament, and it is thus impossible for the public to track whether or not there have been any motions to annul or amend and the results of any such process. It is particularly problematic when the laws that are introduced through legal notices directly impact the fundamental rights and freedoms of individuals, such as arbitrary detention and access to asylum.

Suggested recommendation: Publish draft bills for consultation with stakeholders with sufficient time for CSOs to provide detailed feedback, and carry out a comprehensive review of existing legislation in close cooperation with civil society to identify and address gaps affecting the operation and protection of CSO staff.

Suggested recommendation: Funding programmes should include objectives and actions to (i) strengthen capacity, awareness, training, and research on human rights and the anti-discrimination field; (ii) foster a rule of law culture and democracy; and (iii) provide services, including legal services, to the most vulnerable.

176 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odhr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

177 Kurt Sansone, UNHCR funding crisis hits Malta branch, MaltaToday, 11 August 2025, https://www.maltatoday.com.mt/news/national/136424/unhcr_funding_crisis_hits_malta_branch.

Suggested recommendation: Use of legal notices needs to be made more transparent and open to public scrutiny.

Suggested recommendation: Ensure fair, transparent and effective core support to CSOs in order for them to continue to carry out their work.

Suggested recommendation: Ensure that judgments finding Maltese legislation unconstitutional have erga omnes effect, so that unconstitutional laws cease to apply generally and courts are not burdened with repeated litigation.

Suggested recommendations on HRDs:

- a. Publicly acknowledge the status and role of HRDs and the legitimacy of their work, through public statements, prompt condemnation and due prosecution of any attacks, threats, and other abuse as they occur;
- b. Take measures to sensitise the public service media and media owned by political parties on the importance of human rights and the important and legitimate role of HRDs;
- c. Support ongoing training programmes for public officials, including the judiciary, law enforcement officers, prosecutors, persons holding political office, and other relevant state actors on the state's obligations to respect, protect, and fulfil human rights of HRDs;
- d. Ensure that where resources, including financial resources, are allocated to HRDs, these are disbursed through independent structures, following objective criteria, and through a transparent process.

CONTACTS

The Daphne Caruana Galizia Foundation

Daphne Caruana Galizia Foundation was established in Malta following the assassination of investigative journalist Daphne Caruana Galizia in 2017. The foundation is dedicated to seeking full justice for Daphne, ensuring her and other investigative work continues, and advocating for press freedom and accountability in public interest cases.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Dutch section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM)



The NJCM was established in 1974 as the Dutch section of the International Commission of Jurists (ICJ). It has evolved into an authoritative organisation that is committed to and advocates for the protection of human rights in the Netherlands and Dutch foreign policy.

Netherlands Helsinki Committee (NHC)



The NHC is a non-governmental organisation that promotes human rights and strengthens the rule of law and democracy in all countries of Europe, including the Central Asian countries participating in The Organization for Security and Co-operation in Europe (OSCE).

Transparency International Nederland (TI-NL)



TI-NL strives for a world in which government services, the political world, business, civil society and citizens are free from corruption. The emphasis is on improving integrity, transparency and accountability in Dutch society.

Free Press Unlimited (FPU)



FPU is an international press freedom organisation that collaborates with over 300 media partners worldwide. With them, we work on our mission to make independent news and information available to everyone.

RNW Media



RNW Media is an international media development organisation dedicated to harnessing the power of independent digital media to uphold human rights and advance the public good.

OVERALL ASSESSMENT: STAGNATOR

The rule of law issues in the Netherlands in 2025 unfolded in a context of institutional strain and limited legislative action. A caretaker government produced little new policy, while key justice institutions faced severe operational problems, including Information and Communication Technology (ICT) failures in the prosecution service, staff shortages in prisons and youth justice, and a shrinking pool of social-law lawyers. At the same time, political debates grew more confrontational, with civil society increasingly targeted and reporting worsening working conditions.

Internationally, these developments were assessed within the European Union's (EU's) broader focus on safeguarding democratic standards. National bodies such as the Council of State, the National Human Rights Institute, and the Dutch Bar Association played important roles by warning about rushed legislation, shrinking civic space, and rule-of-law-incompatible political proposals. Conversely, incidents of public intimidation—such as threats surrounding asylum centre planning—negatively influenced governance and highlighted how societal pressures can undermine the state's ability to uphold rule-of-law obligations.

Assessment of the trajectory

The Netherlands can be considered a stagnator (if not 'sliding' towards the slider designation in certain areas) in 2025 because the justice system, anti-corruption framework, media environment and civic space all show clear signs of deterioration rather than improvement. While the judiciary made small gains in training capacity and workload management, these were overshadowed by serious setbacks across the justice chain: prisons and youth justice institutions struggled with severe staff shortages and unsafe conditions, the Public Prosecution Service faced major ICT failures that caused operational paralysis and growing backlogs, and social legal aid continued to erode as lawyers left the sector. Anti-corruption policy also failed to advance, with the government producing almost no new legislation and only minimal movement on long-pending reforms, despite significant unresolved issues.

At the same time, civic space and democratic safeguards came under increasing pressure. Proposed laws on civil society transparency and public demonstrations raised concerns about excessive surveillance powers and potential human-rights violations, while studies¹ showed that most Civil Society Organisations (CSOs) experienced worsening conditions for their work. Fast-tracked legislation, particularly in the asylum domain, weakened procedural safeguards and limited opportunities for

1 RNW Media & Utrecht University, *Rerouting Digital Identities and Creating Counter Narratives*, October 2025, <https://www.rnw.media/index.php/resources/rerouting-digital-identities-and-creating-counter-narratives-a-public-engagement-project-with-migrants-in-the-netherlands/>

expert input. Additional concerns included proposals that risk creating accountability gaps for unconstitutional actions, a political climate increasingly hostile toward civil society, and instances where threats or violence influenced government decisions. Together, these developments demonstrate that the Netherlands made no meaningful progress in 2025 and instead experienced regression across several core rule-of-law pillars.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Some issues merit consideration for the initiation of infringement proceedings. These issues are:

- Fast-tracked asylum legislation may undermine EU-required guarantees of effective judicial protection and procedural fairness under the Asylum Procedures Directive and the EU Charter.
- Draft laws restricting demonstrations and expanding surveillance powers could conflict with EU Charter rights to freedom of assembly and association.
- Proposed Transparency of CSOs law raises concerns about disproportionate interference with civil society, potentially violating EU fundamental-rights standards.
- Proposed removal of criminal malfeasance provisions risks creating an accountability gap that may weaken enforcement of EU obligations, contrary to Article 4(3) Treaty on European Union (TEU).

State of play (versus 2025)

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

Legend

Regression	No progress	Progress
		

JUSTICE SYSTEM –

General assessment

The overall situation of the Dutch justice system in 2025 reflects no progress, with several developments pointing instead toward deterioration. Although the judiciary made incremental progress in expanding training capacity and managing workload, this limited improvement is outweighed by significant negative trends in other parts of the justice chain. Custodial institutions experienced serious human resource shortages and worsening working conditions,² while youth justice institutions faced staff shortage, problems with occupancy, the quality of accommodation and treatment, and safety risks for young people.³ The Public Prosecution Service (in Dutch: Openbaar Ministerie, abbr. OM) suffered major operational disruption due to ICT failures, including a large-scale cyberattack and a prolonged shutdown of OM systems, resulting in growing backlogs and exhaustion, frustration and declining morale among staff.⁴ Social legal aid also deteriorated, with the outflow of lawyers in social law and evidence that less than one in four lawyers is a social lawyer.⁵ Taken together, these

- 2 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* ('Hoge werkdruk in gevangnissen: 4 op 10 medewerkers overwegen te stoppen'), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangnissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>; Also: risks for young people further expanded on in text below.
- 3 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* ('Hoge werkdruk in gevangnissen: 4 op 10 medewerkers overwegen te stoppen'), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangnissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>; Also: risks for young people further expanded on in text below.
- 4 Marcel Haenen, 'Disastrous' IT-issue harasses the Public Prosecution: 'It's a many-headed monster' ('Rampzalig' ict problem teister het Openbaar Ministerie: 'Het is een veelkoppig monster'), NRC, 22 april 2024, <https://www.nrc.nl/nieuws/2024/04/22/werk-openbaar-ministerie-in-problemen-door-falen-ict-a4196825>; Marcel Haenen, One in four employees of Public Prosecution unable to work due to IT-problems (*Een op de vier werknemers van OM kan niet werken door ict-problemen*), NRC, 2 April 2025, <https://www.nrc.nl/nieuws/2025/04/02/een-op-de-vier-werknemers-van-om-kan-niet-werken-door-ict-problemen-a4888529>; Marcel Haenen, Work Public Prosecution almost entirely halted due to IT problems (*Werk OM door aanhoudende ICT-problemen bijna volledig tot stilstand gekomen*), NRC, 28 March 2025, <https://www.nrc.nl/nieuws/2025/03/28/werk-om-door-aanhoudende-ict-problemen-bijna-volledig-tot-stilstand-gekomen-a4888064>; Author unknown, Public Prosecution offline again, 'severe worries regarding security' (*Openbaar ministerie wederom offline, 'ernstige zorgen over beveiliging'*), Mr. Online, 18 July 2025, <https://www.mr-online.nl/openbaar-ministerie-wederom-offline-ernstige-zorgen-over-beveiliging/>
- 5 NOvA, An overview of the Bar: Dutch legal profession sees a slight growth, extensive regional differences (*Balie in beeld: Nederlandse advocatuur groeit licht, forse regionale verschillen*), 24 February 2025, <https://www.advocatenorde.nl/nieuws/nederlandse-advocatuur-groeit-licht-forse-regionale-verschillen>

developments show that despite isolated improvements, the justice system as a whole did not advance in 2025, and several components — prisons, youth justice, the prosecution service, and legal aid — demonstrate clear regression requiring urgent attention.

Implementation of 2025 Commission recommendations

Recommendation: Continue efforts to improve challenging working conditions in the justice system and address shortages in human resources (first made in 2024 - Continue efforts to address shortages in human resources and challenging working conditions in the justice system)

Some progress on efforts to address shortages in human resources and challenging working conditions in the justice system.

Relatively clear but steps to take are not clearly articulated. ‘Continue efforts’ is too vague and too broad.

Overall, while the judiciary made incremental progress in expanding training capacity and managing workload (as has already been reported on), the broader justice system — especially custodial institutions — continued to face serious human-resource shortages and worsening working conditions throughout 2025.⁶ The director of the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, DJI) in December 2025 announced a ‘code black’ for prisons being overcrowded and detainees having to wait for long periods of time.⁷

Proposed recommendation:

Invest in (bringing in, training, maintaining) staff in the justice system and judiciary;

- Invest in social lawyers;
- Address ICT issues within the system;

6 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* (*Hoge werkdruk in gevangenissen: 4 op 10 medewerkers overwegen te stoppen*), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangenissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>

7 Dienst Justitiële Inrichtingen (DJI), Code Black. Postponement is not an option (*‘Code Zwart. Uitstel is geen optie’*), 2025, <https://www.dji.nl/actueel/nieuws/2025/12/18/code-zwart.-uitstel-is-geen-optie>

- Take measures against overcrowding of prisons.

Commission's 2025 assessment: Some progress

NJCM current assessment: No progress

Gaps in the Commission's Report

Legal Aid, Justice System Inequality, and Institutional Reform

The first issue is that last year's report stated that social lawyers'⁸ fees are low, which jeopardises access to justice.⁹ This report also revealed that there is a shortage of social lawyers in various regions.¹⁰ No direct recommendation was made, except that independent research had been conducted into increasing the fees.

The second issue is that structural and long-standing ICT failures at the Public Prosecution Department are not explicitly identified as a distinct rule of law risk in the European Commission's 2025 country chapter on the Netherlands. While the Commission refers in general terms to digitalisation and efficiency within the justice system, it does not specifically address the systemic vulnerabilities of prosecutorial ICT infrastructure, nor their concrete impact on criminal proceedings.¹¹

Thirdly, there are issues concerning children in the youth criminal law and Youth Justice Institutions. Inequality manifests itself in the fact that young people with a migrant background, a disability, or low socio-economic status are more often identified as suspects, prosecuted, and end up in pre-trial detention. Unequal use of (pre-trial) detention has harmful consequences for young people and disproportionately impacts the well-being and future prospects of (disadvantaged) youngsters. Social problems such as poverty, staff shortages and waiting lists become individual problems for children. Young people in socio-economically disadvantaged neighbourhoods are at increased risk of becoming

8 A 'social lawyer' is defined as a lawyer working for those who are not able to pay for judicial assistance. They are mainly paid by the government. Without social lawyers, a third of the population in the Netherlands would not have access to legal assistance. See Nederlandse Orde van Advocaten, *Sociale Advocatuur*, <https://www.advocaten-orde.nl/voor-advocaten/sociale-advocatuur>

9 Commissie van der Meer ii (the Netherlands), *Changing Times (Veranderde tijden)*, 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii>, p. 4-5

10 Commissie van der Meer ii, p. 5, 115

11 See letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, also e.g. <https://www.mr-online.nl/frustratie-door-ict-problemen-en-bezuinigingen-bij-het-om-steds-groter/>

involved in crime, which means that recorded youth crime is concentrated in specific areas.¹² This problem is particularly prevalent in large cities.¹³ With regards to youth justice institutions, the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) concluded that the Dutch system of non-criminal dispositions for juveniles did not meet international children's rights standards.¹⁴ Although the Youth Act permits freedom restricting measures under strict conditions, recent findings by the European Committee for the Prevention of Torture (CPT) show that there are structural shortcomings in guaranteeing the fundamental rights of youngsters, in particular Article 3 of the European Convention of Human Rights (ECHR).

The fourth noteworthy issue, discussed in more detail below, is a proposed amendment of Article 57 of the Constitution, according to which one cannot combine membership of parliament with the role of minister or state secretary (Section 2), except when a member of a caretaker government is already elected as member of parliament, while the new government has not yet been installed (Section 3).

The fifth issue concerns malfeasance in office. This year, the government submitted to public consultation a draft constitutional amendment¹⁵ and an additional draft law¹⁶ aimed at changing the regime for prosecuting malfeasance by public officials. Mostly, the proposed changes will increase the fairness of the procedure by shifting the competence to start an investigation from the government or House of Commons to the Prosecutor-General at the Supreme Court. However, the government also proposes, in the same draft laws, to scrap the penal provisions on public malfeasance from the Criminal Code (Articles 355 and 356), on the grounds that they are too vague and overlap with the

12 A.M. van der Laan, N. Tollenaar, J. Beijers, R. Kessels, Cahier 2024-15, Ontwikkelingen in de jeugdcriminaliteit 2000-2023, Synthese van bevindingen uit de Monitor Jeugdcriminaliteit, WODC, CBS, p. 7; Tollenaar e.a. (2022). Woon- en pleegbuurten van geregistreerde jeugdcriminaliteit. De samenhang met buurtkenmerken en de veranderingen die zich daarin voordoen over de tijd, Den Haag: WODC.

13 A.M. van der Laan, On youth crime and responses to it ('Over jeugdcriminaliteit en reacties daarop'), inaugural lecture, Leiden University, 6 December 2024

14 Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ), Letter to Parliament on RSJ advice on non-criminal settlements for juveniles ('Kamerbrief bij RSJ advies over buitenstrafrechtelijke afdoeningen voor jeugdigen'), 8 September 2025. <https://www.rijksoverheid.nl/documenten/kamerstukken/2025/09/08/tk-aanbiedingsbrief-rsj-advies-een-nieuw-perspectief-op-buitenstrafrechtelijke-afdoeningen-voor-jeugdigen>

15 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Constitutional amendment proposal on the prosecution of official offences by Members of Parliament and ministers [Public consultation]. Overheid.nl. <https://www.internetconsultatie.nl/vervolgingambtsdelictenkamerledenambewindspersonen/b1>

16 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Herzieningswet ambtsmisdrijven Kamerleden en bewindspersonen [Public consultation]. Overheid.nl. <https://www.internetconsultatie.nl/ambtsmisdrijven/b1>

political responsibility of ministers viz-a-viz parliament and the system of adjudication under administrative law.

The sixth issue which occurred in 2025 and which warrants the Commission's attention, is the explicit public debate on the rule of law sparked by the Bar Association's rule of law quick scan of party programmes for the 2025 elections.¹⁷ In the run-up to the parliamentary elections of 29 October 2025, the Dutch Bar Association requested an independent expert committee to review whether the election programmes of all political parties were in line with the principles of the rule of law.¹⁸ The resulting report identified a record number of proposals at odds with the rule of law. This observation in turn invoked criticism from politicians and academics,¹⁹ sparking a debate about the criteria applied, the very conception of the rule of law, and the extent to which politics may depart from existing international and constitutional obligations.²⁰

In 2025, existing ICT vulnerabilities at the OM escalated significantly:

- A large-scale cyberattack resulted in a prolonged shutdown of OM systems, severely disrupting prosecutorial operations.
- As a consequence, criminal case processing slowed considerably, leading to growing backlogs.

17 See Advocatenblad Editorial Board, Report on Party Programmes Draws Criticism ('Rapport over partijprogramma's Oogst kritiek'), Advocatenblad, 30 October 2025, <https://www.advocatenblad.nl/2025/10/30/rapport-over-partijprogrammas-oogst-kritiek/>

18 Dutch Bar Association, Committee on rule of law review of election programmes: record number of proposals in breach of the rule of law ('Commissie rechtsstatelijke toets verkiezingsprogramma's: recordaantal voorstellen in strijd met de rechtsstaat'), 20 October 2025. <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogrammas-recordaantal-voorstellen-in-strijd-met-de-rechtsstaat>

19 See Advocatenblad Editorial Board, Report on Party Programmes Draws Criticism ('Rapport over partijprogramma's Oogst kritiek'), Advocatenblad, 30 October 2025, <https://www.advocatenblad.nl/2025/10/30/rapport-over-partijprogrammas-oogst-kritiek/>

20 For one critique, see: K. de Goede, Constitutional politics and the report of the NOvA committee ('Constitutionele politiek en het rapport van de NOvA-commissie'), 27 October 2025, <https://www.nederlandrechtsstaat.nl/constitutionele-politiek-en-het-rapport-van-de-nova-commissie/>; For the committee's response to the criticism, see E. Mak et al., The rule of law review committee tested: further explanation ('De Commissie rechtsstatelijke toets getoetst: nadere toelichting'), 27 October 2025, <https://www.nederlandrechtsstaat.nl/de-commissie-rechtsstatelijke-toets-getoetst-nadere-toelichting/>

- Defence lawyers experienced delayed or incomplete digital access to case files, directly affecting preparation of the defence.
- OM staff issued formal warnings regarding the continued malfunctioning of ICT systems.
- The Dutch Association for the Judiciary (*Nederlandse Vereniging voor Rechtspraak*, NVvR) raised concerns about exhaustion, frustration and declining morale among prosecutors and judicial staff, pointing to the combined pressure of ICT failures, high workload and budgetary uncertainty.²¹

Concerning Article 57: The government has now submitted a draft constitutional amendment²² to Section 3 of Article 57 to public consultation, clarifying that this exception does not apply to someone who is a member of parliament first and then is asked to join a caretaker government. This is already the common understanding of the provision, but its current formulation still gives rise to discussion. Another draft constitutional amendment was submitted this year and is intended to create the possibility for someone who is both member of parliament and member of a caretaker government to have themselves temporarily replaced in parliament.²³ This provision would reduce two problems arising from the combination of both roles: conflict of interest and de facto absent members of parliament. By clarifying and streamlining this regime, the two proposed amendments are expected to strengthen institutional checks and balances.

With regards to youth law and youth justice institutions: A recent statistical study of the influence of migration background on outcomes in the Dutch criminal justice system shows that young suspects with a migration background are brought more often before the courts and are more likely to receive custodial sentences than suspects of similar offences without a migrant background.²⁴

21 Letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, last consulted february 2026.

22 Dutch Ministry of General Affairs & Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Bill to clarify Article 57(3) of the Constitution [Public consultation]. Overheid.nl. https://www.internetconsultatie.nl/verduidelijking_57_grondwet/b1

23 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Constitutional amendment introducing a replacement scheme for Members of Parliament who simultaneously hold a demissionary ministerial position [Public consultation]. Overheid.nl., https://www.internetconsultatie.nl/vervangingsregeling_kamerleden_dubbelfunctie_bewindspersoon/b1

24 WODC, Migration background leads to disadvantages in the criminal justice system ('Migratieachtergrond leidt tot nadelen in strafrechtken'), 19 June 2025, <https://www.wodc.nl/actueel/nieuws/2025/06/19/migratieachtergrond-leidt-tot-nadelen-in-strafrechtken>

A study was conducted into possible forms of unequal treatment of families and young people by the Child Protection Board services, in its role as an employer and how cultural sensitivity within the organisation can be strengthened.²⁵ More specific data on the impact of inequality within the youth justice system is lacking, and there will be an in depth investigation of inequality in youth criminal law.²⁶ The number of minors held in police cells or youth justice centres have been increasing since 2024.²⁷ Staff shortages in youth detention centres lead to problems with occupancy, the quality of accommodation and treatment, and also pose safety risks for young people. The reduction of pre-trial detention is hindered by the absence of adequate alternatives. One reason for this is the absence of adequate youth support services, which vary from one municipality to another and do not always meet the needs of children and young people.²⁸

A shortened daily group program has been in effect in youth detention centres since February 2023, with activities reduced from 77 to 62 hours.²⁹ This emergency measure, due to staff shortages and excessive workloads, is contrary to the Principles Act on Youth Detention Centres (BJJ)³⁰ and the government intends to amend the BJJ in order to adjust the duration of the daily program.³¹

In the Education Council's report on education for young people in youth detention centres it is advised to ensure effective organisation of education and to develop a shared vision on the role and position of education within these centres.³²

25 This study was conducted by The Verwey-Jonker Institute, in collaboration with Movisie. B. Tierolf e.a., Werken aan kansengelijkheid door de Raad voor de Kinderbescherming, Een onderzoek naar mogelijke discriminatie, vooroordelen, ongewenst gedrag en kansenongelijkheid, April 2025

26 In the upcoming year by prof. Y. van den Brink.

27 Children's Rights in Motion ('Kinderrechten in Beweging'), Juvenile Criminal Law ('Jeugdstrafrecht'), Kinderrechteninbeweging.nl, accessed 2026, <https://www.kinderrechteninbeweging.nl/kinderrechten-in-beweging/jeugdstrafrecht/>

28 Unlike convicted offenders, minors that are in pre-trial or youth detention centres, do not receive treatment or guidance to prepare them for the future.

29 Kamerstuk 24587, nr. 881 | Overheid.nl > Officiële bekendmakingen

30 Beginselenwet Justitiele Jeugdinrichtingen (BJJ)

31 Last known update September 2023: Kamerstuk 24587, nr. 921 | Overheid.nl > Officiële bekendmakingen. See also Kamerbrief over maatregelen naar aanleiding van IBO Jeugdcriminaliteit | Kamerstuk | Rijksoverheid.nl, Het NJCM spreekt zich uit tegen het onrechtmatige besluit om jongeren in jji's meer op hun kamer te houden - NJCM,

32 Education Council of the Netherlands, Better education in judicial youth institutions ('Onderwijsraad zet in op beter onderwijs in justitiële jeugdinrichtingen'), February 2025, <https://www.vo-raad.nl/nieuws/onderwijsraad-zet-in-op-beter-onderwijs-in-justitiële-jeugdinrichtingen>

New Issues that Emerged in 2025

Issue 1: Remuneration for social lawyers³³ is low, resulting in a decline in the number of these lawyers.³⁴ There is a shortage of social lawyers in various regions and areas of law. Social law is not attractive to young people, partly because of the low remuneration.³⁵ The above is at the expense of legal protection for those seeking justice and equality before the law in the Netherlands.³⁶

The Commissie van der Meer II report has been published.³⁷ The committee, chaired by Herman van der Meer, investigated whether the (fixed) fees are still appropriate and whether the reference income (set by the government) is achievable for a social lawyer. The answer to the first question is that most fees are still appropriate, but that the complexity surcharges in particular are too low. The committee proposes increasing these surcharges by 35%.³⁸ The answer to the second question is that a lawyer working in a law firm cannot earn this reference income.³⁹

The report ‘Balie in beeld’ by NOVA dated 24 February 2025 shows that there is an outflow of lawyers in social law. Compared to five years ago, the number of lawyers in social law declined by almost 13%. Less than one in four lawyers is a social lawyer.⁴⁰

Shortages in certain areas of law are expected. In some areas of law, there is an aging population of lawyers, while at the same time there are few young people entering the profession. This is the case in

33 A ‘social lawyer’ is defined as a lawyer working for those who are not able to pay for judicial assistance. They are mainly paid by the government. See Nederlandse Orde van Advocaten, Sociale Advocatuur, <https://www.advocatenorde.nl/voor-advocaten/sociale-advocatuur>

34 Commissie van der Meer ii (the Netherlands), Changing Times (Veranderde tijden), 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii>, p. 5, 115

35 Commissie van der Meer ii, p. 44-45

36 Commissie van der Meer ii, p. 44-45, chapter 8 (starts at p. 111)

37 Raad voor Rechtsbijstand, Report ‘Changing times’ commission Van der Meer II presented (Rapport ‘Veranderende tijden’ commissie Van der Meer II gepresenteerd), 3 March 2025, <https://www.rvr.org/@18729/rapport-vdmeer-ge-presenteerd-2025/>

38 Commissie van der Meer ii, p. 4, 8,

39 Commissie van der Meer ii, p. 4-5, 39

40 Although most social lawyers work in Amsterdam (701), Limburg has the highest relative number of lawyers working on a pro bono basis (45%). In absolute numbers, Overijssel has the fewest social lawyers (190). Nederlandse Orde van Advocaten, The legal profession in figures (‘Balie in beeld’), 24 February 2025.

asylum and refugee law, where 31% of lawyers are aged 60+ and only one lawyer is under 30.⁴¹ This is a possible indication of future shortages. Already, in some districts, there are no lawyers specialising in certain areas of law.⁴²

Funding will be made available for social legal aid in 2026. The State Secretary for Legal Protection announced⁴³ this in a letter to parliament on 26 June 2025. In 2026, the cabinet will allocate an additional €30 million to the legal aid system on a structural basis. The Van der Meer II Commission has recommended investing €40 million per year, with immediate effect.⁴⁴ The €30 million for 2026 and 2027 is therefore actually still insufficient. To prevent the departure of young social lawyers and to compensate for the aging of social lawyers, structural investments will have to be made in this sector. This will ensure that everyone retains the right to a lawyer.

This is the same amount that was previously announced for 2027. The State Secretary is also extending⁴⁵ the existing subsidy for the professional training of social lawyers by approximately €2.5 million. This subsidy will cover the costs of professional training for 175 new social lawyers. In addition, the outgoing State Secretary wants to make an advance payment possible for starting lawyers who have not yet received any additional payments and for lawyers who are experiencing temporary payment problems due to external factors.⁴⁶

Issue 2: In 2025, persistent ICT failures at the OM emerged as a critical and visible threat to the continuity of criminal proceedings. Outdated systems, recurring outages and weak digital infrastructure increasingly affected both internal prosecutorial functioning and external access to criminal case information.

The situation intensified throughout 2025:

41 *Nederlandse Orde van Advocaten, The legal profession in figures ('Balie in beeld'), p. 2, 24 February 2025.*

42 *("Balie in beeld" by Nova February 24, 2025).*

43 Kamerstukken 2024-25 II, 31753, nr. 312.

44 Commissie van der Meer ii (the Netherlands), Changing Times (Veranderde tijden), 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii>; <https://www.mr-online.nl/commissie-van-der-meer-ii-jaarlijks-40-miljoen-erbij-voor-sociale-advocatuur/>

45 Kamerstukken 2024-25 II, 31753, nr. 312.

46 Ibid.

- During the summer, the OM was taken largely offline following a cyberattack, with systems only gradually restored.⁴⁷
- The shutdown led to significant backlogs in criminal cases, further delaying proceedings.⁴⁸
- The NVvR publicly reported exhaustion, frustration and declining morale within the justice system, highlighting the cumulative impact of ICT failures, high workload and budget uncertainty.⁴⁹
- OM staff sent a formal warning letter addressing the continued malfunctioning of ICT systems and the resulting delays.⁵⁰
- Parliamentary questions were submitted by D66, focusing on:
 - delayed access to crucial information for defence lawyers;
 - prolonged pre-trial detention caused by processing delays.⁵¹
- The State Secretary for Justice and Security acknowledged the outdated nature of the ICT systems, while emphasising that the OM remains responsible for its own operational management.

Issue 3: A change in the Custodial Institutions Act (*Penitentiaire Beginselenwet*) came into force on the first of November.⁵² This tightens the rules regarding prisoners in maximum security detention;

47 <https://www.nrc.nl/nieuws/2025/03/28/werk-om-door-aanhoudende-ict-problemen-bijna-volledig-tot-stilstand-gekomen-a4888064>

48 Ibid.

49 Letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, last consulted february 2026.

50 <https://www.nrc.nl/nieuws/2025/04/02/een-op-de-vier-werknemers-van-om-kan-niet-werken-door-ict-problemen-a4888529>

51 D66 asks questions about ICT at the Public Prosecution Service, (D66 stelt vragen over de ICT bij het Openbaar Ministerie.) https://www.tweedekamer.nl/kamerstukken/plenaire_verslagen/kamer_in_het_kort/d66-stelt-vragen-over-de-ict-bij-het-openbaar

52 House of Representatives of the Netherlands, Amendment in the propoosal of act providing for amending of the Custodial Institutions Act related to additional measures against organised crime during detention (Wijziging van het voorstel van wet houdende wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie), https://www.eerstekamer.nl/behandeling/20240312/voorstel_van_wet_tweede_lezing/document3/f=/vmbhdazs32w3.pdf

prisoners who are held in an intensive supervision unit (*Afdeling Intensief toezicht*, AIT) or in the Extra Secure Institution (*Extra Beveiligde Inrichting*, EBI). Lawyers representing these prisoners have now stopped visiting these clients because they claim they can no longer do so confidentially. According to them, this new law violates the right to confidential communication with a lawyer.⁵³

Before the law came into effect, there was already a lot of criticism from the legal profession and the NOvA.⁵⁴ Since the law came into force (on 1 November 2025)⁵⁵ cameras were installed in the visitor rooms. The cameras are focused on the faces of both the lawyers and the detainees. These are Artificial Intelligence (AI) cameras, which give lawyers the impression that what they say can be lip-read. In addition, the cameras are focused on the table. This could allow confidential documents to be read. It is not sufficiently clear to the lawyers what will be done with the images during and after a visit. This has resulted in prisoners no longer feeling safe discussing their cases with their lawyers. For this reason, lawyers who have clients in these departments have stopped visiting these clients.⁵⁶ This will cause significant delays in major cases.

Implications and Recommendations for 2026

The absence of explicit attention to prosecutorial ICT failures has several important consequences:

- Risks to fair trial rights (Article 6 ECHR) are insufficiently recognised, particularly where delayed access to digital files undermines effective defence preparation.

53 See e.g. Jan Meeus, A lawyer cannot just get angry anymore in the EBI. And smile, they wonder: can we do that? (Boos worden mag een advocaat niet zomaar meer in de EBI. En lachen, vragen ze zich af: kan dat nog wel?), NRC, 19 November 2025, Boos worden mag een advocaat niet zomaar meer in de EBI. En lachen, vragen ze zich af: kan dat nog wel? - NRC; Author unknown, Lawyers refuse to work under video surveillance (Strafpleiters weigeren te werken onder video-toezicht), Advocatenblad, 18 November 2025, Strafpleiters weigeren te werken onder video-toezicht - Het Advocatenblad

54 Wetgevingsadviescommissie Strafrecht, Consultatie wetsvoorstel in verband met aanvullende maatregelen tegen georganiseerde criminaliteit in detentie, 3th of January 2025; J.W. Soeteman, E.K.L. Van den Bosch & T. Van der Deijl 2023, 'Voorgestelde wijziging van de Penitentiaire beginselenwet vanuit advocatuurlijk perspectief', Sancties 2023/65; J.W. Soeteman, 'Ondermijning', Adv. bl. 2025, afl. 1.

55 Introduction of the Pbw legislative amendment in AITs and ECI (Invoering wetswijziging Pbw in AIT's en EBI) 2025-11-01 <https://www.dji.nl/actueel/nieuws/2025/11/01/invoering-wetswijziging-pbw-in-ait-en-ebi>

56 'Advocaten staken om strengere regels EBI Vught', nos.nl, November 18th 2025; Advocaten schorten werk in zware strafzaken op uit protest om nieuwe regels, nos.nl, 18th of November 2025; Topadvocaten staken hun werk in de EBI om cameratoezicht, chaos in zware strafzaken dreigt, ad.nl, 18 November 2025.

- The omission reduces EU-level scrutiny and pressure on the Netherlands to structurally address vulnerabilities in prosecutorial ICT systems.
- Accountability for delays affecting pre-trial detention, defence rights and case processing remains limited, as the problem is framed as a technical or managerial issue rather than a rule of law concern. As a result, the systemic nature and legal significance of the problem are underestimated.

With regards to the developments regarding malfeasance in office:

In a reaction to the public consultation,⁵⁷ it has been argued that the justification for striking out the relevant Articles in the Criminal Code is not sufficient. Specifically, regarding the conscious signing of decrees contrary to the Constitution (covered by Article. 355, Section 1 Criminal Code), the punishable offense is clear and foreseeable, while general rules are excluded from administrative adjudication (Article. 8:3 Section 1 subsection a General Administrative Act). When the government is supported by a majority in parliament, parliamentary control alone might not be enough of a check. Thus, we fear that removing the penal provisions might lead to a gap in justiciability and accountability. Our concern is heightened by the fact that this change was quietly included in the midst of a larger revision, at a time when ministers openly hint at pursuing actions that are qualified as unconstitutional by their advisors.⁵⁸

Introduce an office allowance, which provides the remuneration for lawyers working in an office, making it possible for social lawyers to train the new lawyers.

Include an explicit recommendation that the Netherlands:

- Structurally invests in modern, secure and interoperable ICT systems for the Public Prosecution Service;
- Guarantees uninterrupted digital access to complete case files for defence lawyers and courts;
- Establishes independent oversight of prosecutorial ICT infrastructure to prevent systemic risks to fair trial rights;

57 Overheid.nl | Consultatie Herzieningswet ambtsmisdrijven Kamerleden en bewindspersonen, reactie, 1 March 2025, <https://www.internetconsultatie.nl/ambtsmisdrijven/reactie/ae9c2bb2-d558-4839-854b-a55ff8923332>.

58 See also: S. van Oort, Can you “do what you want” with a Council of State opinion? (‘Kun je met een Raad van State-advies “doen wat je wilt”?’), *Ars Aequi* 2025/0817, <https://arsaequi.nl/product/kun-je-met-een-raad-van-state-advies-doen-wat-je-wilt/>

- Ensures that budgetary decisions do not further compromise the digital functioning of the criminal justice system.

Ensures that the current practice of recording lawyer–client visits — including the possibility to lip-read conversations or view confidential case files during such meetings — is brought fully in line with the right to confidential communication with a lawyer as protected under Article 6 of the ECHR.

Implementation of Judgments

Progress in 2025 has been limited largely because no major structural European Court of Human Rights (ECtHR) or Court of Justice of the European Union (CJEU) judgments requiring legislative reform were pending. The Committee of Ministers’ supervision database shows that the Netherlands has no long-standing or complex cases under enhanced supervision, and recent ECtHR judgments concerning the Netherlands relate primarily to individual circumstances rather than systemic deficiencies.⁵⁹ Similarly, the European Commission’s Rule of Law Report notes that the Netherlands has no significant backlog in implementing CJEU rulings, and Dutch courts routinely apply EU law directly without requiring legislative intervention. As a result, the government did not initiate new reforms in 2025, as existing institutional mechanisms were considered sufficient, and no implementation gaps were identified.⁶⁰

59 Council of Europe, Committee of Ministers, *Supervision of the Execution of Judgments – Netherlands (2024–2025)*: The Netherlands has no cases under enhanced supervision and only a small number of standard-track cases, none involving structural problems.

60 Dutch Ministry of Justice and Security, *Annual Human Rights Report 2024/2025*: Indicates that no major legislative reforms were required for ECtHR or CJEU implementation during the reporting period.

ANTI-CORRUPTION FRAMEWORK

General assessment

The general assessment for 2025 is that there has been insufficient progress on anti-corruption policy. The Schoof cabinet produced little legislation in any sector and as such also produced relatively little legislation vis-à-vis anti-corruption. Developments in the anti-corruption sector were limited to parliament's approval of the new revolving door legislation, which was in the making since 2022 and the publication of the anti-corruption approach. Given the lack of progress on key anti-corruption dossiers, such as the lack of a lobby register, the role of shell companies in facilitating international financial crime, and the lack of an intersectoral anti-corruption strategy, it can be stated that no progress has been made in the Netherlands over the past year.

Implementation of 2025 Commission recommendations

Recommendation: Establish stricter transparency rules on lobbying for members of the Government and Parliament (first made in 2023)

Relatively clear but contains multiple issues.

The recommendation remains broad and general. It does not provide guidance about the necessary steps that the Dutch government should take to improve transparency, for example by implementing a lobby register. The recommendation could be improved by mentioning best practices and focusing on EU-policy coherence, such as the Irish lobby register. It also falls short in terms of scope (e.g. parliamentary assistants and high-level bureaucrats are missing) and offers no insights into an enforcement mechanism.

No progress (potentially backsliding)

In March 2025, the Minister of the Interior and Kingdom Relations decided not to introduce a lobby register.⁶¹ This decision was taken despite a parliamentary majority in favour of such a register. The Minister argued that a lobby register would be disproportionate and that transparency should instead be ensured through existing instruments, rules, and legislation.⁶²

61 NOS Nieuwsuur, No Lobby Register After All: Civil Servants See No Value in Extra Transparency Rules ("Toch geen lobbyregister: ambtenaren zien niets in extra transparantieregels"), <https://nos.nl/nieuwsuur/artikel/2559034-toch-geen-lobbyregister-ambtenaren-zien-niets-in-extra-transparantieregels>

62 Ibid.

The government has taken limited steps to implement this recommendation. Due to the breadth of the recommendation, multiple angles can be considered. Importantly, as noted above, the government chose not to implement a required lobby register for lobbying the government and the second chamber.⁶³ This, alongside active publishing of the agendas of cabinet members, is a fundamental instrument in increasing transparency.⁶⁴ In this regard, the government of the Netherlands has made little to no progress on implementing stricter transparency rules on lobbying for members of government and parliament.

Establish stricter transparency rules on lobbying for members of the Government and Parliament by implementing a binding lobby register in accordance with the Group of States against Corruption (GRECO) recommendations. It should include at a minimum the government (including parliamentary and political assistants and high-level bureaucrats) and parliamentarians.

Commission's 2025 assessment: limited further progress

**Transparency International-NL
current assessment: No progress**

Gaps in the Commission's Report

There are several points which the Commission did not address in its recommendations. Importantly, the role of corruption in subversive crime in the Netherlands was not discussed. There have been several cases where (local level) bureaucrats have been bribed by criminals for specific or personal information.⁶⁵ Such cases are clear examples of where corruption leads to real-world consequences. Moreover, this issue exists in a broader context within the Dutch government where tackling corruption is often not seen as a priority. Worrying trends present themselves in this regard. For example, the government buried a report on anti-corruption policy due to what the government labelled methodological issues—a conclusion that independent experts do not share.⁶⁶ The report's authors suggest

63 Ibid.

64 GRECO, Fifth Evaluation Round: Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions) and Law Enforcement Agencies. Second Compliance Report. 17 October, 2023. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680acf3dc>

65 Organized Crime and Corruption Reporting Project, Data dealers and bomb plots: Inside the Netherlands's shadow market for stolen data, 17 October 2025, <https://www.occrp.org/en/feature/data-dealers-and-bomb-plots-inside-the-netherlandss-shadow-market-for-stolen-data>

66 Follow the Money, Ministry kept critical report on corruption under wraps ('Ministerie hield kritisch rapport over corruptie onder de pet'), 2025, <https://www.ftm.nl/artikelen/ministerie-hield-kritisch-rapport-over-corruptie-onder-de-pet>

that the Dutch state approaches the corruption risks naively. The report, based on 163 interviews with experts, suggests that the civil service is potentially susceptible to corruption risks.⁶⁷ The authors note that the government does not do enough to protect its civil servants against potential corruption risks, noting that there is no specific policy on this to prevent interference.⁶⁸ By ignoring the report, the government inherently indicates that it does not consider corruption as a risk for the civil service, further indicating weaknesses within the Dutch anti-corruption framework.

The Dutch government introduced the ‘Anti-corruption approach’ (*Anti-corruptie aanpak*) in June 2025.⁶⁹ This document outlines the need for a structured and coordinated approach to anti-corruption policy within the Netherlands. The document was written by both the minister for Justice and Security and the minister for Internal Affairs and Kingdom Relations, indicating on the one hand that corruption is cross-sectoral, while on the other hand introducing a potential problem of non-ownership. An important part of the strategy is to develop and publish the first National Risk Assessment Corruption, to gain an insight into corruption in the Netherlands. This will be carried out by the Research and Data Centre (*Wetenschappelijk Onderzoek en Data Centrum*, WODC).⁷⁰ Importantly, this document cannot be seen as a fully-fledged anti-corruption strategy yet as it largely tackles the low hanging fruit. As such this indicates that anti-corruption policy remains a low-level political priority for the Dutch central government.

While the government’s initiative for a new coordinated anti-corruption approach was a welcome change, the current plan fails to address the comprehensive and cross-border nature of corruption. The policy does not adhere to what can be considered a full-fledged anti-corruption strategy. This should – at a minimum – encompass all ministries and executive agencies. In addition, the approach excludes many areas of corruption that require the attention of the government. This includes, among others, political finance, undue influence by foreign states, financial crime, foreign bribery and sanctions. Lastly, many of the approach’s policies already exist, and the plan introduces little new initiatives to combat corruption. The issue of corruption, however, is becoming more salient as the new EU anti-corruption directive will likely impose new guidelines for the anti-corruption policy, including harmonised definitions of corruption offences.

67 Ministerie van Justitie en Veiligheid, Critical report on corruption risks in the public administration (‘Kritisch rapport over corruptie bij de overheid’), 2025, Open Overheid, <https://open.overheid.nl/documenten/0d-6b19a1-4031-4b88-8ec2-e1b008dbe639/file> (This version of the report contains redacted paragraphs)

68 *ibid*

69 Ministerie van Justitie en Veiligheid, Letter to Parliament on Anti-Corruption Approach (‘Kamerbrief anti-corruptieaanpak’), 20 June 2025, Rijksoverheid <https://open.overheid.nl/documenten/1cb649ba-5ebe-43d0-8e37-e82067b3f369/file>

70 *ibid*

Another development in 2025 that came to light is the relationship between Sander Dekker (former minister for legal protection under the third Rutte cabinet⁷¹) and the gambling sector. The Netherlands legalised online gambling on the 1st of October 2021.⁷² The responsible minister for this, Sander Dekker, was found in recent journalistic investigations to have had frequent contact with the president of the umbrella organisation for gambling.⁷³ It reveals a clear conflict of interest at the highest level of government and indicates the prevalence of trading in influence. The government itself thought the same way about this and has increased the transparency requirements for contact with the gambling sector.⁷⁴ More lobby transparency would have allowed parliament to intervene at an earlier stage indicating the opacity of the existing integrity frameworks within the Netherlands.

New Issues that Emerged in 2025

The defence sector requires special attention in the 2026 commission report. Several cases in the Netherlands indicate that this sector, due to its inherent secrecy, is particularly sensitive to fraud and corruption. The Damen case most clearly comes to mind, for which the court proceedings recently began.⁷⁵ Damen Shipyards is one of the most important defence-related companies in the Netherlands, with orders from several major European countries. Importantly, Damen is suspected of non-compliance with sanctions against Russia and exporting defence-grade products to Russia since the large-scale invasion in 2022, through falsifying export permits.⁷⁶ This behaviour indicates the importance of including a comprehensive and effective sanctions approach within the national anti-corruption strategy.

71 Eerste Kamer der Staten-Generaal, Profile of Dr. S. Dekker (VVD) ('Drs. S. Dekker (VVD)'), accessed 2026, https://www.eerstekamer.nl/persoon/drs_s_dekker_vvd

72 Kansspelautoriteit, Remote Gambling Act: Changes from 1 October 2021 ('Wet Koa: veranderingen per 1 oktober 2021'), 2021, <https://kansspelautoriteit.nl/nieuws/2021/september/wet-koa-veranderingen-per-1-oktober-2021/>

73 NRC, Minister Dekker maintained close contact with the gambling industry during legalisation of online gambling: "Succeeded, well done" ('Minister Dekker onderhield nauw contact met gokbranche bij legalisering online gokken: "Gelukt, well done)'), 10 December 2025, <https://www.nrc.nl/nieuws/2025/12/10/minister-dekker-onderhield-nauw-contact-met-gokbranche-bij-legalisering-online-gokken-gelukt-well-done-a4914955>

74 Ibid.

75 NOS Nieuwsuur, Unique court case against Damen Shipyards starts: a case with extra pressure and tension ('Unieke rechtszaak Damen Shipyards van start: zaak met extra druk en spanning'), 19 November 2025, <https://nos.nl/nieuwsuur/artikel/2591770-unieke-rechtszaak-damen-shipyards-van-start-zaak-met-extra-druk-en-spanning> ; NRC, List of suspicions against shipbuilder Damen longer than thought ('Lijst verdenkingen tegen scheepsbouwer Damen langer dan gedacht'), 19 November 2025, <https://www.nrc.nl/nieuws/2025/11/19/lijs-verdenkingen-tegen-scheepsbouwer-damen-langer-dan-gedacht-a4913094>

76 Ibid

Another example is that of the twin brother of the state secretary for Defence taking up a high-level position with AIA Systems.⁷⁷ AIA Systems is a Dutch defence drone manufacturer. The state-secretary for defence is responsible for the purchasing of armaments, including drones. In fact, the state secretary noted that he wants to invest up to €310 million in 2025 in unmanned systems.⁷⁸ Importantly, so far as has come to light, there has been no problematic use of this relationship, nonetheless this does highlight the potential for conflicts of interest in the defence sphere. Particularly considering the increasing budgets for defence, a clean and as transparent as operationally possible defence ministry and industry is fundamental. Both the above cases highlight the sensitive nature of the defence sector within the Netherlands, as such indicating the need for further attention. A clean defence sector ensures both a more efficient use of taxpayer money and as a consequence more long-term support from the population at large.

The Dutch financial sector plays an important role in financing pro-Russian businesses and TV-channels in Georgia.⁷⁹ In particular one of the most popular TV channels in Georgia—TV Imedi—is headquartered in the Netherlands through its parent shell company.⁸⁰ This TV channel is used largely for pro-Russia Kremlin propaganda.⁸¹ Though questions were raised in the Parliament by member Kati Piri, the then Minister of Foreign Affairs Casper Veldkamp noted that the government is not able to force the company to close so long as they comply with Dutch law.⁸² This highlights serious shortcomings in the system as this is a clear example of individuals or parties using Dutch shell companies to subvert the rule of law in upcoming democracies like Georgia.

77 AD, Twin brother of state secretary goes to work at drone company while army invests millions ('Tweelingbroer staatssecretaris gaat bij drone-bedrijf werken terwijl leger miljoenen investeert'), 2025, <https://www.ad.nl/binnenland/tweelingbroer-staatssecretaris-gaat-bij-drone-bedrijf-werken-terwijl-leger-miljoenen-investeert~a5421a392/>

78 Rijksoverheid, State Secretary Wants to Deploy AI for Warfare ('Staatssecretaris wil AI inzetten voor oorlogsvoering'), 23 April 2025, <https://www.rijksoverheid.nl/actueel/nieuws/2025/04/23/staatssecretaris-wil-ai-inzetten-voor-oorlogsvoering>

79 Transparency International Nederland, Netherlands Must Act Against Erosion of Rule of Law in Georgia and Financial Interests in the Netherlands ('Nederland moet in actie komen tegen afbraak rechtsstaat Georgië en financiële belangen in Nederland'), 30 July 2025, <https://www.transparency.nl/nieuws/2025/07/nederland-moet-in-actie-komen-tegen-afbraak-rechtsstaat-georgie-en-financiele-belangen-in-nederland/>

80 Follow the Money, Zuidas facilitates anti-Western television broadcaster in Georgia ('Zuidas faciliteert anti-westerse televisiezender Georgië'), 2025, <https://www.ftm.nl/artikelen/zuidas-faciliteert-antiwesterse-televisiezender-georgie>

81 *ibid.*

82 Tweede Kamer der Staten-Generaal, Response to Questions from MP Piri on the Current Situation in Georgia ('Antwoord op vragen van het lid Piri over de actuele situatie in Georgië'), 31 March 2025, <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2025Z04643&did=2025D13977>

Research by the Instituut voor de Publieke Economie and the Stichting Democratie en Rechtsstaat analysed the independence of ‘government watchdogs’, rule of law institutions from the central government.⁸³ This report analysed 19 institutions and organisations within the system of checks and balances. In particular it looked at public institutions that are primarily financed by the Dutch government. The institutions under analysis include for example the Council of State (*Raad van State*) or the Netherlands Court of Auditors (*Algemene Rekenkamer*). The results varied, in general government watch dogs are judicially independent. However, in terms of financial or organisational independence there are steps to be taken. In particular, the limited independence of certain bodies, such as the Internal Investigations Department (*Rijksrecherche*) and the Whistleblowers Authority (*Huis voor Klokkeluiders*) can be seen as problematic for the fight against corruption in the Netherlands. Both organisations enjoy limited financial independence because they have a budget item in a departmental budget. For example, the budget of the Rijksrecherche falls under the budget of the Public Prosecution Service, which in turn falls under the Ministry of Justice and Security.

Implications and Recommendations for 2026

Implications of the omissions are broad. Corruption facilitates criminal activity. The implication of this point not being covered explicitly in the rule of law report is that this relationship remains insufficiently addressed in the Dutch context.⁸⁴ This type of corrupt behaviour facilitates criminal and destructive acts within society. For example, several explosions at private addresses in Amsterdam can be traced back to the selling of private addresses via so-called ‘information-brokers’ - corrupt bureaucrats with access to personal records databases to criminals.⁸⁵ As such, the approach of the Dutch government to corruption issues remains unsatisfactory.

83 Instituut voor Publieke Economie, Vulnerabilities of Democratic Watchdogs Mapped (‘Kwetsbaarheden waakhonden democratie’), 2025, <https://www.instituut-pe.nl/highlights/kwetsbaarheden-waakhonden-democratie> ; Stichting Weerbare Democratie, Launch of Research on Dutch Watchdogs (‘Lancering onderzoek Nederlandse waakhonden’), 25 November 2025, <https://www.weerbaredemocratie.nl/nieuws/lancering-onderzoek-nederlandse-waakhonden>

84 Transparency International Nederland, Critical Report on Corruption Kept Under Wraps by Justice and Security (‘Kritisch rapport over corruptie onder de pet gehouden door Justitie en Veiligheid’), 15 October 2025, <https://www.transparency.nl/nieuws/2025/10/kritisch-rapport-over-corruptie-onder-de-pet-gehouden-door-justitie-en-veiligheid/>

85 Organized Crime and Corruption Reporting Project (OCCRP), Data Dealers and Bomb Plots: Inside the Netherlands’s Shadow Market for Stolen Data, 16 October 2025, OCCRP.org <https://www.occrp.org/en/feature/data-dealers-and-bomb-plots-inside-the-netherlands-shadow-market-for-stolen-data>

Recommendations:

1. Develop a coherent and cross-sectoral anti-corruption strategy with a single responsible anti-corruption agency.
2. Implement a lobby register consistent with the recommendations made by GRECO.
3. Further develop and clarify existing integrity guidelines for members of Parliament (first and second chamber) especially post-employment rules and asset declarations.
4. Amend the Whistleblower Protection Act (*Wet bescherming klokkenluiders*⁸⁶) to strengthen whistleblower protection by allowing for anonymous reporting and implementing dissuasive sanctions against companies that retaliate against whistleblowers.

Investigate the role of the Dutch financial sector in facilitating international bribery and corruption and work to fully implement the AMLD6 recommendation.

86 Whistleblower Protection Act (*Wet bescherming klokkenluiders*) Consulted on 12 March 2026, Valid from 18 February 2023 <https://wetten.overheid.nl/BWBR0037852>

MEDIA ENVIRONMENT AND MEDIA FREEDOM –

General assessment

There was no progress booked on the recommendation. All other topics covered in this chapter show no progress either or even a deterioration (e.g. increase in attacks on journalists). They are slight deteriorations as of now, which is why it is marked ‘no progress’. They are mainly observed risks, of which not all of them have slid into actual actions (yet). They will be monitored closely by several independent institutions and reported on for next year.

Implementation of 2025 Commission recommendations

Recommendation: Take forward the planned reform of public service media to enhance its governance and its ability to uphold journalistic standards, taking into account European standards on public service media (first made in 2024)

No progress, slight backsliding due to proposals made which are now unclear on progress due to the government becoming defunct.

The Netherlands has not taken steps to enhance the governance of public service media in line with European standards.

On the contrary, the major reforms proposed in 2025—such as dissolving NTR, an independent public service broadcaster, reducing the number of broadcasters, and removing membership requirements—have raised concerns among experts and civil society about the potential weakening of editorial independence, diversity, and the ability of Public Service Media to fulfil its democratic role. Even though the government proposing these measures has since fallen, it is a worrying development that these suggestions were made.

Commission's 2025 assessment: Some progress

FPU, RNW Media and NJCM current assessment: No progress

CHECKS AND BALANCES —

General assessment

Examples of infringements of the civic space in the Netherlands, discussed in more detail below, are:

1. The proposed Transparency of CSO law (*Wet Transparantie Maatschappelijke Organisaties*, WTMO)⁸⁷ presents problems regarding mayoral powers to access donation data, vague offence definitions, preventive sanctioning that could violate human rights, and additional burdens on prosecutors.
2. The Dutch government is pursuing greater control over demonstrations through three draft laws⁸⁸ expanding mayoral surveillance powers, even though a December 2025 study advised against further legal restrictions on protest rights.
3. According to a study commissioned by the Netherlands National Human Rights Institute, 86% of CSOs surveyed indicated that conditions for their work had worsened over the past two years.⁸⁹
4. As outlined below, MPs and members of government are shaping a political debate that places increasing pressure on civil society, attacking and criminalising CSOs during debates and in motions, such as the motion to ban Antifa.⁹⁰

87 House of Representatives of the Netherlands, Transparency of Civil Society Organisations Act (*Wet Transparantie Maatschappelijke Organisaties*, WTMO), <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z22508&dossier=35646>.

88 Bill to amend the Women's Protection Act with a ban on face-covering clothing at demonstrations ('Wetsvoorstel wijziging Wom met verbod op gezichtsbedekkende kleding bij demonstraties') (<https://www.internetconsultatie.nl/verbodgezichtsbedekkendekledingdemonstraties>); Bill on online incitement to public disorder ('Wetsvoorstel online aangejaagde openbare-ordeverstoring') (<https://www.internetconsultatie.nl/oaooov/b1>); Public Order Data Collection Bill ('Wetsvoorstel Gegevensvergaring openbare orde') <https://www.internetconsultatie.nl/gegevensvergaringopenbareorde/b1>

89 Civil society in the Netherlands is under pressure ('Maatschappelijk middenveld in Nederland staat onder druk'), 8 September 2025, <https://www.mensenrechten.nl/actueel/nieuws/2025/09/08/maatschappelijk-middenveld-in-nederland-staat-onder-druk>.

90 Motion by Representative De Vos et al. to designate Antifa as a terrorist organization in the Netherlands as well ('Motie van het lid De Vos c.s. over Antifa ook in Nederland als terroristische organisatie aanmerken'), 18 September 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025Z17241&did=2025D40130>.

The Dutch government proposed to fast-track several law proposals, such as the Asylum Emergency Measures Act or the proposal for amending the Public Assembly Act.⁹¹ For example, the government fast-tracked the legislative procedure due to the urgency of asylum issues (Asylum Emergency Measures Act), giving only a limited number of bodies (including the immigration service and judiciary) just one week to provide input on the proposal. The Council of State notes that early input from citizens, implementing organisations, and legal practitioners is essential for good legislation—a principle acknowledged in the government program itself—and warns that political urgency to tighten asylum policy is insufficient justification for skipping or rushing preparatory steps, deeming this legislative preparation inadequate.⁹²

Two draft constitutional amendments address Article 57's prohibition on combining parliamentary and ministerial roles: one amendment clarifies that sitting Members of Parliament who join caretaker governments cannot retain both positions,⁹³ while another amendment allows temporary parliamentary replacement for those in dual roles.⁹⁴ These changes aim to strengthen checks and balances by reducing conflicts of interest and parliamentary absences.

The Dutch government proposes transferring malfeasance investigation authority to the Prosecutor-General while removing criminal provisions from the Criminal Code, arguing they overlap with political and administrative accountability.⁹⁵ This creates an accountability gap for knowingly unconstitutional actions.

91 NOS, Cabinet Introduces Ban on Face-Covering Clothing at Demonstrations ('Kabinet komt met verbod op gezichtsbedekkende kleding bij demonstraties'), 2026, <https://nos.nl/artikel/2595230-kabinet-komt-met-verbod-op-gezichtsbedekkende-kleding-bij-demonstraties>

92 Afdeling advisering van de Raad van State, Opinion 5 February 2025 Advisory Division of the Council of State Asylum Emergency Measures Act ('Advies 5 februari 2025 Afdeling advisering van de Raad van State Asielnoodmaatregelenwet'), <https://www.raadvanstate.nl/adviezen/@147826/w03-24-00364-ii/>

93 Bill clarifying Article 57, paragraph 3, of the Constitution ('Wetsvoorstel verduidelijking artikel 57, derde lid, Grondwet'), https://www.internetconsultatie.nl/verduidelijking_57_grondwet/b1

94 Constitutional amendment proposal introducing replacement arrangements for members of parliament who also serve as ministers during a caretaker period ('Grondwetsvoorstel introductie vervangingsregeling Kamerleden met dubbelfunctie als bewindspersoon in demissionaire periode'), https://www.internetconsultatie.nl/vervangingsregeling_kamerleden_dubbelfunctie_bewindspersoon/b1.

95 Constitutional amendment proposal on the prosecution of offenses committed by members of parliament and government officials ('Grondwetsvoorstel vervolging ambtsdelicten Kamerleden en bewindspersonen'), <https://www.internetconsultatie.nl/vervolgingambtsdelictenkamerledenbewindspersonen/b1>; Revision Act on Offenses Committed by Members of Parliament and Government Officials ('Herzieningswet ambtsmisdriven Kamerleden en bewindspersonen') <https://www.internetconsultatie.nl/ambtsmisdriven/b1>

The Dutch Bar Association commissioned an independent expert review of election programs ahead of parliamentary elections, which found a record number of proposals conflicting with rule of law principles.⁹⁶ This review received criticism and sparked a debate about the rule of law.

There is also an issue with the influence of citizen violence on government decision-making and its outcomes. For example, violence and threats of violence were used to block asylum center plans, leading to the resignation of the mayor of Terneuzen.⁹⁷

Implementation of 2025 Commission recommendations

Recommendation: Take forward the proposal of the State Commission on Rule of Law to strengthen a rule of law culture, including by setting up a structured dialogue between the state powers based on a ‘rule of law agenda’ (first made in 2025)

This recommendation is more vague than the proposals of the State Commission. Without specifying where the rule of law culture must be strengthened, the first part of the recommendation covers much more than just a structured dialogue between the state powers.

There are no signs that the government has set up a structured dialogue between the state powers based on a ‘rule of law agenda’.

96 Committee on the Rule of Law Review of Election Manifestos: Record Number of Proposals in Violation of the Rule of Law (Commissie rechtsstatelijke toets verkiezingsprogramma's: recordaantal voorstellen in strijd met de rechtsstaat) 20 October 2025 <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogramma's-recordaantal-voorstellen-strijd-met>

97 NOS, Terneuzen Mayor Definitely Departs Due to Asylum Center Conflict ('Burgemeester Terneuzen vertrekt definitief om azc-conflict'), 2 December 2025, <https://nos.nl/artikel/2592986-burgemeester-terneuzen-vertrekt-definitief-om-azc-conflict>

However, the government has, on 4 July 2025, published an official reaction to the recommendations of the State Commission on the Rule of Law.⁹⁸ The government wants to promote rule of law culture and awareness of the citizens' perspective amongst civil servants; simplify tax and benefit systems and facilitate information sharing between organisations; and improve legal protection of citizens, for instance by investing more in legal aid from 2027 onwards. In the final paragraph of the reaction, the government briefly mentions a structured dialogue with the other state powers – reiterating the recommendation, without mentioning concrete steps already taken in that regard.

Also on 4 July 2025, the government presented for public consultation the previously announced draft law aimed at enabling constitutional review of legislation.⁹⁹ Contrary to the recommendation of the State Commission, the proposed law excludes the review of socio-economic rights. As of yet, no proposal has been published for the establishment of a Constitutional Court.

Take forward the proposals of the Commission on Rule of Law to strengthen a rule of law culture in all parts of the central government, by educating civil servants on the rule of law and by setting up a structured rule of law dialogue between the state powers based on a rule of law agenda, a separate rule of law budget chapter and the advice of an independent rule of law research institute.

Commission's 2025 assessment: N/A NHC and NJCM current assessment: In progress (initial steps)

Gaps in the Commission's Report

Narrowed space for civil society:

Although the Commission's 2025 report acknowledged that “the space for civil society organisations has narrowed and is affected by a combination of funding cuts and a risk of new legal obstacles”,¹⁰⁰ no recommendation was made with regards to this point.

98 Brief van de Minister van Binnenlandse Zaken en Koninkrijksrelaties, de Staatssecretaris van Justitie en Veiligheid, de Staatssecretaris van Justitie en Veiligheid en de Sociale Zaken en Werkgelegenheid, Tweede Kamer, Kamerstuk 29279, nr. 981, 4 juli 2025.

99 Amendment of the Constitution to introduce constitutional review (Wijziging van de Grondwet ter invoering van constitutionele toetsing) <https://www.internetconsultatie.nl/constitutioneietoetsing/b1>

100 European Commission, 2025 Rule of Law Report: Country Chapter on the rule of law situation in the Netherlands, SWD(2025) 919 final, 8 July 2025.

Several worrying developments can be observed, which we will discuss in more detail and with references later on:

- Worsening conditions for CSOs and increasingly hostile political discourse.
- Draft Law on Transparency of CSOs raising concerns about data access, vague offences, preventive sanctions, and stigmatising language.
- Growing political push to restrict protests despite most being peaceful.
- Ineffective, lengthy, and insufficiently independent procedures for complaints about police violence.
- Increasing use of emergency orders to restrict protests, leading to mass arrests and forced removals without solid legal basis.
- Political pressure to limit CSO-led public-interest litigation, including calls to cut funding and tighten representativeness requirements.
- Proposal for administrative banning of organisations based on vague criteria, raising risks of politically motivated bans.¹⁰¹

With regards to other gaps, we also want to highlight issues around the rights and needs of children. While Dutch authorities increasingly acknowledge children as a distinct and vulnerable group, persistent structural tensions remain between law in practice and the obligation to safeguard the best interests of the child. Although in last year's input also relevant developments were added related to children, these issues were not addressed in the Commission's recommendation. As there is no

101 Initiatiefvoorstel - Kuiken, Van Toorenborg, Van Wijngaarden, Van der Graaf en Van der Staaij Wet bestuurlijk verbod ondermijnende organisaties, <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cf-g=wetsvoorsteldetails&qry=wetsvoorstel%3A35079>

notable progress to these issues, concerns remain about (1) children within the migration system,¹⁰² (2) children within the educational system,¹⁰³ and (3) children with youth care and youth protection.

Finally, there is the issue of women's rights, which are under pressure. The Netherlands has one of the largest gender pay and pension gaps in the EU according to EIGE's Index.¹⁰⁴ GREVIO calls for urgent action on gender-based violence, for more safe shelters, for specialist services for women at risk of intersectional discrimination, for expanding emergency barring orders and for reforming domestic violence definitions in law and in practice with the convention's standards.¹⁰⁵

In a study commissioned by the National Human Rights Institute, 86% of the surveyed CSOs indicated that the conditions for their work have worsened over the past two years.¹⁰⁶ Political discourse increasingly casts critical CSOs as threats rather than democratic watchdogs, with parliamentary support growing for measures that prioritise public order over the protection of peaceful activism.

The draft law on Transparency of CSOs (*Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties*), that is expected to increase pressure on civil society organisations, is still pending

102 Kamerstukken I, 36373, H, gewijzigde motie Van Meenen c.s., 27 February 2024, https://www.eerstekamer.nl/motiedossier/36373_h_gewijzigde_motie_van; Nieuws uit de commissies, Eerste Kamer der Staten-Generaal, 9 juli 2025), R. Stift, "The House of Representatives agrees with amended act that criminalizes irregular stay", NRC.nl, 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-straftbaar-stelt-a4915780> Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

103 [Balans.nl](https://balansdigitaal.nl/thuiszitters-tellen), 'Drop-outs counting', 9 December 2024, <https://balansdigitaal.nl/thuiszitters-tellen> FollowtheMoney.nl, 'Why the Tailored Education Act finally has failed', 31 March 2025, <https://www.ftm.nl/artikelen/waarom-de-wet-passend-onderwijs-definitief-mislukt-is>

104 Atria.nl, 'Gender equality index: the Netherlands is ranked fifth', 3 December 2025, <https://atria.nl/kennis/nieuws/gender-equality-index-2025-nederland-staat-op-plek-vijf>.

105 Council of Europe, 'Tackling violence against women in the Netherlands: important legal and policy changes, but more shelters and clearer understanding of domestic violence are needed', 21 October 2025, <https://www.coe.int/en/web/istanbul-convention/-/tackling-violence-against-women-in-the-netherlands-important-legal-and-policy-changes-but-more-shelters-and-clearer-understanding-of-domestic-violence-are-needed>.

106 College voor de Rechten van de Mens, Annual Report 2024-2025: Counter-Speech Under Pressure ('Jaarrapportage 2024-2025: Tegenspraak onder druk'), 2025, <https://publicaties.mensenrechten.nl/publicatie/24d329a2-cdb0-4f6e-9429-fb7ef9cf5e38>

in the Senate.¹⁰⁷ The relevant Senate committee held an expert meeting on 25 November 2025, where experts expressed concerns about, amongst other points, the competence for the mayor to retrieve data on donations, the extra pressure on the public prosecution service, the vagueness of the sanctioned offences and the possibility of preventive sanctioning (problematic with regards to human rights infractions), and the necessity of data use.¹⁰⁸ Input for the second report will be presented on 13 January 2026.¹⁰⁹ The law was renamed from ‘Law on Transparency of Civil Society Organisations’ to ‘Law on transparency and against undermining by civil society organisations’. This rephrasing in itself already has a stigmatising effect on civil society organisations, as was also noted by the National Human Rights Institute.¹¹⁰

Moreover, the government and parliament are further pursuing ways to increase authorities’ control over demonstrations. The protest-turned-riot that took place on 20 September 2025 in The Hague prompted members of parliament to call for enhanced possibilities to restrict protests.¹¹¹ While the vast majority of protests proceed without incidents (97%¹¹²) many politicians and members of government are portraying protests as disruptive and calling for more restrictions. Several draft laws have been submitted to public consultation over the past year, aimed at providing the mayor with more competences to survey and restrict demonstrations.¹¹³ On 11 December 2025, the Scientific Research

107 Eerste Kamer, ‘Wet transparantie tegengaan ondermijning door maatschappelijke organisaties’, https://www.eerstekamer.nl/wetsvoorstel/35646_wet_transparantie_en.

108 Eerste Kamer der Staten-Generaal, Report of the Justice and Security Committee Meeting 25 November 2025 (‘Verslag van de vergadering van de commissie voor Justitie en Veiligheid 25 november 2025’), 25 November 2025, https://www.eerstekamer.nl/commissievergadering/20251125_j_v/verslag

109 Eerste Kamer der Staten-Generaal, Transparency Act and Countering Undermining by Civil Society Organisations Act (‘Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties’), 20 November 2020, https://www.eerstekamer.nl/wetsvoorstel/35646_wet_transparantie_en

110 College voor de Rechten van de Mens, Annual Report 2024-2025: Counter-Speech Under Pressure (‘Jaarrapportage 2024-2025: Tegenspraak onder druk’), 10 September 2025, <https://publicaties.mensenrechten.nl/publicatie/24d329a2-cdb0-4f6e-9429-fb7ef9cf5e38>

111 See motions no. 797, 798, 805 and 811: Dutch House of Representatives, Tweede Kamer der Staten-Generaal, Debate on the Course of the Anti-Immigration Demonstration in The Hague (‘Debat over het verloop van de anti-immigratiedemonstratie in Den Haag’), 25 September 2025, https://www.tweedekamer.nl/debat_en_vergadering/plenaire_vergaderingen/details/activiteit?id=2025A06390

112 Informatie-Analyseteam (IAT), Analysis of Public Order Enforcement: Demonstrations, Events, and Football (‘Analyse Handhaving Openbare orde Demonstraties, evenementen en voetbal’), April 2024, <https://open.overheid.nl/documenten/dpc-a5d776d6b8cdc8fef258be39acdb5563935f5fc6/pdf>

113 Prohibiting face-covering clothing (<https://www.internetconsultatie.nl/verbodgezichtsbedekkendekledingdemonstraties/>); <https://njcm.nl/actueel/njcm-reageert-op-het-wetsvoorstel-gegevensvergaring-openbare-orde/>;

and Data Centre published its anticipated study on the right to protest.¹¹⁴ A key finding is that it is not advisable to introduce further legal restrictions on the right to protest. Instead, the study points to the importance of facilitating peaceful demonstrations and highlights practical barriers in this regard.

Complaints about police violence during protests face lengthy procedures and rarely provide effective remedies. Investigations are often inadequate and lack independence, as most cases are handled by the police themselves.¹¹⁵ These complaint procedures are not always in line with ECHR standards that require an independent investigation after complaints of inhuman treatment and police violence. Few cases lead to prosecution, and judicial review does not always assess whether force was strictly necessary under ECHR standards.¹¹⁶

Following some high-profile CSO lawsuits¹¹⁷ against the state, political debate has increasingly questioned the legitimacy of public-interest litigation.¹¹⁸ Some MPs called for cutting CSO funding and restricting their ability to bring cases, with a 2023 parliamentary motion urging the exploration of stricter conditions for CSOs litigating against the state, particularly tighter representativeness requirements.¹¹⁹

114 Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC), Drug-Related Corruption at Schiphol Airport and the Port of Rotterdam ('Druggerelateerde corruptie op Schiphol en de Rotterdamse haven'), 2024, <https://repository.wodc.nl/handle/20.500.12832/3499>

115 Amnesty International Nederland, Amnesty International Calls for Better Oversight of Police Databases in the Netherlands, 2025, <https://www.amnesty.nl/actueel/amnesty-international-wil-beter-toezicht-op-politiedatabanken-in-nederland>

116 Nederlands Juristenblad, The Assessment of Police Violence in the Netherlands ('De beoordeling van politiegeweld in Nederland'), 2025, [njb09_de-beoordeling-van-politiegeweld-in-nederland.pdf](https://njb09.de-beoordeling-van-politiegeweld-in-nederland.pdf)

117 E.g. regarding ethnic profiling (<https://njcm.nl/actueel/gerechtshof-doet-baanbrekende-uitspraak-en-stelt-coalitie-van-burgers-en-ngos-in-het-gelijk-in-zaak-over-etnisch-profileren/>) and the climate case Urgenda <https://www.rechtspraak.nl/bekende-rechtszaken/klimaatzaak-urgenda>

118 See e.g. <https://nos.nl/artikel/2581370-politiek-omstreden-maar-maatschappelijke-rechtszaken-kunnen-rekenen-op-steun>; <https://decorrespondent.nl/16592/klimaat-stikstof-en-pfas-politici-kunnen-pijnlijke-keuzes-voor-zich-uit-schuiven-maar-rechters-hebben-die-luxe-niet/81f0a939-a9eb-061d-2934-4cc53acbb472>

119 Research into civil society organisations and court cases (Onderzoek naar maatschappelijke organisaties en rechtszaken) 22 February 2023 <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2023Z03051&did=2023D07194>; News article about this: <https://natuurenmilieu.nl/nieuws-artikel/onderzoek-naar-maatschappelijke-organisaties-en-rechtszaken/>

A draft law¹²⁰ to allow the administrative banning of organisations allegedly undermining public order was introduced alongside efforts to outlaw motorcycle gangs. It would have given the Minister of Justice broad powers based on a vague definition, raising fears of politically motivated bans of organisations. Although the Senate rejected the proposal for lack of necessity,¹²¹ it illustrates a wider trend of expanding public-order powers without sufficient safeguards. After rejection seemed likely, the minister announced plans to further explore “banning organisations suspected of links to terrorist groups”.¹²²

Developments during 2025:

Regarding right to protest: A study by public broadcaster NOS (*Nederlandse Omroep Stichting*) shows that Dutch authorities increasingly rely on emergency powers often severely restricting the right to peaceful assembly.¹²³ Mayors frequently use emergency orders, which have a significant impact on the fundamental rights of citizens, including freedom of assembly.¹²⁴ An emergency order is frequently used to disperse or ban protests, even though existing law already provides sufficient powers, leading to excessive restrictions and practices such as mass arrests and forced removal of protesters (‘administrative displacement’).¹²⁵ These measures raise serious legal concerns: emergency orders do not provide an adequate legal basis for depriving individuals of liberty under Dutch constitutional law or the

120 Initiative proposal - Kuiken, Van Toorenburg, Van Wijngaarden, Van der Graaf and Van der Staaij Administrative Prohibition of Subversive Organisations Act (Initiatiefvoorstel - Kuiken, Van Toorenburg, Van Wijngaarden, Van der Graaf en Van der Staaij Wet bestuurlijk verbod ondermijnende organisaties) 13 November 2018 <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A35079>

121 Eerste Kamer der Staten-Generaal, Senate Rejects Administrative Ban on Undermining Organisations (‘Senaat verwierpt bestuurlijk verbod ondermijnende organisaties’), 27 May 2025, https://www.eerstekamer.nl/nieuws/20250527/senaat_verwerpt_bestuurlijk_verbod

122 Ministerie van Justitie en Veiligheid, Government Letter: Research into Possibilities for Banning Organisations with Possible Links to Terrorist Organisations (‘Brief regering: Onderzoek naar mogelijkheden tot het verbieden van organisaties die een mogelijke link hebben met terroristische organisaties’), 15 May 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D21746&did=2025D21746>

123 <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

124 NOS, Citizens’ Rights Increasingly Restricted with Emergency Measures, Sometimes Long-Term (‘Rechten burgers vaker ingeperkt met noodmaatregelen, soms langdurig’), 22 November 2025, <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

125 Roorda, Bernd & Brouwer, Janneke, Administrative Relocation in Demonstrations (‘Bestuurlijke verplaatsing bij demonstraties’), June 2022, *Ars Aequi* 2022/6, pp. 452-456 (Artikel AA20220452). <https://research.rug.nl/nl/publications/bestuurlijke-verplaatsing-bij-demonstraties/>

ECHR. Courts, including the Council of State in a July 2025 ruling,¹²⁶ have confirmed that removing peaceful protesters under emergency ordinances lacks legal grounds.

Regarding Public Interest Litigation: In November 2025, the evaluation committee concluded that while the Act on the Resolution of Mass Damages in Collective Action (*Wet afwikkeling massaschade in collectieve actie*, WAMCA) has some uncertainties, these are typical of major reforms and can largely be resolved through case law rather than legislative change.¹²⁷ The State Secretary subsequently confirmed that no revision of the WAMCA law is needed.¹²⁸

Regarding public participation and access to information: In 2025, access to information and public participation in the Netherlands faced mounting challenges despite strong legal frameworks. The implementation of the Open Government Act (*wet open overheid*, WOO) remained deeply flawed, with response times to information requests far exceeding legal deadlines, limiting the ability of citizens, journalists and CSOs to engage in timely oversight and advocacy. In a parliamentary debate, some motions were submitted that could further weaken the implementation of the WOO.¹²⁹ While the most harmful motions were rejected, the Ministry of Interior in a letter to the ‘formateur’ who was tasked with forming a new government coalition, proposes measures to simplify and restrict the WOO.¹³⁰

Youth law/children's rights

Children within the migration system

A persistent problem is the repeated relocation of children within the asylum system, with severe consequences for educational continuity and psychosocial stability. Although fundamental reforms are required, structural changes to the asylum chain have yet to be realised, leaving minors in

126 <https://www.raadvanstate.nl/actueel/nieuws/juli/uitspraak-bestuurlijk-verplaatsen/>

127 <https://www.rijksoverheid.nl/documenten/rapporten/2025/11/19/ek-bijlage-wodc-wamca-volledig-finaal>

128 Ministerie van Justitie en Veiligheid, Government Letter: WODC Evaluation of the Mass Damage Settlement in Collective Action Act (‘Brief regering: WODC-evaluatie Wet afwikkeling massaschade in collectieve actie’), 19 November 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D47139&did=2025D47139>

129 Open State Foundation, Civil Society Organisations Send Urgent Letter to Parliament (‘Maatschappelijke organisaties sturen brandbrief aan de Kamer’), May 2025, <https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/>

130 Open State Foundation, Position Paper in Response to the Proposed Restriction of the Open Government Act (Woo) (‘Position paper in reactie op voorgestelde inperking van de Woo’), 18 December 2025, <https://openstate.eu/nl/2025/12/position-paper-in-reactie-op-voorgestelde-inperking-van-de-woo/>

instability and being frequently relocated, which threatens the right to uninterrupted development and education.¹³¹

Recent legislative developments¹³² disaffect minors in precarious situations, as the criminalisation of irregular stay¹³³ contributes to a broader climate of insecurity for undocumented families and children. Stretching the law could potentially affect all adults without a secure residence status and indirectly children¹³⁴ by normalising prolonged uncertainty and fear as part of daily life for minors. Unaccompanied minor asylum seekers (AMVs) are particularly impacted by policy changes following key court rulings. Dutch and EU courts have ruled that distinctions based on age as among unaccompanied minors are discriminatory and that return decisions may not be taken without first establishing whether adequate reception exists in the country of origin.^{135 136} This builds on EU case law which held that issuing a return decision before establishing whether adequate reception exists violates EU law and fails to¹³⁷ In return, the government proposed reforms to the no-fault.¹³⁸

Reception practices reflect this approach: minors seen as having long-term prospects are supported toward integration (under Nidos care) while those with temporary permits remain in large-scale reception centers (COA) for extended periods. As a result, a growing number of minors spend extended

131 Kamerstukken I, 36373, H, gewijzigde motie Van Meenen c.s., 27 February 2024, https://www.eerstekamer.nl/motiedossier/36373_h_gewijzigde_motie_van; Nieuws uit de commissies, Eerste Kamer der Staten-Generaal, 9 juli 2025).

132 It's the Asylum Emergency Act (Asielnoodmaattregelenwet) (see note 132) and the Dual Status System Act (Tweestatusstelsel) (See note 133) which is mentioned also further in this document. Novelle aanpassing strafbaarstelling illegaal verblijf (36.855) - Eerste Kamer der Staten-Generaal RC, House of Representatives Approves Amended Law Making Illegality Punishable ("Tweede Kamer stemt in met aangepaste wet die illegaliteit strafbaar stelt"), 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-strafbaar-stelt-a4915780>.

133 *Humanitarian assistance is exempted from this amended Act.*

134 NRC, House of Representatives Approves Amended Law Making Illegality Punishable ("Tweede Kamer stemt in met aangepaste wet die illegaliteit strafbaar stelt"), 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-strafbaar-stelt-a4915780>.

135 Administrative Jurisdiction Division Council of State, 8 June 2022, ECLI:NL:RVS:2022:1530

136 Also in two other cases on the same date, Administrative Jurisdiction Division Council of State, 8 June 2022, ECLI:NL:RVS:2022:1531 and ECLI:NL:RVS:2022:1532

137 HvJ EU, 14 January 2021, T.Q., Case C-441/19, judgment of 14 January 2021 (ECLI:EU:C:2021:9).

138 Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

periods in large-scale reception centers while facing ongoing uncertainty about their future.¹³⁹ From a child-centered perspective, prolonged stays in such settings risk undermining social development, emotional well-being and access to stable support networks.

Overall, while Dutch law increasingly acknowledges children's specific needs, it continues to prioritise deterrence, temporary measures and return over long-term protection. This assessment raises concerns about whether Dutch policies sufficiently comply with (inter)national and European obligations to place the best interests of the child at the heart of migration governance.

Children within the educational system

There is a growing number of children whose educational needs cannot be met and who drop out of school (*thuiszitters*), including highly-sensitive children, children with special educational needs as giftedness or autism, children with (learning) disabilities, and children with trauma.¹⁴⁰ Last year, the parental association 'Balans' calculated the amount of thuiszitters at approximately 70,000 children and another 280,000 children as deprived of proper education.¹⁴¹ Meanwhile the Children's Ombudsman expressed her concerns¹⁴² and insisted on measures to tackle this problem. One of the bottlenecks is the concept and dwelling term of 'compulsory education' (*leerplicht*), where children are obliged to receive and undergo an educational curriculum and where compliance is sought and enforced within the criminal system, as the focus is on the concept of unauthorized absenteeism (*ongeoorloofd schoolverzuim*). By focusing on schoolverzuim children, who are unable to attend school, are framed as being unauthorized absent, which results in the perpetuation of policies that focus on school redemption and re-attending school.¹⁴³

139 Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

140 Follow the Money, Why the Passend Onderwijs Act Has Definitively Failed ('Waarom de Wet Passend Onderwijs definitief mislukt is'), <https://www.ftm.nl/artikelen/waarom-de-wet-passend-onderwijs-definitief-mislukt-is>

141 Balans Digitaal, Counting Homeschoolers ('Thuiszitters tellen'), 9 December 2024, <https://balansdigitaal.nl/thuiszitters-tellen>

142 Children Ombudsman, 'Too many children do not receive education, worries stay for continuing problem of dropouts, Te veel kinderen krijgen geen onderwijs, zorgen om blijvende problematiek van thuiszitters | De Kinderombudsman, Format projectopdracht Kinderombudsman

143 Ingrado.nl, 'Dutch congress about School attendance: once again a success', 6 October 2025, <https://www.ingrado.nl/actueel/items/nederlands-congres-schoolaanwezigheid-wederom-een-succes>

In contrast to the ‘Leerplicht’, there is also a ‘right to education’ (*leerrecht*) where the right of a child to receive education and to develop him/herself is paramount, shifting the paradigm to focus on what an individual child needs to establish (holistic) development.¹⁴⁴ Children who do not fit within the current educational system seem to be highly-sensitive children, children on the spectrum, traumatised children or children with learning disabilities. These children express feelings of loneliness, isolation and their mental and physical health is under strain.¹⁴⁵

The government has initiated new legislation in order to push back school absenteeism,¹⁴⁶ which is currently under consultation.¹⁴⁷ However, the concerns remain because the governmental focus is on a better registry of the amount of thuiszitters from the concept of unauthorized school absenteeism, instead of the needs of these children. There is an upward trend in emerging initiatives to help these thuiszitters,¹⁴⁸ and meanwhile the population of children who attend private schools are rising,¹⁴⁹ displaying the urgent need for fundamental reforms of the education system to safeguard children’s rights to development and education.

Children with youth care and youth protection

One in seven children receive youth care and youth protection and there remain concerns about this sector.¹⁵⁰ Placement in a secure youth care facility means, due to the generally repressive climate,

144 Childrens Ombudsman Rotterdam, ‘Who holds schools accountable for their duty of care (zorgplicht)’, 10 December 2025, <https://orr.nl/wie-houdt-scholen-verantwoordelijk-voor-hun-zorgplicht/>

145 MaatschapWij, The Silence of 70,000 Children: The Cry for Change in the Education System (‘De stilte van 70.000 kinderen: de schreeuw om verandering in het onderwijssysteem’), 12 February 2025, <https://maatschap-wij.nu/sociaal/de-stilte-van-70-000-kinderen-de-schreeuw-om-verandering-in-het-onderwijssysteem/>

146 The Dutch Senate, Kamerstukken 36663 nr. 6, ‘Report on preventing and reducing absenteeism in primary, secondary and vocational education’, 6 February 2025, <https://www.eerstekamer.nl/behandeling/20250206/verslag/document3/f=/vmknokvm5qzn.pdf>

147 Internetconsultatie, Draft Decree on Reducing School Absenteeism (‘Besluit terugdringen schoolverzuim’), 24 November 2025, <https://www.internetconsultatie.nl/schoolverzuim/b1>

148 Movisie, Day of Education: More and More Initiatives Tackle the Homeschooling Problem (‘Dag van het Onderwijs: steeds meer initiatieven pakken het thuiszittersprobleem aan’), 24 January 2025, <https://www.movisie.nl/artikel/dag-onderwijs-steeds-meer-initiatieven-pakken-thuiszittersprobleem-aan>

149 Algemeen Dagblad, Parents Increasingly Turn to Expensive Private Schools, Inspectorate Warns of Unequal Opportunities (‘Ouders wijken steeds vaker uit naar dure privéscholen, inspectie waarschuwt voor ongelijke kansen’), 5 February 2025, <https://www.ad.nl/politiek/ouders-wijken-steeds-vaker-uit-naar-dure-privescholen-inspectie-waarschuwt-voor-ongelijke-kansen~a7f2e581/?referrer=https%3A%2F%2Fwww.google.com%2F>

150 As elaborated in last year’s input to the Questionnaire.

including searches after leave and the possibility of applying other freedom restricting measures, an increased risk of violence for young people.

The use of pain stimuli, inadequate registration and insufficient supervision point to structural shortcomings. Current practices indicate a structural lack of control, legal safeguards and effective control mechanisms. This calls into question the legitimacy of secure youth care under the rule of law and the confidence in the government as the guardian of children's rights.¹⁵¹ A report of a young-expert who stayed himself in the special closed youth care wards (ZIKOS) experienced a repressive climate, with frequent use of freedom-restricting measures.¹⁵²

The requirements for applying freedom-restricting measures were more stringent in 2025,¹⁵³ and introduced a stricter registration requirement than before. Although the CPT noted provided safeguards in the Act which ensure that freedom restricting measures are only applied when strictly necessary and in exceptional circumstances,¹⁵⁴ it concluded that full implementation of the applicable legislation is necessary. It urges the Netherlands to improve compliance with the law in this regard, to set child-appropriate standards and ensure proper implementation to remove the risk of ill-treatment when applying restrictive measures on children under the care of the state.¹⁵⁵ Since 2024 it has been mandatory to submit a six-monthly overview of restrictive measures imposed (Article. 6.7.3 Jw), but according to the CPT, this has not been done properly to date.

151 M. de Kruijff, M. Bruning, Gesloten Jeugdhulp anno 2025, ontwikkelingen en zorgen, Nederlands Juristenblad – 14-11-2025 – Afl. 35. P 2910.

152 J. Bhugwandass, Lonely and locked up. Research into the experiences of young people with ZIKOS, 5 March 2024, https://www.expex.nl/wp-content/uploads/2024/03/06032024_Jason_Gesloten-jeugd zorg_drukker2.pdf

153 the Act on the legal status of closed youth care came into force on 1 January 2024. Wet van 17 mei 2023 tot wijziging van de Jeugdwet in verband met het versterken van de rechtspositie van jeugdigen die worden opgenomen in een gesloten accommodatie ('Wet rechtspositie gesloten jeugdhulp'), Stb. 2023, 182, in.w.tr. Stb. 2023, 421.

154 M. de Kruijff, M. Bruning, Gesloten Jeugdhulp anno 2025, ontwikkelingen en zorgen, Nederlands Juristenblad – 14-11-2025 – Afl. 35. P 2913.

155 Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Government of the Netherlands on the Visit from 7 to 12 October 2024, together with the Dutch Authorities' Response, CPT/Inf (2025) 17 and CPT/Inf (2025) 18, Strasbourg, 20 June 2025, <https://www.coe.int/nl/web/cpt/-/the-european-committee-for-the-prevention-of-torture-and-inhuman-or-degrading-treatment-or-punishment-cpt-has-today-published-the-report-of-its-visit-to-the-netherlands-in-october-2024-together-with-the-response-of-the-dutch-authorities>.

Although some closed care facilities are scheduled to be shut down by 2030, the alternatives do not necessarily lead to better results for the children involved.¹⁵⁶ There is a call for a fundamental reform of the system, with a shift from control to connection and appropriate support for children and youngsters.¹⁵⁷ In response to the ambition to close these institutions, there have been numerous reports describing secure youth centres locking children in their rooms at night, rolling back the progress.¹⁵⁸

New Issues that Emerged in 2025

There are four main issues regarding asylum procedures in the Netherlands. These are highlighted in the sections below. Asylum seekers and beneficiaries of international protection in the Netherlands face a heightened risk of being unable to exercise their right to family life under the country's international law obligations following the proposed Asylum Emergency Act (*Asielnoodmaatregelenwet*)¹⁵⁹ and the Dual Status System Act (*Tweestatusstelsel*).¹⁶⁰ This is further explained as issue No. 4.

In addition, Parliament adopted motions targeting freedom of association, including calls to ban Antifa¹⁶¹ and strip Extinction Rebellion of public-benefit status.¹⁶² While not implemented due to

156 Pointer (KRO-NCRV), It's Still a Search for an Alternative to Closed Youth Care ('Het blijft zoeken naar een alternatief voor de gesloten jeugdzorg'), <https://pointer.kro-ncrv.nl/het-blijft-zoeken-naar-een-alternatief-voor-de-gesloten-jeugdzorg>

157 Jeugdhulp Rijnmond, One-to-One Guidance in Youth Care ('Publicatie Een-op-een begeleiding in de jeugdhulp'), 26 June 2025, <https://www.jeugdhulprijnmond.nl/2025/06/26/publicatie-een-op-een-begeleiding-in-de-jeugdhulp/>

158 Jeugdstem, Stop Night-Time Lock-Up: Young People Deserve Protection ('Stop de nachtelijke opsluiting: jongeren verdienen bescherming'), 7 August 2025, <https://jeugdstem.nl/over-jeugdstem/nieuws/stop-de-nachtelijke-opsluiting-jongeren-verdienen-bescherming>

159 Tweede Kamer, Proposal of Law amending the Aliens Act 2000 and the General Administrative Law Act (Asylum Emergency Measures Act) (Voorstel van wet tot wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht (Asielnoodmaatregelenwet)), Parliamentary Documents II 2024/25, No. 36 704.

160 Tweede Kamer, Proposal of Law amending Parliamentary Document 36 704 (novelle) (Voorstel van wet tot wijziging van wetsvoorstel 36 704 (novelle Asielnoodmaatregelenwet)), Parliamentary Documents II 2024/25, No. 36 855.

161 Tweede Kamer der Staten-Generaal, Nota over de toestand van 's Rijks Financiën, Kamerstuk, 18 September 2025, <https://www.tweedekamer.nl/kamerstukken/detail?did=2025D40130&cid=2025Z17241&utm>

162 House of Representatives of the States General (Tweede Kamer der Staten-Generaal), Motion by Member Eerdmans on Withdrawing the ANBI Status of Extinction Rebellion ('Motie van het lid Eerdmans over de aanbistatus van Extinction Rebellion intrekken'), Parliamentary Paper 34 324, no. 21, 22 January 2025, <https://zoek.officielebekendmakingen.nl/kst-34324-21.html>

legal incompatibility, their adoption by a parliamentary majority marks a worrying shift in political norms around protecting fundamental rights. Pressures on civic space are part of a broader attack on checks and balances, marked by attacks on judicial independence, undermining of oversight institutions, and a growing acceptance of proposals that undermine human rights and the rule of law—even among centrist parties. This is reflected in the political debate, and legislative proposals as outlined in this report, but also in different analyses of election programmes.¹⁶³

A new legislative proposal would criminalise any expression of support for a designated ‘terrorist’ organisation, even without incitement to violence or criminal acts. Its vague definitions of ‘terrorist organisation’ and ‘support’, introduced amid debates on pro-Palestine activism, raise concerns about necessity, arbitrariness, and discrimination—particularly against Muslims and pro-Palestine protesters. Civil society strongly opposed the draft, prompting an unusually high number of consultation responses (11,561). The proposal is now pending.¹⁶⁴

Issue 1: LGBTQIA+ asylum seekers in Dutch reception centres face persistent safety and health risks, particularly due to institutional neglect and a lack of procedural and physical safeguards, raising concerns about the effective implementation of legal standards. Despite international human rights obligations (e.g. International Covenant on Civil and Political Rights, Article. 2, 9, 26; International Covenant on Economic, Social and Cultural Rights Article. 2 in conjunction with 12) and EU legislation emphasising the need for special attention to applicants with special reception needs (Directive 2013/33/EU, Article. 2(k) and many relevant provisions, such as Article. 11, 17(2), 18, 19, which further clarify that LGBTQIA+ persons fall within this category, with Directive 2024/1346, Article. 24(f)), the Netherlands primarily employs a formal equality approach. Authorities assume that identical treatment suffices, overlooking the heightened vulnerabilities linked to sexual orientation and gender identity, which undermines the effectiveness of minimum protection standards.¹⁶⁵ Additionally, there is no process to challenge the inaction or decisions of state officials regarding safety reports.

163 Democratiecoalitie, *DemocratieWijzer - The Democracy Voter Guide* (‘DemocratieWijzer - de kieswijzer over democratie’), <https://democratiecoalitie.nl/kieswijzer/> ; Nederlandse Orde van Advocaten, *Commission on Rule of Law Review of Election Manifestos: Record Number of Proposals Conflict with the Rule of Law* (‘Commissie rechtsstatelijke toets verkiezingsprogramma’s: recordaantal voorstellen in strijd met de rechtsstaat’), 20 October 2025, <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogrammas-recordaantal-voorstellen-in-strijd-met-de-rechtsstaat>

164 <https://www.internetconsultatie.nl/terrorismeverheerlijking/b1>

165 For detailed research, see: Kudret, Hüseyin Ali, *Ensuring Safety and Health for LGBTIQ+ Asylum Seekers in Dutch Reception Centres: Upholding the Netherlands, International Human Rights Obligations in the Context of Equality and Non-Discrimination*, (2) *Journaal Vreemdelingenrecht* (2025).

Issue 2: The Central Agency for the Reception of Asylum Seekers (COA) raises significant rule of law concerns due to persistent shortcomings in transparency and access to legal remedies, particularly in relation to transfers and disciplinary measures.¹⁶⁶ Under Article 1:3(1) of the General Administrative Law Act (*Algemene wet bestuursrecht*¹⁶⁷), only written public-law acts qualify as administrative decisions, yet COA frequently implements transfers and sanctions as informal or factual acts rather than as written decisions intended to alter legal rights. Moreover, the Wet Centraal Orgaan opvang Asielzoekers (Wet COA) only explicitly equates certain acts with decisions for legal protection purposes, notably those concerning the termination of reception benefits (Article 5(2) Wet COA), leaving other impactful measures outside the default system of administrative review. As a result, asylum seekers are often transferred or sanctioned without written reasoning or information on available remedies. The same lack of challengeability arises when asylum seekers report safety concerns, as COA's inaction or insufficient response is similarly not formalised as a reviewable decision, effectively depriving affected individuals of timely access to an effective remedy.

Issue 3: A legislative proposal (TK 2025/26, 36 831, nr.2¹⁶⁸) has been introduced to prohibit municipalities from prioritising recognised refugees (status holders) for social rental housing. This marks a significant shift in how the principle of equality is interpreted within the Dutch legal framework. The proposal is based on a formal view of equal treatment, in which the government argues that treating refugees the same as other housing applicants would create a more equitable environment. However, this approach conflicts with the substantive or material interpretation of equality, as advocated by the Advisory Division of the Council of State. (TK 2025/26, 36 831, nr. 4¹⁶⁹) The Council argues that by ignoring the existing inequalities faced by refugees, who typically lack local networks and resources compared to domestic residents, the state risks violating Article 1 of the Constitution. This Article requires measures to ensure equal outcomes for those starting from disadvantaged positions.

Issue 4: The Asylum Emergency Act proposes to restrict derivative residence rights by limiting family reunification to nuclear family members only, excluding unmarried partners, foster children, dependent adult children and other dependents as a rule.¹⁷⁰ The Dual Status System Act, while not

166 <https://www.coa.nl/nl/nieuws/stabiele-opvang-en-structurele-financiering-nodig-voor-menswaardige-en-betalbare>

167 Artikel 1:3 Algemene wet bestuursrecht, <https://wetten.overheid.nl/jci1.3:c:BWBR0005537&hoofdstuk=1&titeldeel=1.1&artikel=1:3&z=2026-01-01&g=2026-01-01>

168 TK 2025/26, 36 831, nr. 2.-2.html, <https://zoek.officielebekendmakingen.nl/kst-36831-2.html>

169 TK 2026/26, 36 831, nr. 4., <https://zoek.officielebekendmakingen.nl/kst-36831-4.html>

170 Tweede Kamer der Staten-Generaal, Asylum Emergency Measures Act ('Asielnoodmaatregelenwet', wetsvoorstel 36704), ingediend 7 March 2025, aangenomen 3 July 2025 (94-56), https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36704&utm_ ; VluchtelingenWerk Nederland, What is in the Strict New Asylum Laws? ('Wat staat er in de strenge nieuwe asielwetten?'), <https://www.vluchtelingenwerk.nl/nl/nieuws-en-kennis/onze-themas/asiel/wat-staat-er-de-asielwetten>

primarily regulating family reunification, introduces differentiated protection statuses and conditions such as waiting periods and material requirements, which may further delay reunification for some beneficiaries.¹⁷¹

These restrictions raise concerns under the EU Family Reunification Directive (Directive 2003/86/EC), especially Articles 4 and 5, which obliges Member States to authorise reunification for core family members, and permits discretion regarding extended family only where proportionality, individual assessment and the objective of family unity are respected. Furthermore, the proposed changes risk contradicting Article 8 ECHR, which requires an individualised and proportionate assessment of family life, ICCPR Articles 17 and 23 that protect against arbitrary interference.

Developments during 2025

1: The existing crisis reached a critical and fatal level in 2025, highlighting the lethal consequences of the persistent safety gaps. In March 2025, a Russian transgender teenager who had been placed in Ter Apel was sexually assaulted and subsequently died in a reception centre.¹⁷² This tragedy followed a period where over 750 incidents of violence were recorded between 2023 and 2024,¹⁷³ underscoring the severity of the hostile environment, where asylum seekers are advised by officials to ‘hide their identity for their safety’.¹⁷⁴ The concerns raised by asylum seekers attending COC Nederland’s Cocktail Meetings regarding their safety in asylum centres remain pertinent.

While parliamentary discussions have acknowledged these issues, official responses have often dismissed them as isolated or unrelated to sexual identity, lacking transparent evidence. Authorities resist

171 Tweede Kamer der Staten-Generaal, Act Introducing the Two-Tier Status System (‘Wet invoering tweestatusstelsel’, wetsvoorstel 36703), ingediend 7 March 2025, aangenomen 3 July 2025 (95-55), <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36703>

172 LGBT Asylum Support, Minor Trans Asylum Seeker Dies Tragically in Neglected Condition in Adult Shelter; LGBT Asylum Support Sends 12th Urgent Letter on Negligent Government to Minister Faber (‘Minderjarige trans asielzoekster overlijdt op tragische wijze in verwaarloosde toestand in een opvang voor volwassenen; LGBT Asylum Support stuurt 12e brandbrief over nalatige overheid naar minister F.’), 1 April 2025, <https://lgbtasymlsupport.nl/nl/minderjarige-trans-asielzoekster-overlijdt-op-tragische-wijze-in-verwaarloosde-toestand-in-een-opvang-voor-volwassenenlgbt-asylum-support-stuurt-12e-brandbrief-over-nalatige-overheid-naar-minister-f-2/>

173 NL Times, Lesbian, Gay, Trans Asylum Seekers Feel Unsafe in Dutch Shelters, 11 March 2024, <https://nltimes.nl/2024/03/11/lesbi-an-gay-trans-asylum-seekers-feel-unsafe-dutch-shel-ters-aid-organisations> (Accessed 19 December 2025).

174 Kudret (2025) pp.25, 38.

necessary structural measures—such as consistent vulnerability assessments or specialised accommodations—arguing that general standards are adequate or fearing stigma from special arrangements.¹⁷⁵ Currently, there is no mechanism for asylum seekers to challenge actions or decisions made by the COA when they report safety issues and no effective measures are taken.

Access to healthcare is also compromised. Although asylum seekers are entitled to the same health services as nationals, LGBTQIA+ individuals face barriers to specialised mental health care, including long wait times and insufficient trauma sensitivity. Emergency reception facilities lack the necessary resources to meet these needs, exacerbating psychological distress and increasing self-harm risks. The same applies to gender-affirmative healthcare.

2: In 2025, the practice continued, with transfers between reception centres occurring immediately, often after perceived disruptive behaviour, without formal notification. Since these transfers are not consistently classified as administrative decisions under the General Administrative Law Act¹⁷⁶, many asylum seekers are unaware of their ability to challenge them. Consequently, transfers can happen before adequate legal review, significantly impacting access to legal assistance, healthcare, and social support.

Recent case law from the Council of State (ECLI:NL:RVS:2024:2011¹⁷⁷) suggests that some COA transfers can be viewed as appealable decisions when no other legal remedy exists. However, this safeguard only applies retrospectively and assumes that asylum seekers possess legal knowledge, which many do not. Furthermore, there is no statutory obligation for COA to formalise such measures or inform individuals of their rights prior to execution, undermining legal protection and leaving asylum seekers vulnerable to arbitrary decision-making.

3: After its submission on 4 October 2025 (TK 2025/26, 36 831, nr. 2¹⁷⁸) the bill received detailed evaluation by the Raad van State with government commentary (TK 2025/26, 36 831, nr. 4). Parliamentary committees on housing and constitutional rights subsequently discussed the proposal,

175 Tweede Kamer (TK), Aanhangsel van de Handelingen 2020-2021, No. 3256; TK, Begroting Justitie en Veiligheid 2021-2022, 35925 VI, No. 93; TK, Wet gemeentelijke taak mogelijk maken asielopvangvoorzieningen 2023-2024, 36333, No. 43; TK, Aanhangsel van de Handelingen 2024-2025, No. 2689.

176 Algemene wet bestuursrecht, <https://wetten.overheid.nl/jci1.3:c:BWBR0005537&z=2026-01-01&g=2026-01-01>

177 ABRvS 15 May 2024, ECLI:NL:RVS:2024:2011., <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RVS:2024:2011>

178 TK 2025/26, 36 831, nr. 2., <https://zoek.officielebekendmakingen.nl/kst-36831-2.html>

leading to the submission of a committee report on 16 December 2025 (TK 2025/26, 36 831, nr. 5¹⁷⁹). As of late 2025, the bill remains under consideration and has not been adopted.

Adoption of the proposal will lead many asylum seekers to stay for a longer time in the asylum centres. This is particularly important, especially considering that the Dutch reception system remains in a prolonged state of emergency rather than a temporary crisis. More than 40% of asylum seekers are still housed in emergency or crisis facilities, many of which do not meet the minimum standards for physical and mental health. This situation has already been judicially recognised as unlawful for vulnerable individuals.¹⁸⁰

4: In March 2025, the Dutch cabinet advanced a legislative package consisting of the Asylum Emergency Measures Act (*Wetsvoorstel* 36 704) and a corrective adjustment bill (Novelle 36 855), alongside the Dual Status System Act, with the stated aim of reducing asylum inflows and easing pressure on reception facilities.¹⁸¹

The bill was adopted by the Tweede Kamer but remained under examination in the Eerste Kamer throughout 2025 and therefore had no legal effect pending a final vote.¹⁸² However, advisory bodies and the civil society organisations warned that the proposed family reunification restrictions were not supported by convincing evidence of effectiveness in reducing workload and costs, and disproportionately interfered with asylum seekers' rights.¹⁸³

Implications and Recommendations for 2026

Meaningful public participation weakened as consultations were increasingly perceived as late, selective or symbolic, with key policy decisions often taken before civil society input was sought. A growing

179 TK 2025/26, 36 831, nr. 5., <https://zoek.officielebekendmakingen.nl/kst-36831-5.html>

180 Battjes et al. *Kroniek van het migratierecht* 37 NEDERLANDS JURISTENBLAD (2025).

181 Eerste Kamer der Staten-Generaal, Asylum Emergency Measures Act ('Asielnoodmaatregelenwet', wetsvoorstel 36.704), aangenomen 16 December 2025 (38-36), https://www.eerstekamer.nl/wetsvoorstel/36704_asiel-noodmaatregelenwet

182 *ibid.*

183 *Advisory Council on Migration (Adviesraad Migratie), Advice on the Amendment of the Aliens Act and the General Administrative Law Act in Connection with Measures to Relieve the Asylum Chain and Reduce Asylum Seeker Influx (Asylum Emergency Measures Act), February 2025, pp. 13–14, https://nltimes.nl/2025/01/27/council-judiciary-urges-pvv-minister-submit-asylum-bills?utm_*

number of CSOs have the feeling that consultation processes have become less meaningful.¹⁸⁴ Trust between government and civil society continued to erode, and advocacy and lobbying by CSOs were more frequently met with suspicion in political debate.

The concerns remain for the (in)voluntary youth care and youth protection as well. Parents are often pressured, or coerced, to ‘voluntarily’ accept child protection measures without judicial authorisation to do so and without any legal protection.¹⁸⁵

There are fundamental shortcomings regarding safeguarding children’s rights in practice, which remain unaddressed if they are not included in this year’s report. Although there are some steps taken by the government to improve the position of children, they are not sufficiently thorough. According to last year’s Child Right’s Index, the Netherlands fell down in ranking to 21st place. According to the Child Right’s Committee, a Child Impact Assessment is necessary for every law and policy that may affect children, but this is not common practice in the Netherlands. There are serious concerns about inequality of opportunities, and there is a major mental health crisis amongst Dutch children and young people, partly due to the above-mentioned issues.

Recommendation:

With regards to women’s rights: Acknowledgement is needed that gender-based violence stems from inequality and disproportionately affects women, impacting the determination of child custody and visitation arrangements after violence and divorce, exposing women and children to prolonged risk from (ex-)partners.¹⁸⁶ There is a backlash on legal practitioners/defenders who dare to address these systematic responses by framing and reprimanding them (in last year’s

184 Verwey-Jonker Instituut, Perceived Space for the Civil Society Middle Field in the Netherlands (‘Ervaren ruimte maatschappelijk middenveld Nederland’), September 2025, https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf

185 Trouw, Geldrop Baby Removed from Home to Secret Location Without Judge’s Ruling: “This Goes Too Far” (‘Geldropse baby uit huis geplaatst op geheime plek zonder oordeel rechter: dit gaat veel te ver’), 2025, <https://www.trouw.nl/binnenland/geldropse-baby-uit-huis-geplaatst-op-geheime-plek-zonder-oordeel-rechter-dit-gaat-veel-te-ver~be3b1aad/>

186 Ibid

questionnaire a senior-judge is included, in this one a social advocate¹⁸⁷) resulting in further victimisation and silencing of women by (legal) institutions for revealing gender-based violence.¹⁸⁸

63% of applicants for compensation of the Toeslagenaffaire are recognised as victims, mainly women, and a vast majority is still waiting for adequate compensations, even for child-protection measures like out-of-home placements of their children due to wrongful debts and financial instability.¹⁸⁹ These protection measures, imposed because of lacking financial resources instead of offering help, are still in practice, as aid-seeking homeless (undocumented or migrant) women are threatened with child-protection measures by municipalities.¹⁹⁰

Recommendation: The Netherlands should undertake urgent reforms across the asylum chain, youth criminal law, education, and youth care and protection systems to address structural inequalities affecting disadvantaged migrant children and to ensure equal access to safety, development, and justice.

Recommendations:

- Refrain from cutting funds, introducing legal obstacles and stigmatizing civil society organisations through unnecessarily strict transparency requirements.
- Refrain from raising legal and practical barriers for civil society organisations' access to courts.
- Refrain from introducing general legal restrictions on the right to protest.

187 Het Advocatenblad, Mr. X Cannot Substantiate Intimate Terror ('Mr. X kan intieme terreur niet hard maken'), 3 December 2025, <https://www.advocatenblad.nl/2025/12/03/mr-x-kan-intieme-terreur-niet-hard-maken/>.

188 de Volkskrant, How the Lives of Victims of Intimate Terror Often Only Get Worse Through Judges and Authorities ('Hoe het leven van slacht-offers van intieme terreur door rechters en instanties vaak alleen maar slechter wordt'), 21 September 2025, <https://www.volkskrant.nl/binnenland/hoe-het-leven-van-slacht-offers-van-intieme-terreur-door-rechters-en-instanties-vaak-alleen-maar-slechter-wordt~b6c44834/>.

189 Herstel.toeslagen.nl, 'Cabinet acknowledges the extra suffering of children placed out of home', 2 July 2025, <https://herstel.toeslagen.nl/kabinet-erkent-extra-leed-uthuisgeplaatste-kinderen/>.

190 Platform Investico, Municipalities Threaten Homeless Mothers with Taking Away Children ('Gemeenten dreigen dakloze moeders met afnemen kinderen'), 9 December 2025, <https://www.platform-investico.nl/onderzoeken/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen>.

-
- The Netherlands should ensure timely identification of LGBTQIA+ vulnerabilities, tailored safeguards, adequate mental-health support, and an accessible way to challenge omissions in special-needs assessments.
 - The Netherlands should require COA to formally record all transfers and measures affecting reception conditions to guarantee asylum seekers' effective access to legal remedies.
 - The Netherlands should revise housing allocation rules and assess their impact to prevent discriminatory effects on beneficiaries of international protection.
 - The Netherlands should amend the Asylum Emergency Measures Act to ensure individualised, non-arbitrary family-reunification decisions consistent with EU and international standards.

CONTACTS

Dutch section of the International Commission of Jurists (NJCM, Nederlands Juristen Comité voor de Mensenrechten)

The NJCM was established in 1974 as the Dutch section of the International Commission of Jurists (ICJ). It has evolved into an authoritative organisation that is committed to and advocates for the protection of human rights in the Netherlands and Dutch foreign policy.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Helsinki Foundation for Human Rights



The Helsinki Foundation for Human Rights (HFHR) is a non-governmental organisation established in 1989 and based in Warsaw, Poland. The HFHR is one of the largest and most experienced non-governmental organisations operating in the field of human rights in Eastern and Central Europe. Since 2007, the HFHR has had a consultative status with the United Nations Economic and Social Council (ECOSOC). The HFHR's objective is the protection and promotion of human rights.

OVERALL ASSESSMENT: STAGNATOR

Since the change of the ruling majority in Poland in October 2023, one of the key issues has been the restoration of the rule of law in numerous areas, particularly in the justice system.

The current coalition government, which has declared its full cooperation with the institutions of the European Union and the Council of Europe, is taking steps to reverse the effects of the changes introduced by the previous majority. Despite the expected victory of the ruling majority's candidate in the 2025 presidential election, the candidate supported by the opposition was elected to office. In a situation of cohabitation, reaching a consensus between the government and the president, who has the right to veto bills passed by parliament, remains difficult on many issues, and on key issues related to the rule of law – such as the status of the National Council of the Judiciary and the judges it nominates, or the functioning of the Constitutional Tribunal – it is virtually impossible.

In conditions of strong social polarisation and increasingly heated political discourse, the government, unable to introduce key legislative changes, sometimes resorts to sub-statutory measures. For example, the introduction of instructions to prosecutors on initiating proceedings for aiding and abetting abortion to limit the number of cases in which doctors would be punished for performing abortions contrary to the ruling of the Constitutional Tribunal of October 2020. Another example would be the replacement of the chairmen of state-owned media companies based on ownership rights and in accordance with commercial law, without amending the relevant legislation.

It should also be noted that in the current international (war in Ukraine, migration pressure from Belarus) and in domestic (rise in support for far-right parties) contexts, the actions of the ruling camp sometimes become more extreme and lead to the adoption of solutions that are blatantly contrary to international and constitutional standards. For instance, the adoption in 2025 of amendments that significantly restrict the right of foreigners to apply for asylum in Poland. Furthermore, the solutions proposed by the government, especially with regard to the status of the National Council of Judiciary and the judges appointed by it since 2018, also raise concerns about their compatibility with constitutional and international guarantees.

In the context of political conflict described above, the role of non-governmental organisations becomes crucial. Through advocacy, strategic litigation and education, they uphold standards and raise the alarm when proposed solutions may violate them.

Assessment of the trajectory

The assessment of ‘Stagnator’ is based on the fact that, despite attempts to introduce changes restoring the rule of law, the ruling majority only managed to draft key legislative solutions at the end of 2025.

This country report covers the areas of Justice System and Media Environment and Media Freedom.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

JUSTICE SYSTEM –

General assessment

The year 2025 did not bring any tangible changes in the area of the justice system. The work commenced in 2024, following the change of the ruling majority, continued, but it was not until the end of 2025 that draft bills were submitted to the Sejm that could be considered a partial response to the European Commission's recommendations. However, none of the proposed pieces of legislation have been implemented yet.

In 2025, the rules governing the appointment of the National Council of the Judiciary (NCJ) remained unchanged. Consequently, the reservations towards the NCJ expressed by the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) remained valid throughout the year. The amendment to the Act on the NCJ, adopted in July 2025, included provisions to terminate the terms of office of judges currently serving in the 'new NCJ'. This solution was justified by the necessity to implement the judgments of the ECtHR and the CJEU and to limit the legal damage caused by the involvement of the new NCJ in the judicial appointment process, particularly regarding the ability to contest rulings issued by such judges. This issue became one of the primary reasons for the Polish president's decision to refer the amendment to the Constitutional Tribunal. The Tribunal upheld the challenges against this provision, ruling that it violated the constitutional regulation on the four-year term of office for NCJ members.

In November 2025, the Minister of Justice presented a new draft for amendments to the Act on the National Council of the Judiciary. This project again seeks to introduce mechanisms allowing for the election of the judicial members of the NCJ by the judges themselves. The proposed electoral system stipulates that NCJ members would be elected in a nationwide vote, with each judge receiving as many votes as there are seats to be filled. Simultaneously, the draft limits passive voting rights to candidates with appropriate seniority within the judiciary and in their specific judicial position. Crucially, this version does not have any provisions to terminate the terms of office of the current NCJ. In December 2025, the Ministry of Justice submitted the draft for parliamentary proceedings.

In the meantime, in a ruling delivered on 4 September 2025 in the *AW 'T'* case (C-225/22),¹ the CJEU further clarified the consequences of adjudications involving a Supreme Court judge appointed with the participation of the 'new NCJ'. The CJEU held that if judicial decisions were issued by a court, including a person appointed to the Supreme Court upon the motion of the 'new NCJ', they should be treated as non-existent in accordance with EU law.

1 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0225>

Implementation of 2025 Commission recommendations

Recommendation: Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal (first made in 2025)

In 2025, no legislative changes to the NCJ entered into force. In June 2025, the Ministry of Justice proposed a draft law to amend the rules for appointing judges to the NCJ, but the Constitutional Tribunal ruled it unconstitutional in November 2025.

The legal framework governing the appointment and dismissal of court presidents and vice-presidents remained unchanged in 2025. The Minister of Justice retained exclusive competence over the appointment of court presidents, while vice-presidents were appointed by the Minister upon the request of the relevant president. The rules for dismissal also remained static, requiring a positive opinion from the court's board or, failing that, the consent of the NCJ.

In 2025, no statutory amendments regulating the disciplinary liability of judges were adopted, despite numerous draft laws and proposals aimed at reforming the judicial disciplinary system. The multiplicity and fragmentation of the proposed solutions into separate legislative acts hinder a comprehensive assessment of their potential impact on the functioning of the judiciary.

Commission's 2025 assessment: N/A

HFHR's current assessment: In progress

Recommendation: Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the government (first made in 2022)

In 2025, the National Prosecutor's Office published extensive reports summarising hundreds of investigations conducted between 2016 and 2023. The findings of these reports pointed to systemic violations of prosecutorial independence, describing instances of manual steering of investigations and the conduct of trawling enquiries. At the same time, the Ministry of Justice failed to present a draft for a new Act on the Prosecution Service in 2025 that would comprehensively regulate the institution's functioning.

The promotion system within the prosecution service also remained unchanged. The appointment of a prosecutor remains at the discretion of the Prosecutor General upon the request of the National Prosecutor. However, such a request does not oblige the Prosecutor General to act; he is not required to issue a formal refusal or provide a justification for his decision, and no judicial appeal is available.

Commission's 2025 assessment: Significant progress

HFHR's current assessment: In progress

The Commission's recommendation to "Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal" concerns many aspects that deserve further discussion in light of developments during 2025.

The National Council of the Judiciary

In 2025, no legislative changes regarding the National Council of the Judiciary entered into force. The Council continued to operate under its existing term of office, and the 2017 model whereby judicial members are elected by the Sejm remained applicable.

In June 2025, the Ministry of Justice proposed a draft law to amend the rules for appointing judges to the NCJ, aiming to restore the election of judicial members by their peers. The proposal envisaged separate elections within individual judicial groups, namely judges of district courts, regional courts, administrative courts, military courts, and the Supreme Court. Furthermore, the draft provided for the termination of the current NCJ's term and sought to exclude judges appointed via the post-2017 procedure from passive voting rights. During the legislative process, the Venice Commission and the Council of Europe (CoE) Directorate General Human Rights and Rule of Law issued an opinion stating that a blanket exclusion of such judges would be disproportionate.²

The President of Poland subsequently referred the amendment to the Constitutional Tribunal. On 20 November 2025, the Tribunal found the amendment unconstitutional insofar as it deprived specific judges of passive voting rights, provided for the premature termination of the NCJ's term, and enabled judicial review of National Electoral Commission decisions by the Supreme Administrative Court.³ The government has not published this judgment.

By the end of the year, the Ministry of Justice presented a revised draft. This version abandoned the termination of the NCJ's term and the exclusion of certain judges from passive voting rights. Instead, it introduced eligibility restrictions based on seniority and professional experience. The revised model

2 [Poland - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law \(DGI\) of the Council of Europe on the draft law concerning the status of judges appointed or promoted between 2018 and 2025 and other related matters](#)

3 Poland, Constitutional Tribunal, [Kp 2/24 Ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa](#), 20 November 2025.

proposed nationwide elections, allowing each judge to cast as many votes as there are seats to be filled. The draft was submitted to the Sejm at the end of 2025.⁴

The Helsinki Foundation for Human Rights consistently raised its objections to the draft bills, including in their final form. In its latest opinion of December 2025, it indicated, among other things, the violation of the Constitution, the failure to take into account the comments of the Venice Commission, and the lack of a proper assessment of the impact of the proposed changes on the justice system.⁵

The Legal Status of 'New' Judges

Throughout 2025, public and institutional debate continued regarding the legal status of individuals appointed to judicial office, with the involvement of the NCJ, as reconstituted in 2017 (the 'new NCJ'). In June 2025, the Ministry of Justice presented a draft law to regulate the status of these individuals, which the Council of Ministers adopted with minor modifications at the end of the year.⁶

The explanatory memorandum to the draft argued that following the 2017 amendments, the NCJ lost its constitutional identity. Consequently, the drafters maintained that appointments made upon its motion possessed an exclusively statutory, rather than constitutional, basis. Under this reasoning, such individuals would not hold the status of judges within the meaning of the Constitution, unless they had already served as judges in lower courts before their contested appointment. This interpretation was used to justify legislative intervention that departed from constitutional guarantees, most notably the principle of judicial irremovability.

The draft law proposed the neutralisation of all NCJ resolutions concerning judicial appointments issued after 6 March 2018. It introduced a three-tier classification system for the affected judges.

4 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018-2025), print No. 2107, 29 December 2025.

5 Helsinki Foundation for Human Rights, Opinia HFPC ws ustawy, która uregulować ma status osób powołanych na stanowiska sędziowskie z udziałem tzw. nowej KRS, 6 December 2025.

6 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018-2025), print No. 2107, 29 December 2025.

The ‘Green’ Group: This group would remain in their current positions and included former judicial trainees (assessors), court referendaries, and judicial assistants. The ‘Yellow’ Group: This group would comprised judges who were already judges before being promoted via the ‘new NCJ’. They would be subject to an automatic transfer by operation of law back to their previously held positions, followed by a delegation back to the positions they had lost. The ‘Red’ Group: This group would concerned individuals appointed as judges for the first time after 6 March 2018 from other legal professions, such as advocates, attorneys, prosecutors, and academics. These individuals would lose their judicial positions and either return to their previous professions or be appointed as court referendaries.

Critics raised significant concerns regarding the compatibility of these measures with the Constitution, specifically the removal of judges by legislative means. Stakeholders also argued that the draft exceeded the limits established by the case law of the CJEU and the ECtHR. Furthermore, the draft was criticised for lacking procedural safeguards; affected individuals could only contest the Minister of Justice’s classification decision, but not the underlying legal consequences, such as reassignment or removal from office.

Court Presidents: Appointment, Dismissal, and Judicial Review

The legal framework governing the appointment and dismissal of court presidents and vice-presidents remained unchanged in 2025. The Minister of Justice retained exclusive competence over the appointment of court presidents, while vice-presidents were appointed by the Minister upon the request of the relevant president. The rules for dismissal also remained static, requiring a positive opinion from the court’s board or, failing that, the consent of the NCJ.

Throughout the year, the Minister of Justice initiated dismissal procedures. In July 2025, procedures began for 46 court presidents and vice-presidents, and in September, a further 25 were dismissed. In several instances, these dismissals occurred without a positive opinion from the competent court board or consent from the NCJ. Despite the requirements established by the ECtHR judgment in *Broda and Bojara v. Poland*,⁷ those dismissed were denied access to judicial review. The Minister justified these actions by claiming that court boards had lost their independence due to compositions favoured by the previous Minister – Zbigniew Ziobro, and that the NCJ failed to provide sufficient independence guarantees.

⁷ European Court of Human Rights, *Broda and Bojara v. Poland*, applications nos. 26691/18 and 27367/18, 29 June 2021.

Promotion of Judges

Due to ongoing doubts regarding the composition of the NCJ, the Minister of Justice continued to withhold announcements for judicial vacancies in common, military, and administrative courts. As a result, judges could only be appointed to these positions via delegation by a court president or the Minister of Justice.

Accountability of Judges

In 2025, no statutory amendments regulating the disciplinary liability of judges were adopted, despite numerous draft laws and proposals aimed at reforming the judicial disciplinary system. The multiplicity and fragmentation of the proposed solutions into separate legislative acts hinder a comprehensive assessment of their potential impact on the functioning of the judiciary.

Changes continued at the personnel level, in particular through successive appointments of ad hoc disciplinary ombudsmen pursuant to Article 112b(1) of the Law on Common Courts Organisation (Prawo o ustroju sądów powszechnych), as well as through the dismissal of the Disciplinary Ombudsmen for Judges of Common Courts and their deputies. These dismissals, effected by decisions of the Minister of Justice prior to the expiry of their term of office, gave rise to controversy, as the applicable provisions do not provide for the premature termination of their mandates.

As regards legislative work, in January 2025 a draft law amending the Law on Common Courts Organisation and certain other acts (UD206) was prepared. It provided, inter alia, for the repeal of disciplinary delicts consisting in “refusal to administer justice”, “acts or omissions that could prevent or significantly hinder the functioning of an authority of the administration of justice,” and “acts questioning the existence of a judge’s service relationship, the effectiveness of a judicial appointment, or the authority of a constitutional body of the Republic of Poland.” The draft was not submitted to the Council of Ministers.

On 3 February 2025, the Codification Commission for the System of Courts and the Prosecution Service published two draft statutes aimed at restoring citizens’ right to an independent and impartial court established by law. On their basis, the Ministry of Justice published a further draft dated 13 May 2025, indicating that it covered, inter alia, changes to disciplinary liability, restoration of judicial self-governance, transparent selection of court authorities, and the elimination of delicts introduced by the so-called muzzle law. This draft likewise did not proceed.

Another draft, dated 15 September 2025, sought to amend certain acts in order to implement the judgment of the European Court of Human Rights of 23 November 2023 in *Wałęsa v. Poland* (application No. 50849/21). It was negatively assessed by the Codification Commission, which criticised

the fragmentary approach to disciplinary liability and the lack of regulation of its grounds, scope, and the second-instance disciplinary court, currently the Chamber of Professional Liability.

Ultimately, on 29 December 2025 the Government submitted to the Sejm a draft ustawa o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018–2025.⁸ The draft does not, however, eliminate the provisions of the so-called ‘muzzle law’ so as to comply with the judgment of the CJEU of 5 June 2023 in case C-204/21. Nevertheless, the need for reform in this area appears undisputed, and the absence of such provisions at this stage should not be understood as a complete abandonment of regulation.

During the past year, alternative proposals concerning the functioning of the Chamber of Professional Liability were presented. The Chamber currently consists of eight members, only three of whom are Supreme Court judges appointed through a procedure not giving rise to doubts (SSN B. Skoczowska, SSN Z. Korzeniowski, and SSN P. Grzegorzczuk). By a non-final judgment, the Voivodship Administrative Court in Warsaw (case No. VI SA/Wa 8158/22) annulled the decision of the President of the Republic of Poland designating judge Grzegorzczuk to adjudicate in that Chamber.

However, the draft statute submitted to the Sejm on 29 December 2025 provides for the retention of the Chamber of Professional Liability (with the reservation that persons appointed in a defective procedure would cease to perform the function of Supreme Court judge), while modifying the rules for selecting its members. The process of selecting candidates for the – similarly to the current framework – is to be based on random selection from among all judges of the Supreme Court. The mechanism consisting in drawing a number of Supreme Court judges equal to three times the number of positions to be filled, from whom the President of the Republic of Poland makes the final selection, has been abandoned. Instead, the draft provides for the drawing of judges in a number corresponding to the number of vacancies, with the designation to be made not by the President of the Republic of Poland, as is currently the case, but by the First President of the Supreme Court. While this change strengthens the Chamber’s independence from the executive, random selection from among all Supreme Court judges may still raise concerns in light of the principle of judicial independence.

8 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018–2025), print No. 2107, 29 December 2025.

There were also developments on multiple fronts that related to the Commission's recommendation to "Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government."

Independence/autonomy of the prosecution service

In 2025, the National Prosecutor's Office published extensive reports summarising hundreds of investigations conducted between 2016 and 2023. The findings of these reports pointed to systemic violations of prosecutorial independence, describing instances of manual steering of investigations and the conduct of trawling enquiries. These involved in-depth analyses of the conduct of political opponents in the hope of uncovering compromising material. The reports also highlighted the issuance of orders and suggestions by the leadership of the National Prosecutor's Office aimed at discontinuing criminal proceedings that were inconvenient for the parliamentary majority of the time.⁹

As a consequence of this audit, the prosecutorial authorities decided to reopen several discontinued cases and initiated disciplinary proceedings against some prosecutors.

At the same time, the Ministry of Justice failed to present a draft for a new Act on the Prosecution Service in 2025 that would comprehensively regulate the institution's functioning. Legislative work in this area, conducted by the Codification Commission for the System of the Judiciary and the Prosecution Service, did not reach finalisation. Furthermore, the draft law prepared by the Ministry of Justice to separate the offices of the Prosecutor General and the Minister of Justice did not advance beyond the initial governmental legislative stage. Work on this reform was likely suspended in anticipation of the new legislation being prepared by the Codification Commission.

Furthermore, the National Prosecutor indicated during the meeting of the National Council of Prosecution that during his first year in office, he rescinded approximately 50 orders and instructions issued by the previous prosecutorial leadership. One of the revoked orders had instructed prosecutors

9 *Poland, National Prosecutor's Office, Report on cases of public interest due to their subject matter and nature, conducted and completed in 2016–2023 in general organisational units of the public prosecutor's office: Interim report of the prosecutors' team investigating matters of public interest (Raport częściowy zespołu prokuratorów do zbadania spraw pozostających w zainteresowaniu opinii publicznej), Prokuratury, 14 January 2025, <https://www.gov.pl/web/prokuratura-krajowa/raport-czesciowy-zespolu-prokuratorow-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej> and The second part of the report of the prosecutors' team to investigate matters of public interest (Druga część raportu zespołu prokuratorów do zbadania spraw pozostających w zainteresowaniu opinii publicznej), Prokuratury, 29 April 2025, <https://www.gov.pl/web/prokuratura-krajowa/raport>*

to ignore a Supreme Court resolution that excluded the possibility of using evidence obtained in violation of the law, known as the fruit of the poisonous tree, in criminal proceedings.

Conversely, at the end of 2025, the prosecution service announced the discontinuation of criminal proceedings concerning the abuse of power by a prosecutor who serves as a general councillor at the Ministry of Justice and is a close associate of the Minister of Justice. This investigation concerned the submission of motions for injunctions to courts across the country intended to block changes in public media. The prosecution's findings revealed that these motions were technically and substantively prepared by specific individuals working for a Warsaw law firm. Subsequently, using the infrastructure of that firm, some of the motions were printed, scanned, signed electronically by the prosecutor and sent to the courts electronically. According to investigators, these actions violated several sub-statutory regulations defining the scope of a prosecutor's duties and the procedures for handling official documents.

Significantly, media publications suggest that the prosecutor assigned to the case intended to bring charges and submit a motion to lift the associate's immunity. However, the proceedings were discontinued by the head of the department where the case was being handled due to the negligible social harm of the act. The official statement from the prosecution service indicates that the department head considered the identified violations to be primarily formal and organisational in nature, relating to sub-statutory regulations and internal rules of the prosecution service. Consequently, he determined that the criminal proceedings should be dropped and that the act should instead be assessed solely within the framework of disciplinary proceedings.

Public Prosecutors: Selection and Challenges

In 2025, the rules regarding the appointment of prosecutors remained unchanged. Prosecutors within ordinary organisational units continued to be appointed by the Prosecutor General upon the request of the National Prosecutor. During this period, isolated cases were reported where courts questioned the authority of prosecutors appointed via this route due to disputes regarding the legality of the National Prosecutor's own appointment.

This controversy centres on Prosecutor Dariusz Barski, whom the Prosecutor General deemed in early 2024 to have been improperly reinstated into prosecutorial service. This move was viewed by some as an attempt to circumvent the requirement for presidential consent when dismissing a National Prosecutor.

Promotion of Prosecutors

The promotion system within the prosecution service also remained unchanged. The appointment of a prosecutor remains at the discretion of the Prosecutor General upon the request of the National Prosecutor. However, such a request does not oblige the Prosecutor General to act; he is not required to issue a formal refusal or provide a justification for his decision, and no judicial appeal is available.

In December 2025, media reports highlighted the case of Prosecutor Dawid Jackowski, who, acting as a deputy disciplinary spokesperson, led proceedings against one of prosecutors who was also a councillor in the Ministry of Justice and close associate of the Minister of Justice. The proceedings concerned a verbal attack by Prosecutor Wrzosek against a junior prosecutor over a procedural decision. Although the disciplinary court found Prosecutor Wrzosek guilty, subsequent reports linked Prosecutor Jackowski's lack of promotion to his role in prosecuting this high-profile associate.¹⁰

Gaps in the Commission's Report

Independence of the Bar

Pursuant to the Act on the Supreme Court, whose provisions remained unchanged in 2025, cassation appeals in disciplinary cases concerning advocates and legal advisers fall within the jurisdiction of the Chamber of Professional Liability of the Supreme Court. This Chamber was established by the amendment of 9 June 2022, replacing the Disciplinary Chamber, whose status as an independent and impartial court had been repeatedly challenged by domestic and international courts, including the ECtHR in *Reczkoń v. Poland*, *Tuleya v. Poland* and *Juszczyszyn v. Poland*, as well as by the CJEU (C-791/19). Despite the formal establishment of the Chamber, its status as an independent and impartial body continues to raise serious concerns, particularly in light of personnel changes introduced over the past year.

Disciplinary cases of advocates and legal advisers are therefore examined by a body whose independence and impartiality are seriously contested, which directly affects the level of legal protection afforded to the parties and public trust in the justice system. Review by an independent court is a core element of the right to a fair trial, and its absence may lead to restrictions on the effective protection of professional rights and the professional autonomy of advocates.

10 E. Ivanova, *The Łódź disciplinary spokesman pursued Wrzosek. He did not receive a promotion from Żurek (Łódzki rzecznik dyscyplinarny ścigał Wrzosek. Awansu od Żurka nie dostał)*, *Wyborcza.pl*, 16 December 2025, <https://wyborcza.pl/7,75398,32472808,awans-nie-dla-lodzkiego-rzecznik-dyscyplinarnego-prokurator.html>

In 2025, several lawfully appointed Supreme Court judges retired, including the President of the Chamber, Wiesław Kozielowicz, who had overseen the Chamber's work. In the vote to select a new President, three candidates were nominated, two of whom had been defectively appointed by the National Council of the Judiciary after 2018. The only lawfully appointed candidate is Justice Barbara Skoczowska, who also adjudicates in the Criminal Chamber of the Supreme Court. The decision on the appointment of the new President will be taken by the newly elected President of the Republic of Poland, Karol Nawrocki, who will also designate three judges to the currently vacant positions in the Chamber. This decision, however, requires the countersignature of the Prime Minister, Donald Tusk, who may block the appointment of defectively appointed Supreme Court judges to the Chamber, thereby effectively paralysing its work. Now the Chamber has only seven members performing adjudicatory duties, including just two lawfully appointed Supreme Court judges – Justice Barbara Skoczowska and Justice Zbigniew Korzeniowski. Under such circumstances, it is not possible to constitute a full three-judge panel to hear certain cases.

In parallel, on 28 June 2025, during the National Congress of Advocates (Krajowy Zjazd Adwokatury), the highest body of the Bar self-government, a number of resolutions were adopted addressing challenges and threats to the independence of the legal profession. In particular, Resolution No. 48 concerned reform of the remuneration system for advocates providing ex officio legal aid. It called on the Minister of Justice to introduce clear and indexed fee rates, timely payments from the state budget, an advance payment mechanism, and remuneration for duty service and all procedural activities. The resolution also postulated the establishment of a compensation mechanism for past underpayment and the collection of detailed statistics on the costs of providing legal aid. These measures aim not only to ensure effective access to justice for citizens, but also to strengthen the financial and organisational independence of the Bar and the professional standing of advocates within the justice system.

On 13 May 2025, Poland acceded to the Convention on the Protection of the Profession of Lawyer adopted within the framework of the Council of Europe. The Convention establishes minimum standards for the protection of lawyers, including safeguards against pressure and reprisals, protection from unjustified interference by public authorities, and guarantees of professional secrecy. Accession constitutes an important signal of the State's commitment to safeguarding the autonomy of the legal professions and respecting their role in the justice system. While ratification alone does not automatically resolve existing systemic problems, it provides a normative basis for further reforms and a benchmark for assessing draft legislation affecting the independence of the legal profession.

The risk of institutional paralysis, combined with the predominance of defectively appointed judges, may significantly affect the effectiveness and recognition of the Chamber's decisions, thereby weakening guarantees of a fair disciplinary process for members of the legal professions. A preliminary reference concerning the status of the Disciplinary Chamber was submitted in 2024 by the Judges' Disciplinary Court at the Court of Appeal in Gdańsk to the CJEU.

New Issues that Emerged in 2025

Allocation of cases

In September 2025, the Minister of Justice amended the Regulation on the Rules of Procedure for Common Courts regarding the designation of multi-person judicial panels. The new version of the regulation introduced a provision allowing heads of departments to bypass the random selection of an entire panel. Instead, they may limit the use of the Random Case Allocation System to the selection of the judge-rapporteur only. In such instances, the remaining two judges are selected by the head of the department according to rules established by the court president after consulting the relevant court board.¹¹

The Random Case Allocation System (or any equivalent) still does not operate within the Supreme Court, the Constitutional Tribunal, military courts, or administrative courts. In these institutions, panels continue to be assigned by specific individuals, such as the Presidents of the Supreme Court Chambers, heads of departments in the Supreme Administrative Court and regional administrative courts, or the President of the Constitutional Tribunal.

The regulation states that such actions may be taken to improve the efficiency of departmental work. Officially, the change was justified as a means to enhance court productivity, particularly within appellate departments. However, this narrative appeared to conflict with public statements made by the Minister of Justice, who indicated that these changes align with the jurisprudence of the ECtHR. The Minister suggested the measures serve to eliminate the risk of rulings being issued by unlawfully constituted panels, which may represent an attempt to prevent judges appointed after 2018 via the ‘new NCJ’ from adjudicating alongside judges appointed before those reforms.

Furthermore, the regulation capped the case inflow for certain officials, including the Disciplinary Commissioner for Common Court Judges and his Deputies, at a maximum of 10% of the regular workload. It is worth noting the volatility of this coefficient: until September 2024, it stood at 10%, subsequently rose to 90%, and has now been lowered again to between 5% and 10%. This most recent reduction coincided with the Minister of Justice’s decision to dismiss the existing Disciplinary Commissioner and his Deputies and appoint new judges to these roles.

11 TC/PAP, *New court regulations. Waldemar Żurek announces the end of the ‘Ziobrolotek’ (a “squabbler”)* (Nowy regulamin urzędowania sądów. Waldemar Żurek ogłasza koniec „ziobrolotka”), *Prawo.pl*, 3 October 2025, <https://www.prawo.pl/prawnicy-sady/nowy-regulamin-urzedowania-sadow-powszechnych-bez-ziobrolotka,535223.html>

Perception of justice system by the general public

A public opinion poll, published in September 2025, by the Rzeczpospolita daily revealed a significant decline in public trust in judicial institutions. According to the findings, only 36.1% of Poles trust the justice system, representing a year-on-year decrease of 6.2 percentage points. The proportion of respondents expressing strong distrust rose by 10 percentage points to 23.1%, while overall distrust reached 57.4%. The same study indicated that trust in the prosecution service fell from 40% to 37.4%. Trust in the Constitutional Tribunal remained at a level similar to 2024, with 30.3% of respondents expressing confidence in the institution, while distrust rose by 4.8 percentage points to 54.5%.¹² This erosion of public confidence may be attributed to the deepening crisis within the justice system regarding the status of individuals appointed with the participation of the so-called ‘new NCJ’ and ongoing doubts concerning their impartiality and independence.

This crisis has directly impacted fundamental state processes, including the adjudication of the validity of the presidential election. The resolution on this matter was issued by the Extraordinary Control and Public Affairs Chamber, a body whose status remains contested both domestically and internationally because it is composed entirely of judges appointed via the new NCJ. Consequently, public debate has emerged questioning the effectiveness and legal certainty of the electoral process itself, leading to significant doubts as to whether a valid election of the President of Poland has actually taken place.

The issue of the Supreme Court’s lawful composition returned to the CJEU. In a landmark judgment on 4 September 2025 (C-225/22), the CJEU allowed for judicial decisions to be treated as non-existent if the court failed to meet the requirements of independence, impartiality, and being established by law, provided such a consequence is essential to guarantee the primacy of EU law.

Following this ruling, on 24 September 2025, the Supreme Court, sitting in a composition of seven judges, none of whom were appointed via the new NCJ, ruled that judgments of the Extraordinary Control and Public Affairs Chamber concerning extraordinary complaints must be considered non-existent.¹³ In response, on 4 December 2025, the combined Labour and Extraordinary Control Chambers (composed primarily of ‘new’ judges) issued a resolution asserting that no court or public authority possesses the power to declare a Supreme Court judgment non-existent.

12 Piotr Szymaniak, *A red card for the courts. Over 57 percent of Poles distrust them* (Czerwona kartka dla sądów. Nie ufa im ponad 57 proc. Polaków), *Rp.pl*, 19 September 2025, <https://www.rp.pl/sady-i-trybunaly/art43033791-czerwona-kartka-dla-sadow-nie-ufa-im-ponad-57-proc-polakow>

13 Supreme Court, *RESOLUTION a panel of seven judges of the Supreme Court* (UCHWAŁA składu siedmiu sędziów Sądu Najwyższego) III PZP 1/25, *sn.pl*, 24 September 2025, <https://www.sn.pl/sites/orzecznictwo/OrzeczeniaHTML/iii%20pzp%201-25-1.docx.html>

The legal uncertainty has increasingly affected lower-instance courts. There are growing reports of judgments being overturned due to improper court composition or doubts regarding a judge's independence. A notable example was a ruling by the Court of Appeal in Poznań, which quashed a life sentence for a triple murder due to such procedural irregularities.¹⁴

Regarding the Constitutional Tribunal, its public standing continues to be marred by doubts over its composition, specifically the presence of three 'double judges' appointed to seats already filled. These issues, alongside irregularities in the appointment of the President of the Tribunal, were highlighted by the CJEU in its judgment of 18 December 2025 (C-448/23).

Accessibility of Justice

In 2025, several legislative and administrative changes were implemented to improve access to justice and legal services in Poland, focusing on court fees, legal representation costs, and the accessibility of free legal aid.

Civil Court Fees and Access for Businesses: The Sejm passed an amendment to the Act on Court Costs in Civil Cases, significantly reducing the financial burden for litigants in high-value disputes. Specifically, the maximum proportional fee, which is charged in cases involving property rights exceeding zł (Polish złoty, PLN) 20,000, was lowered from zł200,000 to zł100,000. This adjustment is intended to enhance access to the courts for small and medium-sized enterprises (SMEs) by allowing them to pursue high-value claims with more manageable upfront costs.

Remuneration for Legal Aid Counsel: The Minister of Justice issued new regulations regarding the remuneration rates for advocates and legal advisers providing legal aid ex officio. As a result of these changes, fees for certain categories of cases were increased by 25% to 50%. For instance, the rate for legal defence in proceedings regarding a break in the execution of a sentence rose from zł360 to zł 540.

Free Legal Aid Accessibility: A significant reform impacting the accessibility of justice was the amendment to the Act on Free Legal Aid. This legislation permanently integrated solutions originally introduced during the pandemic, allowing for the provision of free legal assistance via telephone or email. Furthermore, the new regulations improved the situation for persons with disabilities, who now have the possibility of receiving free legal aid outside of designated consultation points, ensuring greater flexibility and inclusivity in the legal support system.

14 Dorota Gajos-Kaniewska, *The court overturned a life sentence for a triple murder. The reason was a new judge* (Sąd uchylił wyrok dożywocia za potrójne zabójstwo. Powodem neosędzia), *Rp.pl*, 1 November 2025, <https://www.rp.pl/prawo-karne/art43263821-sad-uchylil-wyrok-dozywocia-za-potrojne-zabojstwo-powodem-neosedzia>

Despite these adjustments, the remuneration for court-appointed legal aid remains at a level that does not correspond with market rates, which continues to be a point of discussion within the legal profession.

Resources of the Judiciary

In 2025, the Polish justice system experienced a significant increase in financial resources. Total budgetary expenditure allocated to the functioning of the justice system increased by nearly 12%, reaching zł27.4 billion (approximately €6.5 billion). The largest share of these resources was allocated to the functioning of the common courts.

The increased expenditure in 2025 was largely linked to the return to mandatory indexation of judges' and prosecutors' salaries, based on the average wage in the national economy. In previous years, the suspension (freezing) of this indexation had been challenged before labour courts and the Constitutional Tribunal, which found that preventing the adjustment of judges' remuneration was incompatible with constitutional requirements.

In 2025, a similar development occurred with regard to prosecutors' remuneration. The Supreme Court, in case II PSKP 11/25, issued a judgment concerning the indexation of prosecutors' salaries, further reinforcing the relevance of salary indexation as a legal safeguard linked to the stability and independence of the justice system.

The 2025 budget also introduced measures aimed at strengthening support staff in courts. It increased the number of judicial assistant posts by more than 1,100 full-time equivalents and provided for salary increases for this position, reaching up to zł2,000 (approximately €450). These measures were intended to improve the attractiveness of the profession and facilitate recruitment among lawyers, including enabling persons to take up these functions already during law studies. While the objective of improving staffing levels and support for judges was widely noted, the latter element raised questions among stakeholders as to whether it would translate into a measurable improvement in the functioning and quality of justice.

Overall, 2025 was marked by a substantial increase in budgetary resources for the justice system, driven primarily by salary indexation and staffing-related measures, while also reflecting continued institutional disputes affecting funding decisions for certain constitutional bodies.

At the same time, the 2025 budget did not include funds for the remuneration of judges of the Constitutional Tribunal and for allowances of members of the National Council of the Judiciary. This approach was linked to the position of the parliamentary majority, which challenged the legality of

the composition of both institutions and questioned their independence and impartiality in light of selected judgments of the CJEU and ECtHR.

Digitalisation

The digitalisation of the Polish justice system continued as part of a broader, multi-year transformation aimed at improving efficiency, accessibility, and transparency. While many foundational tools had been introduced earlier, 2025 can be seen as a year of consolidation and legislative groundwork for more advanced digital solutions.

A major development was the expansion of the national electronic delivery system (e-Doręczenia). From 1 January 2025, electronic registered delivery became mandatory for public administration bodies, and from 1 April 2025 for entities entered in the National Court Register.

In 2025, crucially, amendments to the Code of Civil Procedure adopted in 2025 introduced a legal framework for electronic filing of pleadings and submissions via the portal. The Common Courts Information Portal (*Portal Informacyjny Sądów Powszechnych*) remained a central interface between courts and users. In 2025, its role evolved from a largely informational tool toward a platform prepared for two-way electronic communication.

Within this change public access to judgments remained a stable pillar of digital justice. Judgments of common courts were published through the Ministry of Justice's Judgments Portal (Portal Orzeczeń),¹⁵ while administrative court decisions continued to be available via the Central Database of Administrative Court Rulings (*Centralna Baza Orzeczeń Sądów Administracyjnych*).¹⁶ In 2025, these systems functioned as established sources of case law, subject to anonymisation requirements and the rule that online databases are informational rather than official promulgation sources.

Beyond adjudication, digital development of court-run registers continued, including the electronic National Court Register (eKRS), land and mortgage registers, and insolvency-related systems such as the National Register of Debtors. Legislative amendments and system upgrades aimed to streamline procedures, improve data quality, and reduce reliance on paper filings.

Moreover, remote hearings, introduced more broadly during and after the COVID-19 period, became a normal and accepted element of court practice. Courts routinely use video conferencing for hearings

15 Ministry of Justice, Portal Orzeczeń Sądów Powszechnych, <https://orzeczenia.ms.gov.pl/>

16 Supreme Administrative Court, Centralna Baza Orzeczeń Sądów Administracyjnych, <https://orzeczenia.nsa.gov.pl/cbo/query>

involving parties, witnesses, or experts, subject to judicial discretion and technical feasibility. This contributed to reduced delays and improved access to justice, particularly for parties located far from the court seat.

Also the electronic recording of hearings (*e-Protokół*) continued as a standard practice. Audio and video recordings form part of case files, replacing or supplementing traditional written minutes. Courts provided technical tools for playback, reinforcing the role of digital evidence and documentation in everyday judicial work.

Artificial intelligence featured prominently in policy discourse in 2025. The Ministry of Justice formally launched the multi-year ‘Cyfrowy Sąd’ (DigitalCourt) programme, framing AI and advanced IT tools as part of a long-term strategy extending to 2028.¹⁷

In sum, 2025 was less about sudden technological breakthroughs and more about embedding digital solutions into law and institutional practice. For court users, this meant greater reliance on electronic communication, routine online access to case information and judgments, and clearer prospects for fully digital proceedings in the near future.

Although courts themselves were not yet universally obliged to use e-Doręczenia in all proceedings, these changes substantially increased digital readiness among court users (lawyers, companies, public institutions) and supported a gradual shift toward electronic service as a default mode of communication with the justice system.

Although the most extensive effects were scheduled to enter into force in subsequent years (starting from 1 March 2026), 2025 marked a turning point by embedding digital communication directly into procedural law rather than treating it as an auxiliary solution.

In practice, 2025 focused on planning, governance, and pilot discussions rather than actual deployment of AI tools in adjudication. Conferences and expert debates addressed potential uses of AI (e.g. document analysis, workflow support) alongside concerns about transparency, accountability, and judicial independence.

17 Ministry of Justice, *The Digital Court program will change the justice system* (Program „Cyfrowy Sąd” zmieni wymiar sprawiedliwości), *Ministerstwo Sprawiedliwości*, 19 March 2025, <https://www.gov.pl/web/sprawiedliwosc/program-cyfrowy-sad-zmieni-wymiar-sprawiedliwosci>

Case management and court statistics

Core assessment functions remained embedded in nationwide ICT systems used by courts, including case management systems for common courts and administrative courts. These systems automatically generate statistical data on caseloads, clearance rates, duration of proceedings, backlog levels, and judge-specific workloads. In 2025, such data continued to be used by court presidents, the Ministry of Justice, and inspection bodies for operational supervision, allocation of resources, and organisational planning. The emphasis was on standardised indicators enabling comparisons across courts and regions.

Statistics increasingly served not only internal management but also public transparency.

Monitoring tools are combined with quantitative data (case duration, productivity indicators) and qualitative oversight mechanisms. These included periodic inspections of courts, internal audits, and evaluations conducted by the Ministry of Justice. ICT systems facilitated monitoring by enabling real-time or near-real-time access to performance data, reducing reliance on manual reporting. Importantly, assessment tools were framed as supporting administrative supervision rather than evaluating the substantive content of judicial decisions, in line with constitutional guarantees of judicial independence.

Artificial intelligence featured in assessment primarily at a conceptual and pilot level. Within the broader ‘Cyfrowy Sąd’ programme launched in 2025, AI was discussed as a potential tool for advanced statistical analysis, forecasting caseload trends, identifying bottlenecks, and supporting management decisions.

In 2025, Poland’s justice system used assessment tools mainly to strengthen administrative efficiency, accountability, and transparency, rather than to control adjudicatory outcomes. ICT-based statistics, monitoring systems, and surveys formed a maturing ecosystem of evaluation, while AI remained largely prospective. The year can be characterised as one of incremental refinement and standardisation, laying the groundwork for more sophisticated data-driven court management in the coming years.

While raw datasets were not fully open, the 2025 practice reflected a gradual shift toward clearer presentation of performance indicators, aligned with broader public-sector transparency standards.

However, in 2025, there was a widespread deployment of AI systems for automated evaluation of judicial performance. The dominant narrative emphasised caution, transparency, and the need for clear governance rules before integrating AI into assessment processes.

Implementation of Judgments

According to data from the Council of Europe, after a period of steady decline between 2015 and 2020, the number of Polish cases pending execution has been increasing again since 2021. At the end of 2024, this number stood at 147 (compared to 125 in 2022 and 131 in 2023), including 52 leading cases; of the leading cases, 20 have been pending for five years or more.¹⁸ The average time of implementation of leading cases in Poland is estimated at five years and five months, and the percentage of leading cases from the last 10 years, still awaiting execution, amounts to 51%.¹⁹

The pending caseload includes different groups concerning, among others: excessive length of proceedings, expulsion on security grounds, the discriminatory lowering of the age of retirement of judges, lack of legal recognition of same-sex couples, retention of data obtained during secret surveillance and insufficient guarantees provided by law against arbitrariness and abuse of secret surveillance.

Ahead of the quarterly meeting of the Council of Europe's Committee of Ministers in December 2025 to discuss the implementation of ECtHR judgments by Member States, the Helsinki Foundation for Human Rights presented its positions on the implementation of two important judgments issued in cases against Poland, namely *M.K. and Others v. Poland*²⁰ and *Poklikayew v. Poland*.²¹ Both found that Poland had violated human rights in the context of migration. Although more than five and two years have passed since the judgments were delivered, the Polish state has not eliminated the violations found by the Court. The HFHR pointed to the failure of the Polish authorities to apply so-called general measures to prevent similar human rights violations in the future.²²

The judgment in the case of *M.K. and Others v. Poland* was the first one, which established the existence of a regular practice of distorting or omitting explanations provided by persons seeking

18 Council of Europe, Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights. 18th Annual Report of the Committee of Ministers, March 2025, pp. 106-107, <https://www.coe.int/en/web/execution/annual-report-2024>

19 European Implementation Network (EIN), Country map: Poland, <https://www.einnetwork.org/poland-echr>

20 European Court of Human Rights, *M.K. and Others v. Poland*, Application No. 40503/17, 42902/17 and 43643/17, judgment of 23 July 2020, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-203840%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-203840%22]})

21 European Court of Human Rights, *Poklikayew v. Poland*, Application No. 1103/16, judgment of 22 June 2023, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-225324%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-225324%22]})

22 Helsinki Foundation for Human Rights, HFHR writes to the Council of Europe regarding Poland's failure to execute ECtHR judgments regarding migrants (HFPC pisze do Rady Europy w sprawie niewykonywania przez Polskę wyroków ETPCz dot. Migrantów), HFPC, 3 November 2025, <https://hfhr.pl/aktualnosci/hfpc-pisze-do-rady-euro-py-w-sprawie-niewykonywania-przez-polske-wyrokow-etpcz-dot-migrantow>

international protection in official notes drawn up by Border Guard officers during checks at the border crossing between Poland and Belarus in Terespol. In its judgment, the ECtHR ruled that Poland had violated Articles 3 and 13 of the European Convention on Human Rights (ECHR) and Article 4 of Protocol No. 4 to the Convention by, inter alia, refusing access to the international protection procedure, exposing them to the risk of inhuman and degrading treatment in connection with the possibility of their deportation by the Belarusian authorities to their country of origin, where they had been repeatedly returned, and expelling them from Poland without examining their cases individually. Although the Court found human rights violations in several similar cases, the Polish government has not implemented appropriate measures to prevent further similar violations of the Convention. The HFHR pointed out that ensuring the possibility of submitting applications for international protection at border crossings and issuing visas should be one of the basic measures taken by the Polish authorities to counter irregular migration.

The *Poklikayew v. Poland* judgment concerns Poland's violation of Article 1 of Protocol No. 7 to the ECHR by excessively restricting a foreigner's right to information about the grounds for his expulsion from Poland. The use of information classified as 'secret' by the authority and the lack of adequate justification for the decision meant that the applicant had no real opportunity to contest the allegations against him. The HFHR pointed out that the Polish legal system still lacks adequate safeguards for parties to deportation proceedings in which the authority bases its decision on classified documents that are not accessible to the party. Although Polish courts, including the Supreme Administrative Court, have confirmed that national legislation does not provide for any rights for foreigners that would ensure balance in relation to the complete secrecy of information concerning an alleged threat to security, no legal solutions have been developed in this regard.

In March 2025, the Ministry of Foreign Affairs published a draft law on the enforcement of judgments of the ECtHR.²³ The bill is intended to regulate the rules and procedures for the enforcement of ECtHR judgments issued in individual cases involving the Republic of Poland, including the coordination of cooperation between public entities for the purpose of enforcing these judgments. The draft bill addresses what the government perceives as a large number of unfavourable Strasbourg rulings against Poland that are subject to supervision by the Committee of Ministers on the one hand, and on the other hand, the relatively long time it takes to enforce judgments in Poland; the draft bill

23 *Government bill on the enforcement of judgments of the European Court of Human Rights, Government Legislative Process* (Rządowy projekt Ustawy o wykonywaniu wyroków Europejskiego Trybunału Praw Człowieka), *project No. UD177*, 3 March 2025, <https://legislacja.gov.pl/projekt/12395200>

is also part of the overall plan to restore the rule of law in Poland. In February 2026, the draft was submitted to the Sejm for review by the Legislative Office.²⁴

The draft bill should be seen as a step towards improving the procedure for implementing ECtHR judgments in Poland, and thus fulfilling Poland's constitutional obligation to comply with binding international law. At the same time, as indicated by the HFHR in its opinion on the draft, consideration should be given to extending the scope of the Act to include rules of procedure for rulings and decisions issued by other international bodies, such as the UN Human Rights Committee. The HFHR also pointed to the need to make greater use of non-governmental organisations, including involving them in the process of discussing how individual judgments should be enforced. Finally, as indicated in the opinion, the Code of Civil Procedure should be amended to include the possibility of reopening proceedings in cases where this is necessary as a result of a decision by an international body acting under an international agreement ratified by Poland; such a provision would be particularly important in proceedings in which an individual seeks civil liability from state authorities or those with quasi-criminal characteristics (e.g. proceedings involving minors or persons with mental disorders who pose a threat to the life, health or sexual freedom of others).²⁵

24 Sejm, *Government bill on the enforcement of judgments of the European Court of Human Rights* (Rządowy projekt ustawy o wykonywaniu orzeczeń Europejskiego Trybunału Praw Człowieka), Rządowy Proces Legislacyjny, <https://www.sejm.gov.pl/sejm10.nsf/agent.xsp?symbol=RPL&Id=RM-0610-14-26>

25 Helsinki Foundation for Human Rights, *A step towards a system for the execution of judgments of the European Court of Human Rights* (Krok w stronę systemu wykonywania wyroków Europejskiego Trybunału Praw Człowieka), HFPC, 31 March 2025, <https://hfhr.pl/aktualnosci/wykonywanie-wyrokow-etpc>

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Compared to the 2025 Rule of Law Report, there have been substantial developments towards the planned media law reform aimed at addressing concerns related to the impartiality and independence of the media regulator, as well as the independence and pluralism of public service media more broadly. The proposed changes, intended to implement the European Media Freedom Act, generally move in a positive direction. The draft law has been presented, and subjected to public consultation, and is likely to be further discussed in the framework of a public hearing.

Despite an apparent decrease in the number of Strategic Lawsuits Against Public Participation (SLAPPs) cases, particularly those initiated by public entities, the draft law implementing the Anti-SLAPP Directive, originally expected to be adopted in the third quarter of 2025, has still not been taken up for legislative work in the Sejm. Concerns raised by civil society organisations regarding the reliance of the early dismissal mechanism on the existing Polish concept of a ‘manifestly unfounded claim’, which may limit its practical use, have not been taken into account.

There has been limited development with regard to access to documents, which has generally remained stable; however, there have been instances of unjustified refusals and even the penalisation of requests for access to information.

Implementation of 2025 Commission recommendations

Recommendation: Take forward reforms to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets (first made in 2022)

A draft law to reform the Act on Radio and Television Broadcasting and ensure its compliance with the European Media Freedom Act has been proposed. Commonly referred to as the ‘Media Law’, it introduces a number of reforms concerning the National Broadcasting Council. A main pillar of the proposed changes relates to the procedure for appointing members of the Council. Public hearings of candidates are to be open, and the participation of civil society organisations is to be ensured.

Despite the draft law introducing changes that generally move in a positive direction with regard to the appointment of members of the Council, it does not alter the existing model, under which members are proposed and appointed by political actors, namely members of the Sejm and the Senate, as well as the President.

Commission’s 2025 assessment: Some further progress

HFHR’s current assessment: In progress

Recommendation: Take forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media (first made in 2022)

There was no observed progress towards taking forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of Poland's public service media, despite this recommendation being long-standing, and despite the change in the ruling majority in 2023. The Commission's recommendation is relatively clear, but it does not have clearly defined steps for the country to take.

Commission's 2025 assessment: Some further progress

HFHR's current assessment: No progress

The proposed changes to address the first recommendation above, concerning the granting of operating licences to media outlets and the work of the National Broadcasting Council, warrant a more in-depth discussion of the developments over the last year. A draft law aimed at reforming national legislation – most notably the Act on Radio and Television Broadcasting – to ensure compliance with the European Media Freedom Act has been proposed. Commonly referred to as the media law, it introduces a number of reforms concerning the National Broadcasting Council.²⁶

The main strand of the proposed changes relates to the procedure for appointing members of the Council. Public hearings of candidates are to be open, and the participation of civil society organisations is to be ensured. Moreover, the eligibility requirements for candidates are to be significantly strengthened. These include a ban on membership in a political party for five years prior to nomination, a prohibition on standing in elections on a party list within the previous ten years, and precisely defined requirements concerning professional experience in the field of media.

Despite the draft law introducing changes that generally move in a positive direction with regard to the appointment of members of the Council, it does not alter the existing model, under which members are proposed and appointed by political actors, namely members of the Sejm and the Senate, as well as the President. This means that even if the draft law is adopted in its current form, there remains a risk that the composition of the Council will be shaped by a single political option rather than reflecting political diversity in Poland.

26 Minister of Culture and National Heritage, *Draft law amending the Act on Radio and Television Broadcasting and certain other acts* (Ustawa o zmianie ustawy o radiofonii i telewizji oraz niektórych innych ustaw), project No. UC130, Ministerstwo Kultury i Dziedzictwa Narodowego, 5 December 2025, <https://www.gov.pl/web/kultura/projekt-ustawy-o-zmianie-ustawy-o-radiofonii-i-telewizji-i-niektorych-innych-ustaw-uc-130>

Civil society organisations have called for further reforms to the appointment procedure – such as qualified-majority voting, opposition involvement, and broader nomination rights – but it remains uncertain whether these proposals will be adopted, as they are not reflected in the current version of the draft.²⁷

Under the draft law the number of members of the Council has been increased from six to nine, and staggered six-year terms have been introduced, with one third of the membership renewed every two years. The grounds for loss of membership in the Council have also been expanded. New grounds include joining a political party or other organisations, as a consequence of the revised eligibility requirements for Council membership, as well as acquiring shares or other interests in media service providers and engaging in gainful employment other than academic teaching or creative work.

With regard to additional safeguards, the draft provides for the repeal of the provision under which the rejection of the Council's annual report by the Sejm and the Senate automatically results in the termination of the terms of office of all members of the Council. While this change should be assessed positively, it should also be considered in light of the possibility that the personal composition of the Council may remain influenced by a single prevailing political orientation.

Another change introduced by the draft law is the requirement that any administrative decision issued by the Chair of the Council be preceded by a resolution of the Council. This measure appears to be aimed at limiting the Chair's discretion and should be viewed in the context of the exercise of this competence in recent years.

This is a new version of the draft media law, following an earlier version that had already been presented, and it has undergone a number of significant changes. Some of the demands put forward by civil society organisations have been taken into account, in particular with regard to the procedure for appointing members of the Council. Moreover, the draft was subject to public consultations lasting approximately seven weeks, which may be regarded as a positive development and as an indication of political willingness to include the views of civil society organisations and other non-political actors.

As regards the financing of the Council, the draft Budget Act envisages a slight increase in the Council's budget.²⁸ At the same time, in its 2025 report, the Supreme Audit Chamber noted that the

27 Helsinki Foundation for Human Rights, *Comments from civil society organisations on the draft law implementing EMFA (Uwagi organizacji społecznych do założeń do ustawy medialnej)*, HFPC, 20 September 2024, <https://hfhr.pl/aktualnosci/item-142515321,l:929110969>

28 *Sejm, Budget Act for 2026 (Ustawa budżetowa na rok 2026)*, 9 January 2026, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20260000062>

funds allocated to the activities of the National Broadcasting Council are insufficient.²⁹ This should be considered in the context that, if the draft law is adopted, the Council will have an increased number of members and, as a consequence of the transposition of the European Media Freedom Act into Polish law, will also be entrusted with additional tasks.

The draft law does not modify the procedure for the appointment of the Chair of the Council, meaning that the existing appointment mechanism is to be retained. The Chair is elected from among their members and may be dismissed by the members of the National Broadcasting Council. Neither the Act on Radio and Television Broadcasting nor the Council's rules of procedure regulate the manner in which the Chair is elected. The election therefore takes place in accordance with the Council's ordinary mode of operation, that is, by way of a resolution adopted by at least two thirds of the members of the Council.

As noted above, the draft law introduces new grounds for such loss of membership.

The main change introduced by the draft law with regard to the functions of the Council concerns the restoration of constitutional order in the area of shaping the personal composition of single-shareholder joint-stock companies of the State Treasury, within which public radio and television broadcasters operate, including their management boards and supervisory boards. According to the case law of the Constitutional Tribunal, the complete exclusion of the Council from this procedure – which took place in 2015 – is unconstitutional.³⁰

New Issues that Emerged in 2025

In January 2025, Poland's Civil Law Codification Commission unveiled a draft anti-SLAPP law, aiming to implement the new EU Directive 2024/1069 on discouraging unfounded litigation. This draft (amended in April after consultations) was Poland's first legislative proposal explicitly addressing

29 Supreme Audit Chamber, *Implementation of tasks by the National Broadcasting Council and the National Media Council (press conference transcript)* (Realizacja zadań przez Krajową Radę Radiofonii i Telewizji oraz Radę Mediów Narodowych), Najwyższa Izba Kontroli, 22 May 2025, p. 63., <https://www.nik.gov.pl/aktualnosci/krajowa-rada-radiofonii-i-telewizji-rada-mediow-narodowych.html>

30 Constitutional Tribunal, *Act amending the Radio and Television Act* K 13/16 (Ustawa o zmianie ustawy o radiofonii i telewizji K 13/16), Trybunał Konstytucyjny, 13 December 2016, <https://trybunal.gov.pl/s/k-1316>

SLAPPS.³¹ Civil society organisations welcomed the initiative as a promising step toward shielding journalists, activists and others who speak out on matters of public interest. The bill introduced tools like early dismissal of manifestly unfounded suits and other safeguards. However, experts also warned that, as written, the law might fall short of its promise. Article 19 and a coalition of Polish NGOs cautioned that overly narrow criteria and procedural hurdles could render key safeguards ineffective in practice. For instance, the draft's definition of a SLAPP was tied to a 'manifestly unfounded' standard and an exclusive intent to silence, which might be too strict to catch many abusive cases. It also lacked measures like shifting the burden of proof or allowing judges to award damages to SLAPP targets. In the July 2025 analysis, the Polish anti-SLAPP working group urged lawmakers to strengthen the bill before passage – recommending clearer SLAPP criteria, more 'realistic' early-dismissal rules, a true reversal of the burden of proof, and the ability for defendants to seek compensation within the SLAPP proceeding. Crucially, they also advocated barring public authorities (state or local) from suing individuals for defamation, and pairing the civil-law reform with changes to criminal law. These improvements, they argued, are needed to ensure the anti-SLAPP law will be effective in practice. As of the end of 2025, the draft law had not yet been submitted for parliamentary proceedings.³²

At an international anti-SLAPP conference in Warsaw, April 2024, the Minister of Justice, Adam Bodnar, pledged to “abolish criminal defamation”, specifically Article 212 of the Penal Code.³³ Throughout 2024–2025, media freedom groups and Poland's Anti-SLAPP Working Group kept up advocacy to hold the government to this promise. In 2025, progress was halting: although Bodnar's ministry convened experts, and the Criminal Law Codification Commission produced a draft amendment, that proposal fell short of scrapping Article 212. Rights organisations reacted with disappointment, noting that dropping jail sentences is positive but not enough. Even without incarceration, leaving criminal defamation on the books means journalists and bloggers “would still face the risk of criminal proceedings, with a continued chilling effect”.³⁴ In April 2025, a coalition of media NGOs

31 *Poland, Civil Law Codification Commission, Draft bill on the protection of persons participating in public debate against manifestly unfounded claims or abusive legal proceedings (Projekt ustawy o ochronie osób uczestniczących w debacie publicznej przed oczywiście bezzasadnymi roszczeniami lub stanowiącymi nadużycie postępowaniami sądowymi)*, gov.pl, 14 April 2025, <https://www.gov.pl/web/sprawiedliwosc/projekty-aktow-prawnych3>

32 *ARTICLE 19, Poland: Anti-SLAPP draft law is a positive step but key improvements essential, 1 July 2025*, <https://www.article19.org/resources/poland-anti-slapp-draft-law-is-a-positive-step-but-key-improvements-essential/>

33 *D. Sitnicka, Adam Bodnar announces the abolition of Article 212 of the Penal Code on defamation (Adam Bodnar zapowiada zniesienie Article. 212 kodeksu karnego o zniesławieniu)*, OKO.press, 27 April 2024.

34 *Helsinki Foundation for Human Rights, Full Decriminalization of Defamation Necessary for Protection from SLAPPS. Appeal from Media and Civil Society Organizations (Pełna dekryminalizacja zniesławienia niezbędna dla ochrony przed SLAPP-ami. Apel mediów i organizacji społecznych)*, HFPC, 29 January 2025, <https://hfhr.pl/aktualnosci/pelna-dekryminalizacja-znieslawienia-apel,l:929110969>

issued an open appeal entitled “Fulfil promises – Decriminalise defamation now”, urging the government to fully repeal Article 212 to genuinely protect public watchdogs. They argued that civil and criminal law reforms must be comprehensive and coordinated – only then can Poland make full use of the EU anti-SLAPP directive to build a robust shield for journalists, activists and citizen reporters speaking out in the public interest.³⁵ In October 2025, activists in Kraków held a ‘#STOPSLAPP’ protest outside the courthouse, symbolically standing with journalists silenced.³⁶

By the end of 2025, Poland’s climate for media had shifted with a new government, but the legacy of SLAPPs and punitive defamation laws persisted. While no journalists were imprisoned during the year, multiple convictions and ongoing lawsuits showed the urgent need for reform. There were clear moves in the right direction – a draft anti-SLAPP law, and official acknowledgment that criminal libel must go – yet key reforms remained pending.

There are also prominent examples of pending proceedings initiated by state entities. One such case concerns a forester who publicly spoke about excessive killings in a national park in an interview with a well-known journal and who had previously submitted numerous requests for access to public information to that entity.³⁷ While not a journalistic SLAPP, in the strict sense, the case was connected to a newspaper interview. As a result, the national park brought civil proceedings against him for the protection of its reputation, which are still pending. In addition, the director filed a private criminal complaint for defamation, which was discontinued due to the statute of limitations, as well as charges of stalking, of which the forester was acquitted. All of these proceedings were financed from public funds.

There was also a striking case in which a court ordered Radio Poznań not to mention a possible link between a prominent businessman and the disappearance of a journalist in the 1990s. Any breach of this injunction is punishable by a fine of zł50,000. The injunction was issued in civil proceedings for the protection of reputation, initiated by the businessman.³⁸

35 *ARTICLE 19*, Poland: Fulfil promises – Decriminalise defamation now, 25 April 2025, <https://www.article19.org/resources/poland-fulfil-promises-decriminalise-defamation-now/>

36 *Batory Foundation*, Enough of being punished for telling the truth. Protest against repressive lawsuits #STOPSLAPP (Dość karania za mówienie prawdy. Protest przeciw pozwom represyjnym #STOPSLAPP), *maszglos.pl*, <https://www.maszglos.pl/2025/10/dosc-karania-za-mowienie-prawdy-protest-przeciw-pozwom-represyjnym-stopslapp/>

37 *M. Danielewicz*, National Park Director Chases Former Employee for Talking About Hunting (Dyrektor parku narodowego ściga byłego pracownika. Za słowa o polowaniach), *Wyborcza.pl*, 29 May 2024, <https://poznan.wyborcza.pl/poznan/7,36001,31013446,dyrektor-parku-narodowego-sciga-bylego-pracownika-za-slowa.html>

38 *P. Żytnicki*, Businessman Świtalski demanded censorship. Court gags radio station for podcast about journalist’s death (Biznesmen Świtalski zażądał cenzury. Sąd knebluje radio za podcast o śmierci dziennikarza), *Wyborcza.pl*, 12 January 2026, <https://poznan.wyborcza.pl/poznan/7,36001,32517314,biznesmen-switalski-zazadal-cenzury-sad-knebluje-radio-za-podcast.html>

CONTACTS

Helsinki Foundation for Human Rights

The Helsinki Foundation for Human Rights (HFHR) is a non-governmental organisation established in 1989 and based in Warsaw, Poland. The HFHR is one of the largest and most experienced non-governmental organisations operating in the field of human rights in Eastern and Central Europe. Since 2007, the HFHR has had a consultative status with the United Nations Economic and Social Council (ECOSOC). The HFHR's objective is the protection and promotion of human rights.

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ABOUT THE CONTRIBUTING ORGANISATIONS

Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH)



APADOR-CH (the Association for the Defense of Human Rights in Romania – Helsinki Committee) is a non-governmental, non-profit organization established in 1990. For more than three decades, the association has played a pivotal role in promoting human rights, transparency, and the rule of law in Romania. Its work consistently focuses on shaping the human rights agenda and maintaining a watchdog role in areas where accountability is weak. The organisation's objectives include the development of effective legal and institutional mechanisms to ensure respect for human rights and the advancement of transparency and good governance through institutional reform. Legislative improvement remains a key priority, particularly in relation to freedom of expression, assembly, association, and the right to privacy. The association's methods are grounded in ongoing legal analysis, strategic litigation that informs and strengthens advocacy, human rights monitoring, and public campaigns.

OVERALL ASSESSMENT: STAGNATOR

Romania continues to be classified by the Economist Intelligence Unit as a ‘hybrid regime’,¹ reflecting ongoing problems with the rule of law, the balance of powers, and the politicization of the judiciary.² To date, no official report has been released on the annulment of the 2024 presidential elections, and the president has announced that a comprehensive report is expected only in 2026.

In 2025, Romania’s rule of law faced serious challenges connected to declining trust in the justice system and growing pressure on civil society and the media. A central issue remained in the prescription crisis for major corruption cases, which continued to undermine confidence and reinforce the perception that those in power can avoid accountability. The late 2025 Recorder investigation amplified these concerns by publicly exposing dysfunctions in the justice system, such as panel changes, repeated adjournments, and delays contributing to the broader perception of a ‘captured’³ justice system. Reactions to the investigation highlighted institutional and societal fragmentation: while parts of the executive and judicial leadership called for scrutiny, other judicial actors responded defensively, with rhetoric escalating toward accusations of ‘incitement’,⁴ increasing pressure on journalists, and deepening polarization.

At the political level, executive dominance over lawmaking intensified. Instead of pursuing deliberative reform, 2025 was marked by the routine use of emergency ordinances and the assumption of governmental responsibility to bypass the parliament and limit public consultation, including on reforms directly affecting the judiciary. The Constitutional Court’s decisions also had tangible consequences for transparency and anti-corruption efforts. Most notably, the Court’s May 2025 ruling on asset declarations reduced public access and removed spousal disclosure obligations, which was widely seen as a step backwards for public accountability, regardless of the data-protection arguments advanced.

1 Economist Intelligence Unit, Democracy Index 2024, <https://www.eiu.com/n/campaigns/democracy-index-2024/>

2 Economist Intelligence Unit, Democracy Index 2024, as reported by Romania Insider, “Romania remains a ‘hybrid regime’ in Democracy Index 2024,” 28 February 2025, <https://www.romania-insider.com/romania-hybrid-regime-democracy-index-2024>

3 Documentar Recorder „Justiție capturată”, <https://recorder.ro/documentar-recorder-justitie-capturata/>

4 Hotnews, 11 decembrie 2025, „VIDEO Moment șoc la conferința de presă a Curții de Apel București. O judecătoare a luat cuvântul și a spus că mărturiile din filmul Recorder spun adevărul / Au venit toți cei 13 membri ai Colegiului de Conducere / „Ministrul Predoiu a anunțat în avans o achitare dată chiar de dumneavoastră”, <https://hotnews.ro/curtea-de-apel-bucuresti-conferinta-de-presa-extraordinara-intr-o-iesire-fara-precedent-in-fata-publicului-dupa-documentarul-recorder-2127980>

After the European Media Freedom Act entered into force in August 2025, it was not effectively implemented, while long-standing problems such as opaque media funding and politically influenced oversight persisted. At the same time, the way online content rules were applied during the electoral period raised doubts about fairness and legitimacy, fueling concerns that efforts to combat disinformation could slide into censorship in the absence of clear legal safeguards and strong judicial oversight. Romania has also continued to face serious challenges in executing the European Court of Human Rights' judgments, alongside ongoing tensions between national courts and the Constitutional Court over the primacy of the EU law.

Despite this difficult context, societal resilience has not disappeared. The public reaction to the Recorder investigation, including street protests, showed that Romanian society still has the capacity to demand accountability. Nevertheless, this resilience now operates in a more hostile environment, with journalists facing increasing pressure and intimidation.

Assessment of the trajectory

Romania was designated as a 'Stagnator' because the developments outlined above point to a pattern of stalled reform rather than clear progress on the rule of law. While the country has not experienced a sudden breakdown of democratic safeguards, key issues such as judicial credibility, transparency, media freedom, and accountability have remained unresolved.

A persistent issue in 2025 has been the conflict between the High Court of Cassation and Justice and the Constitutional Court regarding the primacy of EU law. In decision No. 390/2021,⁵ the Constitutional Court held that national constitutional identity sets a limit on the primacy of EU law, requiring Romanian courts to respect its rulings on constitutional compatibility. The Court of Justice of the European Union's (CJEU) position was contrary to this, insisting that EU law's primacy is absolute, with the obligation of the national courts to set aside any conflicting national law, including the Constitutional norms, to ensure uniform EU law application. However, in practice, some Romanian courts pronounced decisions in 2024 and 2025 challenging the European Court of Justice's (ECJ) authority to disapply national laws in cases such as those concerning the statute of limitations for fraud against EU financial interests, leading to legal uncertainty and divergent practices within other national courts. Hence, Romanian courts and judges are caught between the Constitutional Court's decision (which renders as unconstitutional to allow the prevalence of EU law over legislation that it decided is prevalent over national law), and the CJEU's role of ensuring and enforcing EU's law application and effectiveness.

5 Curtea Constituțională press release in English, www.ccr.ro/en/press-release-8-june-2021/ and decizia în Monitorul Oficial (în Română): <http://86.105.216.122:83/MOfsWeb/2021/0612.pdf>

An infringement procedure would not resolve this conflict, as Article 148(2) of the Constitution⁶ establishes the primacy of EU law only over national legislation, not over the Constitution itself. Addressing this issue would therefore require a constitutional amendment.

State of play (versus 2025)

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

Legend

Regression	No progress	Progress
		

6 Constituția României, art. 148(2) - www.constitutiaromaniei.ro/art-148-integrarea-in-uniunea-europeana/

JUSTICE SYSTEM –

General assessment

In 2025, the unresolved consequences of prescription rules for major corruption cases continued to erode public trust in the justice system. Although legislative alignment with European standards has progressed since the adoption of the 2022 justice laws, their implementation has revealed serious shortcomings in internal governance, transparency, and accountability within the judiciary.

Consultations with magistrates in late 2025⁷ points to a growing climate of professional self-censorship, driven by fears of disciplinary sanctions. According to judges and prosecutors, internal mechanisms governing promotions, evaluations, delegations, and access to leadership positions are increasingly perceived as opaque and overly centralised. This concentration of decision-making power weakens collegial control and internal checks and balances, while the perceived instrumentalisation of disciplinary procedures risks turning accountability tools into instruments of pressure rather than safeguards of integrity. These governance concerns are compounded by a deepening staffing crisis. The chronic shortage of judges and prosecutors, combined with prolonged blockages in recruitment and admission competitions, has created unsustainable workloads. Courts are operating with a severe shortage of personnel while facing record caseloads. This situation constitutes a structural threat to both the effectiveness and independence of the judiciary.

At the same time, Romania continues to face a serious and persistent problem in the execution of judgments, both at domestic and European levels. The large number of pending cases before the Committee of Ministers of the Council of Europe, together with recurring findings of ineffective investigations, excessive length of proceedings, and failures to enforce final court decisions, point to entrenched deficiencies in ensuring compliance with binding judgments. There is also ongoing tension between national courts and the Constitutional Court regarding the primacy of EU law.

7 Presidency of Romania, Summary of observations submitted by magistrates and other actors in the judicial system on the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independenta-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]

Implementation of 2025 Commission recommendations

Recommendation: Take forward legislative steps to strengthen safeguards to ensure the independence of high-ranking prosecutors and for the organisation and functioning of the judicial police (first made in 2022)

At the end of 2025, a working group was set up by the government to advance reforms in the field of justice, aiming to revise the changes introduced in 2022.⁸ The reform agenda continues to be heavily politicised.

The idea of ‘prosecutorial independence’ is understood in different ways. Among political parties represented in Parliament and in the governing coalition, it is often seen as something that can be achieved by appointing leadership positions with their political approval. This view is reflected in proposals to strengthen the role of the Minister of Justice and the President of Romania in senior prosecutorial appointments. However, this approach is unlikely to lead to genuine independence. Any reform that increases political control over these appointments cannot realistically strengthen prosecutorial autonomy, because real independence means, first and foremost, freedom from political influence. The more political actors are involved in selecting senior prosecutors, the more those prosecutors become dependent on will, and the weaker their independence becomes.

No progress has been made regarding legislative changes for the organisation and functioning of the judicial police.

APADOR-CH considers that any legislative amendment in this area should reduce the role of the Minister of Justice and of the President of Romania in appointing prosecutors to leadership positions and at the same time strengthen the role of the Superior Council of Magistracy. In practical terms, this would mean that proposals for senior prosecutorial appointments should no longer come from the Minister of Justice, but from the Superior Council of Magistracy instead.

Commission’s 2025 assessment: Some progress

APADOR-CH’s current assessment: No progress

⁸ Ramona Ciobanu, *The government has formed a working group to amend the justice laws. What are its powers and who is part of it?* The government has formed a working group to amend the justice laws. What are its powers and who is part of it? (Guvernul a format grupul de lucru pentru modificarea legilor justiției: ce atribuții are și cine face parte), HotNews.ro, 20 December 2025 [in Romanian] <https://hotnews.ro/guvernul-a-format-grupul-de-lucru-pentru-modificarea-legilor-justitiei-ce-atributii-are-si-cine-face-parte-2135202> [in Romanian]

Gaps in the Commission's Report

Shortage of judges and judicial staff

A major issue that warranted a specific recommendation but was not addressed by the Commission is the severe and worsening shortage of judges and the structural failure to ensure adequate judicial staffing. According to the Superior Council of Magistracy (*Consiliului Superior al Magistraturii - CMS*), at the beginning of 2026, the judiciary faced a deficit of approximately 15% of judges,⁹ with 751 vacant posts nationwide, a situation aggravated by legal provisions blocking the organisation of entry competitions into the profession. This has coincided with an exponential increase in caseload, with Romanian courts handling around 3.6 million cases in 2025, placing them in first place in the European Union in terms of workload. In many courts, staffing levels have fallen to crisis levels, with some operating with only one to three judges out of an approved four or five, seriously undermining efficiency and the quality of justice.

New Issues that Emerged in 2025

Investigation into the justice system

In December 2025, the investigative outlet Recorder published an investigation about the Romanian justice system.¹⁰ The investigation presented serious allegations, including frequent changes in the composition of judicial panels, repeated adjournments in criminal proceedings, and the recurring issue of prescription of criminal liability in numerous cases, all contributing to significant delays in the administration of justice. The investigation was released against the backdrop of intense public debate surrounding the government's proposal to amend the law on the retirement of magistrates.

9 *Superior Council of Magistracy (Consiliul Superior al Magistraturii)*, PRESS RELEASE regarding the public request addressed to the Romanian Government to adopt measures to unblock the admission competitions to the magistracy (Comunicat de presă privind solicitarea publică adresată Guvernului României de a adopta măsuri pentru deblocarea concursurilor de admitere în magistratură), *Consiliul Superior al Magistraturii*, 13 January 2026, [https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12508&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20solicitarea%20public%C4%83%20adresat%C4%83%20Guvernului%20Rom%C3%A2niei%20de%20a%20adopta%20m%C4%83suri%20pentru%20deblocarea%20concursurilor%20de%20admitere%20%C3%AEn%20magistratur%C4%83-\(2026-01-13\)](https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12508&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20solicitarea%20public%C4%83%20adresat%C4%83%20Guvernului%20Rom%C3%A2niei%20de%20a%20adopta%20m%C4%83suri%20pentru%20deblocarea%20concursurilor%20de%20admitere%20%C3%AEn%20magistratur%C4%83-(2026-01-13) [in Romanian]) [in Romanian]

10 *Andreea Pocotilă, Mihai Voinea*, Documentary Investigation. Captured Justice (Documentar recorder, Justiție capturată), *Recorder*, 15 January 2025, <https://recorder.ro/documentar-recorder-justitie-capturata/> [in Romanian]

The investigation rapidly gained national attention and was broadcast by the public television service. Following its publication, the President of Romania initiated consultations with magistrates¹¹ and announced the intention to organise an internal ‘referendum’, inviting judges and prosecutors to express their views on whether the Superior Council of Magistracy (CSM) serves the public interest or particular groups’ interests.¹² Public statements referring to the possible ‘urgent departure’ of the CMS raised concerns regarding the principle of the separation of powers, given that the CSM is a constitutional authority under the Constitution. Its members may be dismissed only by the general assemblies of magistrates, in accordance with the rules governing their appointment and not through political or executive intervention.

The Bucharest Court of Appeal, one of the institutions targeted by the investigation, responded through official statements, saying that changes in the composition of judicial panels over recent years had been based on objective and lawful grounds.¹³ The Court further indicated that more than 86% of the examined cases had already reached prescription when they reached the court, pointing to systemic shortcomings at the stage of criminal investigation rather than in the adjudication phase.¹⁴

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- 11 *Presidency of Romania*, Summary of observations submitted by magistrates and other actors in the judicial system regarding the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independenta-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]
- 12 Ioana Câmpean, Can the members of the Supreme Administrative Court (SCM) leave “urgently” if the majority answer in the referendum initiated by President Nicușor Dan is that they do not represent the public interest? / The law clearly establishes that the revocation can only be initiated by magistrates (Pot pleca de urgență membrii CSM dacă la referendumul inițiat de președintele Nicușor Dan răspunsul majoritar va fi că nu reprezintă interesul public? / *Legea stabilește clar că revocarea poate fi inițiată doar de magistrați*), G4Media.ro, 21 December 2025, <https://www.g4media.ro/pot-pleca-de-urgenta-membrii-csm-daca-la-referendumul-initiat-de-presedintele-nicusor-dan-raspunsul-majoritar-va-fi-ca-nu-reprezinta-interesul-public-legea-stabileste-clar-ca-rev.html> [in Romanian]
- 13 *Bucharest Court of Appeal*, Public information note regarding the Recorder investigation, official communication, CABINETUL PREȘEDINTELUI, 5 January 2026, <https://www.cab1864.eu/wp-content/uploads/2026/01/Informare-publica-Recorder-5012026-.pdf> [in Romanian]
- 14 *Bucharest Court of Appeal*, Status of corruption cases prescribed in the period 2022-2025 (Situția dosarelor de corupție prescrise în perioada 2022-2025, official analysis document), 5 January 2026, <https://www.cab1864.eu/wp-content/uploads/2026/01/Situatie-dosare-de-coruptie-in-perioada-2022-2025.pdf>

At the same time, the scale of prescription in criminal cases highlights the major responsibility of the parliament. Following the Constitutional Court Decision No. 297/2018,¹⁵ which declared unconstitutional the legal provisions on the interruption of limitation periods, the parliament failed to amend the legislation within the constitutional deadline of 45 days. This prolonged inaction, which continued until 2022, created a legislative vacuum that allowed a substantial number of criminal cases to become time-barred. This failure to act has played a decisive role in the current crisis of public confidence in the justice system.

Implications and Recommendations for 2026

Regarding the unaddressed shortage of judges and court staff, the Commission should address this issue through a new recommendation in its upcoming report:

Suggested recommendation: Urgently unblock, at government level, the organisation of competitions for admission to the magistracy. This measure is essential to address the current shortage of judges, with approximately 15% of posts vacant, and to ensure the effective and timely functioning of the justice system.

To address the new issues that arose during 2025, the Commission should issue two new recommendations for the government.

Suggested recommendation: Initiate an inquiry into the prolonged parliamentary inaction following the Constitutional Court Decision No. 297/2018, which resulted in a significant legislative gap affecting the criminal justice system.

Suggested recommendation: Begin a comprehensive follow-up to the findings of the Recorder investigation, ensuring that the relevant judicial and oversight bodies examine the identified concerns and take appropriate action.

15 *Portal legislativ, Decizia CCR 297/2018: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/201821>*

Implementation of Judgments

As evidenced by Democracy Reporting International's 2025 assessment of the non-implementation of European court judgments, Romania is identified as facing a very serious problem in relation to compliance with both European Court of Human Rights (ECtHR) and CJEU case law,¹⁶ alongside Bulgaria, Hungary, Poland, and Italy.

In terms of ECtHR cases, according to the latest available report of the Committee of Ministers (Annual Report 2024), as of 31 December 2024, Romania had 411 cases pending before the Committee of Ministers, of which 111 were leading cases, and 300 were repetitive.¹⁷ In December 2025, the Committee of Ministers welcomed the consolidation of the preventive remedy aimed at effectively addressing complaints related to overcrowding and material conditions of detention, noting the progress achieved through a wide range of measures, in particular infrastructure works and a shift in penal policy towards rehabilitation.¹⁸ However, the 2025 Council of Europe report¹⁹ emphasizes that Romania continues to face serious unresolved structural problems in the execution of ECtHR judgments, despite legislative and policy reforms. Among the most persistent shortcomings are the ineffective investigation of ill-treatment, including police violence, excessive length of judicial proceedings, and the failure to enforce final domestic court decisions. Further unresolved problems affect the protection of private life and fundamental freedoms. Romania still lacks a clear and foreseeable legal framework governing secret surveillance, while safeguards for whistleblowers and journalistic sources remain insufficient.

16 Democracy Reporting International (2025), Justice Delayed, Justice Denied: Non-implementation of European Courts' Judgments and the Rule of Law, European Implementation Network, https://democracyreporting.s3.eu-central-1.amazonaws.com/images/6926c1cd17bd5.pdf?utm_source=chatgpt.com

17 Committee of Ministers of the Council of Europe, *18th Annual Report on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights*, CM/Inf/DH(2025), Annual Report, 31 December 2024, <https://www.coe.int/en/web/execution/annual-report-2024>

18 Committee of Ministers of the Council of Europe, *Romania: Committee of Ministers confirms effectiveness of preventive remedy concerning conditions of detention*, Department for the Execution of Judgments of the European Court of Human Rights, Strasbourg, 5 December 2025 <https://www.coe.int/el/web/execution/-/romania-committee-of-ministers-confirms-effectiveness-of-preventive-remedy-concerning-conditions-of-detention>

19 Committee of Ministers of the Council of Europe, *Romania, Country Factsheet on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights*, last updated 18 December 2025, <https://rm.coe.int/romania-eng/488029df7f>

A persistent issue in 2025 has been the conflict between Romania's High Court of Cassation and Justice and the Romanian Constitutional Court regarding the primacy of EU law.²⁰ In decision No. 390/2021,²¹ the Romanian Constitutional Court held that national constitutional identity sets a limit on the primacy of EU law, requiring Romanian courts to respect its rulings on constitutional compatibility. The CJEU's position was contrary to this, insisting that EU law's primacy is absolute, with the obligation to the national courts to set aside any conflicting national law, including the Constitutional norms, to ensure uniform EU law application. However, in practice, some Romanian courts²² pronounced decisions in 2024 and 2025, challenging the CJEU's authority to disapply national laws in cases such as those concerning the statute of limitations for fraud against EU financial interests, leading to legal uncertainty and divergent practices within national courts. Hence, Romanian courts and judges are caught between the Constitutional Court's decision, and the CJEU's role of ensuring and enforcing the EU's law application and effectiveness. Another layer of complexity is added by the fact that Article 148(2) of the Constitution provides for the supremacy of European law only over national legislation, not over the Constitution itself. Consequently, until Article 148(2) is amended to expressly establish the supremacy of European law also over the Constitution, both theoretical and practical disputes on this issue will continue to arise.

20 *Constitutional Discourse (2024), Judicial Review and the Constraints of the Primacy of EU Law Part 2, Poland and Romania*, 31 July 2024, <https://constitutionaldiscourse.com/judicial-review-and-the-constraints-of-the-primacy-of-eu-law-part-2-poland-and-romania/>

21 *Portal Legislativ, Decizia CCR 390/2021*: <https://legislatie.just.ro/Public/DetaliiDocument/243370>

22 *Norel Neagu, Primacy of EU Law – Constitutional Principle and Its Limits in Romania*, *Revista de Drept Constituțional / Constitutional Law Review*, no. 1/2022, *Editura Universul Juridic*, 17 August 2022 https://revistade-dreptconstitutional.ro/wp-content/uploads/nr_revista/2022_1/Art_02_Revista_de_drept_constitutional_nr_1_2022_Neagu.pdf

ANTI-CORRUPTION FRAMEWORK –

General assessment

Romania's trajectory in this area reflects a pattern of stagnation rather than progress. While the Commission has noted some steps to improve the investigation and prosecution of offences in the judiciary, including corruption cases, these efforts have yet to produce durable results. The repeated reshaping of the framework for handling offences committed by magistrates, from ordinary prosecutors, to a special section – the Section for the Investigation of Offences in the Judiciary (SIIJ), and back again, has generated instability instead of reform. Current debates about reviving a special section risk reopening old conflicts that originally prompted the creation of the SIIJ in 2018. At the same time, long-standing problems linked to prescription rules, the absence of accountability for prolonged legislative inaction, and the defensive stance of some judicial bodies in the face of public scrutiny remain largely unaddressed.

The 2025 Constitutional Court decision²³ narrowing the scope of asset declarations is a sign of backsliding. Although the Court cannot be faulted for applying General Data Protection Regulation (GDPR) standards, the practical effect has been a reduction in public access to information that is vital for accountability. Without corrective action, the balance between data protection and transparency risks tilting permanently toward secrecy. The way forward lies in redesigning the asset declaration system so that personal data is protected without undermining its core function of public oversight. If approached seriously, this moment could still mark a turning point toward reform, rather than the entrenchment of opacity.

23 Curtea Constituțională a României, Decizia 297/29 Mai 2025: https://www.ccr.ro/wp-content/uploads/2025/06/Decizie_297_2025.pdf

Implementation of 2025 Commission recommendations

Recommendation: Take measures to ensure efficient investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences (first made in 2023)

Until 2018, offences committed within the judiciary were investigated by the ordinary prosecution offices within the Public Prosecutor's Office (Ministerul Public). Judicial Inspection Report No. 5488/IJ/1365/DIP of 2018 revealed that one of these prosecution offices (the National Anti-Corruption Directorate-DNA) had opened a large number of cases against judges, mainly on the basis of ex officio notifications, with these cases being kept open for long periods of time. The Superior Council of Magistracy accused this practice of the anti-corruption prosecutor's office of constituting a form of pressure on judges.

For this reason, in 2018, the Section for the Investigation of Offences in the Judiciary (SIIJ) was established, as an independent structure operating within the Prosecutor's Office attached to the High Court of Cassation and Justice. The prosecutors in this section were appointed through a competitive examination organised by the Superior Council of Magistracy. The section functioned until 2022, when it was abolished (a controversial decision), and the system returned to having offences committed within the judiciary investigated by the ordinary prosecution offices within the Public Prosecutor's Office. The novelty introduced in 2022 was that, within the ordinary prosecution offices, not just any prosecutor may investigate offences in the judiciary, but only specially designated prosecutors, namely prosecutors with extensive seniority (at least 15 years), no disciplinary sanctions, top professional evaluations, impeccable moral conduct, and significant professional experience.

At the end of 2025 a working group was set up by the government to advance reforms in the field of justice; this issue is also on the agenda.²⁴ One of the ideas currently circulating in the public debate is the re-establishment of a special section for investigating offences in the judiciary, this time to operate within the DNA rather than within the Prosecutor's Office attached to the High Court of Cassation and Justice. It is very difficult to assume that judges or the Superior Council of Magistracy would agree to this option given that the special section for investigating offences in the judiciary (SIIJ) was created in 2018 precisely because judges were accusing the DNA of exerting pressure on them.

24 Gabriel Pecheanu, The working group for justice laws, officially established by the Bologna Government (Grupul de lucru pentru legile justiției, constituit oficial de Guvernul Bolojan), *Mediafax*, 20 December 2025, <https://www.mediafax.ro/politic/grupul-de-lucru-pentru-legile-justitiei-constituit-oficial-de-guvernul-bolojan-23661450> [in Romanian]

If the current system needs to be improved, it is essential that those advocating for change also present the possible options for improvement, together with the necessary arguments. Otherwise, it is difficult to chart a new and sound course for regulating the investigation of offences in the judiciary, after this regulation has already shifted from the ordinary prosecution offices to a special section and, after a relatively short time, back again to the ordinary prosecution offices.

APADOR-CH considers that the recommendation is too vague and should be changed to:

Grant a longer period of stability to the system for investigating offences in the judiciary, by abandoning the idea of constant changes, unless major problems are identified, especially in light of the relatively short experience of the special section (SIIJ) within the Prosecutor's Office attached to the High Court of Cassation and Justice.

Commission's 2025 assessment: Limited progress

APADOR-CH's current assessment: No progress

Recommendation: Introduce rules on lobbying for Members of Parliament and ensure the effectiveness of the asset declaration system (first made in 2022 with a focus on lobbying rules for Members of Parliament; expanded in 2025 to include ensuring effectiveness of asset declaration system)

Currently, there are no rules on lobbying in Romania and the Constitutional Court ruled on 25 May 2025 that there is no need to have the politician declarations of assets made public, as it infringes on their rights to protect their privacy (GDPR) and private life.²⁵ This decision was saluted as beneficial by many corrupt leaders and their business partners.²⁶ Also, the obligation to list the assets and interests of their spouses was removed.

25 Constitutional Court of Romania), Decision No. 297/2025, 29 May 2025: https://www.ccr.ro/wp-content/uploads/2025/06/Decizie_297_2025.pdf [in Romanian]

26 Dragoş Anastasiu resigned after the ANAF bribery scandal. The path from doctor to deputy prime minister (Dragoş Anastasiu – medic, antreprenor vizionar în turism şi transporturi, vicepremier şi scheleţi din dulap), Radio Europa Liberă România, 27 July 2025, <https://romania.europalibera.org/a/dragos-anastasiu-medic-antreprenor-vizionar-in-turism-si-transporturi-vicepremier-si-scheletii-din-dulap/33483981.html> [in Romanian]

The adoption of a lobbying law is difficult because, at the level of society, lobbying is often equated with corruption (in the Criminal Code there is the offence of influence peddling, which criminalises acts that are very similar to lobbying, at least at the level of public perception). For this reason, a lobbying law is seen, in public opinion, as a legalisation of influence peddling and is likely to encounter obstacles and reluctance stemming from public perception, which is rather difficult to change.

The restriction of obligations regarding asset declarations, following the 2025 Constitutional Court decision, could be considered a step backwards in terms of the transparency of public office. At the same time, however, the Constitutional Court cannot be blamed for applying the provisions of the GDPR in its decisions. There needs to be harmony and balance between the two values at issue: the transparency of public office and the protection of personal data. For the moment, this is how the balance found by the Constitutional Court looks.

The recommendation is clear on the need to introduce rules on lobbying, but vague with regard to ensuring the effectiveness of asset declarations, as it does not specify what concrete measures should be taken to achieve this. Instead, the Commission should recommend that Romania: *Redesign the asset declaration system to ensure that it remains an effective tool for transparency and accountability while fully complying with data protection standards.*

Commission's 2025 assessment: No progress

APADOR-CH's current assessment: No progress

Gaps in the Commission's Report

Statute of limitations in criminal cases

The Commission missed the opportunity to make a clear recommendation on the systemic impact of the prescription (statute of limitations) crisis in criminal cases and the prolonged legislative inaction that followed Constitutional Court Decision No. 297/2018. The failure of the parliament to act in time after the Constitutional Court declared unconstitutional the rules on interrupting limitation periods created a long-lasting legal vacuum. This allowed a significant number of serious criminal cases, including corruption cases, to become time-barred, with lasting effects on accountability and public trust in the justice system. In 2025, the consequences of this legislative failure became even more visible. High-profile cases continued to be closed because of the prescription, reinforcing public perceptions of impunity. The Recorder investigation further highlighted how procedural delays and institutional dysfunctions deepened the crisis of confidence in the justice system. Despite the scale of the problem, the issue was not addressed in a targeted way through the Commission's recommendations.

New Issues that Emerged in 2025

Whistleblowing legislation

Following the Recorder investigation, the President organised consultations with magistrates and other actors from the judicial system to discuss the functioning of justice and institutional vulnerabilities. The summary of these consultations mentions some magistrates' concerns about the uncertain application of whistleblower protection within the judiciary. Participants reported that an institutional interpretation attributed to the Superior Council of Magistracy in 2025 suggested that the Law No. 361/2022²⁷ might not apply to courts, a view perceived as a source of pressure and legal insecurity.²⁸ At the same time, an internal whistleblowing channel in line with the Law No. 361/2022 has been set up within the National Institute of Magistracy.²⁹

While the existence of a decision of the Superior Council of Magistracy suggesting that whistleblowing legislation does not apply to courts is yet to be confirmed, the consultations also revealed a climate of fear within the system. Magistrates repeatedly referred to anonymity as a form of self-protection against possible reprisals, including disciplinary action and negative career consequences. Oversight and evaluation mechanisms were described as being used informally to discourage criticism, while internal messages were said to deter solidarity and reporting.

27 *Portal Legislativ, Legea 361/2022 privind protecția avertizorilor în interes public*: <https://legislatie.just.ro/Public/DetaliiDocument/262872>

28 *Presidency of Romania*, Summary of observations submitted by magistrates and other actors in the judicial system on the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independenta-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]

29 *National Institute of Magistracy*, Information regarding the establishment of the internal reporting channel at the level of the National Institute of Magistracy, according to Law no. 361/2022 on the protection of whistleblowers in the public interest (Informare privind instituirea canalului intern de raportare la nivelul Institutului Național al Magistraturii, conform Legii nr. 361/2022 privind protecția avertizorilor în interes public), August 2025, https://inm-lex.ro/wp-content/uploads/2025/08/INFORMARE_instituire-canalul-intern-de-raportare.pdf [in Romanian]

Implications and Recommendations for 2026

To address the crisis around the statute of limitations for criminal cases, the Commission should issue a new recommendation to set up an official inquiry into the matter.

Suggested recommendation: Initiate an independent inquiry into the prolonged parliamentary inaction following Constitutional Court Decision No. 297/2018 and assess responsibility for the resulting legislative gap.

With regard to developments related to whistleblowing legislation, the Commission should issue one new recommendation.

Suggested recommendation: Ensure the effective application of whistleblower protection within the judiciary and include a dedicated section in the anti-corruption chapter of the Rule of Law Report to assess how whistleblowing legislation is applied in the justice system.

MEDIA ENVIRONMENT AND MEDIA FREEDOM —

General assessment

The trajectory of the mass media environment in Romania 2025 is characterised by stagnation and systemic vulnerabilities. While the legal architecture for media regulation exists, the implementation remains the primary weakness, leading to a landscape defined by opaque ownership, political influence, and declining public trust. Romania has not yet implemented any provision of the European Media Freedom Act (EMFA) into its national legislation. Despite the Regulation entering into force in August 2025 and official declarations of intent from the Ministry of Culture to harmonise laws in 2026, no concrete legislative progress was achieved by the end of 2025. Non-transparent political financing and politicisation of regulators continue to impact the media environment. In terms of backsliding in media freedom, hostility towards journalists persists. Journalists face frequent verbal intimidation and physical obstruction from political actors. In 2025, incidents included the head of the Prime Minister's press office physically pushing journalists and a mayor threatening a local reporter with physical violence.

The leadership of the national public radio (SRR) and television (TVR) remains subject to political appointments, with management often changing alongside shifts in political majorities. Both institutions suffer from 'historically embedded obedience' and a lack of critical journalism. Encouragingly, the law adopted by the Ministry of Justice to transpose the Anti-SLAPP Directive also extends to domestic cases. The appointment of the Ombudsperson as a national focal point for these cases is likewise regarded as a positive step. At the end of 2025, the new Director General of TVR authorised the broadcast of an investigation by the independent outlet Recorder into high-level corruption within the judiciary, a decision widely seen as a welcome and rare assertion of independence within the public broadcasting system. In addition, the Ministry of Culture has announced plans to align national legislation with the EMFA by the first half of 2026, although no concrete progress had been achieved by the end of 2025.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Both the national public radio (SRR) and television (TVR) continue to have the image of politicized institutions, suspected of (self) censorship and poor financial management. The leaders of these institutions are politically appointed, and their dismissal is carried out through the simple non-approval of the activity reports submitted to the parliament. At the end of 2025, a new leadership of TVR and SRR was voted in parliament on the proposals of the parties in government. Although both individuals have a journalistic background, they were proposed and supported politically for occupying these positions.

According to the Media Capture Monitoring Report,³⁰ the performance of the TVR is below expectations, with an audience share of under 5%. Although it continues to offer quality content, with a “reasonable balance and impartiality”, the overall performance remains weak. The SRR is in a more advantageous position, with content aligned with its public mission, but it still lacks critical journalism.

In addition, Romania has not yet implemented any provision of the EMFA. The implementation of the Regulation in Romanian legislation was announced³¹ as early as August 2025 by the Ministry of Culture, which is designated as the coordinator of the process of harmonising national legislation with the requirements of the EMFA. The Ministry announced that it was already collaborating with the parliament, the National Audiovisual Council (CNA), the National Authority for Management and Regulation in Communications (ANCOM), SRR and SRTV, civil society as well as with professional press associations, but by December 2025 no concrete progress had been made in this regard.

30 The International Press Institute (IPI) and the Media and Journalism Research Center (MJRC), Media capture monitoring report: Romania Measuring EMFA Compliance, November 2025, <https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf>

31 Ministry of Culture, *The Ministry of Culture adapts national legislation to implement the European Regulation on Freedom of the Media (EMFA)* (Ministerul Culturii adaptează legislația națională pentru aplicarea Regulamentului european privind libertatea mass-mediei (EMFA)), 13 August 2025, www.cultura.ro/ministerul-culturii-adapteaza-legislatia-nationala-pentru-aplicarea-regulamentului-european-privind/ [in Romanian]

In an interview³² given in December 2025, the Minister of Culture stated that for the application of the Regulation “extensive legislative amendments will be necessary”, because “Romanian legislation regarding the press is dispersed across numerous normative acts, without coherence between them, and this is one of the reasons why a single law or even a code on freedom of expression, creation and press freedom would be necessary. This should integrate Law No. 41/1994,³³ the Audiovisual Law, the Law on written culture, digital legislation and other relevant norms, in order to create a coherent legislative structure”. The Minister also stated that he aims for the amendments necessary for the implementation of the EMFA to be finalized by the first half of 2026.

The Commission’s recommendation is not only very vague but refers only to one issue: public media services. It failed to make concrete recommendations on the systemic lack of transparency in political financing of the media, the weak independence of the media regulator and the insufficient protection of journalists, despite these problems being repeatedly documented in previous reports. This single recommendation should be split into two in the Commission’s upcoming report:

(1) Further develop and implement of the provisions of the EMFA in national legislation, taking into account national institutional specificities, in particular as regards media financing, where full transparency should be ensured, and the establishment of a register of media owners.

(2) Any initiative, expressed at the ministerial level, to merge existing legislation into a single freedom of expression code be preceded by a thorough impact assessment and broad stakeholder consultation, to prevent the adoption of overly complex and bulky normative acts that would undermine legal clarity and practical enforcement.

Commission’s 2025 assessment: No progress

APADOR-CH’s current assessment: No progress

32 “EMFA’s goal is not to impose itself over national legislation, but to allow for coherent harmonization and alignment with European standards regarding media freedom and pluralism.” Exclusive interview with András István Demeter, Minister of Culture („Scopul EMFA nu este să se impună peste legislația națională, ci să permită o armonizare coerentă și o aliniere la standardele europene privind libertatea și pluralismul media” Interviu în exclusivitate cu András István Demeter, ministru al Culturii), *Union of Professional Journalists of Romania*, 18 December 2025, <https://uzpr.ro/18/12/2025/scopul-emfa-nu-este-sa-se-impuna-pest-legislatia-nationala-ci-sa-permita-o-armonizare-coerenta-si-o-aliniere-la-standardele-europene-privind-libertatea-si-pluralismul-media-interv/> [in Romanian]

33 *Portal Legislativ, Legea 41/1994, privind organizarea SRR și TVR: <https://legislatie.just.ro/Public/DetaliuDocument/20381>*

Gaps in the Commission's Report

Political financing of private media

In Romania, political parties and public authorities continue to finance private media in a non-transparent manner, while oversight institutions remain politicised and ineffective. At the same time, access to public information is increasingly restricted, media ownership outside the audiovisual sector remains opaque, and journalists are still exposed to harassment through abusive lawsuits, in the absence of effective Anti-SLAPP protection. In 2025, political parties continued to direct substantial public subsidies towards media and propaganda. According to Expert Forum,³⁴ 53% of state subsidies, around 93.000.000 lei, were spent on press and propaganda. Despite repeated requests from the civil society, parties refused to publish contracts, invoking commercial secrecy, and there is still no legal obligation to ensure transparency when funds are channeled through private intermediaries such as PR agencies. At the same time, the National Audiovisual Council (CNA) remained politicised³⁵ and under-resourced. During the 2025 electoral campaign, it ordered the removal of online content, including material critical of those in power, actions widely criticized as exceeding³⁶ its mandate. Plans announced by the Government to merge the CNA with the National Authority for Management and Regulation in Communications (ANCOM) added further uncertainty about the future of media regulation. Transparency of media ownership remained insufficient outside the audiovisual sector, highlighted by politically connected acquisitions in 2025. Access to public information deteriorated further, while journalists³⁷ continued to face intimidation through SLAPP-type lawsuits.

34 *Septimius Pârâu*, *Subsidies to political parties January-August 2025* (Subvențiile partidelor politice Ianuarie - august 2025), September 2025, EFOR, <https://expertforum.ro/wp-content/uploads/2025/09/PB225-subvsept2025.pdf> [in Romanian]

35 *The International Press Institute (IPI) and the Media and Journalism Research Center (MJRC)*, *Media capture monitoring report: Romania Measuring EMFA Compliance*, November 2025, <https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf>

36 *ActiveWatch*, *The CNA must not abusively censor citizens' constitutional right to freedom of opinion* (CNA nu trebuie să cenzureze abuziv dreptul constituțional al cetățenilor la libertatea de opinie), 28 March 2025, <https://activewatch.ro/articole/cna-nu-trebuie-s%C4%83-cenzureze-abuziv-dreptul-constitu%C8%9Bional-al-cet%C4%83%C5%A3enilor-la-libertatea-de-opinie/> [in Romanian]

37 *APADOR-CH*, *How much does freedom of expression cost in Gorj?* (Cât mai costă libertatea de exprimare în Gorj?), 7 November 2025, <https://apador.org/en/cat-mai-costa-libertatea-de-exprimare-in-gorj/> [in Romanian]

New Issues that Emerged in 2025

Disinformation

In 2025, the issue of disinformation and the state's response to it became a new concern, following the annulment of the 2024 presidential elections, officially justified by allegations of large-scale foreign online disinformation. While combating disinformation has gained political urgency, the absence of a clear legal definition and of a coherent legislative framework creates a serious risk that anti-disinformation policies may evolve into state censorship rather than democratic protection.

The core problem is the gap between political intent and legal safeguards. Romania still lacks a law on combating disinformation, and despite public commitments, the subject appears to have stalled in terms of concrete measures. Meanwhile, the President has announced³⁸ the creation of a dedicated anti-disinformation department within the Presidential Administration in early 2026, intended to strengthen institutional capacity to counter misinformation, especially online. Without clear definitions, procedures, or accountability mechanisms, this initiative risks reinforcing executive power in a sensitive area affecting freedom of expression, without adequate democratic oversight.

Throughout 2025, APADOR-CH sought³⁹ clarification from the Presidency and the Supreme Council of National Defense (CSAT) regarding the concrete strategy, procedures, and safeguards for combating disinformation. These efforts followed repeated statements by the new President elected in spring 2025, who emphasised the urgency of rapid intervention. Access to the National Strategy for Strategic Communication and Combating Disinformation (drafted in 2021 but kept classified) was obtained only with difficulty, and it remains unclear whether or how it has been implemented. Authorities failed to respond to key questions, including who decides what constitutes disinformation and what remedies will exist for those affected. In parallel, several incidents in 2025 involved citizens being contacted by police and pressured through fines, warnings, or informal requests to delete social

38 Cristian Pantazi, SOURCES President Nicușor Dan will establish a special department against disinformation in the Presidential Administration (SURSE Președintele Nicușor Dan va înființa un departament special împotriva dezinformării în Administrația Prezidențială), *G4Media.ro*, 7 January 2026, www.g4media.ro/surse-presedintele-nicusor-dan-va-infiinta-un-departament-special-impotriva-dezinformatii-in-administratia-prezidentiala.html [in Romanian]

39 APADOR-CH, Combating disinformation must not become a tool of censorship (Combaterea dezinformării nu trebuie să devină instrument de cenzură), 13 June 2025, <https://apador.org/combaterrea-dezinformatii-nu-trebuie-sa-devina-instrument-de-cenzura/> [in Romanian]

media posts critical of authorities.⁴⁰ A partial definition of disinformation appeared only in the new Audiovisual Code⁴¹ adopted by the CNA in 2025. However, this is an administrative act, not a law, and applies only to audiovisual media providers, leaving the broader online and civic space largely unregulated but increasingly policed⁴² in practice.

Implications and Recommendations for 2026

The developments around political financing of media undermine editorial independence, distort the public information space, and erode public trust in both the media and state institutions. Non-transparent political financing blurs the line between journalism and propaganda, weak regulation enables arbitrary interference, and the lack of protection for journalists chills critical reporting. Together, these trends deepen media capture and weaken democratic accountability.

Suggested recommendation: Adopt binding transparency rules for all political and public funding of media, including mandatory disclosure of contracts, intermediaries, and final beneficiaries, the swift and effective implementation of the European Media Freedom Act, accompanied by reforms to strengthen the independence and resources of the CNA.

Suggested recommendation: Extend media ownership transparency obligations to online media and the urgent transposition of the Anti-SLAPP Directive into national law.

On the issue of disinformation and the government's response to it, the following recommendation should be issued.

Suggested recommendation: Public authorities should adopt anti-disinformation measures that do not suppress free expression or impose an official version of truth. Any framework must strictly respect legality, proportionality, and judicial oversight, in line with the rule of law standards. Authorities should also carry out genuine public debates involving communication experts, digital platform specialists, civil society, and the judiciary.

40 *APADOR-CH*, Cătălin Predoiu is a militiaman! (Cătălin Predoiu e un milițian!), 12 February 2025, <https://apador.org/catalin-predoiu-e-un-militian/> [in Romanian]

41 *National Audiovisual Council*, *DECISION No. 573 of June 25, 2025 on the Audiovisual Content Regulatory Code (DECIZIE nr. 573 din 25 iunie 2025 privind Codul de reglementare a conținutului audiovizual)*, CNA, 4 July 2025, www.cna.ro/a-decizie-nr-573-din-25-iunie-2025-privind-codul-de-reglementare-a-continutului-audiovizual-jw3bdxt4gnjecm25skt7d6jy/ [in Romanian]

42 *APADOR-CH*, Cătălin Predoiu is a militiaman! (Cătălin Predoiu e un milițian!), 12 February 2025, <https://apador.org/catalin-predoiu-e-un-militian/> [in Romanian]

CHECKS AND BALANCES —

General assessment

The developments of 2025 point to a worrying consolidation of executive dominance over democratic safeguards. One of the clearest warning signals is the routine use of exceptional legislative mechanisms such as emergency ordinances and the procedure of assuming governmental responsibility in order to bypass parliamentary debate and meaningful public consultation. For example, the regulation of a new electoral cycle through emergency legislation, despite strong criticism from civil society,⁴³ reinforced the perception that urgency is being used as a pretext to avoid debate on matters of fundamental rights. This reflects a deeper shift in political culture, in which transparency, accountability, and participation are increasingly treated as obstacles to efficiency rather than as democratic essentials.

Pressure on civic space adds another layer of concern. Proposals to extend public-law transparency obligations to NGOs would fundamentally alter the relationship between the state and civil society, transforming accountability rules into potential instruments of control. Even if not yet adopted, such initiatives already create a chilling effect, particularly for watchdog organisations. Recent decisions of the Constitutional Court further amplify these risks. Excluding presidential candidates on the basis of their political speech, without due process and beyond the limits set by law, raises serious questions about freedom of expression and the role of constitutional justice.

It is increasingly clear that current trends point in a concerning direction. The warning signs are evident, and once exceptional practices are becoming routine. Re-establishing respect for parliamentary scrutiny, meaningful public consultation, effective oversight, and a supportive environment for civil society, therefore, remains essential for the proper functioning of democratic institutions.

43 APADOR-CH, *Cerem AVP să atace la CCR ordonanța de comas are a alegerilor*, <https://apador.org/cerem-avp-sa-atace-la-ccr-ordonanta-de-comasare-a-alegerilor/>

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to address the frequent use of government emergency ordinances and to ensure effective public consultations before the adoption of legislation (first made in 2023)

In 2025, the government did not advance the implementation of the recommendation to reduce the frequent use of emergency ordinances and to ensure effective public consultation before adopting legislation.

On the contrary, the year consolidated a pattern of executive dominance over the legislative process, marked by systematic circumvention of the parliament and marginalisation of consultative mechanisms. Out of 248 laws adopted in 2025, 124 merely approved prior government decisions, while four were adopted through the procedure of assuming governmental responsibility.⁴⁴ As a result, only half of the laws were genuinely debated and adopted by the parliament, while the government became the main driver of legislation. In parallel, the executive issued 1,253 normative acts in a single year, including 95 emergency ordinances and 1,158 government decisions.

A key example of this approach was the reform of magistrates' pensions. Instead of submitting a draft law to the parliament for debate, the government used the procedure of assuming responsibility, which drastically limits parliamentary scrutiny and public input. The Constitutional Court declared the law unconstitutional due to the failure to consult the Superior Council of Magistracy.⁴⁵ The second law on the same issue was later adopted in 2025 through the same expedited procedure and is again pending constitutional review. These developments reveal a persistent refusal to engage in genuine institutional dialogue on reforms that directly affect the functioning and independence of the justice system.

44 *Lege5 (2025)*, Legislative database, statistical data source, <https://lege5.ro/>

45 Emilian Isailă, A long and complicated road to reducing special pensions: CSM attacks Bolojan, CCR will have the final say, Spotmedia, https://spotmedia.ro/en/news/opinions-and-analyses/a-long-and-complicated-road-to-reducing-special-pensions-csm-attacks-bolojan-ccr-will-have-the-final-say?utm_source=chatgpt.com

This pattern extended beyond justice reform. After the annulment of the presidential elections in December 2024, Romania entered a new electoral cycle in spring 2025. The process was regulated once again through an emergency ordinance, OUG No. 1/2025, adopted without real public consultation and in the absence of decision-making transparency.⁴⁶ Civil society explicitly criticized this approach, stressing that changes to electoral law must be made transparently and without undermining fundamental rights. These concerns were, however, ignored, reinforcing the perception that emergency legislation is used not only to bypass the parliament, but also to silence societal input on matters of democratic importance.

The recommendation is clear, and the main obstacles to implementing it in 2025 were political and institutional. The government prioritised speed and control over transparency and participation, treating consultation as optional rather than essential. Moreover, the vague constitutional regulation of the procedure for assuming governmental responsibility enabled repeated use of this mechanism, transforming an exceptional tool into a routine shortcut that bypasses parliamentary debate and weakens democratic oversight at a time when public trust in institutions is already fragile.

Commission's 2025 assessment: Some progress

APADOR-CH's current assessment: Backsliding

Recommendation: Take forward the process for obtaining accreditation for the National Human Rights Institutions, taking into account the UN Paris Principles (first made in 2023)

During 2025, no concrete developments were recorded regarding the implementation of the recommendation on the accreditation of national human rights institutions. The situation remains unchanged from that described in the previous report. The main obstacles identified persist, these include the lack of compliance of the Romanian Institute for Human Rights with the Paris Principles, in particular, with regard to its independence from the executive, the procedures for appointing its leadership, and the adequacy of its financial and human resources. The issue raised concerning the accreditation of more than one national institution with the same geographic mandate also remains unresolved.

Commission's 2025 assessment: No progress

APADOR-CH's current assessment: No progress

⁴⁶ APADOR-CH, *The government establishes political control of online communication in the electoral campaign* (Guvernul instituie controlul politic al comunicării online în campania electorală), 21 January 2025, <https://apador.org/en/guvernul-instituie-controlul-politic-al-comunicarii-online-in-campania-electorala> [in Romanian]

Gaps in the Commission's Report

An important issue on which the Commission should have made a clear recommendation concerns the protection of civic space from regulatory overreach, illustrated by the attempt to extend public law transparency obligations to NGOs through the draft Administrative Procedure Code.⁴⁷ Although the Commission briefly mentioned this development in the report, it did so only in passing despite the serious implications for civil society.

The draft classifies NGOs as “holders of public interest information” simply because they act in the public interest or manage public funds. As a result, they would fall under the full scope of Law no. 544/2001, being required not only to ensure transparency in relation to funding, but to respond to requests concerning any information deemed to be of public interest, meaning any information that “results from or concerns” their activity. This goes far beyond the legitimate objective of ensuring financial accountability. It would subject private, non-profit organizations to a regime designed for public authorities, exposing them to broad disclosure obligations, constant administrative pressure, and potential litigation. In practice, this transforms a transparency law into a tool of generalized control over civil society.

The proposal relies on vague and unpredictable legal concepts, such as “acting in the public interest,” without clear criteria, creating legal uncertainty and allowing arbitrary or selective application. Should it pass, it would impose a disproportionate administrative and financial burden on NGOs, many of which lack the staff and resources to comply with obligations intended for public institutions. Moreover, it produces a chilling effect on civic space, particularly on watchdog organizations, which become more vulnerable to harassment through excessive information requests and litigation. This is all the more problematic given that adequate mechanisms for ensuring transparency already exist. NGOs receiving public or EU funds are subject to financial reporting obligations, audits, donor requirements, and controls by public authorities. Extending Law no. 544/2001 to cover the entirety of their activity does not strengthen accountability; it merely adds unnecessary bureaucracy and pressure.

Although the draft of the Administrative Procedure Code has not yet been adopted, there is a real risk that it could be passed through the Government assuming responsibility procedure. In this context, the Commission should recommend that Romania refrain from treating NGOs as public authorities and ensure that any transparency obligations imposed on private entities are narrowly defined and proportionate.

47 Ministry of Development, Public Works and Administration (2025), *Proiect lege aprobare Cod de procedură administrativă*, 19 February 2025, <https://www.mdlpa.ro/pages/proiectlegeaprobarecodproceduraadministrativa19022025>.

New Issues that Emerged in 2025

Parliamentary elections and freedom of expression

In the context of the parliamentary elections initially held in 2024 and repeated in 2025 following their annulment, the Constitutional Court of Romania excluded two candidates from the presidential race. The Court justified its decision because the candidates were insufficiently committed to European and democratic values.

The Constitutional Court based this conclusion on the candidates' public statements and conduct, noting that they had repeatedly expressed negative views on the functioning of the EU and NATO. These statements had not been sanctioned by any court of law. Nevertheless, the Constitutional Court held that such criticism amounted to an erosion of constitutional values and guarantees, equivalent to rejecting Romania's fundamental democratic choices. As stated in the Court's reasoning: "Membership of the EU and NATO represents fundamental constitutional options and, under these conditions, constitutes guarantees of the values enshrined in the Constitution. Undermining these values and guarantees is equivalent to rejecting fundamental democratic choices."⁴⁸ The Court's decision raised both procedural and substantive concerns. From a procedural perspective, although the Court acted in a quasi-judicial capacity, the candidates were denied the right to defense: they were unable to submit evidence, were not represented by legal counsel, and had no right of appeal, as the Court's decisions are final. From a substantive point of view, the law does not list loyalty to European or Euro-Atlantic institutions as a requirement for presidential candidacy. Statutory conditions are formal and limited: age, citizenship, and the collection of a minimum number of supporting signatures. By introducing an additional, unwritten condition, namely, refraining from criticising certain institutions or values, the Constitutional Court effectively amended the law, although no court had ruled such statements unlawful.

The core issue raised by this case concerns freedom of expression. Criticism of the European or Euro-Atlantic institutions clearly falls within the scope of protected speech. Public debate on Romania's membership of these structures should not be treated as a serious offence warranting exclusion from the presidential race. Such an approach inevitably suppresses open and honest discussion on matters of undeniable public interest. APADOR-CH has therefore reiterated its recommendation that the powers currently exercised by the Constitutional Court be transferred to professional judges within a specialised chamber of the High Court of Cassation and Justice. These responsibilities should not remain with politically appointed members nominated by the parliament and the President. Although

48 *Constitutional Court of Romania*, CCR Ruling No. 2/2024, para. 39, 5 October 2024, <https://www.ccr.ro/wp-content/uploads/2024/10/HOTARAREA-nr.2.pdf> [in Romanian]

judges of the Constitutional Court hold legal qualifications, their independence and impartiality cannot be equated with those of career judges. The institutional history of the Court provides sufficient grounds for this concern. In this context, the European Commission should also be encouraged to address issues relating to the functioning of the Constitutional Court.

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The Association for the Defense of Human Rights in Romania – the Helsinki Committee

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RULE OF LAW

REPORT

2026



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VIA IURIS



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OVERALL ASSESSMENT: DISMANTLER

The rule of law environment in the Slovak Republic throughout 2025 has undergone an intentional and systematic transformation that warrants the designation of ‘Dismantler’. Following the return to power of the coalition led by Prime Minister Robert Fico in late 2023, the government has moved beyond a period of ‘sliding’ standards into a phase of structural deconstruction of the checks and balances that underpin a liberal democracy. The state of the rule of law throughout the year demonstrates a profound and intentional reconfiguration of the nation’s democratic architecture. This period has been defined by a systematic effort to weaken independent oversight, centralise executive control, and insulate domestic political decisions from European and international legal scrutiny.

The primary catalyst for this shift was the materialisation of the 2024 legislative offensive, particularly the near-total cessation of high-level corruption prosecutions and the capturing of public service media. Internationally, Slovakia’s trajectory is marked by a deepening conflict with European Union institutions. While the government engaged in ‘intensive dialogue’ with the European Commission in late 2024 and early 2025,¹ the ensuing legislative adjustments were largely technical and designed primarily to prevent the immediate freezing of EU funds under the Protection of the Union’s Financial Interests (PIF) Directive, an EU initiative to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds, while leaving the broader objectives of the government’s illiberal agenda intact.

The most critical development of 2025 was the adoption of the 23rd Amendment to the Constitution in September. This amendment asserts national sovereignty over ‘mainly cultural and ethical issues’ in a manner that directly challenges the primacy of European Union law.² By November 2025, the European Commission was forced to initiate a formal infringement procedure, citing the challenge to the primacy of EU law embedded in this new constitutional order. Domestically, the executive has successfully marginalised the legislative branch through the continued and unjustified use of fast-track procedures, preventing meaningful public consultation and expert involvement, leading to legal chaos

1 European Commission, 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025

2 The amended Article 7 sec. 6 and 7 of the Constitution: “(6) The Slovak Republic retains its sovereignty, in particular in matters of national identity, consisting in particular of fundamental cultural and ethical issues relating to the protection of life and human dignity, private and family life, marriage, parenthood and family, public morality, personal status, culture and language, as well as decision-making on related matters in the fields of health, science, education, personal status and inheritance. “(7) Nothing in this Constitution and the Constitutional Laws shall be interpreted as an approval of the Slovak Republic for the transfer of the exercise of part of its rights in matters constituting national identity.”

and a profound loss of legal certainty. Furthermore, the physical and psychological environment for those tasked with public oversight—including independent judges, investigative journalists, and civil society—has deteriorated significantly, characterised by legislative changes, continuous verbal attacks and smear campaigns led by the ruling party politicians and officials, administrative harassment, and the threat of disciplinary or criminal sanctions.

Assessment of the trajectory

Slovakia has moved beyond the phase of mere democratic erosion and now definitively occupies the designation of a ‘Dismantler’ as it intentionally and comprehensively undermines the rule of law across all primary institutional pillars, often seeking to constitutionalise these regressions to make them more resistant to future reversal.³ The trajectory of the country is marked by the government ignoring early warning signs and escalating attacks on the remaining independent institutions, particularly the Constitutional Court and the Whistleblower Protection Office.

Backsliding is now entrenched, with the legislative process reduced to a tool for the ruling majority. The government’s rhetoric has increasingly framed independent institutions and NGOs as ‘foreign-funded political actors’ that obstruct the ‘sovereign will of the majority’.⁴ The adoption of the 23rd Amendment represents a point of no return for Slovakia’s alignment with European values. This amendment introduces provisions that directly conflict with European and international human rights obligations, such as asserting that Slovakia retains sovereignty over ‘national identity’ to serve as a legal barrier against the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) rulings on LGBTQIA+ rights and reproductive health.

There are no credible signs of progress to be built on; instead, the environment suggests that without robust intervention, the current backsliding will become irretrievably entrenched. Even when the Constitutional Court demonstrated institutional resilience—such as suspending the dismantling of the Whistleblower Protection Office in December 2025⁵—this followed a 2024 ruling on the Penal

3 Max Steuer, *No Skyfall. The Twenty-Third Amendment to the Slovak Constitution*, 20 October 2025, <https://verfassungsblog.de/slovakia-constitutional-amendment/>

4 Boris Strečanský: *Civil Society in Slovakia 2024–2025: Resisting an Authoritarian Turn*, in *MAECENATA OBSERVATORIUM*, Nr. 86, November 2025, <https://www.maecenata.eu/2025/11/19/observatorium-86-civil-society-in-slovakia-2024-2025-resisting-an-authoritarian-turn/>

5 Natália Silenská: *Slovakia’s Constitutional Court suspends law abolishing Whistleblower Protection Office*, 18 December 2025, <https://constitutionnet.org/news/slovakias-constitutional-court-suspends-law-abolishing-whistleblower-protection-office> *The decision of the Constitutional Court of the Slovak Republic no. PL. ÚS 19/2025.*

Code⁶ where the Court upheld most of the government's illiberal changes as long as they met basic procedural requirements.⁷ The 2025 revisions to the Penal Code have significantly restricted the use of the penal procedure of 'cooperating accused persons'⁸ and introduced the threat of imprisonment for influencing election campaigns by 'foreign powers', leading to mass protests,⁹ reflecting a profound societal concern that the government is prioritising the protection of its own associates over the safety and justice of the population.¹⁰

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The European Commission must move beyond non-binding recommendations and deploy the rule of law toolbox more strategically. Given that the government has demonstrated a pattern of ignoring advisory opinions or offering only superficial concessions, the Commission should prioritise the toolbox's most decisive legal instrument: the infringement procedure. To prevent backsliding from becoming irretrievably entrenched, the Commission must shift toward consistent litigation, particularly regarding challenges to the primacy of EU law. A critical case in point is the 23rd Amendment to the Constitution, which directly threatens the EU's legal order. The European Commission initiated

6 *The Constitutional Court of the Slovak Republic, the decision no. PL. ÚS 3/2024 from 19 July 2024*

7 Peter Čuroš: *The Slovak Constitutional Court has kneeled before Robert Fico*, IACL-AIDC Blog, 24 October 2024, <https://blog-iacl-aidc.org/2024-posts/2024/10/24/the-slovak-constitutional-court-has-kneeled-before-robert-fico>

8 "A cooperating person" or "cooperating accused" in the criminal procedure in Slovakia is a perpetrator or participant in a crime who assists in the investigation of serious criminal activity by voluntarily confessing and providing testimony against another person in exchange for benefits that may be granted to them in criminal proceedings in the form of a more lenient sentence or its annulment. According to the newly amended par. 119 sec. 6 of the Criminal Procedure Code, "evidence obtained from a cooperating person may not be used in criminal proceedings if that person has not testified truthfully about material facts in any criminal proceedings or has not disclosed all material facts in their testimony." Such a change will have a significantly negative impact on the prosecution of serious crimes, such as those committed by criminal groups. The Prosecutor General (motion no. 96/2026) and the Specialised Criminal Court (motion no. 248/2026 and motion no. 168/2026), submitted (respectively) motions for review of the constitutionality of this amendment. See more at: TASR: PG Zilinka Challenges Penal Code Amendment at Constitutional Court, 14 January 2026, <https://etasr.sk/article/22838975>

9 AP: *Thousands protest Slovak leader Fico over whistleblower office closure and penal code changes*, 16 December 2025, <https://apnews.com/article/slovakia-protest-fico-770a977c9c9f9dcfad32e5b23409038a>

10 The amendment to the Criminal Code should help Tibor Gašpar, Deputy Speaker of Parliament (member of the ruling SMER-SD party), who is currently on trial in the "Očistec" case. In this case, Gašpar, as the then head of the police, allegedly abused the police for political and private purposes, acting as part of an organised criminal group.

an infringement procedure in November 2025 by sending a letter of formal notice, arguing that a Member State cannot circumvent the obligation to comply with the fundamental principles of EU law, including autonomy and primacy, even through constitutional amendments.¹¹ Such a response must now become the standard mechanism to address systemic violations before they cause irreversible damage.

Furthermore, the attempted abolition of the independent Whistleblower Protection Office in late 2025 represents a new and dangerous phase of state capture.¹² The move to replace it with a body under direct government oversight is a clear violation of the standards required under EU law regarding independent authorities. Moreover, it is a clear step to muzzle those exposing state corruption since the act is intended to retroactively terminate protection for individuals who have reported high-level corruption.

The Commission must also address the ‘legal chaos’ caused by the continued and unjustified use of fast-track legislative procedures, which prevent meaningful public and expert consultation. Only a robust and comprehensive application of the EU’s rule of law toolbox can address this systematic dismantling of Slovakia’s democratic architecture.

State of play (versus 2025)

- ↓ Justice system
- ↓ Anti-corruption framework
- ↓ Media Environment and Media Freedom
- ↓ Checks and balances

Legend

Regression	No progress	Progress
↓	—	↑

11 Baradhan Divyabharthi, *EU launches infringement procedure against Slovakia constitutional reform*, 23 November 2025, <https://www.jurist.org/news/2025/11/eu-launches-infringement-procedure-against-slovakia-constitutional-reform/>

12 EU Whistleblowing Monitor, *Constitutional Court Suspends Law Abolishing Whistleblower Protection Office*, 17 December 2025, <https://whistleblowingmonitor.eu/constitutional-court-suspends-law-abolishing-whistleblower-protection-office/>

JUSTICE SYSTEM

General assessment

The best overall picture for the Slovak justice system is one of regression.

Consolidation of Political Influence and the Judicial Council

The Slovak judicial landscape in 2025 was marked by an intensified struggle for institutional integrity against an executive branch increasingly willing to utilise disciplinary and administrative tools to punish dissent. Central to this regression is the Judicial Council, which, following a wholesale replacement of its non-judicial members by the governing coalition in 2024, has effectively been transformed into a tool for political targeting.

An exhaustive analysis by VIA IURIS in October 2025 uncovered a pervasive double standard within the Council.¹³ The Council formally claims to respect factual criticism but applies it selectively:

- **Selective Protection:** The Council failed to officially condemn Interior Minister Matúš Šutaj Eštok when he publicly threatened a judge with disciplinary action for a decision in a case involving his own ministry.
- **Political Rebuke:** In sharp contrast, the Council issued a forceful and immediate rebuke against actor Robert Roth for ironic comments made at a protest, and against the *Za otvorenú justíciu* (For Open Judiciary) initiative for questioning the transparency of the Supreme Court President's election.

This 'selective courage' signals a return to the climate of inner judicial intimidation where a loyal majority in the Council and disciplinary bodies can effectively persecute a critical minority under the guise of maintaining judicial authority.

13 VIA IURIS, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025 <https://viaiuris.sk/aktuality/analyza-sudna-rada-pouziva-pri-obrane-sudcov-dvojaky-meter/>

Changes in judiciary laws and shift towards ‘Loyalist Class’

The amendment to several laws in the field of justice,¹⁴ approved in September 2025, strengthened the position of the Judicial Council, significantly changed disciplinary proceedings, and introduced new financial bonuses for judges during consolidation. Justice Minister Susko proposed significantly amending and strengthening the Judicial Council’s position, affecting the majority of members on disciplinary panels. The Judicial Council will also be able to submit disciplinary proposals against judges, a responsibility previously held solely by the Judicial Council’s chairperson. There will also be a significant change in the disciplinary proceedings, which will be two-tiered, so that disciplinary judges, prosecutors, executors, and notaries will always be able to appeal. The first-instance panel will have three members, two of whom will be selected from the Judicial Council’s databases. In addition to the 14-month salaries they already receive each year, Susko’s amendment introduces special bonuses for judges during times of consolidation, to be paid on their 50th and 60th birthdays. However, the Justice Minister’s amendment also changes the assessment of judges, for example, by removing psychological assessments (in the case of career transfers of judges who are already in the judicial system), stating that the goal is to protect judges from negative influences.

These changes, especially the bonuses for judges, raised significant concerns¹⁵ about the deliberate creation of a ‘loyalist judicial class’, incentivising compliance rather than independence.

Despite these bonuses, the structural efficiency of the courts continues to deteriorate. Administrative proceedings have reached significant delays, and the average time for the implementation of ECtHR judgments has increased to nearly four years.

Public Perception and High-Level Interference

Perceived judicial independence in Slovakia remains among the lowest in the EU. As of 2025, only 32% of the general public and 34% of companies view the independence of courts as ‘fairly or very good.’¹⁶ This lack of trust is reinforced by high-profile government interference, for example when

14 Peter Čuroš, “Authoritarians Who Hate Judicial Accountability”, *Verfassungsblog* 5 September 2025. <https://verfassungsblog.de/authoritarians-who-hate-judicial-accountability/>

15 *VIA IURIS: Slovakia is looking for its national identity* (Zeitgeist 15.), 12 November 2025, <https://viaiuris.sk/aktuality/slovakia-is-looking-for-its-national-identity-zeitgeist-15-2/> *The European Commission is also aware of the concerns raised by VIA IURIS or the Supreme Court of Slovak Republic, as stated in the 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025, pg. 5.*

16 European Commission, 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025, pg. 4

Minister of Justice Boris Susko initiated disciplinary proceedings against a judge who ruled against Minister of the Interior Matúš Šutaj Eštok.¹⁷ The rhetoric of the executive branch frequently frames the judiciary as a ‘political tool’ when rulings do not favor the administration, further eroding the democratic architecture of the country.

Implementation of 2025 Commission recommendations

Recommendation: Introduce measures to ensure sufficient guarantees of independence as regards the dismissal of members of the Judicial Council, notably those not elected by judges, taking into account European standards on independence of Judicial Councils (first made in 2022)

The government maintained the regime, allowing for the dismissal of non-judicial Council members at any time during the term of office and without grounds. All non-judicial members were replaced by coalition appointees by mid-2024, except for one vacant place that the parliament is failing to fill with their nominee.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

17 In November 2023, Judge Michal Kubiš ruled in an urgent measure to reinstate Police Vice President Branko Kišš to the police leadership, whom the Minister of the Interior had suspended from office despite Kišš enjoying whistleblower protection. Minister of the Interior Matúš Šutaj Eštok threatened the judge with disciplinary and criminal proceedings, and in the end, it was the Minister of Justice who carried out the threat. More in PRUŠOVÁ, Veronika: *Susko listened to his colleague's request. He initiated disciplinary proceedings against the judge who ruled against Šutaj Eštok.* In Denník N, 16 October 2025, <https://dennikn.sk/4912084/susko-vypocul-prianie-kolegu-inicioval-disciplinarne-konanie-voci-sudcovi-ktory-rozhodol-v-neprospech-sutaja-estoka/>

Recommendation: Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of ‘abuse of law’ as regards their judicial decisions (first made in 2022)

The amendment to the criminal codes, effective as of 15 March 2024, added procedural safeguards for the offence of ‘abuse of law’, for which judges can be prosecuted if they arbitrarily apply the law and thus harm or favour someone. If a judge is accused of this offence, they may, within 60 days of receiving the order of indictment or the notification of the change of the legal qualification of an offence to this offence, submit a motion to the Judicial Council of the Slovak Republic for disapproval of his or her prosecution.¹⁸ According to the previous regulation, the judge had the right to file such a motion only after the order of indictment had become final. The new legislation also specifies that if the Judicial Council disapproves of the prosecution in the case of this offence, the prosecution shall be discontinued if the offence cannot be prosecuted as another criminal offence or if the offence cannot be referred for disciplinary proceedings.¹⁹

In this context, it is worth referring to the *2024 Rule of Law Report* of the European Commission, in which the Commission argues that the above changes cannot be considered as new safeguards and sees the changes as raising additional concerns. The Commission criticises the introduction of a 60-day time limit for the submission of a motion for discontinuance of prosecution, while omitting the fact that the time limit is counted, after the amendment, from the delivery of the order of indictment and not from the moment of the entry into force of such an order. In the 2025 report, the Commission changed its evaluation and already considers these safeguards to be partially progress, but still insufficient with the potential risk of abuse and the resulting chilling effect. The Commission’s report seems inconsistent in this regard. Unlike the Commission, we consider the above change to be at least a partial safeguard in relation to the offence of ‘abuse of law’, although we also consider the legal provision to be problematic.

There has been no progress during 2025. We have not noticed any discussion on this topic despite the government introducing an amendment to the judiciary laws.

Commission’s 2025 assessment: Limited progress

VIA IURIS’s current assessment: No progress

18 Section 207a Art. 3 of the Criminal Procedure Code, <https://www.slov-lex.sk/ezbierky-fe/pravne-predpisy/SK/ZZ/2005/301/20240806#paragraf-207a.odsek-3>

19 Section 9 Art. 2 of the Criminal Procedure Code, <https://www.slov-lex.sk/ezbierky-fe/pravne-predpisy/SK/ZZ/2005/301/20240806#paragraf-9.odsek-2>

Gaps in the Commission's Report

The Commission's report highlights an 'intensive dialogue' with the Slovak government²⁰ as a positive procedural step. However, this narrative fails to reflect the dismissive and hostile attitude the government maintains toward international standards in its domestic rhetoric. While the government engaged in technical discussions to prevent the immediate freezing of EU funds under the PIF Directive, it simultaneously framed these international standards as 'interference in domestic affairs' in public statements. By omitting this context, the Commission presents a misleading picture of cooperation, ignoring that the legislative adjustments made were largely superficial and designed to leave the broader illiberal agenda intact.

A critical gap in the Commission's assessment is its failure to identify the rising risk of creating an isolated judiciary; where a pro-government majority in the Judicial Council and disciplinary bodies can systematically persecute a minority of judges who remain critical of the administration. The report overlooks how the 2024 reshuffle of the Judicial Council has transformed it into a body that applies a double standard to judicial protection—failing to condemn executive threats against 'inconvenient' judges while aggressively rebuking those perceived as critical of the government.

While the Commission monitors specific legislative acts, it fails to connect them to a broader strategy of weakening judicial legitimacy. The report does not sufficiently address the 'communicative asymmetry' where professional judges within the Council—who are public officials—use their status to target critics, while active judges have limited space to respond without violating their duty of restraint. This environment erodes the Council's role as a neutral guarantor of independence and aligns it directly with executive power.

New Issues that Emerged in 2025

The 23rd Amendment to the Constitution

The most significant and alarming development of 2025 is the passage of the **23rd Amendment to the Constitution** in late September. Initiated by Prime Minister Robert Fico and passed with a narrow constitutional majority of 90 votes, the amendment introduces the concept of 'national sovereignty' provisions that directly conflict with European and international human rights obligations.

20 European Commission, *2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia*, Strasbourg, 8 July 2025, pg. 1

Key legal and judicial developments include:

- **National Identity Clause:** The amendment introduces a ‘national identity’ clause into Article 7, asserting that Slovakia retains sovereignty over ‘fundamental cultural and ethical issues’. This clause explicitly prohibits any interpretation of the Constitution as consenting to the transfer of these rights to international bodies and is intended to serve as a legal barrier against CJEU and ECtHR rulings in the areas of family life, school education, and health in general.
- **Constitutional Binary of Sex:** The new Article 52a recognises only “biologically determined sexes of male and female”. This effectively erases the legal existence of non-binary and transgender persons and renders legal change of sex impossible under domestic law.
- **Procedural Concerns:** The Venice Commission, in its urgent opinion issued in September 2025,²¹ raised serious concerns about the lack of transparency and inclusiveness in the law-making process, noting that substantive consultations were largely bypassed. The Commission warned that while states have a ‘margin of appreciation’, they must remain within the bounds of international treaties and the rule of law.

Inconsistency of Judicial Oversight

Another critical issue emerged regarding the **Judicial Council’s inconsistent evaluation** of public criticism directed at judges. A detailed analysis by VIA IURIS from October 2025 found that the Council lacks uniform, objective criteria for defining the boundaries of permissible criticism.²²

- **Double Standards:** While the Council aggressively and forcefully rebuked critics from the media and the *Za otvorenú justíciu* (For Open Judiciary) initiative, it remained largely silent when senior

21 Council of Europe, Venice Commission, *SLOVAK REPUBLIC – URGENT OPINION ON THE DRAFT AMENDMENTS TO THE CONSTITUTION*, Strasbourg, 24 September 2025, CDL-PI(2025)011, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2025\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2025)011-e)

22 VIA IURIS, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025 <https://viaiuris.sk/aktuality/analyza-sudna-rada-pouziva-pri-obrane-sudcov-dvo-jaky-meter/>

government officials, including the Prime Minister and Minister of the Interior, attacked judges as being a part of an organised criminal group or acting arbitrarily and politically motivated.²³

- **Communicative Asymmetry:** This asymmetry is aggravated by ‘communicative asymmetry,’ where professional judges within the Council—who are public officials—use their status to target critics and active judges, while the targeted judges have limited space to respond without violating their duty of judicial restraint.

Implications and Recommendations for 2026

Given that these regressions have been constitutionalised, addressing them is exceptionally difficult, as reversal requires a constitutional majority and a government committed to restoring European standards.

Suggested recommendation: Ensure full respect for the primacy of EU law and compliance with European and international human rights obligations. In particular, Slovakia should assess the impact of the 23rd Amendment to the Constitution on the application of EU law, the binding force of judgments of the Court of Justice of the European Union and the European Court of Human Rights, and on the effective protection of fundamental rights, including equality and non-discrimination,

Suggested recommendation: Strengthen safeguards for judicial independence by ensuring that the Judicial Council adopts clear, uniform, and objective criteria when assessing public statements concerning judges, and that it effectively protects the judiciary from undue pressure or attacks by members of the executive and other public authorities, to preserve public trust and respect for the justice system.

Implementation of Judgments

Slovakia’s performance in implementing leading judgments from the European Court of Human Rights has significantly deteriorated throughout 2025. As of June 2025, there were 33 leading

23 Annamária Dömeová: *Robert Fico to Supreme Court judge: If I were Mr. Kliment, I would pack my bags today*. *Aktuality.sk*, 4 April 2024, https://www.aktuality.sk/clanok/jgiEZYq/robert-fico-sudcovi-najvyssieho-sudu-ja-byt-panom-kli-mentom-zbalim-sa-uz-dnes/?utm_source=instagram&utm_medium=social&utm_campaign=aktuality-page-feed More in *VIA IURIS*, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025, pg. 20–25. <https://viaiuris.sk/aktuality/analiza-sudna-rada-pouziva-pri-obrane-sud-cov-dvojaky-meter/>

judgments pending implementation, with the average time spent in the supervision process increasing to nearly four years.²⁴ In January 2025, data indicated that over 50% of leading judgments rendered against Slovakia in the last ten years remained fully or partially unimplemented, shifting the country's overall record from 'poor' to 'problematic'.

The *Salay v. Slovakia* (February 2025) judgment is a landmark ruling in which the Court, for the first time, explicitly recognised the “persistent, widespread and systematic overrepresentation of Roma pupils in special education”.²⁵ The Court ruled that Slovakia failed in its positive obligation to undo a history of racial segregation, noting that neutral-appearing policies (such as maturity testing) have “devastatingly unequal effects” on Romani children. Despite this ruling and a separate referral to the Court of Justice of the European Union for failing to tackle ethnic segregation, the Slovak government has failed to prioritise structural changes in its 2025 education reforms. Approximately 25% of Romani children in Slovakia still attend schools where all classmates are Roma,²⁶ and the 2025 legislative measures lack the enforceability needed to end these entrenched disparities.²⁷

The judgment in *Kulák v. Slovakia* (April 2025)²⁸ addressed critical deficiencies in Slovak criminal procedure regarding legal professional privilege. The Court ruled that a 2020 warrantless search of a lawyer's office and the subsequent 15-month seizure of their entire work on a computer violated Article 8 ECHR (Right to Privacy). The Court highlighted that Slovak law lacks an independent judicial review mechanism for such searches, relying instead on prosecutorial oversight, which is insufficient under European standards.

24 European Commission, *2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia*, Strasbourg, 8 July 2025, pg. 20

25 European Court of Human Rights (ECtHR), *Salay v. Slovakia*, No. 29359/22, 27 May 2025

26 European Education and Culture Executive Agency (EACEA) - Eurydice, Slovakia: The end of segregation of Roma pupils in schools, 13 July 2022, <https://eurydice.eacea.ec.europa.eu/news/slovakia-end-segregation-roma-pupils-schools/>

27 European Roma Rights Centre (ERRC), *Slovakia: Romani Children Face Entrenched Discrimination As School Segregation Persists*, 16 April 2025, <https://www.errc.org/press-releases/slovakia-romani-children-face-entrenched-discrimination-as-school-segregation-persists>

28 European Court of Human Rights (ECtHR), *Kulák v. Slovakia*, No. 57748/21, 3 July 2025

ANTI-CORRUPTION FRAMEWORK

General assessment

The anti-corruption framework in Slovakia has experienced a period of systemic regression. The intentional dismantling of the Special Prosecutor's Office (SPO) and the National Crime Agency (NAKA) has stripped the state of its most effective tools for investigating high-level corruption and misuse of EU funds.

While the primary legislative and institutional changes—namely the 2024 Penal Code reform and the abolition of the Special Prosecutor's Office (SPO) and the National Crime Agency (NAKA)—were enacted in the previous year, 2025 was defined by the materialisation of their corrosive effects. These changes effectively stripped the state of its most potent tools for addressing high-level corruption and the misuse of European Union funds, resulting in a quantifiable and systemic halting of high-level prosecutions.

The impacts of the 2024 Penal Code reform became fully visible in 2025. Analysis showed that over 3,000 individuals benefited from the changes in the first year. High-level corruption cases were systemically halted due to shortened statutes of limitations, with bribery charges dropping from 129 in 2024 to just 13 in 2025. The dissolution of NAKA and the SPO created an institutional vacuum, leading to investigation delays and a loss of specialised expertise.²⁹

The Council of Europe's anti-corruption body, GRECO, took the extraordinary step of initiating an 'ad hoc procedure' under Rule 34 in 2025—a provision reserved for situations where reforms are deemed likely to lead to significant breaches of anti-corruption standards.³⁰ The resulting report, published in September 2025, was a comprehensive indictment of the Slovak government's actions.

29 Lubomír DAŇKO (Stop Corruption Foundation), *Susko's amendment helped the mafia*, 6 August 2025, https://zastavmekorupciu.sk/nezaradene/suskova-novela-pomohla-mafii/?fbclid=IwY2xjawMAHedleHRu-A2FlbQIxMABicmlkETFPd2dBcjRtS3QwS0szWVg0AR7lunaJspBjhfrvOdMla2xuVHYa_Tt9G8pn_ZsL51xR9BADoxRbD2c7OvOdza_aem_D2Ac2XmfE2a67T8tohujeg

30 Council of Europe - Group of States against Corruption (GRECO), *Ad hoc Report on the Slovak Republic (Rule 34)*, Strasbourg, 6 June 2025 <https://rm.coe.int/greco-adhocrep-2025-1-final-eng-ad-hoc-report-rule-34-slovakia-public/48802818c6>

GRECO concluded that Slovakia had failed to implement 12 out of 21 recommendations from the 5th evaluation round.³¹ Key areas of non-compliance include:

- **Lobbying Regulation:** No legislative proposal has been introduced to regulate the interaction between senior executive officials and lobbyists, despite repeated promises from the government.
- **Asset Declaration System:** The existing framework for monitoring and verifying the wealth of public officials remains fragmented and ineffective, with no progress on establishing a central verification body.
- **Police Integrity:** GRECO highlighted the lack of an independent complaint mechanism and effective whistleblower protections within the police force as a critical vulnerability.
- **Integrity Checks:** The failure to introduce mandatory integrity checks for state secretaries and political advisers—positions often filled by party loyalists—was identified as a major risk factor for corruption.³²

The report concludes that the combination of reduced criminal sentences, shortened limitation periods, and the disbandment of effective investigative units gravely jeopardises Slovakia's ability to combat corruption and protect the rule of law.³³

On 9 December 2025, the parliamentary majority approved a law to abolish the independent Whistleblower Protection Office and replace it with a new body under direct government oversight.¹⁶ This move was explicitly justified by the government as a means to 'streamline' administration, but critics

31 Council of Europe - *Group of States against Corruption (GRECO), Group of States against Corruption calls on Slovakia to step up reforms to prevent corruption within the central government and the police*, 4 September 2025 <https://www.coe.int/en/web/greco/-/group-of-states-against-corruption-calls-on-slovakia-to-step-up-reforms-to-prevent-corruption-within-the-central-government-and-the-police> / <https://www.coe.int/en/web/portal/-/greco-calls-on-slovakia-to-step-up-reforms-to-prevent-corruption-within-the-central-government-and-the-police>

32 Council of Europe - *Group of States against Corruption (GRECO), FIFTH EVALUATION ROUND, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, ADDENDUM TO THE SECOND COMPLIANCE REPORT SLOVAK REPUBLIC (GrecoRC5(2025)16)*, Strasbourg, 6 June 2025, <https://rm.coe.int/greco5-2025-16-final-eng-add-to-the-2nd-compliance-report-slovak-rep/48802830ad>

33 Creatives Unit: *Bending the Rule of Law: Slovakia's Anti-Corruption Reforms Under Scrutiny by CoE*, 1 September 2025, <https://creativesunite.eu/article/bending-the-rule-of-law-slovakia-s-anti-corruption-reforms-under-scrutiny-by-coe>

pointed out that the new rules would have allowed for the retroactive termination of protection granted to approximately 100 individuals who had reported high-level corruption.³⁴

The Constitutional Court's intervention on 17 December 2025, provisionally suspending the law's effects, provided an essential reprieve for these whistleblowers.³⁵ The Court noted that the law's abolition of an independent authority required under EU law could cause 'irreparable consequences' while the full review of its constitutionality is pending.³⁶ This decision has been welcomed by international observers as a rare instance of an effective domestic check on executive overreach in 2025.³⁷

Implementation of 2025 Commission recommendations

Recommendation: Ensure the effective and independent investigations and prosecutions of high-level corruption cases to establish a robust track record, including by preventing any undue interference and restricting the use of the Prosecutor-General's powers to annul final investigatory and prosecutorial decisions (first made in 2022)

No amendments have been proposed in this regard, and we have not noticed any discussion on this topic.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

34 Whistleblowing International Network, *Slovak Government Fast-Tracking New Bill to Reduce Whistleblower Protection and Undermine Whistleblower Protection Office*, 25 November 2025, <https://whistleblowingnetwork.org/News-Events/News/News-Archive/Slovak-Government-Fast-Tracking-New-Bill-to-Reduce/European-Whistleblowing-Institute-Memorandum-Breach-of-EU-Law-by-the-proposed-abolition-of-the-Office-for-the-Protection-of-Whistleblowers>, 25 November 2025 https://whistleblowingnetwork.org/WIN/media/pdfs/Final_Memo-Slovakia_1.pdf

35 Natália SILENSKÁ, *Slovakia's Constitutional Court suspends law abolishing Whistleblower Protection Office*, The International Institute for Democracy and Electoral Assistance (International IDEA) - Constitutionnet, 18 December 2025, <https://constitutionnet.org/news/slovakias-constitutional-court-suspends-law-abolishing-whistleblower-protection-office>

36 *Odkaz na spisovú značku*

37 EU Whistleblowing Monitor, *Constitutional Court Suspends Law Abolishing Whistleblower Protection Office*, 17 December 2025 <https://whistleblowingmonitor.eu/constitutional-court-suspends-law-abolishing-whistleblower-protection-office/>

Recommendation: Introduce proposals to regulate lobbying, strengthen the asset declaration and verification system, and continue ongoing efforts to reform conflicts of interest rules (first made in 2022)

In 2025, the Ministry of Interior initiated a formal dialogue to address the long-standing regulatory gap in lobbying. This included high-level roundtables in May and June 2025, to which NGOs were invited as the first stage of an expert discussion. The Ministry published 'Basic Starting Points' for a proposed lobbying law, aiming to establish a mandatory electronic register, define the subjects involved, and introduce a legislative footprint for public officials.

Significant gaps persist as no formal legislative proposal has entered the official legislative process beyond these preparatory phases. The September 2025 GRECO report highlighted that Slovakia has failed to implement 12 out of 21 recommendations. The framework for asset declarations remains fragmented with no central verification body. Furthermore, the draft Code of Conduct for executive officials has been criticised as 'soft law' lacking legal liability for breaches.

Leading NGOs, including VIA IURIS, Transparency International Slovakia, and the Stop Corruption Foundation, have strongly criticised the government's approach. In June 2025, VIA IURIS published a joint policy paper which argues that a quality law must include a broad definition of lobbying (covering firms, consultants, and think-tanks), a mandatory public register, and independent oversight.³⁸

The NGOs expressed deep concern over the government's attempt earlier in 2025 to regulate lobbying exclusively through the NGO Law. This legislative attempt targeted civil society by labeling their advocacy and media campaigns as lobbying while leaving corporations, developers, and tobacco companies unregulated. The government's attempt can be seen as an effort to harass and silence government watchdogs, rather than a genuine attempt at transparency. The NGOs maintain that lobbying regulation must be comprehensive, non-discriminatory, and developed through a participatory process, rather than being used as a tool for political retaliation.

38 Transparency International Slovakia - Stop Corruption Foundation - VIA IURIS, *End of Backroom Deals: The Path to Transparent Lobbying in Slovakia*, June 2025, <https://viaiuris.sk/wp-content/uploads/2025/06/lobing-slovensko.pdf>

Regarding conflicts of interest, a Code of Conduct for public officials was adopted in August 2025. The initial draft faced sharp criticism for provisions that threatened to undermine civil society and basic constitutional rights. A central concern was the vague and discriminatory requirement that officials ‘should ensure they are not associated’ with NGOs or third parties whose goals conflict with the Government’s Program Statement. This provision functioned as a tool for political exclusion, essentially establishing the Prime Minister as an arbiter of which civic organisations are ‘legitimate’ based on their political alignment. Furthermore, since the code was drafted as non-binding ‘soft law’ with vague criteria, it lacked legal certainty and could be misused by the executive as an informal instrument to put pressure on officials or stigmatise watchdogs, thereby contradicting the very principles of transparency and participation it claimed to uphold.³⁹ After the criticism and public pressure, the disputed provision of the Code was ultimately removed and is no longer included in the final approved version.⁴⁰

Commission’s 2025 assessment: No progress/Some progress VIA IURIS’s current assessment: In progress

Gaps in the Commission’s Report

The most critical concerns stem from the evaluation of the Rule of Law Report, which failed to address the problems with the Code of Conduct for public officials. The Slovak government proposed a new mechanism to bar prominent critics from the civil society sector from standing for political office. It introduced a Code of Conduct for public officials that prohibits them from meeting and cooperating with civil society organisations (CSOs). Any affiliation with a CSO, whether past or present, could be grounds for disqualification from holding public office. With its vague wording, the Code may easily lead to potential discrimination against CSOs based on their political opinions. The lack of clear criteria made it susceptible to arbitrary interpretation and application, potentially chilling free speech and the right to associate. The Prime Minister acts as the ultimate arbiter of breaches of the Code and of any sanctions to be imposed. Although this controversial and problematic provision on restricting association with CSOs was ultimately removed, and the final version of the Code was

39 Full text of the public comment submitted by the NGOs as a part of a signing campaign available at: https://www.mojapeticia.sk/campaign/hp-k-navrhu-kodexu-spravania-sa-osob-vo-vysokych-vykonnych-funkciach/522d77bb-9fd0-4420-a723-6fbf762a4021?fbclid=IwY2xjawPRtgNleHRuA2FlbQIxMABicmlkETFRaTh-qOHJNRk15bk44SDhac3JOYwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHu6vY0NNl4oeE9yy_EKDneS_QymXsGIPcXp1sc31-lo855__NEFahrvoZakn_aem_Frm90N-5iEpQffN_aRHyug

40 The final version and governmental documents of the approved Code of Conduct from 19 August 2025 available at: <https://rokovania.gov.sk/RVL/Material/31068/1>

adopted without it, the Commission at the time of evaluation did not reflect on the proposed threat to civic space in this regard.

New Issues that Emerged in 2025

In December 2025, parliament approved a law to replace the independent office with a government-controlled body via a fast-track legislative process. Although the Constitutional Court suspended the enforcement of this law on 17 December 2025, the government's intent to muzzle those who expose state corruption is clear.

Simultaneously, the 2025 revisions to the Penal Code have significantly restricted the use of cooperating accused persons and introduced the threat of imprisonment for influencing election campaigns by 'foreign powers', leading to mass protests in Bratislava and other major cities. These protests reflect a profound societal concern that the government is prioritising the protection of its own associates over the safety and justice of the population.⁴¹

We recommend the Commission to adopt following recommendations:

- Ensure effective protection of whistleblowers and safeguards against undue political interference in anti-corruption and criminal justice frameworks, in line with EU law and European standards. In particular, Slovakia should preserve the institutional independence, mandate and resources of the Whistleblower Protection Office, refrain from weakening its autonomy through fast-track legislative procedures, and ensure that any reforms are subject to transparent, inclusive consultation and constitutional review.
- Ensure assessment and address the impact of amendments to the Penal Code on the effectiveness of investigations, electoral integrity and fundamental rights, ensuring that provisions on cooperating accused persons and offences related to foreign influence are clearly defined, proportionate, and not likely to misuse, while safeguarding the rights to freedom of expression, assembly and democratic participation.

41 AP News: *Thousands protest Slovak leader Fico over whistleblower office closure and penal code changes*, 16 December 2025 <https://apnews.com/article/slovakia-protest-fico-770a977c9c9f9dcfad32e5b23409038a>

Implications and Recommendations for 2026

The aforementioned attempted abolition of the Whistleblower Protection Office in late 2025 represents a new and dangerous phase of state capture. We recommend the Commission to adopt following recommendations:

Suggested recommendation: Ensure effective protection of whistleblowers and safeguards against undue political interference in anti-corruption and criminal justice frameworks, in line with EU law and European standards. In particular, Slovakia should preserve the institutional independence, mandate and resources of the Whistleblower Protection Office, refrain from weakening its autonomy through fast-track legislative procedures, and ensure that any reforms are subject to transparent, inclusive consultation and constitutional review.

Suggested recommendation: Ensure assessment and address the impact of amendments to the Penal Code on the effectiveness of investigations, electoral integrity and fundamental rights, ensuring that provisions on cooperating accused persons and offences related to foreign influence are clearly defined, proportionate, and not open to misuse, while safeguarding the rights to freedom of expression, assembly and democratic participation.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Slovakia's media freedom and environment have experienced significant regression in 2025.

Slovakia's fall to 38th place, its lowest in 15 years, in the 2025 RSF World Press Freedom Index—a drop of nine places—reflects the deteriorating environment for practicing journalism.⁴² The report identifies 'economic fragility' and 'deliberate hostility' from the Fico government as primary threats, noting that the government is following a "path similar to Hungary".⁴³ High-level politicians have routinely utilised press conferences to vilify journalists as 'parasites' or 'foreign agents'.⁴⁴

The defining event of the year was the completion of the transition from the relatively independent Radio and Television of Slovakia (RTVS) to the politically captured Slovak Television and Radio (STVR).

In 2025, the use of Strategic Lawsuits Against Public Participation (SLAPPs) in Slovakia evolved into a systemic tool of intimidation, characterised by high-stakes 'muzzle lawsuits' initiated by state-owned entities and senior political figures to silence independent oversight. This trend, exemplified by landmark cases seeking disproportionate damages, has a potential to create a chilling effect on investigative journalism and highlights the urgent need for domestic safeguards aligned with the EU Anti-SLAPP Directive.

A new and concerning trend in 2025 is the deployment of 'muzzle lawsuits' by state-owned or state-managed entities against independent oversight bodies.

The head of the Supreme Audit Office of Slovak Republic (NKÚ), Ľubomír Andrassy, reported that several audited institutions began filing lawsuits to halt audits or prevent the publication of critical findings. Alongside legal action, NKÚ auditors have faced increased verbal aggression and harassment from the entities they are tasked with investigating.⁴⁵

42 Reporters Without Borders: *Press Freedom Index 2025*, <https://rsf.org/en/index>

43 Slovak Television and Radio, *Slovakia drops sharply in World Press Freedom Index*, 5 May 2025, <https://enrsi.stvr.sk/articles/news/401127/slovakia-drops-sharply-in-world-press-freedom-index>

44 Reporters Without Borders: SOCIAL CATEGORY: They smear media and promote mistrust of journalists, 31 October 2025, <https://rsf.org/en/protagonist-social-category-they-smear-media-and-promote-mistrust-journalists>

45 VIA IURIS, *Massive public protests across Slovakia (Zeitgeist 10.)*, 3 February 2025, <https://viaiuris.sk/aktuality/massive-public-protests-across-slovakia-zeitgeist-10/>

Alongside using SLAPPs, research from the Investigative Center of Ján Kuciak (ICJK) highlighted a trend where Slovak politicians and their affiliates sponsored 523 hateful or defamatory Meta ads between mid-2024 and mid-2025. These paid campaigns frequently target specific journalists and NGO representatives, serving as a ‘pre-litigation’ stage of harassment meant to discredit the targets before or during legal proceedings.⁴⁶

The overall atmosphere in the Slovak media space in 2025 is defined by growing polarisation and a transition from professional editorial plurality toward a model where critical journalism increasingly finds itself under economic and political pressure.

Implementation of 2025 Commission recommendations

Recommendation: Strengthen the rules and mechanisms to restore and further safeguard the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Although the legislation establishing STVR (abolishing the previous public broadcaster and establishing a new one) was approved in 2024, the government and parliament only appointed the STVR Board in 2025, and it is composed exclusively of nominees of the ruling coalition. This Board selected a new director, and there is now significant pressure on editorial content, including the suspension or abolition of investigative programmes, while news output has become increasingly pro-government and decreasingly critical.

Commission’s 2025 assessment: No progress

VIA IURIS’s current assessment: Backsliding

46 Ivan GODÁRSKY, *[Press Freedom Predators 2025] Slovak PM Fico listed*. MEMO98, 2 November 2025, <https://memo98.sk/article/2025-press-freedom-predators-slovak-pm-fico-listed>

Recommendation: Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account the European standards on the protection of journalists (first made in 2022)

There has been no change in this field introduced either by legislation or implementation. The verbal attacks on journalists from the government party's representatives continued through the year in the same – if not an even more aggressive – manner than before.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

New Issues that Emerged in 2025

Following the 2024 law that dissolved RTVS management, the STVR Board was reconstituted with nine members, all of whom are appointed by the parliamentary majority or the Ministry of Culture, ensuring no independent or opposition representation.⁴⁷

In May 2025, the Board appointed Martina Flašíková as Director General in a closed-door session that excluded the public and the media.⁴⁸ Flašíková's background as a producer of pro-government disinformation and her familial ties to a former key political strategist for the ruling party led international media watchdogs to classify the move as an 'openly political appointment'.⁴⁹

The consequences of this capture became immediate and visible throughout 2025:

⁴⁷ Peter HANÁK, *Media Capture Monitoring Report: Slovakia. Measuring EMFA compliance. The International Press Institute (IPI), The Media and Journalism Research Center (MJRC), November 2025*, <https://ipi.media/wp-content/uploads/2025/12/SLOVAKIA-Media-Capture-Monitoring-Report-2025-Final.pdf>

⁴⁸ *Slovak Television and Radio, Martina Flašíková to lead Slovak public broadcaster, 13 May 2025* <https://enr.si.stvr.sk/articles/news/402021/martina-flasikova-to-lead-slovak-public-broadcaster> / *Safety of Journalists Platform: Governance and Funding Structure of STVR Undermines Public Service Media Independence, 11 September 2025*, <https://fom.coe.int/en/alerte/detail/107642814>

⁴⁹ *Safety of Journalists Platform, Governance and Funding Structure of STVR Undermines Public Service Media Independence, 11 September 2025*, <https://fom.coe.int/en/alerte/detail/107642814>

- **Editorial Purges:** Respected journalists resigned in protest of editorial interference, while the first decisions of the new leadership included the cancellation or restriction of independent discussion and investigative programmes.⁵⁰
- **Ideological Realignment:** The broadcaster retained parallel shows by commentators whose platforms had previously been labelled as sources of disinformation, while hiring journalists known for pro-Russian narratives and homophobic remarks.⁵¹

Implications and Recommendations for 2026

The transition from the independent RTVS to the new entity, STVR, represents a calculated effort to transform the public broadcaster into a government mouthpiece. We recommend the Commission to adopt following recommendations:

Suggested recommendation: Ensure the effective independence and pluralistic functioning of the public media by introducing legal and institutional safeguards for the governance of STVR, in line with European standards. In particular, Slovakia should revise the appointment procedures for the STVR Board and senior management to guarantee balanced, transparent, and merit-based selection, including safeguards against political dominance and ensuring representation of diverse societal interests.

Suggested recommendation: Ensure transparent and open appointment processes, including public scrutiny, and put in place effective guarantees to protect editorial independence, prevent undue political interference, and safeguard journalists against pressure or retaliation, thereby strengthening public trust in the impartiality and credibility of public service broadcasting.

50 Lenka MÁJIKOVÁ, *Another disappointment for viewers from STVR. The popular show, which was suspended by the new management, will not return in the upcoming season.*, 29 November 2025, <https://www.aktuality.sk/clanok/KxGGGEb/dalsie-sklamanie-pre-divakov-zo-strany-stvr-oblubena-relacia-ktoru-pozastavilo-nove-vedenie-sa-v-najblizsej-se-zone-nevrati/>

51 *State Media Monitor, Slovak Television and Radio (STVR)*, 11 October 2025, <https://statemediamonitor.com/2025/10/radio-and-television-slovakia-rtvs/>

CHECKS AND BALANCES

General assessment

The system of checks and balances in Slovakia has undergone regression. The executive branch has used its parliamentary majority to systematically marginalise the legislature and the Constitutional Court, while using the 23rd Constitutional Amendment to assert ‘national sovereignty’ as a justification for non-compliance with EU law.⁵²

The year 2025 was defined by the government’s attempt to place its ‘cultural and ethical’ agenda beyond the reach of European and international law through constitutional amendment. This move has triggered a conflict with the European Commission.

The 23rd Constitutional Amendment adopted on 26 September 2025, introduced a series of provisions under the banner of ‘safeguarding traditions’.⁵³ While many of the changes—such as defining parenthood as a ‘mother and father’ or recognising only biologically determined sex—were described as symbolic by some—their legal implications are far-reaching.⁵⁴

The amendment to Article 7 is the most legally problematic, asserting that Slovakia “retains its sovereignty... in matters of national identity,” specifically regarding fundamental cultural and ethical questions. This provision is intended to serve as a constitutional guarantee that national values will trump supranational norms (for example EU law and the ECHR) whenever a conflict is perceived. Legal experts and the European Commission have noted that this directly undermines the principle of the primacy of EU law, as it empowers domestic authorities to unilaterally decide which EU rulings or treaty provisions to apply.⁵⁵

52 Thomas WAHL, *Slovakia under the EU’s Rule-of-Law Eye*, Eucrim, 17 December 2025, <https://eucrim.eu/news/slovakia-under-the-eus-rule-of-law-eye/>

53 Lilla GARAYOVÁ, *Slovakia’s 2025 Constitutional Amendment – Traditional Values and National Identity in the Constitution*, Central European Association for Comparative Law (CEACL), 25 October 2025, <https://www.ceaclaw.org/post/slovakia-2025-constitutional-amendment>

54 Max Steuer, *No Skyfall. The Twenty-Third Amendment to the Slovak Constitution*, 20 October 2025, <https://verfassungsblog.de/slovakia-constitutional-amendment/>

55 *Expert Opinion on the Draft Amendment to the Constitution* of various legal experts and professionals from constitutional law, european and international law, adopted in June 2025. The Opinion was accompanied by a public call for signing campaign: <https://www.mojapeticia.sk/campaign/odborne-stanovisko-k-navrhu-novely-ustavy/6387b6dd-593f-49f7-afff-7dbc026eee1e>

On 21 November 2025, the European Commission initiated an infringement procedure by sending a letter of formal notice to the Slovak government.⁵⁶ The Commission argued that even when a Member State amends its constitution, it cannot circumvent the obligation to comply with the fundamental principles of Union law, including the principles of autonomy and primacy. The procedure targets the empowerment of Slovak authorities to vet CJEU rulings, which the Commission views as a threat to the entire EU legal order.

The legal environment for civil society in 2025 was further constrained by the implementation of the amendment to the law on non-profit organisations (the so-called ‘Russian law’) in June 2025.⁵⁷ While the government avoided the specific label of ‘foreign agent’ to bypass an immediate CJEU challenge, the law introduced discriminatory transparency obligations that apply to NGOs but not to political parties or commercial entities receiving public funds.³³

NGOs were required to publicly list all donors contributing more than €5,000 and provide detailed financial transparency statements starting in 2026. Regulatory authorities were granted broad powers to audit organisations and impose heavy fines or initiate dissolution for non-compliance with vague requirements. VIA IURIS pointed out the absurdity of the legislation, noting that it obliges NGOs to respond to information requests about public funds even if they receive none, creating a pretext for administrative harassment by the public.

In October 2025, the Venice Commission adopted a comprehensive opinion on the law which significantly deepened the legal context surrounding the constraints on Slovak civil society.⁵⁸ The Commission concluded that the law, while marketed under the guise of transparency, raised grave concerns regarding its compatibility with international human rights standards, specifically the rights to freedom of association and privacy.

56 European Commission, *November infringements package: Key decisions*. 21 November 2025, https://ec.europa.eu/commission/presscorner/detail/en/inf_25_2481

57 Ketřin JOCHCOVÁ, *Slovakia Slovakia adopts Russian-style law targeting NGOs*. POLITICO, 17 April 2025, <https://www.politico.eu/article/slovakia-adopts-russian-bill-targeting-ngos/>

58 Council of Europe, Venice Commission, *OPINION ON LAW NO. 109/2025 AMENDING THE LAW “ON NON-PROFIT ORGANISATIONS PROVIDING SERVICES OF GENERAL INTEREST AND OTHER RELATED LAWS*, Venice, 9-10 October 2025, CDL-AD(2025)041

In December 2025, the Constitutional Court of Slovak Republic declared this law unconstitutional and upheld the criticism that had consistently pointed out the harmfulness and absurdness of this legal provision since its adoption.⁵⁹

The trajectory in 2025 shows backsliding becoming entrenched through the continued and unjustified use of fast-track procedures, which prevent meaningful public and expert consultation. In 2025, 20% of the laws passed by the parliament were discussed and adopted in fast-track legislative procedure⁶⁰ including such significant changes as proposed abolition of the Whistleblower Protection Office, Penal Code amendments or legislation on the consolidation of the public finances.

Implementation of 2025 Commission recommendations

Recommendation: Ensure effective public consultation and stakeholder involvement in the law-making process, including by addressing the frequent use of the fast-track procedure (first made in 2023)

The trajectory in 2025 shows backsliding becoming entrenched through the continued and unjustified use of fast-track procedures, which prevent meaningful public and expert consultation. In 2025, 20% of the laws passed by the parliament were discussed and adopted in fast-track legislative procedure⁶¹ including such significant changes as proposed (but ultimately rejected) abolition of the Whistleblower Protection Office or major changes to criminal law. This happens constantly despite regular mass protests and international condemnation. Even the legislation on the consolidation of the public finances is pushed through the fast-track legislative process to avoid any public discussion and criticism of the governmental policies.

There is no sign of motivation or effort of the current government to change this trend.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

59 Constitutional Court of the Slovak republic, no. PL. ÚS 19/2025. Available at https://www.ustavnysud.sk/rozhodovania_cinnost/rozhodnutia

60 *Brief overview of legislative activity of the National Council of the Slovak republic in 2025* available at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=582798>

61 *Brief overview of legislative activity of the National Council of the Slovak republic in 2025* available at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=582798>

Gaps in the Commission's Report

An important issue the Commission should have made a recommendation on is the systemic and coordinated effort by the state to silence and delegitimise civil society through legislative, administrative, and rhetorical tools. This includes the weaponisation of the Freedom of Information Act (FOIA) and the imposition of discriminatory reporting duties that target non-profit organisations (NGOs) while exempting other entities (Act. No. 109/2025 Coll. on NGOs providing services of general interest).

Throughout 2025, the alarming developments occurred regarding:

- Expansion of FOIA Duties to NGOs: Law No. 109/2025 retroactively designated NGOs receiving public funding as ‘obliged persons’ under the Freedom of Information Act. This requires them to respond to public information requests similarly to state bodies, but without the authority to deny requests for information they do not possess, leading to an intentional administrative overburdening of organisations.
- ‘Russian-Style’ NGO Law: In June 2025, Law No. 109/2025 introduced extensive reporting requirements, including the mandatory public disclosure of personal data for all personal donors contributing over €5,000 per year and all companies and institutional donors without any limit.

The Commission’s report is very brief in its explanation of these developments. By failing to detail the consequences of the FOIA amendments, the Commission missed the resulting decline in transparency in public administration and the administrative bullying of civil society. Relegating these restrictions on civic space to a single final paragraph ignores the systemic nature of the government’s efforts to silence the civic sector, which effectively emboldens the executive to continue its strategy of state capture.

New Issues that Emerged in 2025

The government’s reaction to the EC Rule of Law Report 2025

The reaction of the Slovak government to the EC Rule of Law Report 2025, where the government states misleading, deceptive, and unsubstantiated claims on civil society, depicts the environment in which civil society in Slovakia operates.

In its response to the European Commission, the Slovak government portrays key civil society organisations and NGOs not as independent watchdogs, but as politically engaged actors deeply entrenched in conflicts of interest. The government argues that the Commission relies on ‘one-sided claims’ from organisations funded by ‘oligarchs’ or foreign entities that are ideological opponents of the current

administration, specifically citing the Open Society Foundation (George Soros) and ESET co-owner Miroslav Trnka. Specifically, NGOs Stop Corruption Foundation and VIA IURIS are accused of actively organising anti-government protests and supporting opposition mobilisation campaigns, while Transparency International Slovakia is dismissed as biased for allegedly favoring specific political figures like former President Zuzana Čaputová. Consequently, the government insists that these entities function as political opponents rather than neutral civil society representatives, rendering their input to the Rule of Law report unreliable.

Furthermore, the government aggressively challenges the credibility and methodology of the data provided by these NGOs, describing their reports as incomplete, inaccurate, or methodologically unsound. It specifically attacks the Corruption Perceptions Index for reflecting media-driven narratives rather than reality and criticises the CIVICUS monitor for what it deems a biased assessment that fluctuates based on which government is in power. The government rejects the narrative that the space for civil society is shrinking, defending its controversial ‘NGO transparency law’ as a necessary anti-corruption measure aligned with OECD standards. Conversely, the response paints the government as the victim of polarisation, arguing that NGOs and media outlets are responsible for ‘dehumanising’ government officials and inciting hatred—including comparisons to dictators—which the Commission allegedly ignores.⁶²

The ongoing government audits in NGOs

Following the Slovak Parliament’s resolution on 30 September 2025, the government launched a comprehensive audit of state funding provided to central administrative bodies between 2020 and 2025, specifically aiming to uncover evidence of duplicate financing, wastefulness, or unauthorised fund usage by NGOs. According to the Platform for Democracy, which monitored data from the Ministry of Finance and the organisations themselves, audits were conducted on at least 13 NGOs following this mandate.

The results of these investigations have largely failed to substantiate the government’s narrative of widespread misconduct. Out of the 13 known audits, nine organisations were cleared with no deficiencies found, while the three organisations flagged for alleged irregularities dispute the findings and are prepared to take legal action if the state demands repayment. Filip Vagač, the Program Director of the Platform for Democracy, noted that the ruling coalition’s effort to prove “massive and systematic

62 *Reaction of the Government of the Slovak Republic to the Rule of Law Report 2025* adopted on 20 August 2025. The Reaction and related documents available at: <https://rokovania.gov.sk/RVL/Negotiation/1420>

fraud” has so far “come up empty,” with a final government report on the matter due to Parliament by 15 February 2026.⁶³

Implications and Recommendations for 2026

The Commission completely omitted to reflect on the developments regarding CSOs and the shrinking of the civic space and to propose recommendations on fundamental rights regarding association, assembly, petition, civil society legislation, exploitation of the fast-track legislative procedure, freedom of information act, and administrative harassment aimed at civil society actors.

Suggested recommendation: Strengthen the environment for civil society and the protection of fundamental rights by ensuring that legislation and administrative practices fully respect the freedoms of association, assembly, expression, and access to information, in line with EU law and European standards. In particular, Slovakia should refrain from stigmatising or discrediting civil society organisations.

Suggested recommendation: Ensure that transparency and funding rules for NGOs are proportionate, non-discriminatory and not used to exert undue pressure, and guarantee that audits, inspections and other administrative measures are based on objective criteria and conducted without political motivation.

Suggested recommendation: Avoid the excessive use of fast-track legislative procedures in areas affecting fundamental rights, to preserve civic space, legal certainty and public trust.

63 Platform for Democracy: *Government audits did not reveal any systemic failure of NGOs*, 20 January 2026, <https://www.predemokraciu.sk/2026/01/20/vladne-audity-nepreukazali-systemove-zlyhania-mno/>

CONTACTS

VIA IURIS

VIA IURIS is a non-partisan, not-for-profit organisation registered in Slovakia since 1993. Our mission is to use the law as an instrument of justice, bring systemic solutions, and promote the equal application of law for all. Our activities are arranged into three pillars: promoting effective public participation (Citizen), protecting the legislative environment and civil society (Civil Society), and strengthening the political independence of courts, prosecution, and police (Rule of Law).

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LIBERTIES

RULE OF LAW

REPORT

2026



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The Peace Institute
Institute for Contemporary Social and Political Studies



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ABOUT THE CONTRIBUTING ORGANISATIONS

The Peace Institute - Institute for Contemporary Social and Political Studies



The Peace Institute

Institute for Contemporary Social and Political Studies

The Peace Institute is an independent, non-profit research institution founded in 1991 in Ljubljana, Slovenia, by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards.

The Peace Institute (PI) uses scientific research and activism aimed at creating and preserving a society capable of critical thought and based on the principles of equality, responsibility, solidarity, human rights and the rule of law.

The Institute develops interdisciplinary research, educational, advocacy and awareness-raising activities in four thematic fields: human rights and minorities, politics, media, and gender. Acting as a research and civil society organisation, it focuses mainly on Slovenia, but it is also participating in numerous cross-border collaborative actions and comparative research on EU level and in the region of Southeast Europe. The PI acts against discrimination, as an ally of vulnerable groups and in partnership with them. It has carried out projects in support and advancement of the rights of children, women, victims of crimes, defendants in criminal proceedings, Roma communities, 'erased people', refugees and migrants, stateless people, LGBTQIA+ communities, journalists and others.

OVERALL ASSESSMENT: STAGNATOR

During 2025, rule of law developments in Slovenia took place within a broadly stable institutional and legislative framework, shaped both by domestic reforms and the broader European regulatory context. While several legislative and strategic initiatives aimed at strengthening institutional safeguards were adopted, persistent structural challenges and implementation gaps continued to affect the effective functioning of key rule of law institutions.

Slovenia's justice system continued to operate within a stable institutional and legislative framework, including the adoption of new judicial legislation and the implementation of public sector pay reform aimed at strengthening institutional capacity and improving working conditions within the judiciary. However, structural challenges continue to affect its efficiency, transparency, and public perception. Court proceedings remain lengthy in certain areas, affecting timely access to justice. Long procedural timelines, including in cases requiring prompt judicial response, reflect capacity constraints and organisational pressures. The justice system also faces staffing shortages and reduced interest in certain judicial and prison administration positions, further affecting its operational capacity. Transparency and accessibility of judicial information remain uneven, as a significant share of case law is not publicly accessible and comprehensive judicial statistics remain limited. Certain concerns therefore relate not to systemic institutional instability, but to the risk that unresolved structural inefficiencies, limited transparency tools, and persistent staffing constraints become entrenched over time, weakening the system's ability to deliver timely and effective judicial protection. Additional concerns arise from the adoption of the Act on Emergency Measures to Ensure Public Safety (ZNUZJV) under an expedited procedure and without broader public debate, prompting constitutional review proceedings initiated by the Human Rights Ombudsman and the Legal Network for the Protection of Democracy, and raising questions regarding procedural safeguards and judicial oversight.

Developments in the anti-corruption framework reflected similar patterns of formal institutional strengthening combined with ongoing implementation challenges. During the reporting period, Slovenia took steps to strengthen its anti-corruption framework, particularly through the adoption of the new Resolution on the Prevention of Corruption and its accompanying Action Plan in 2025. These measures establish a more comprehensive and structured strategic framework, with increased emphasis on integrity management, internal oversight, and the systematic implementation of integrity plans across public institutions. Legislative developments also included the adoption of the new Public Office Holders Act and expanded training and awareness-raising activities by the Commission for the Prevention of Corruption. At the same time, implementation challenges were reported, particularly regarding the practical impact of these measures. Integrity mechanisms are implemented unevenly in practice, and the Commission for the Prevention of Corruption has highlighted insufficient institutional follow-up to its findings and recommendations, noting the absence of mandatory response mechanisms and clear legal consequences in cases of non-compliance. Corruption proceedings

remain complex, with high evidentiary standards and capacity constraints, particularly in high-level cases. Slovenia's Corruption Perceptions Index score declined in 2025, reflecting continued concerns regarding enforcement effectiveness and institutional accountability. These developments illustrate ongoing efforts to strengthen corruption prevention and oversight, while highlighting the importance of effective implementation to ensure their practical impact.

The media environment during the reporting period was influenced both by national reforms and by broader European regulatory developments aimed at strengthening media freedom and independence. In particular, the European Media Freedom Act and the Anti-SLAPP Directive provided an important normative framework guiding domestic legislative reforms. At the national level, Slovenia adopted a series of legislative measures aligning media regulation more closely with European standards. The new Media Act, adopted in September 2025, introduced strengthened safeguards for journalistic sources, enhanced transparency of media ownership, and new mechanisms for ex ante media concentration control. In January 2026, Slovenia transposed the Anti-SLAPP Directive, introducing procedural safeguards against abusive litigation targeting journalists and other actors participating in public debate. Legislative reforms also addressed public service media financing through a new Act on the Slovenian Press Agency and amendments to the RTV Slovenia law. These developments represent important progress at the legislative level. However, structural challenges continue to affect the practical environment for media freedom. Regulatory oversight remains fragmented across several bodies with limited coordination, while key regulators operate with constrained human and financial resources and appointment procedures allowing continued governmental influence. Economic pressures affecting journalism, including newsroom downsizing and the financial fragility of print media, continue to pose risks to pluralism and editorial independence. Financial sustainability challenges also persist in the public service media sector, as the RTV Slovenia licence fee has not been structurally increased and remains without automatic indexation to inflation, leaving funding levels dependent on governmental decisions and limiting long-term financial predictability and institutional independence.

These institutional and regulatory developments also shaped the broader civic space environment. Civic space in Slovenia during the reporting period remained formally open and supported by a comparatively strong legal framework guaranteeing freedom of association and participation. Slovenia adopted the NGO Development Strategy to 2030 and the Volunteering Development Strategy to 2030, signalling recognition of civil society's democratic role and establishing a long-term framework for cooperation with public authorities. These processes included structured consultation with civil society organisations and represented positive institutional developments. However, these formal commitments coexist with persistent operational constraints. Public participation standards are inconsistently implemented despite clear legal requirements for consultation periods, with shortened deadlines and frequent use of expedited procedures limiting meaningful influence on policymaking. Civil society organisations continue to operate in an increasingly polarised political environment

characterised by delegitimising rhetoric, online harassment, and disinformation campaigns, particularly targeting organisations working on human rights, migration, and LGBTQIA+ issues.

Taken together, these developments reflect a rule of law environment characterised by institutional stability and continued legislative activity, but also by persistent structural weaknesses and implementation gaps. While important reforms and strategic initiatives have been adopted across several areas, their practical impact will depend on consistent implementation, institutional independence, and effective safeguards to ensure accountability, transparency, and the protection of fundamental rights.

Assessment of the trajectory

Slovenia is assessed overall as a ‘Stagnator’, as reforms across key rule of law areas have not yet translated into consistent and measurable improvements in institutional effectiveness, accountability, and structural resilience. This overall trajectory is reflected in developments affecting the justice system, anti-corruption framework, media environment, and civic space.

In the justice system, recent legislative reforms and structural measures have not yet resulted in consistent and measurable improvements in the efficiency, transparency, or overall functioning of the system. While the adoption of new judicial legislation and the implementation of public sector pay reform represent important steps toward strengthening institutional capacity, persistent structural challenges continue to affect procedural efficiency, access to justice, and public trust. Court proceedings remain lengthy in certain areas, and staffing shortages across judicial and prison administration positions continue to constrain institutional capacity. Transparency also remains uneven, as limitations in the accessibility of case law and the lack of comprehensive judicial statistics restrict effective monitoring, predictability, and accountability.

At the same time, developments in 2025 raised new rule of law concerns regarding the legislative process and safeguards for fundamental rights. The adoption of the Act on Emergency Measures to Ensure Public Safety under an expedited procedure raises concerns regarding legislative safeguards, judicial oversight, and legal certainty. Civil society organisations and legal experts have expressed concerns regarding the breadth of the measures, the adequacy of judicial oversight, and the risk of disproportionate or selective application, particularly in designated high-risk areas. The Act (ZNUZJV) has also been subject to constitutional challenge, reflecting ongoing legal uncertainty and raising questions regarding compliance with fundamental rights and rule of law standards.

While the justice system remains institutionally stable, persistent structural inefficiencies and implementation gaps represent early warning signs. The current trajectory therefore reflects limited practical progress and continuing structural vulnerabilities.

Similar dynamics are evident in the anti-corruption framework, where recent legislative and strategic reforms have not yet translated into consistent improvements in enforcement, accountability, or institutional effectiveness. The adoption of the new Resolution on the Prevention of Corruption and its accompanying Action Plan in 2025, together with the Public Office Holders Act and expanded integrity training, reflects continued institutional attention to strengthening integrity and corruption prevention.

However, significant structural challenges persist. Integrity mechanisms remain unevenly implemented in practice, and the Commission for the Prevention of Corruption has highlighted insufficient institutional follow-up to its findings and recommendations, noting the absence of mandatory response mechanisms. The absence of systematic follow-up to oversight findings risks reducing anti-corruption measures to formal compliance mechanisms rather than effective tools of institutional accountability. Persistent procedural complexity and limited enforcement outcomes continue to affect the effective investigation and prosecution of corruption cases, while Slovenia's recent decline in the Corruption Perceptions Index reflects ongoing concerns regarding institutional effectiveness and accountability. These developments indicate formal progress at the strategic level but limited measurable improvement in the practical effectiveness of anti-corruption measures.

Comparable patterns are also visible in the media sector. Legislative progress has strengthened the legal framework, but this has not yet translated into consolidated institutional safeguards or sustainable improvements in the media environment. Implementation remains at an early stage and enforcement capacity is insufficient to guarantee durable outcomes. Public service media financing continues to depend partly on political decision-making rather than fully automatic mechanisms, leaving space for potential future political influence. Several key reforms were adopted late in the parliamentary term, creating uncertainty regarding their long-term stability. The trajectory therefore reflects normative improvement combined with persistent structural vulnerabilities rather than systemic transformation.

Several early warning indicators emerge from the current trajectory. A persistent implementation gap remains between legislative reform and regulatory enforcement capacity, reinforced by fragmented and under-resourced media oversight institutions. Structural financial vulnerabilities in the journalism sector continue to pose risks to editorial independence and to the capacity of media to effectively fulfil their democratic roles, while funding arrangements across parts of the media ecosystem remain dependent on short-term or politically contingent decisions rather than on stable structural guarantees. In addition, the approaching parliamentary elections in March 2026 introduce uncertainty regarding the continuity and durability of recently adopted reforms. While no entrenched backsliding is currently observable, these vulnerabilities could quickly translate into deterioration under less favourable political conditions.

These broader structural vulnerabilities also extend to civic space. Civic space remains legally protected but structurally fragile, with limited progress in addressing long-standing systemic weaknesses. Institutional dialogue mechanisms exist, yet participation often remains procedural rather than substantive, and consultation practices do not consistently meet established democratic standards. Structural underfunding in key advocacy fields persists, while institutional mechanisms to prevent or respond to coordinated attacks against civil society remain insufficiently developed.

Several early warning signals indicate growing vulnerabilities, including the normalisation of hostile political rhetoric directed at civil society organisations, increasing online harassment and smear campaigns targeting Civil Society Organisations (CSOs), inconsistent application of participatory standards despite existing legal guarantees, and structural financial insecurity affecting advocacy organisations, alongside the absence of dedicated institutional protection mechanisms capable of responding to coordinated attacks. As Slovenia approaches parliamentary elections in March 2026, rising political polarisation further increases the risk that civic space conditions could deteriorate rapidly if institutional safeguards remain insufficiently strengthened.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

While no systemic deterioration or deliberate dismantling of rule of law safeguards has been observed, several structural vulnerabilities and early warning signs warrant continued and enhanced attention by the European Commission. In particular, persistent implementation gaps, procedural inefficiencies, and limited institutional follow-up in the areas of justice and anti-corruption, as well as concerns regarding legislative safeguards, media independence, and civic space conditions, indicate the need for sustained monitoring and targeted follow-up.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

<i>Regression</i>	<i>No progress</i>	<i>Progress</i>
		

JUSTICE SYSTEM –

General assessment

The trajectory of Slovenia's justice system reflects very limited progress in certain areas alongside persistent structural challenges, particularly with regard to system capacity and evidence-based governance.¹ While recent reforms, including a package of justice-related legislation² and public sector pay reform affecting the judiciary, signal renewed reform activity, their impact on efficiency and backlog reduction remains limited. Procedural lengths continue to be excessively long, especially in civil and commercial cases at first instance and in administrative disputes, underscoring enduring challenges in the effective functioning of the justice system.³

A key warning sign is the absence of comprehensive, integrated justice statistics despite efforts being made in the field of digitalisation. Data on crime, prosecutions, court proceedings and outcomes remain fragmented across institutions, preventing a clear overview of case trajectories, duration and consistency of adjudication. This lack of organised and accessible data significantly limits the ability to identify bottlenecks, assess the proportionality of sanctions and monitor whether the justice system is functioning effectively. Without reliable data, structural problems, such as the steady increase in unresolved cases and the disproportionate burden of urgent detention and asylum-related proceedings, risk remaining insufficiently addressed.⁴

Additional concerns relate to governance and legal certainty, in particular, the limited transparency and reasoning of certain institutional decisions within the justice system. Stakeholders highlighted that some key decisions affecting the judiciary are not systematically explained or made accessible to

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- 1 Orešek, J., The (in)efficiency of Slovenian courts (pt. 2) ((Ne)učinkovitost delovanja slovenskih sodišč (2. Del)), *Odvetnik: Revija Odvetniške zbornice Slovenije*, Vol. XXV, No. 3 (111), 2023, p.22, www.odv-zb.si/upload/revija/2023/ODVETNIK%20st-111_OZS.pdf.
 - 2 Slovenia, Ministry of Justice (Ministrstvo za pravosodje), MPs approve legislative package on judicial and prosecutorial legislation (Poslanci potrdili zakonodajni sveženj sodniške in tožilske zakonodaje), *press release*, 21 November 2025, www.gov.si/novice/2025-11-21-poslanci-potrdili-zakonodajni-svezenj-sodniske-in-tozilske-zakonodaje/.
 - 3 Slovenia, Ministry of Justice (Ministrstvo za pravosodje), Slovenia maintains stable indicators in the European Union's Justice Scoreboard (Slovenija ohranja stabilne kazalnike v poročilu Evropske unije o pregledu stanja pravosodja), *press release*, 1 July 2025, www.gov.si/novice/2025-07-01-slovenija-ohranja-stabilne-kazalnike-v-porocilu-evropske-unije-o-pregledu-stanja-pravosodja/.
 - 4 Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Annual report on the efficiency and effectiveness of courts for 2024 (Letno poročilo o učinkovitosti in uspešnosti sodišč za leto 2024), *Ljubljana, Vrhovno sodišče Republike Slovenije*, 2025, p.45, www.sodisce.si/mma_bin.php?static_id=2025051511521305.

the public, which restricts understanding of how judicial governance operates. In criminal justice, practitioners also pointed to procedural practices whereby complainants who are not formally recognised as injured parties may receive dismissal decisions without substantive reasoning, making it difficult to understand why cases are not pursued and limiting effective scrutiny.⁵

These pressures are further compounded by overcrowding in detention facilities and prisons,⁶ which is closely linked to the increased use of detention in cases under Article 308 of the Criminal Code (unlawful crossing of the state border). A significant share of detainees in these cases are foreign nationals,⁷ resulting in longer periods of detention and placing sustained pressure on prison capacity. This situation has also highlighted acute shortages of prison officers, who face demanding working conditions, daily contact with a high number of detainees, and increased security and organisational challenges.⁸

More broadly, analyses pointed to persistent staffing shortages across the justice system,⁹ driven in part by declining interest in justice-related professions. Legal and judicial careers are perceived as less attractive due to comparatively lower salaries and less favourable working conditions than those offered in the private sector.¹⁰ These shortages affect courts, prosecution services, prisons and support-

5 *Online consultation with a law expert from NGO sector, 21 January 2026.*

6 *Human Rights Ombudsman of the Republic of Slovenia (Varuh človekovih pravic Republike Slovenije)*, Summary of the work of the Human Rights Ombudsman of the Republic of Slovenia for 2024 (Povzetek dela Varuha človekovih pravic Republike Slovenije za leto 2024), *Ljubljana, Varuh človekovih pravic Republike Slovenije*, www.varuh-rs.si/assets/uploads/publications/2565/2025/povzetek-dela-vcp-za-leto-2024.pdf.

7 *Advocate of the Principle of Equality (Zagovornik načela enakosti)*, Foreigners in Slovenian prisons analysis and interpretation of collected data (Tujci v slovenskih zaporih: analiza in interpretacija zbranih podatkov), *Ljubljana, Zagovornik načela enakosti*, <https://zagovornik.si/wp-content/uploads/2025/07/Tujci-v-slovenskih-zaporih-analiza.pdf>.

8 *La. Da. and G. C.*, Prison workers: Prison conditions are unbearable, prisons are overcrowded, our work is not appreciated (Zaposleni v zaporih: Razmere v zaporih so nevzdržne, zapori prepolni, naše delo ni cenjeno), MMC RTV SLO, STA, 13 February 2025, www.rtvlo.si/slovenija/zaposleni-v-zaporih-razmere-v-zaporih-so-nevzdrzne-zapori-prepolni-nase-delo-ni-cenjeno/736423.

9 *Al. Ma.*, Union of Judicial Workers: Classification of professional associates is inadequate and there are too few of them (Sindikat delavcev v pravosodju: Uvrstitev strokovnih sodelavcev neustrezna in premalo jih je), MMC RTV SLO, 16 October 2024, www.rtvlo.si/slovenija/sindikat-delavcev-v-pravosodju-uvrstitev-strokovnih-sodelavcev-neustrezna-in-premalo-jih-je/620307.

10 *LP*, Are judges' salaries still too low? The Judicial Council is going to the Constitutional Court (So sodniške plače še vedno prenizke? Sodni svet gre na ustavno sodišče), *Dnevnik*, 28 January 2026, www.dnevnik.si/novice/slovenija/sodni-svet-zaradi-sodniskih-plac-ponovno-na-ustavno-sodisce-2781277/.

ing judicial staff alike, further exacerbating capacity constraints, delays in proceedings and the overall strain on the justice system.¹¹

While these issues warrant attention in their own right, stakeholders emphasised that the absence of coherent, cross-institutional data and systematic monitoring represents a more fundamental obstacle. Fragmented data collection prevents meaningful assessment of case outcomes, duration and consistency, thereby weakening evidence-based policymaking, accountability and the overall capacity to address structural deficiencies within the justice system.

At the same time, there are elements of progress that should be built upon, including formal recognition of capacity constraints, backlog-reduction programmes and increased awareness of systemic pressures. However, without prioritising data availability, monitoring and follow-up, there is a risk that existing shortcomings become normalised rather than resolved, calling for more targeted and evidence-based action in the coming period.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 report.

Gaps in the Commission's Report

Increasing number of unresolved cases

The Commission's report does not underline a trend of the increasing number of unresolved cases in the past few years. In the 2024 report of the Judicial Council, it stated that the total number of pending cases increased from just under 121,000 in 2022 to 123,383 in 2023 and 126,531 in 2024.¹² According to the Supreme Court report for 2024, the high number of detention cases under Article 308 of the Criminal Code (unlawful crossing of the state border or territory) continues to place a disproportionate burden on criminal courts, resulting in delays in other proceedings.¹³

11 *Online consultation with a criminal law expert, 26 January 2026.*

12 *Judicial Council of the Republic of Slovenia (Sodni svet Republike Slovenije)*, Annual Report of the Judicial Council of the Republic of Slovenia for 2024 (Letno poročilo Sodnega sveta Republike Slovenije za leto 2024), Ljubljana, Sodni svet Republike Slovenije, p.89, http://www.sodni-svet.si/doc/Letno_porocilo_2024_Sodni_svet_RS.pdf.

13 *Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije)*, Annual report on the efficiency and effectiveness of courts for 2024 (Letno poročilo o učinkovitosti in uspešnosti sodišč za leto 2024), Ljubljana, Vrhovno sodišče Republike Slovenije, p.35, www.sodisce.si/mma_bin.php?static_id=2025051511521305.

The Commission's report does not sufficiently address the structural drivers behind the growing number of unresolved cases, in particular the systemic impact of detention practices under Article 308 of the Criminal Code (KZ-1)¹⁴ and the resulting displacement effects across the justice system.

Legal experts caution that this problem is not temporary but structural. The sharply increased use of detention in cases under Article 308 absorbs significant judicial, prosecutorial, and law-enforcement resources that would otherwise be allocated to the prosecution of serious criminal offences, and it has significantly contributed to court backlogs, prolonged proceedings, prison overcrowding, and increased costs for the justice system. These dynamics pose a serious risk to the right to a trial within a reasonable time, affecting both defendants and victims in unrelated cases, and raise broader concerns regarding the proportionality and long-term sustainability of current criminal justice policies.¹⁵

Addressing these challenges requires a combination of measures. One of the most straightforward options would be to reintroduce lower statutory penalties by restoring them to the levels applicable under the Criminal Code (KZ-1) before the KZ-1G amendment. Lower statutory penalties for offences under Article 308 would likely lead to shorter prison sentences and increase the likelihood of plea agreements or early admissions of guilt, as public prosecutors would be able to propose proportionately lower penalties.¹⁶ This, in turn, could reduce the overall burden on courts and detention facilities.

A related concern is the shortage of prison officers, which is closely linked to declining interest in the profession. Prison officers face demanding working conditions, including daily contact with large numbers of detainees and prisoners, many of whom are foreign nationals.¹⁷ These circumstances place

14 *Slovenia, The Criminal code (Kazenski zakonik), 20 May 2008, and subsequent modifications, <https://pisrs.si/pregled-Predpisa?id=ZAKO5050>.*

15 *La. Da. and G. C., Prison workers: Prison conditions are unbearable, prisons are overcrowded, our work is not appreciated (Zaposleni v zaporih: Razmere v zaporih so nevzdržne, zavori prepolni, naše delo ni cenjeno), MMC RTV SLO, STA, 13 February 2025, www.rtv slo.si/slovenija/zaposleni-v-zaporih-razmere-v-zaporih-so-nevzdrzne-zavori-prepolni-nase-delo-ni-cenjeno/736423.*

16 *Kovačič Mlinar, B., Criminal offense under Article 308 of the Criminal Code-1 - Prohibited crossing of the border or territory of the state (Kaznivo dejanje po 308. členu KZ-1 - Prepovedano prehajanje meje ali ozemlja države), Odvetnik: Revija Odvetniške zbornice Slovenije, Vol. XXVII, No. 5 (123), www.odv-zb.si/upload/revija/ODVETNIK%20st-123%20PRELOM%20web-2-2.pdf.*

17 *G.C., More than a fifth more prisoners in Slovenian prisons last year than in 2023 (V slovenskih zaporih lani več kot petina več zapornikov kot leta 2023), MMC RTV SLO, STA, 8 October 2025, www.rtv slo.si/slovenija/v-slovenskih-zaporih-lani-vec-kot-petina-vec-zapornikov-kot-leta-2023/760161.*

additional strain on already limited human resources and further exacerbate systemic capacity issues within the criminal justice system.

In March 2024, the Judicial Council formally acknowledged that the increase in asylum cases under the International Protection Act has placed a significant burden on the Administrative Court. The Council noted that the temporary redistribution of asylum cases among judges handling other administrative matters may help resolve urgent proceedings. However, this approach results in disproportionate delays in other administrative disputes. The Council warned that such delays raise serious concerns regarding equality before the law and the right to a trial within a reasonable time, and it called for the creation of additional judicial posts within the relevant chamber as a structural solution.¹⁸

In response, the Administrative Court adopted a backlog-reduction programme for 2023–2025, introducing organisational measures and recruiting additional judicial assistants. Despite these efforts, challenges persist, and the Supreme Court has warned against legislative solutions that shift executive competencies onto the judiciary, as such arrangements undermine the separation of powers and further burden the administrative courts.¹⁹ Although the Supreme Court's 2025 report has not yet been published, available information suggests that asylum-related cases — due to their constitutional urgency and implications for the protection of fundamental rights — continue to be prioritised over other administrative disputes. This practice leads to the systematic displacement of non-urgent cases and raises concerns about equal access to justice and the right to timely adjudication for all parties.²⁰

Furthermore, the persistent shortage of specialised judicial staff remains a significant issue, contributing to delays and further undermining the overall efficiency of the justice system.²¹ A systemic lack of integrated and transparent justice data was also identified. Information on crime, prosecutions and

18 *Judicial Council of the Republic of Slovenia (Sodni svet Republike Slovenije)*, Annual Report of the Judicial Council of the Republic of Slovenia for 2024 (Letno poročilo Sodnega sveta Republike Slovenije za leto 2024), Ljubljana, Sodni svet Republike Slovenije, p.58, www.sodni-svet.si/doc/Letno_porocilo_2024_Sodni_svet_RS.pdf

19 *Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije)*, Annual report on the efficiency and effectiveness of courts for 2024 (Letno poročilo o učinkovitosti in uspešnosti sodišč za leto 2024), Ljubljana, Vrhovno sodišče Republike Slovenije, p.45, www.sodisce.si/mma_bin.php?static_id=2025051511521305.

20 *Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije)*, Annual report on the efficiency and effectiveness of courts for 2024 (Letno poročilo o učinkovitosti in uspešnosti sodišč za leto 2024), Ljubljana, Vrhovno sodišče Republike Slovenije, p.44, www.sodisce.si/mma_bin.php?static_id=2025051511521305.

21 *Al. Ma.*, Union of Judicial Workers: Classification of professional associates is inadequate and there are too few of them (Sindikat delavcev v pravosodju: Uvrstitev strokovnih sodelavcev neustrezna in premalo jih je), MMC RTV SLO, 16 October 2024, www.rtvlo.si/slovenija/sindikat-delavcev-v-pravosodju-uvrstitev-strokovnih-sodelavcev-neustrezna-in-premalo-jih-je/620307.

court outcomes remains fragmented across police, prosecution services, courts and ministries, with no unified data chain enabling analysis of case trajectories, duration or consistency of sentencing.²² For example, in Slovenia, comprehensive statistics on the number of court cases relating to discrimination brought to justice are not available, and court decisions on discrimination are not registered as such by national courts.²³

Expert consultations also highlighted concerns regarding the transparency and accountability of decision-making within the judiciary, in particular, the limited reasoning and publication of key decisions.²⁴ Such practices restrict public understanding of how decisions affecting the justice system are taken and may undermine trust in judicial governance.²⁵ For example, empirical analysis of prosecutorial practice further indicates that this inconsistency is not incidental but structural: prosecutorial authorities apply an overly restrictive interpretation of hate speech offences, prioritising direct incitement to violence while systematically disregarding broader contextual elements, the cumulative harm to targeted groups, and relevant European Court of Human Rights (ECtHR) standards, which in practice results in the under-enforcement of hate speech legislation.²⁶

The uneven distribution of workloads among individual courts indicates the need for systemic adjustments, as the current situation has become increasingly difficult to sustain in practice. This is confirmed and illustrated by the table included in the Judicial Statistics report for the first half of 2025. For example, the Ljubljana Local Court recorded 17,466 unresolved cases, compared to only 297 unresolved cases at the Slovenj Gradec Local Court. Similar disparities can also be observed among *District Courts*.²⁷

22 Online consultation with a criminal law expert, 26 January 2026.

23 Vučko, K., *Country report – Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Slovenia*, Luxembourg, Publications Office of the European Union, 2025, www.migpolgroup.com/wp-content/uploads/2025/09/2025-SI-Country-report-ND_final-for-web.pdf.

24 Online consultation with a criminal law expert, 26 January 2026.

25 Rakočević Bregant, V., It is not only necessary that justice be done, it must also be seen to be done (Ni nujno samo, da se pravica doseže, tudi videti mora biti tako), *Dnevnik*, 8 August 2025, www.dnevnik.si/objektiv/ni-nujno-samo-da-se-pravica-doseze-tudi-videti-mora-bit-tako-2748117/.

26 Kogovšek Šalamon, N. and Hrvatič S., *Prosecutorial Practice on Hate Speech in Slovenia: Context, Trends, and Issues*, *Annales: Series Historia et Sociologia*, pp. 487–502, <https://zdlp.si/ojs/index.php/ashs/article/view/270/149>.

27 Ministry of Justice (Ministrstvo za pravosodje), Court statistics from January to June 2025 (Sodna statistika od januarja do junija 2025), Ljubljana, Ministrstvo za pravosodje, pp. 30–31, <https://podatki.gov.si/dataset/43606a24-b254-40ef-846d-2b7df3db22ed/resource/0a7d1a07-98be-4f0f-adf5-fc5925c22962/download/sodnastatistika162025.pdf>.

Developments during 2025

While several legislative reforms were adopted in 2025, they do not directly address the structural drivers of delays identified above.

In November 2025, the parliament adopted a package of four judicial laws (the new Judges Act²⁸ and the new Courts Act,²⁹ while also amending the Judicial Council Act³⁰ and the State Prosecution Service Act³¹). According to the Deputy Prime Minister, the reforms are aimed at making the court system more efficient, transparent and accountable, including by integrating district and local courts into a unified first-instance structure, strengthening the powers of court presidents to redistribute workloads, and introducing time standards to support case management.³² These legislative changes have yet to enter into force on 1 January 2027.

At a press conference on 14 October 2025,³³ the Judicial Council raised concerns regarding the reform, stating that it may limit safeguards for judicial independence and give rise to constitutional issues by removing and reducing its competencies and jeopardising independence and autonomy. The contested amendments include limits on the Judicial Council's discretion in judicial appointments and assignments, expanded Supreme Court review of its decisions, the transfer of certain administrative assignment powers to the President of the Supreme Court, additional justification requirements for non-selected candidates, obligations to explain deviations from the Minister of Justice's opinions, and changes to the composition of the disciplinary court.³⁴

28 *Slovenia, The Judges act* (Zakon o sodnikih), 21 November 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO8886>.

29 *Slovenia, The Courts act* (Zakon o sodiščih), 21 November 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO8887>.

30 *Slovenia, The Judicial Council act* (Zakon o sodnem svetu), 25 April 2017, and subsequent modifications, <https://pisrs.si/pregledPredpisa?id=ZAKO8878>.

31 *Slovenia, The State Prosecutor's Office act* (Zakon o državnem tožilstvu), 12 July 2011, and subsequent modifications, <https://pisrs.si/pregledPredpisa?id=ZAKO9208>.

32 K.S., The biggest judicial reform in the last three decades (Največja reforma sodstva v zadnjih treh desetletjih), Delo, 15 May 2025, www.delo.si/novice/slovenija/okrajno-okrozno-sodisce-sodni-svet-sodniki-zakonodaja.

33 For more information, see press conference of the Judicial Council of the Republic of Slovenia on 14 October 2025, www.youtube.com/watch?v=aqztkhbdTpM.

34 G.C., The Judicial Council and the Judges' Association do not rule out a request for a constitutional review of the judicial reform (Sodni svet in sodniško društvo ne izključujeta zahteve za ustavno presojo pravosodne reforme), MMC RTV SLO, STA, 14 October 2025, www.rtvsllo.si/slovenija/sodni-svet-in-sodnisko-drustvo-ne-izkljucuje-ta-zahteve-za-ustavno-presajo-pravosodne-reforme/760782.

The Act on the Common Foundations of the Public Sector Pay System³⁵ was adopted in 2024 and entered into force on 1 January 2025, introducing a new framework for the public sector remuneration system. The public sector pay system applies to the entire public sector, encompassing all budget users, including state authorities, municipalities, public institutions, public funds, public agencies and public economic institutions. It covers approximately 190,000 employees in the public sector.³⁶ The Act has introduced a revised salary scale, under which the difference between pay grades is reduced from the current four percent to three percent, and the ratio between the lowest and highest pay grades is set at one to seven. Under the new law, no employee in the public sector will have a salary below the minimum wage. The lowest basic gross salary will amount to €1,253.90 while the highest will reach €8,821.04 gross.³⁷ The Judicial Council and the Association of Judges expressed concerns that the adopted reforms do not sufficiently address the long-standing erosion of judicial salaries due to inflation and do not ensure full financial autonomy of the judiciary, as remuneration remains linked to the general public sector pay system.³⁸

In 2025, the National Assembly assessed the draft Act on the Criminal Treatment of Juveniles as suitable for further legislative consideration. The proposal aims to prioritise proceedings involving minors, strengthen judicial specialisation and introduce early individual assessments to support tailored decision-making. It also envisages enhanced multidisciplinary cooperation through a specialised unit for juvenile cases within the public institution The Children's House (*Hiša za otroke*).³⁹ In January 2026, Slovenia adopted the Act on the Criminal Treatment of Juveniles,⁴⁰ introducing a comprehen-

35 *Slovenia, The Act on the common foundations of the public sector pay system* (Zakon o skupnih temeljnih sistema plač v javnem sektorju), 24 October 2024, <https://pisrs.si/pregledPredpisa?id=ZAKO8826>.

36 *For more information on the reform of the public pay system, see the government webpage on www.gov.si/zbirke/projekti-in-programi/prenova-placnega-sistema-v-javnem-sektorju/.*

37 *T. K. B. and G. K., New public sector wage law passed with 45 votes in favor and three against* (Novi plačni zakon za javni sektor sprejet s 45 glasovi za in tremi proti), MMC RTV SLO, STA, 24 October 2024, www.rtv slo.si/slovenija/novi-placni-zakon-za-javni-sektor-sprejet-s-45-glasovi-za-in-tremi-proti/725294.

38 *IUS-INFO, The new ZSod is revamping the career system of judges* (Novi ZSod prenavlja karierni sistem sodnikov), IUS-INFO, 28 November 2025, www.iusinfo.si/medijsko-sredisce/dnevne-novice/novi-zsod-prenavlja-karierni-sistem-sodnikov-321344.

39 *Slovenia, Ministry of Justice (Ministrstvo za pravosodje), The draft Act on the Treatment of Minors for Criminal Offenses is in public debate* (Predlog Zakona o obravnavanju mladoletnikov zaradi kaznivih dejanj v javni razpravi), press release, 8 January 2025, www.gov.si/novice/2025-01-08-predlog-zakona-o-obravnavanju-mladoletnikov-zaradi-kaznivih-dejanj-v-javni-razpravi/.

40 *Slovenia, The Act on the criminal treatment of juveniles* (Zakon o kazenski obravnavi mladoletnikov), 28 January 2026, <https://pisrs.si/pregledPredpisa?id=ZAKO9164>.

sive and specialised legal framework governing the criminal responsibility, procedural safeguards and sanctions applicable to juvenile offenders, which will enter into force on 1 January 2027.⁴¹

The failure to address the structural drivers of court backlogs and capacity constraints has direct implications for the effective protection of individual rights. Prolonged proceedings undermine the right to a trial within a reasonable time, affecting not only defendants but also victims and other parties seeking judicial protection. In the administrative justice system, the systematic prioritisation of asylum-related cases resulted in the displacement of other disputes, leading to lengthy delays and raising concerns about equality before the law.

Beyond delays, these omissions also undermine transparency, traceability and accountability within the justice system. The absence of comprehensive, integrated and publicly accessible justice data limits the ability to track cases across institutions, assess consistency of outcomes and identify systemic weaknesses. This constrains informed policymaking and prevents meaningful public scrutiny of how justice is administered in practice.

As a result, public trust in the justice system and the rule of law is weakened. When inefficiencies persist without clear data, justification or follow-up, judicial remedies may be perceived as ineffective or inaccessible. If left unaddressed, such dynamics risk becoming normalised, eroding confidence in the justice system's capacity to deliver timely and fair outcomes and diminishing the credibility of institutional commitments to uphold the rule of law.

It was also observed that proceedings before the Administrative Court take significantly longer compared to other courts, except the Labour and Social Court, averaging six and a half months according to 2024 data.⁴² In addition, the Commission's report pays limited attention to the cumulative impact of staffing shortages across the justice system, including courts, prosecution services and prisons, which increasingly constrain institutional capacity and the effective implementation of reforms.

41 *Maček, P.*, The Juvenile Justice Act (JJPA) was adopted (Sprejet Zakon o kazenski obravnavi mladoletnikov (ZKOM), IUS-INFO, 3 February 2026, www.iusinfo.si/medijsko-sredisce/v-srediscu/sprejet-zakon-o-kazenski-obravnavi-mladoletnikov-zkom-322045.

42 *For more information on the average duration of proceedings, see the webpage of Slovenian judiciary on <https://poslovanje-sodstva.sodisce.si/trajanje-postopkov/>.*

New Issues that Emerged in 2025

Act on Emergency Measures to Ensure Public Safety

On 18 November 2025, the National Assembly adopted the Act on Emergency Measures to Ensure Public Safety,⁴³ publicly referred to as the Šutar Act. The legislation was justified by the authorities with reference to a rise in violent criminal offences and the need for a more effective state response to serious security threats, and was adopted in the immediate aftermath of the tragic death of Aleš Šutar. Drafted and enacted within less than one month (entered into force on 27 November 2025), the Act introduced an exceptionally broad set of measures aimed at ensuring public safety.

While formally applicable to the general population, the legislative initiative was widely framed in political and public discourse as a response to security concerns associated with specific marginalised communities, in particular the Roma population.⁴⁴ This context raises concerns that the Act may contribute to indirect ethnic targeting and discriminatory effects in its implementation, notwithstanding its formally neutral wording.

The Act is a so-called omnibus law, amending several different laws (the Financing of Municipalities Act, the Free Legal Aid Act, and the Criminal Procedure Act) and derogating from certain provisions of the Tax Procedure Act, the Criminal Code, the Social Assistance Payments Act, and the Parental Protection and Family Benefits Act.⁴⁵ The Act significantly expands police powers in designated high-risk areas⁴⁶ by permitting the use of technical surveillance measures, including audio-visual recording and automated licence plate recognition. It further authorises law enforcement authorities to enter dwellings, other premises, or vehicles without prior judicial authorisation where such entry is deemed necessary for the immediate seizure of weapons or other dangerous objects.

43 *Slovenia, The Act on emergency measures to ensure public safety* (Zakon o nujnih ukrepih za zagotavljanje javne varnosti), 18 November 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO9360>.

44 Boffey, D., *New Slovenian law treats entire Romany minority "as a security threat"*, *The Guardian*, 18 November 2025, <https://www.theguardian.com/world/2025/nov/18/slovenia-accused-of-turning-roma-neighbourhoods-into-security-zones?utm>.

45 *Uradni list*, ZNUZJV – a law that sets new rules for the police and citizens (ZNUZJV – zakon, ki postavlja nova pravila igre za policijo in državljane), *Uradni list*, 3 December 2025, www.uradni-list.si/novice/pogled/znuzjv---zakon-ki-postavlja-nova-pravila-igre-za-policijo-in-drzavljane.

46 *STA*, Police declare two security risk areas: in the center of Ljubljana and near Novo mesto (Policija razglasila dve varnostno tvegani območji: v centru Ljubljane in pri Novem mestu), *Dnevnik*, 23 January 2026, www.dnevnik.si/novice/slovenija/policija-doslej-razglasila-dve-varnostno-tvegani-obmocji-2780311/.

In addition, the Act provides for stricter sanctions for violent criminal offences, streamlines procedures for the temporary seizure of property, and introduces additional measures affecting the enforcement of social assistance benefits. While the Act was supported by the authorities and segments of the public as a necessary response to public safety challenges, legal experts and civil society organisations have expressed concerns regarding its compatibility with constitutional safeguards and the adequacy of judicial oversight. In particular, concerns were raised that the broad discretion afforded to law enforcement authorities could result in uneven or selective application of the measures in practice, potentially disproportionately affecting certain groups and raising issues related to equality before the law.

Developments during 2025

The Act was drafted and adopted under an expedited procedure, with limited time for public consultation or parliamentary debate. Its implementation began immediately after entry into force, including the designation of high-risk security zones by the police. The scope and speed of the legislative process, combined with the breadth of the measures introduced, prompted public debate and legal scrutiny in late 2025, with constitutional and human-rights concerns remaining unresolved at the end of the year.

In response, a broad range of civil society organisations and initiatives publicly called on Members of Parliament to reject the Act, warning that its accelerated adoption, limited public consultation and far-reaching security measures risk undermining constitutional safeguards, fundamental rights and the rule of law.⁴⁷

Following the enactment of the Act, the police have designated two areas as high-risk security zones,⁴⁸ including part of Metelkova Street in Ljubljana and the Roma settlement Brezje-Žabjak near Novo Mesto.⁴⁹

47 *La. Da.*, Several NGOs and initiatives call on MPs to reject the Šutar Act (Več nevladnih organizacij in iniciativ poslance pozvalo k zavrnitvi Šutarjevega zakona), MMC RTV SLO, STA, 12 November 2025, www.rtvsl.si/slovenija/vec-nevladnih-organizacij-in-iniciativ-poslance-pozvalo-k-zavrnitvi-sutarjevega-zakona/763813.

48 *Dolenjskainfo*, Security risk area declared in Novo mesto, 115 people checked in three hours (Razglaseno varnostno tvegano območje v Novem mestu, v treh urah preverili 115 oseb), Dolenjskainfo, 27 January 2026, <https://dolenjskainfo.com/novica/lokalno/razglaseno-varnostno-tvegano-obmocje-v-novem-mestu-v-treh-urah-preverili-115-oseb/330784>.

49 *Bortoletto, F.*, Slovenian parliament backs security crackdown; activists call out anti-Roma move, Eunews, 18 November 2025, www.eunews.it/en/2025/11/18/slovenian-parliament-backs-security-crackdown-activists-call-out-anti-roma-move/.

The Roma Foundation for Europe has strongly criticised the Act on Emergency Measures to Ensure Public Safety, warning that it “sets a dangerous precedent for Europe” by treating a minority as a security threat and signalling that expansive security tools targeting marginalised groups are compatible with European standards. According to the Foundation, the law could normalise discriminatory policing practices and lower the political cost of targeting already excluded communities — with potential repercussions beyond Slovenia’s borders.⁵⁰

As a further consequence of the Act, practitioners have also identified gaps in the enforcement of hate-related offences. In particular, the Legal Network for the Protection of Democracy stressed that the introduced legal provisions under the Act have resulted in the inability to effectively prosecute offences motivated by hatred or bias where the underlying conduct is classified as a minor offence, due to the removal of the relevant aggravating factor in the minor offences regime. Legal commentators have raised concerns that this change may weaken legal protection against hate-motivated conduct and diminish the ability of law enforcement and prosecutorial authorities to address bias-related wrongdoing when it does not meet the threshold for a criminal offence.⁵¹

The first practical shortcomings of the Act became apparent in its enforcement, most notably through the execution of seizures affecting social transfers, where the consequences were borne primarily by the most vulnerable individuals. Following the entry into force of the Act, the Financial Administration seized social assistance benefits from more than a thousand recipients with outstanding minor offence-related debts, leading to expectations that an increased number of families will require humanitarian assistance, as enforcement measures directly affected basic subsistence support.⁵² In this context, the Legal Network for the Protection of Democracy submitted a constitutional challenge to the Constitutional Court, contesting the provisions of the Act on Emergency Measures to Ensure Public Safety that allow for the seizure of social assistance benefits. The initiative supports nine individual applicants who claim that the enforcement of these measures resulted in violations of their fundamental rights.⁵³ In a press release published on 30 January 2026, the Peace Institute criticised

50 *Roma Foundation for Europe*, Slovenia’s “Šutar Law” Sets a Dangerous Precedent for Europe, press release, 18 November 2025, <https://romaforeurope.org/work/articles/sutar-law-set-dangerous-precedent>.

51 *Pravna mreža za varstvo demokracije*, Inability to prosecute hostile motive in new offenses (Nemožnost pregonov sovražnega motiva pri novih prekrških), opinion, 15 December 2025, <https://pravna-mreza.si/objave/nemoznost-pregona-sovraznega-motiva-pri-novih-prekrskih/>.

52 *Neubauer, S.*, After the first seizure of social assistance, cracks in the Šutar Law are showing (Po prvem rubežu socialne pomoči se kažejo razpoke Šutarjevega zakona), N1, 29 January 2026, <https://n1info.si/novice/slovenija/po-prvem-rubezu-socialne-pomoci-se-kazejo-razpoke-sutarjevega-zakona/>.

53 *La. Da. and T. L. Š.*, Legal network with initiative to assess the constitutionality of the part of the law that allows for the seizure of social assistance (Pravna mreža s pobudo za oceno ustavnosti dela zakona, ki omogoča rubež socialne pomoči), MMC RTV SLO, STA, 11 February 2026, www.rtvsllo.si/slovenija/pravna-mreza-s-pobudo-za-oceno-ustavnosti-dela-zakona-ki-omogoca-rubez-socialne-pomoci/773085.

the designation of Metelkova Street and the Roma settlement Brezje-Žabjak as security-risk areas, warning that the Act stigmatises socially marginalised groups and reframes long-standing social issues as security threats rather than addressing their structural causes.⁵⁴

Implications and Recommendations for 2026

Further attention in 2026 could be given to structural aspects of case-flow management and resource allocation, with a view to supporting timely adjudication and compliance with European standards on reasonable time. In particular, the cumulative impact of urgent proceedings on the functioning of courts merits closer monitoring.

In this context, the Commission could highlight the potential value of organisational measures within the Administrative Court, including a more specialised allocation of asylum-related cases. Such an approach could improve the handling of urgent proceedings while mitigating displacement effects on other administrative disputes.

Further consideration could also be given to clarifying responsibilities for justice data collection, transparency and monitoring. More coherent and accessible data could support a better understanding of case trajectories, consistency of outcomes and systemic pressures, thereby strengthening evidence-based assessment of the justice system.

In light of the adoption of emergency public security legislation in 2025, the Commission should recommend that Slovenia repeal or fundamentally revise emergency measures that unduly restrict fundamental rights and were adopted through accelerated legislative procedures without adequate democratic scrutiny. In particular, the Commission should call on the authorities to reassess whether the continued application of such measures meets the requirements of necessity, proportionality and legal certainty, and to suspend provisions that enable disproportionate or selective enforcement in practice.

Suggested recommendation: Address the uneven distribution of workloads among courts, as significant disparities in unresolved cases indicate structural inefficiencies in case allocation and resource management. Further attention could be given to strengthening mechanisms for balanced workload distribution and evidence-based allocation of judicial resources, in order to reduce backlogs and ensure equal access to justice and compliance with the right to a trial within a reasonable time.

54 *Mirovni inštitut*, There is no security without social justice (Varnost brez socialne pravičnosti ne obstaja), press release, 30 January 2026, www.mirovni-institut.si/varnost-brez-socialne-pravicnosti-ne-obstaja/.

Suggested recommendation: Further develop judicial training frameworks, including more structured and systematic approaches to continuous professional development.

Suggested recommendation: Ensure that any future public security legislation with far-reaching implications for fundamental rights be subject to full parliamentary procedure, meaningful public consultation and inclusive public debate. The systematic use of expedited procedures for structurally significant security measures risks undermining democratic legitimacy, transparency and compliance with rule-of-law standards.

Implementation of Judgments

Slovenia continues to demonstrate a strong commitment to the implementation of international judicial standards and judgments, including those of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). Both the Supreme Court and the Constitutional Court, as well as lower courts, have sought to align domestic jurisprudence with evolving European standards, particularly in sensitive areas such as judicial impartiality, the presumption of innocence, and the exclusion of judges. However, practitioners note that interpretation of European case law is not always straightforward, as the jurisprudence of international courts may at times contain lines of reasoning or judgments that are difficult to reconcile or appear to point in different directions. This can generate uncertainty at the national level and complicate the consistent application of European standards.

From a comparative perspective, Slovenia ranks among the more diligent states in executing ECtHR judgments and demonstrates a consistently high execution rate of the ECtHR judgments, as reflected in the persistently narrow gap between condemnatory judgments and those executed over time.⁵⁵

Slovenian courts have generally sought to align domestic jurisprudence with evolving European standards, and Slovenia is often regarded as diligent in the formal execution of the ECtHR judgments. However, human rights defenders note that implementation challenges do not stem solely from the complexity of European case law, but also from formalistic or minimalistic national approaches, whereby judgments are considered executed despite substantively inadequate measures. This is illustrated by the implementation of the ECtHR judgments concerning the ‘erased’, where some affected individuals still lack a regularised status. For more than two decades, the Peace Institute has been engaged in legal representation and advocacy for the erased persons, emphasising that the specific legislation governing the regularisation of their status is no longer in force, while many affected

⁵⁵ For more information, see the government webpage related to the national obligation to execute judgments of the European Court of Human Rights on www.gov.si teme/obveznost-izvrsevanja-sodb-evropskega-sodisca-za-clovekove-pravice/.

individuals continue to live in Slovenia without any legal status, underscoring the inadequacy of past remedial measures and the ongoing need for comprehensive legislative solutions to ensure access to permanent residence and full redress.⁵⁶ These shortcomings are further reflected in the communicated case of *Stojan Ristić and Others v. Slovenia*, which concerns the ongoing consequences of the erasure, the restrictive interpretation of the amended Act Regulating the Legal Status of Citizens of Other Successor States of the Former Social Federal Republic of Yugoslavia in the Republic of Slovenia,⁵⁷ and the resulting lack of effective remedies and access to compensation for erased persons who were forced to leave Slovenia, raising serious questions regarding Slovenia's compliance with its obligations under the Convention.⁵⁸

More broadly, experts highlight that divergent or evolving lines of European jurisprudence can create uncertainty for national courts, particularly in criminal proceedings. Divergent or even contradictory judgments of the ECtHR in comparable cases,⁵⁹ illustrated by differing outcomes in cases concerning judicial impartiality, create significant uncertainty for national courts. Slovenian courts are thus required to navigate fluctuating standards, often without clear guidance as to which interpretative line should prevail, particularly in criminal proceedings, which are most exposed to these tensions. These difficulties are further compounded by the expanding involvement of the CJEU in areas traditionally governed by national criminal law. The combined effect of overlapping jurisdictions and inconsistent standards increases legal uncertainty and places additional interpretative burdens on national courts tasked with ensuring compliance with multiple, and sometimes misaligned, supranational requirements.

At the same time, concerns have been raised about emerging political pressures on the ECtHR, particularly in the field of migration. A joint letter signed by several European heads of government

56 For more information, see the webpage on the erased residents on <https://www.mirovni-institut.si/nepozabljeni/#:~:text=26.%20februarja%202025%20je%20minilo,je%20izvedla%20oblast%20Republike%20Slovenije>.

57 *Slovenia, The Act regulating the legal status of citizens of other successor states of the former SFRY in the Republic of Slovenia* (Zakon o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji), 8 July 1999, and subsequent modifications, <https://pisrs.si/pregledPredpisa?id=ZAKO1586>.

58 *European Court of Human Rights (ECtHR)*, *Stojan Ristić and Others against Slovenia*, lodged on 4 June 2024, communicated on 24 June 2025, <https://hudoc.echr.coe.int/eng#%7B%22appno%22%3A%2216807/24%22%2C%22itemid%22%3A%22001-244237%22%7D>).

59 See *European Court of Human Rights (ECtHR)*, *Mucha v. Slovakia*, No. 63703/19, 25 November 2021, where the Court held that detailed factual findings in plea-bargain judgments may violate the presumption of innocence if they effectively prejudge the guilt of a separately prosecuted person, contrasted with *Bouša v. Czech Republic*, No. 34067/23, 26 June 2025, in which the Court confirmed that more limited and carefully worded references, accompanied by clear procedural distancing and an independent subsequent assessment of evidence, do not in themselves reach that threshold.

has openly criticised the Court for allegedly overstepping its mandate in cases involving the expulsion of migrants on national security grounds.⁶⁰ These interventions, which call for greater discretion for states and a recalibration of the Court's human-rights balancing, risk undermining the authority and independence of the ECtHR. Legal experts warn that any shift in the Court's jurisprudence resulting from such pressures would further complicate implementation efforts at the national level and exacerbate existing inconsistencies.

Overall, although Slovenia continues to demonstrate a strong record in implementing international judgments, the effectiveness and legal certainty of this process are increasingly shaped by structural factors, which lie largely outside the national framework. These include inconsistencies in European case law, the progressive expansion and overlap of judicial mandates, and the growing politicisation of human rights adjudication. Addressing these challenges requires greater coherence and legal clarity at the European level, alongside sustained safeguards to protect judicial independence from political interference.

In the 2022 Annual Report, Slovenia ranked a high fourth among the 46 Council of Europe Member States in terms of the proportion of executed judgments.⁶¹

By the end of 2024, Slovenia had four unexecuted judgments of the European Court of Human Rights, indicating remaining obligations to align domestic practice with international standards.⁶²

60 Wallis, E., UK and Danish leaders call for reinterpretation of ECHR, InfoMigrants, 11 December 2025, www.infomigrants.net/en/post/68647/uk-and-danish-leaders-call-for-reinterpretation-of-echr.

61 Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), Council of Europe: Slovenia once again among the most successful in the field of implementing ECHR judgments (Svet Evrope: Slovenija ponovno med najuspešnejšimi na področju izvrševanja sodb ESČP), press release, 7 April 2023, www.gov.si/novice/2023-04-07-svet-evrope-slovenija-ponovno-med-najuspesnejsimi-na-podrocju-izvrsevanja-sodb-escp/.

62 Council of Europe, Committee of Ministers, Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights – 2024: 18th Annual Report of the Committee of Ministers, Strasbourg, Council of Europe, p.120, <https://rm.coe.int/gbr-2001-18e-rapport-annuel-2024/1680b4d77d>.

ANTI-CORRUPTION FRAMEWORK

General assessment

Slovenia has made progress in strengthening its anti-corruption framework, particularly through the adoption of the new Resolution on the Prevention of Corruption,⁶³ the main strategic document in the field, and accompanying Action Plan in 2025.⁶⁴ These reforms establish a more comprehensive and structured framework for preventing corruption, with a stronger emphasis on integrity management, internal oversight, and institutional accountability. A key development is the increased emphasis on implementing and monitoring integrity plans⁶⁵ in public institutions as internal compliance mechanisms, aimed at systematically identifying corruption risks, strengthening preventive controls, and integrating integrity management into daily institutional governance. These developments represent an important step in strengthening the preventive dimension of the anti-corruption system and provide a foundation that should be further built upon. Nevertheless, these reforms should not mark the endpoint of anti-corruption efforts, and their implementation and effectiveness must continue to be closely monitored, including by the European Commission, to ensure that the strengthened framework translates into tangible and lasting improvements.

At the same time, early warning signs indicate that the effectiveness of these reforms will depend on their consistent and effective implementation in practice. Integrity plans have historically often been treated as formal reporting obligations rather than as operational compliance tools embedded in institutional decision-making. Ensuring that these mechanisms function as practical instruments for risk management, monitoring, and corrective action remains an ongoing challenge. Without sustained implementation and oversight, there is a risk that integrity compliance mechanisms will not achieve their intended preventive impact.⁶⁶

63 *Slovenia, The Resolution on the prevention of corruption in the Republic of Slovenia* (Resolucija o preprečevanju korupcije v Republiki Sloveniji), 28 March 2025, <https://pisrs.si/pregledPredpisa?id=RESO157>.

64 *Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Action Plan for the Implementation of the Resolution on the Prevention of Corruption (Akcijski načrt za uresničevanje Resolucije o preprečevanju korupcije), Ljubljana, Komisija za preprečevanje korupcije, www.kpk-rs.si/storage/uploads/f52db7b7-56fa-4d72-bbba-c214579a27da/Akcijski-na%C4%8Drt-2025.pdf.

65 *For more information, see the webpage of the Commission for the Prevention of Corruption on www.kpk-rs.si/sl/instituti/nacrt-integritete.*

66 *Online consultation with an expert in corruption prevention, 26 January 2026.*

Despite certain improvements in this area, integrity rules continue to be applied unevenly across different categories of public officials, with elected officials not being subject to the same integrity and eligibility requirements as other public office holders.⁶⁷

The Commission for the Prevention of Corruption warned that Slovenia still lacks adequate accountability and sanctions for misconduct by the highest public officials, which negatively affects integrity and the effectiveness of anti-corruption efforts.⁶⁸

In recent years, the concept of integrity has gained greater prominence in public and political discourse. It is now more frequently communicated and invoked, including by political actors, sometimes as part of political contestation.⁶⁹ Consequently, integrity has become an established subject of public debate, and there are ongoing efforts to strengthen and formalise integrity standards within the legal framework.

This increased emphasis on integrity in public discourse has also been reflected in preventive efforts, with the Commission for the Prevention of Corruption expanding its training activities and introducing a new online training system in 2024 to strengthen awareness, build institutional capacity, and support the consistent application of integrity and anti-corruption standards across the public and private sectors.⁷⁰

The adoption of the new Public Office Holders Act in 2025 represents an important step towards strengthening the legal framework governing public functions and clarifying the rights and obligations of public office holders;⁷¹ however, its effectiveness in improving integrity and accountability will

67 *STA and R.M.*, Impunity is a condition for the president and mayors, but not for deputies (Nekaznovanost pogoja za predsednika države in župane, ne pa za poslance), Svet 24, 28 January 2026, <https://svet24.si/novice/slovenija/predsednik-republike-nekaznovanost-politikov-1876753>.

68 *M. Z. and G. C.*, KPK: Slovenia lacks adequate accountability from the highest authorities (KPK: V Sloveniji manjka ustrezno prevzemanje odgovornosti najvišjih predstavnikov oblasti), MMC RTV SLO, STA, 10 February 2026, <https://www.rtvlo.si/slovenija/kpk-v-sloveniji-manjka-ustrezno-prevzemanje-odgovornosti-najvisjih-predstavnikov-oblasti/772947>.

69 *Na. R. and STA*, Golob: The highest integrity is to keep promises to voters (Golob: Najvišja integriteta je držati obljube volivcem), Siol.net, 14 January 2026, <https://siol.net/novice/slovenija/golob-najvisja-integriteta-je-drzati-obljube-volivcem-681731>.

70 For more information, see the webpage of the Commission for the Prevention of Corruption on www.kpk-rs.si/sl/aktivnosti-komisije/izvedba-usposabljanj.

71 *Slovenia*, The Public office holders act (Zakon o funkcionarjih), 18 July 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO9075>.

need to be assessed in practice, particularly in light of ongoing concerns highlighted by the European Commission regarding unequal integrity standards and accountability mechanisms among elected officials.⁷²

Although a legal framework for whistleblower protection is in place,⁷³ its practical use remains limited due to the absence of case law, reducing its effectiveness as a tool for detecting corruption. Whistleblowers have reported facing retaliation, legal uncertainty, and insufficient institutional protection, which may discourage reporting and further limit the effectiveness of whistleblower mechanisms.⁷⁴

A significant concern is the lack of responsiveness by the government to recommendations issued by the Commission for the Prevention of Corruption, particularly in areas involving large public infrastructure projects and systemic corruption risks. Failure to act on such recommendations weakens the effectiveness of preventive anti-corruption mechanisms and raises concerns regarding political accountability and institutional cooperation.⁷⁵

According to its most recent annual report, the Commission for the Prevention of Corruption received 844 reports of suspected corruption in 2024, representing a three percent increase compared to the previous year, indicating sustained public engagement and ongoing concerns regarding integrity and corruption risks.⁷⁶

72 *Slovenia, Ministry of Public Administration (Ministrstvo za javno upravo)*, The National Assembly adopted the new Officials Act (Državni zbor je sprejel nov Zakon o funkcionarjih), press release, 18 July 2025, www.gov.si/novice/2025-07-18-drzavni-zbor-je-sprejel-nov-zakon-o-funkcionarjih/.

73 *Slovenia, The Whistleblower protection act (Zakon o zaščiti prijaviteljev)*, 27 January 2023, <https://pisrs.si/pregled-Predpisa?id=ZAKO8518>.

74 *Burger, B.*, Ivan Gale speaks out after several years of revelation: Leave it alone, you won't change anything (Ivan Gale po več letih od razkritja spregovoril: Pusti, saj ne boš nič spremenil), Delo, 4 November 2025, www.delo.si/novice/slovenija/ivan-gale-zvizgaci-erik-brecelj-korupcija.

75 *STA, KPK*: The government does not understand our mission. Government: We act transparently by sharing our thoughts (KPK: Vlada ne razume našega poslanstva. Vlada: Z deljenjem razmislekov delujemo transparentno), 24ur.com, 29 August 2025, <https://www.24ur.com/novice/slovenija/kpk-odziv-vlade-v-primeru-crncec-kaze-na-nerazumevanje-poslanstva-komisije.html>.

76 *Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Annual Report of the Commission for the Prevention of Corruption for 2024 (Letno poročilo Komisije za preprečevanju korupcije za leto 2024), Ljubljana, Komisija za preprečevanje korupcije, www.kpk-rs.si/storage/uploads/5a0a2713-69c1-4d8b-b251-c2acb2eee4d9/Letno-poro%C4%8Dilo-2024_WEB.pdf.

Implementation of 2025 Commission recommendations

Recommendation: Take further measures to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases (first made in 2022; reworded in 2023 and 2024)

In 2025, Slovenia took initial steps towards implementing the recommendation through the adoption of a new Resolution on the Prevention of Corruption, the principal strategic document in the field, and accompanying Action Plan, which introduced concrete measures aimed at strengthening prevention, integrity, and institutional coordination. These developments represent important progress at the strategic level and demonstrate formal commitment to improving the anti-corruption framework.

However, implementation remains at an early stage, and these measures have not yet translated into a demonstrable track record of investigations, prosecutions, and final judgments in corruption cases, particularly at high levels.

No clear systemic backsliding was observed; however, certain developments raise concerns regarding institutional accountability. The Commission for the Prevention of Corruption has highlighted insufficient responsiveness by competent authorities to its findings and recommendations, as well as continued misunderstanding or lack of recognition of its oversight role. In addition, Slovenia's decline in the Corruption Perceptions Index indicates persistent weaknesses in the practical effectiveness of anti-corruption efforts and underscores the need to strengthen implementation and institutional follow-up.

While the Commission's recommendation appropriately highlights the need to strengthen the track record of corruption investigations, prosecutions, and final judgments, it remains relatively broad and does not sufficiently specify the structural, preventive, and legislative measures required to address the underlying weaknesses in the anti-corruption framework. More targeted and operational guidance would support more effective and sustainable implementation. Furthermore, integrity and suitability criteria, including integrity as a core professional and ethical standard, should be clearly defined and consistently applied to all public office holders, including elected officials, as part of appointment and eligibility frameworks. Consideration should also be given to comprehensive legislative reform to strengthen the coherence, enforceability, and practical effectiveness of the integrity framework, ensuring that preventive measures, oversight mechanisms, and accountability standards are effectively embedded across the public sector.

Commission's 2025 assessment: Some further progress Peace Institute's current assessment: In progress

Gaps in the Commission's Report

Effective and timely handling of corruption cases

While progress has been made, certain structural and procedural challenges remain in ensuring the effective and timely handling of corruption cases, as persistent procedural weaknesses may allow cases to be delayed or fragmented. Legal practitioners are able to exploit procedural loopholes, resulting in slow and inefficient proceedings. Additionally, there is a notable gap between how corruption offences are assessed by oversight bodies (such as the anti-corruption authority) and how courts evaluate evidentiary standards, often leading to cases failing at the trial stage.⁷⁷ The prosecution of corruption offences remains particularly complex and challenging due to the length and procedural structure of criminal proceedings. Individual stages of corruption cases may last several months or even years, reflecting both the complexity of the cases and procedural requirements. The criminal procedure framework requires that evidence and witness testimony be presented multiple times during different stages of the proceedings, which contributes to delays. In addition, parties to the proceedings have extensive procedural rights to file legal remedies at various stages, including preliminary phases, and such appeals are often used by defence counsel. The review of these legal remedies, typically conducted at two judicial levels, further prolongs proceedings. Frequent changes in judicial and constitutional case law also contribute to legal uncertainty and procedural complexity. Finally, both courts and prosecution services face high caseloads involving complex matters, which limits the overall efficiency and effectiveness of corruption proceedings.⁷⁸

High evidentiary standards continue to pose significant challenges for the effective investigation and prosecution of corruption offences, contributing to lengthy and complex proceedings. This is particularly relevant in corruption cases, which often involve systemic corruption and require extensive evidentiary documentation.⁷⁹ In 2024, corruption-related offences most frequently concerned public procurement, public tenders, and unlawful conduct by public officials. Convictions were also recorded

77 *Online consultation with an expert in corruption prevention, 26 January 2026.*

78 *Supreme State Prosecutor's Office of the Republic of Slovenia (Vrhovno državno tožilstvo Republike Slovenije), Joint report on the work of state prosecutors' offices for 2024 (Skupno poročilo o delu državnih tožilstev za leto 2024), Ljubljana, Vrhovno državno tožilstvo Republike Slovenije, www.dt-rs.si/files/documents/Skupno%20letno%20poro%C4%8Dilo%20za%202024.pdf.*

79 *Supreme State Prosecutor's Office of the Republic of Slovenia (Vrhovno državno tožilstvo Republike Slovenije), Summary of the report on the work of state prosecutors' offices for 2024 (Povzetek poročila o delu državnih tožilstev za leto 2024), Ljubljana, Vrhovno državno tožilstvo Republike Slovenije, www.dt-rs.si/files/documents/data/Letno%20poroc%C4%8Dilo%202024%20-%20Predlog%202.6.pdf.*

in corruption cases within the healthcare sector, particularly in relation to the procurement of medical materials and protective equipment.⁸⁰

Financial limitations have been reported as affecting the ability of law enforcement authorities to pursue complex and proactive corruption investigations, particularly those requiring costly forensic IT expertise.⁸¹

Prolonged administrative and judicial procedures continue to affect access to public information in Slovenia, as appeals and court proceedings can take several years, reducing the effectiveness of transparency mechanisms and limiting timely public oversight.⁸²

While the new strategic framework is now in place, its implementation is still at an early stage. The Commission for the Prevention of Corruption emphasised that the key challenge now lies in moving from planning to the effective implementation of measures in practice, which will require coordinated action by different institutions and consistent monitoring. The success of the strategic document will largely depend on the effective implementation of the planned measures and the institutional commitment to preventing corruption.⁸³

Despite these persistent challenges, the Commission's report does not include a specific recommendation addressing the procedural inefficiencies and structural factors affecting the timely and effective investigation and prosecution of corruption cases. Considering the continued impact of these issues, a targeted recommendation aimed at enhancing procedural efficiency, strengthening institutional capacity, and supporting the effective handling of complex corruption cases would be justified.

80 *Supreme State Prosecutor's Office of the Republic of Slovenia (Vrhovno državno tožilstvo Republike Slovenije)*, Summary of the report on the work of state prosecutors' offices for 2024 (Povzetek poročila o delu državnih tožilstev za leto 2024), Ljubljana, Vrhovno državno tožilstvo Republike Slovenije, www.dt-rs.si/files/documents/data/Letno%20poroc%CC%8Cilo%202024%20-%20Predlog%202.6.pdf.

81 *Büchner, I.*, Chasing Grand Corruption: Hurdles to Detection, Investigation and Prosecution of Complex Cases across the EU, Berlin, Transparency International, www.transparency.si/wp-content/uploads/2025/10/report-chasing-grand-corruption-english-2025-oct.pdf.

82 *STA*, Lengthy procedures impair access to public information (Dolgotrajni postopki slabijo dostop do informacij javnega značaja), N1, 26 September 2025, <https://n1info.si/novice/slovenija/dolgotrajni-postopki-slabijo-dostop-do-informacij-javnega-znacaja/>.

83 *M. Z.*, KPK Prepares a Set of Measures to Prevent Corruption: "Now It's Time to Implement It in Practice" (KPK pripravil nabor ukrepov za preprečevanje korupcije: "Zdaj je na vrsti izvajanje v praksi"), MMC RTV SLO, STA, 1 July 2025, www.rtvlo.si/slovenija/kpk-pripravil-nabor-ukrepov-za-preprecevanje-korupcije-zdaj-je-na-vrsti-izvajanje-v-praksi/750625.

Another concern relates to the limited institutional follow-up to the findings and recommendations of the Commission for the Prevention of Corruption, which has emphasised that insufficient responsiveness by competent authorities weakens accountability and undermines the effectiveness of corruption prevention and oversight mechanisms.⁸⁴

Developments during 2025

In 2025, Slovenia adopted a new strategic framework for the fight against corruption⁸⁵ and an accompanying action plan,⁸⁶ representing a formal step forward in addressing long-standing deficiencies in the anti-corruption framework. This strategic document introduces a more comprehensive approach to prevention and integrity, and its adoption responds directly to repeated Commission recommendations.

The Resolution and Action Plan strengthened the role of integrity plans by reinforcing them as operational governance and compliance mechanisms. Public institutions are required to systematically implement integrity-related measures, monitor corruption risks, and report annually on implementation.⁸⁷ This represents a shift from a largely formal requirement towards a structured and monitored integrity management framework across the public sector.

84 *Slovenia, Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Response to the Government's position: The Commission is implementing its mission and legal powers (Odziv na stališče Vlade: Komisija izvaja svoje poslanstvo in zakonske pristojnosti), press release, 29 August 2025, www.kpk-rs.si/sl/novice/vse-novice/odziv-na-stalisce-vlade-komisija-izvaja-svoje-poslanstvo-in-zakonske-pristojnosti.

85 *Slovenia, The Resolution on the prevention of corruption in the Republic of Slovenia* (Resolucija o preprečevanju korupcije v Republiki Sloveniji), 28 March 2025, <https://pisrs.si/pregledPredpisa?id=RESO157>.

86 *Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Action Plan for the Implementation of the Resolution on the Prevention of Corruption (Akcijski načrt za uresničevanje Resolucije o preprečevanju korupcije), Ljubljana, Komisija za preprečevanje korupcije, www.kpk-rs.si/storage/uploads/f52db7b7-56fa-4d72-bbba-c214579a27da/Akcijski-na%C4%8Drt-2025.pdf.

87 *Slovenia, Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)* (2026), Reporting on Action Plan activities by the end of February: answers to frequently asked questions (Poročanje o aktivnostih iz Akcijskega načrta do konca februarja: odgovori na najpogostejša vprašanja), public release, 12 February 2026, www.kpk-rs.si/sl/novice/vse-novice/porocanje-o-aktivnostih-iz-akcijskega-nacrta-odgovori-na-najpogostejsa-vprasanja.

However, as the document has only recently been adopted, its practical impact remains to be demonstrated, and its effectiveness will largely depend on the timely and consistent implementation of the planned measures and the sustained engagement of all competent authorities.⁸⁸

The concept of integrity has become more prominent in public discourse and is increasingly communicated as an important governance standard. Integrity is now more frequently referenced in political and institutional debates, including by political actors.⁸⁹ At the same time, integrity has become a subject of broader public and political discussion, with ongoing efforts to further formalise integrity standards through legislative measures.⁹⁰ This reflects a growing recognition of integrity as a core principle of public office, although its consistent and impartial application in practice remains essential for strengthening institutional accountability and public trust.

The new Public Office Holders Act,⁹¹ adopted in 2025, further develops the legal framework governing public office by introducing clearer rules on the status, rights, and obligations of public office holders.⁹² Its implementation is expected to contribute to improved transparency and accountability, as it introduces mandatory training for public office holders, requiring newly appointed officials to complete introductory and specialised e-training on ethics, integrity, and transparency within six months of taking office.

It is also important to highlight increased efforts in the area of education and awareness-raising on integrity. In 2025, the Commission for the Prevention of Corruption launched a public call to support projects aimed at raising awareness among young people (aged 15–29) about the importance of integrity, ethical conduct, and responsible decision-making. The initiative aims to promote integrity,

88 M. Z., KPK Prepares a Set of Measures to Prevent Corruption: “Now It’s Time to Implement It in Practice” (KPK pripravil nabor ukrepov za preprečevanje korupcije: “Zdaj je na vrsti izvajanje v praksi”), MMC RTV SLO, STA, 1 July 2025, www.rtvlo.si/slovenija/kpk-pripravil-nabor-ukrepov-za-preprecevanje-korupcije-zdaj-je-na-vrsti-izvajanje-v-praksi/750625.

89 St. M. and STA, Golob: Coalition partners satisfied with explanations regarding KPK findings (Golob: Koalicijski partnerji zadovoljni s pojasnili glede ugotovitev KPK), Siol.net, 15 January 2026, <https://siol.net/novice/slovenija/golob-koalicijski-partnerji-zadovoljni-s-pojasnili-glede-ugotovitev-kpk-681868>.

90 Kečanovič, B., Fourth letter on integrity (Četrto pismo o integriteti), Delo, 24 January 2026, <https://www.delo.si/mnenja/gostujoce-pero/cetrto-pismo-o-integriteti>.

91 Slovenia, *The Public office holders act* (Zakon o funkcionarjih), 18 July 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO9075>.

92 Slovenia, *Ministry of Public Administration (Ministrstvo za javno upravo)* (2025), ‘Državni zbor je sprejel nov Zakon o funkcionarjih’, press release, 18 July 2025, www.gov.si/novice/2025-07-18-drzavni-zbor-je-sprejel-nov-zakon-o-funkcionarjih/.

accountability, and critical thinking among young people and strengthen long-term corruption prevention through education and civic engagement. Such measures contribute to strengthening the preventive dimension of the anti-corruption framework by promoting integrity standards beyond formal institutional settings.⁹³ Preventive efforts have also been strengthened through expanded training and awareness-raising activities, with the Commission for the Prevention of Corruption introducing a new online training system to enhance institutional capacity and support the effective implementation of integrity and anti-corruption standards across the public and private sectors.⁹⁴

Besides these positive developments, significant challenges remain in ensuring the effective implementation and practical impact of anti-corruption measures. While the legal and strategic framework has been strengthened, its translation into consistent enforcement, accountability, and measurable improvements in corruption investigations and sanctions remains limited. In particular, concerns persist regarding insufficient follow-up to the findings and recommendations of the Commission for the Prevention of Corruption, uneven application of integrity standards across different categories of public officials, and the continued lack of a strong and consistent track record in high-level corruption cases. These shortcomings indicate that further efforts are needed to ensure that newly adopted measures function effectively in practice and contribute to strengthening institutional accountability and public trust.

New Issues that Emerged in 2025

Implementation of strategic framework and action plan

A key issue emerging in 2025 concerns the monitoring, follow-up and practical implementation of the newly adopted strategic framework⁹⁵ and related action plan,⁹⁶ particularly with regard to integrity plans and internal compliance mechanisms.

93 For more information, see the webpage of the Commission for the Prevention of Corruption on www.kpk-rs.si/sl/o-komisiji/javni-razpisi-in-javna-narocila/javni-razpis-ozavescanje-mladih-o-integriteti.

94 For more information, see the webpage of the Commission for the Prevention of Corruption on www.kpk-rs.si/sl/aktivnosti-komisije/izvedba-usposabljanj.

95 Slovenia, *The Resolution on the prevention of corruption in the Republic of Slovenia* (Resolucija o preprečevanju korupcije v Republiki Sloveniji), 28 March 2025, <https://pisrs.si/pregledPredpisa?id=RESO157>.

96 *Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Action Plan for the Implementation of the Resolution on the Prevention of Corruption (Akcijski načrt za uresničevanje Resolucije o preprečevanju korupcije), Ljubljana, Komisija za preprečevanje korupcije, www.kpk-rs.si/storage/uploads/f52db7b7-56fa-4d72-bbba-c214579a27da/Akcijiski-na%C4%8Drt-2025.pdf.

A persistent challenge remains in translating integrity frameworks from a formal, document-based approach into effective, day-to-day governance and management practices within public institutions. While integrity has been legally defined for over a decade, its application as a practical standard of conduct and decision-making remains uneven.

In addition, discussions and measures in this area have predominantly focused on judges and prosecutors, while other actors, including the role and position of journalists, have received comparatively limited attention, making it difficult to assess developments in this respect.⁹⁷

Slovenia's score in the Corruption Perceptions Index declined in 2025, with the Commission for the Prevention of Corruption warning that formal anti-corruption frameworks exist, but their implementation, accountability, and enforcement often remain insufficient in practice.⁹⁸ Transparency International Slovenia emphasised that the Corruption Perceptions Index (CPI) reflects not only individual corruption cases, but more broadly the functioning of institutions, the effectiveness of oversight mechanisms, and the level of political commitment to transparency, accountability, and the rule of law. According to the Transparency International Slovenia, particular concerns remain regarding political integrity, public procurement, appointment procedures, and the effectiveness of enforcement in economic crime cases.⁹⁹ With its score of 58 points, Slovenia remains below the average of Western Europe and the European Union, which stands at 64 points.¹⁰⁰

Developments during 2025

In 2025, an action plan,¹⁰¹ accompanying the new national strategic framework for the fight against corruption,¹⁰² entered into force, formally shifting the focus from adoption to implementation. A

97 *Online Consultation with an expert in corruption prevention, 26 January 2026.*

98 M. B., 'Na indeksu korupcije Slovenija padla, uvršča se ob bok Bocvani in Ruandi', *Delo*, 10 February 2026, www.delo.si/novice/slovenija/na-indeksu-korupcije-slovenija-padla-uvrsca-se-ob-bok-bocvani-in-ruandi.

99 *Transparency International Slovenia*, 'CPI 2025: Slovenija poslabšala uvrstitev', press release, 10 February 2026, www.transparency.si/novica/cpi-2025-slovenija-padec/.

100 *STA*, 'Indeks zaznave korupcije 2025: Slovenija nekoliko nazaduje', *Dnevnik*, 10 February 2026, www.dnevnik.si/novice/slovenija/indeks-zaznave-korupcije-2025-slovenija-nekoliko-nazaduje-2783784/.

101 *Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije)*, Action Plan for the Implementation of the Resolution on the Prevention of Corruption (Akcijski načrt za uresničevanje Resolucije o preprečevanju korupcije), Ljubljana, Komisija za preprečevanje korupcije, www.kpk-rs.si/storage/uploads/f52db7b7-56fa-4d72-bbba-c214579a27da/Akcijski-na%C4%8Drt-2025.pdf.

102 Slovenia, The Resolution on the prevention of corruption in the Republic of Slovenia (Resolucija o preprečevanju korupcije v Republiki Sloveniji), 28 March 2025, <https://pisrs.si/pregledPredpisa?id=RESO157>.

central measure introduced by the action plan is the development of internal compliance mechanisms, intended to strengthen integrity and corruption prevention systems across public institutions.

The Commission for the Prevention of Corruption issued calls in January 2025 requiring institutions to report on implementation, following the adoption of the new Resolution and Action plan in the previous year.¹⁰³ The action plan explicitly requires institutions to treat integrity plans as compliance and governance tools, rather than as annual reporting obligations.

However, in practice, many institutions continue to approach integrity plans primarily as formal requirements. The Commission has limited enforcement powers, raising concerns that implementation may remain inconsistent without sustained oversight and external pressure. Consulted experts noted that similar integrity-related measures in the past were often adopted in response to international recommendations (e.g. GRECO) but not embedded in everyday institutional practice.¹⁰⁴

Developments in the judiciary and prosecution services illustrate this challenge. While ethical codes exist and corruption risk management policies have formally been adopted, their integration into operational decision-making remains limited. Integrity standards are still not consistently linked to public functions and accountability mechanisms.¹⁰⁵

At the same time, 2025 marked an important institutional development with the introduction of mandatory integrity and transparency training for public officials through the new legislation on public officials.¹⁰⁶ This reform strengthens the preventive dimension of the integrity framework, as public office holders are now required to receive formal training on conflicts of interest and integrity standards within a defined timeframe after appointment.

103 *Slovenia, Commission for the Prevention of Corruption (Komisija za preprečevanje korupcije), Action Plan - Notification of Reporting Obligation (Akcijski načrt - Obvestilo o obveznosti poročanja)*, public release, 23 January 2026, www.kpk-rs.si/sl/novice/vse-novice/akcijski-nacrt-obvestilo-o-obveznosti-porocanja.

104 *Online consultation with an expert in corruption prevention*, 26 January 2026.

105 *Council of Europe, Group of States against Corruption (GRECO), 'Slovenia: insufficient progress in implementing anti-corruption recommendations, robust action needed to strengthen integrity in government and police'*, press release, 28 October 2024, www.coe.int/en/web/greco/home/-/asset_publisher/lxOP5Yph48Zi/content/slovenia-publication-of-the-5th-evaluation-round-addendum-to-the-second-compliance-report.

106 *Slovenia, The Public office holders act (Zakon o funkcionarjih)*, 18 July 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO9075>.

Implications and Recommendations for 2026

The Commission's reporting gaps contribute to continued inefficiencies in corruption case handling, prolonged proceedings, and limited enforcement outcomes, which undermine the credibility and effectiveness of anti-corruption efforts. Insufficient institutional follow-up to the findings and recommendations of the Commission for the Prevention of Corruption weakens accountability and allows integrity violations to occur without meaningful consequences. At the same time, procedural complexity, high evidentiary thresholds, and heavy caseloads contribute to delays and reduce transparency and public oversight. As a result, anti-corruption measures are often treated as formal compliance obligations rather than as effective governance tools, limiting their practical impact and weakening public confidence in institutional integrity.

Suggested recommendation: Take measures to improve the efficiency and timeliness of corruption investigations, prosecutions and adjudication, including by addressing procedural inefficiencies, strengthening institutional capacity, and improving analytical and monitoring systems, including comprehensive statistical tracking of corruption cases across all stages of proceedings. This should include a review of relevant criminal procedural legislation to address procedural loopholes and prevent undue delays and abuse of procedural rights that may hinder the effective handling of corruption cases.

Suggested recommendation: Ensure effective and timely follow-up to the findings and recommendations of the Commission for the Prevention of Corruption, including by strengthening coordination and information exchange between oversight bodies, law enforcement authorities, prosecution services and courts, and by ensuring accountability where integrity violations are established.

Suggested recommendation: Strengthen the practical implementation of integrity frameworks, including through enhanced training, education and awareness-raising for public officials, and ensure that anti-corruption strategies, action plans and integrity measures are effectively embedded in everyday institutional practice and supported by continuous monitoring and evaluation

Suggested recommendation: Ensure the effective implementation and follow-up of the national strategic framework through a related action plan, including prioritisation of key measures and regular monitoring, to ensure that repeated strategic commitments translate into tangible systemic progress.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

The overall trajectory in the field of media freedom and pluralism in Slovenia in 2025 and early 2026 can be characterised as normative progress accompanied by persistent structural vulnerabilities. The most significant developments occurred at the legislative level, where Slovenia adopted a series of reforms aligning the national framework more closely with European standards. However, implementation remains at an early stage, and key structural weaknesses, particularly regarding enforcement capacity, institutional independence and financial sustainability, continue to pose medium-term risks.

The adoption of the new Media Act¹⁰⁷ September 2025 represents the first comprehensive reform of media legislation in over two decades. The Act strengthens protection of journalistic sources, introduces clearer safeguards against intrusive surveillance, enhances ownership transparency through a new Media Register (including beneficial ownership data), and establishes ex ante control of media concentration based on public-interest criteria aligned with the European Media Freedom Act. It also introduces clearer rules on transparency of state advertising and establishes dedicated state aid schemes for both the digital transformation of print media and the production of digital-only media.

In January 2026, Slovenia adopted the Act on Protective Measures against Strategic Lawsuits against Public Participation,¹⁰⁸ formally transposing the Anti-SLAPP Directive and extending safeguards to domestic cases. The law introduces early dismissal mechanisms and security-for-costs provisions, strengthening procedural protection for journalists and other public watchdogs.

In the field of public service media, the new Act on the Slovenian Press Agency (STA) clarifies the public service remit and introduces a more structured net-cost financing model. Amendments to the Act on RTV Slovenia address short-term funding gaps and specify budgetary support for selected public service tasks.

Taken together, these reforms demonstrate measurable legislative alignment with the EU standards and constitute clear progress at the normative level.

107 Slovenia, *The Media act (Zakon o medijih)*, 3 September 2025, <https://pisrs.si/pregledPredpisa?id=ZAKO8930>.

108 Slovenia, *The Act on protective measures against Strategic Lawsuits against Public Participation (Zakon o zaščitnih ukrepih zoper strateške tožbe za onemogočanje javnega udejstvovanja)*, 28 January 2026, <https://pisrs.si/pregledPredpisa?id=ZAKO9106>.

Despite legislative improvements, the principal weaknesses lie in enforcement and institutional design. The regulatory framework remains fragmented. The Agency for Communication Networks and Services (AKOS) operates with limited human and financial resources, while appointment procedures continue to allow decisive governmental influence. Reassigning of media concentration oversight to the Competition Protection Agency (AVK), adopted in last stage of the parliamentary procedure without dedicated public consultation, raises concerns regarding regulatory coherence and specialised expertise in media pluralism, especially in light of AVK's limited history of taking action to enforce media-concentration rules.

The sustainability of public service media financing also remains incomplete. The licence fee for RTV Slovenia continues to depend on governmental decisions and is not automatically indexed to inflation, limiting financial predictability. Broader structural challenges persist in the media market, including economic fragility of print media, newsroom downsizing and the absence of a sector-wide collective agreement protecting journalists in private media. Protection mechanisms for journalists, although strengthened legislatively, remain underdeveloped institutionally. Reporting platforms and legal assistance largely depend on limited or project-based funding of the journalists' associations, while recorded attacks against journalists remain present.

There are no indications of entrenched backsliding at present. However, several early warning signs merit attention. First, there is a recurring implementation gap between adopted legislation and enforcement capacity. Second, several key reforms were adopted late in the parliamentary term, creating uncertainty regarding their durability. Third, the continued economic vulnerability of the media sector may gradually weaken pluralism and editorial independence if not addressed through more predictable and robust funding mechanisms. Finally, the upcoming parliamentary elections in March 2026 may re-introduce political actors whose previous periods in government involved heightened political pressure and attacks on journalists and episodes of interference affecting the independence and financial stability of public service media, which could increase future risks.

Implementation of 2025 Commission recommendations

Recommendation: Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, taking into account European standards on the protection of journalists (first made in 2022; reworded in 2023 and 2024)

In late 2025 and early 2026, Slovenia introduced several legislative and policy measures aimed at advancing safeguards for the protection of journalists.

At the legislative level, the Act on Protective Measures against Strategic Lawsuits against Public Participation was adopted in January 2026, formally transposing the EU Anti-SLAPP Directive and introducing procedural safeguards in civil proceedings, including the possibility of requiring security for costs, providing support and assistance to defendants, and enabling the early dismissal of manifestly unfounded claims. In parallel, the new Media Act, adopted in September 2025, introduced into Slovenian law the safeguards required under the European Media Freedom Act (EMFA), notably the enhanced protection of journalistic sources and stricter conditions for the use of surveillance measures against journalists and newsroom devices.

The New Media Act further provides a legal framework for providing public funding to NGOs with the public interest status in the media field, including professional associations. This new framework can be used in future for supporting public funds, journalists' professional associations working on journalists' protection and safety.

At the same time, non-legislative safeguards to improve the protection of journalists remain underdeveloped. In practice, protection mechanisms continue to rely largely on short-term, project-based funding from foreign donors and civil society initiatives, including the attack-reporting platform and legal counselling services operated by the Slovenian Association of Journalists.

Commission's 2025 assessment: Some further progress Peace Institute's current assessment: In progress

Recommendation: Complete reforms to ensure that the rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence (first made in 2024)

In late 2025 and early 2026, Slovenia introduced several legislative measures aimed at improving the financial sustainability and stability of public service media. Most notably, in February 2026, National Assembly adopted a new Act on Slovenian Press Agency, which clarifies the public service remit, introduces a more transparent and structured net-cost financing model, and incorporates recommendations stemming from both the European Commission's state aid requirements and the national Court of Audit review. Under the current Government, Slovenian Press Agency (STA) has been provided with rather stable annual financing of its public service remit from the state budget.

In parallel, amendments to the Act on RTV Slovenia sought to address structural funding challenges, including adjustments to budgetary allocations for specific public service tasks and steps towards improving financial predictability, such as linking the amount of licence fee to inflation. However, the adopted amendments do not introduce automatic indexation of the licence fee to inflation and instead leave its adjustment dependent on governmental decision, while simultaneously strengthening the competences of the Financial Committee, which includes government representatives. Taken together, these two measures increase the risk of politicisation and can undermine institutional independence.

Despite these legislative steps, structural challenges persist for both STA and RTV Slovenia. The overall funding framework for RTV Slovenia remains dependent on government decisions rather than fully automatic or depoliticised mechanisms, limiting long-term financial predictability. Budget transfers have at times been delayed, creating operational uncertainty. Similarly, although the new Act on STA introduces clearer safeguards, the effectiveness of the framework will depend on consistent implementation and stable future appropriations.

Commission's 2025 assessment: Some progress

Peace Institute's current assessment: In progress

Gaps in the Commission's Report

Framework for enforcing media regulation

An important structural issue not explicitly addressed in the Commission's recommendations concerns the institutional framework for enforcing media regulation, in particular the independence, resources and effectiveness of the regulatory bodies such as the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS) and the Culture and Media Inspectorate. While the overarching media legislation was updated in late 2025, the reform did not substantively address the long-standing fragmentation and weaknesses of the regulatory institutional framework responsible for enforcement. Although AKOS is formally established as an independent regulatory authority, the government retains decisive influence over the appointment of its leadership, while the agency's human and financial resources remain insufficient relative to its expanding competencies.

At the same time, responsibilities relating to media pluralism and concentration control were re-assigned at the final stage of the legislative process to the Competition Protection Agency of the Republic of Slovenia (AVK), a general competition authority without specialised media expertise, particularly in view of AVK's historically limited and largely passive enforcement in this area. The broader regulatory landscape thus remains fragmented, with oversight divided among multiple bodies (AKOS, AVK and the Inspectorate for Culture and Media within the Ministry of Culture), without

improved coordination. This institutional design creates persistent risks to effective and independent oversight of media regulation.

AKOS's mandate already broadened in 2024, covering telecommunications, audiovisual services, radio frequency spectrum, postal and railway communications, as well as responsibilities as Digital Services Coordinator. The department responsible for media supervision remains comparatively small and has limited capacities to carry out an active role. Across regulatory bodies, under-capacity remains a structural problem. In comparative perspective, Slovenia's media regulatory authority (AKOS) ranks among the smallest in the EU in terms of staffing and operational resources. Furthermore, while earlier drafts of the new Mass Media Act foresaw that AKOS would conduct media concentration assessments, this competence was removed at the final stage of the legislative process and reassigned to AVK. This last-minute amendment was adopted through an expedited procedure without dedicated public consultation. Key regulatory choices were therefore made with limited transparency and stakeholder participation. Both institutional arrangements raise concerns. Assigning concentration oversight to AKOS risked overburdening an already resource-strained regulator by concentrating an extensive range of regulatory powers within a single institution, whereas placing this competence at AVK, which has long held but scarcely exercised this mandate, situates media pluralism assessments within an authority guided by economic competition criteria rather than by EMFA-mandated considerations of editorial independence and media pluralism.

New Issues that Emerged in 2025

Financial sustainability of media

Although this is not a new issue, its scale and intensity have further increased in recent years. Persistent concerns relate to the deteriorating financial sustainability of professional journalism and quality news media production essential for democratic media functions, which is especially evident in quality print media, where continued newsroom downsizing and recurring layoffs illustrate deepening structural economic vulnerability. While the current government announced reforms and established additional support schemes at the end of its mandate, no substantial and structural increase in public funding has materialised yet.

The newly adopted Media Act was introduced only at the very end of the mandate, and the proposed support schemes are not yet operational and remain exposed to potential political revision or reversal following the March 2026 elections. In comparative terms, public funding for media in Slovenia remains low compared to many EU Member States with more robust and stable funding models. There is therefore an urgent need for predictable and substantially increased public funding,

distributed with no political influence, to ensure that journalists and media retain the institutional, economic and professional capacity necessary to fulfil their democratic roles.¹⁰⁹

Lack of protections for journalists' labour rights and autonomy

A significant and persistent structural issue that constrains the media's democratic functions is the lack of comprehensive, sector-specific protections for journalists' labour rights and professional autonomy across the media sector, which continues to undermine the sustainability, independence, and professional standards of journalism in Slovenia. A sector-wide collective agreement, supported by public policy incentives, would be essential to address this gap.

While journalists employed by the public service broadcaster RTV Slovenia benefit from a collective agreement and comparatively stronger labour safeguards, no equivalent sector-wide framework applies to journalists working in private media. Moreover, earlier legislative proposals reportedly envisaged stronger incentives for media publishers for establishing collective protection mechanisms within the media law framework, but these provisions were ultimately removed during the legislative process, leaving the issue unaddressed at the systemic level.

During 2025, the absence of a sectoral collective agreement remained a persistent challenge. Journalists and media workers continued to report widespread precarious employment, including short-term contracts and other unstable forms of work, particularly in private, local and smaller media outlets.

109 After the closure of the report, on 16 February 2026, the Ministry of Culture launched a new public call establishing operational public funding for new full-time journalistic positions in national, regional, and digital general-interest media for 2026–2027. The scheme enables co-funding of up to three new positions per print publisher and two per digital publisher, with a maximum of €3,000 per month per position, subject to the €300,000 de minimis ceiling per publisher over three years. Following an official correction, the Ministry confirmed that the available budget is €2 million for 2026 and €2 million for 2027, and that the call remains open until 16 February 2027 or until funds are exhausted. While this development does not resolve the broader issue of long-term underfunding of public-interest media, it does represent the first operationalisation of the new funding schemes under the Media Act. Call for co-financing of new jobs in the media published, (*Objavljen poziv za sofinanciranje novih zaposlitev v medijih*), 18 February 2026, <https://novinar.com/dns/izdajateljji-medijev-lahko-kandidirajo-za-drzavno-sofinanciranje-novih-zaposlitev/>; A public call for co-financing the conclusion of annual digital subscriptions with publishers of national and regional general-interest print media for the year 2026–2027 with the reference number JP-SDN-2026-2027 (*Javni poziv za sofinanciranje sklenitve letnih digitalnih naročin pri izdajateljih nacionalnih in regionalnih splošninformativnih tiskanih medijev za leto 2026–2027 z oznako JP-SDN-2026-2027*), February 2026, https://www.gov.si/assets/ministrstva/MK/Javne-objave/Javni-pozivi/2026/JP-SDN-2026-2027/1_BESEDILO-javnega-poziva-za-sofinanciranje-sklenitve-letnih-digitalnih-narocnin.docx.

Newsrooms continued to contract, with layoffs and reduced staffing levels increasing workloads and negatively affecting working conditions and the quality of editorial output. The shrinking newsrooms, lack of predictable income, social security and employment stability were identified as factors increasing journalists' vulnerability to economic and external pressures, with implications for editorial independence, professional autonomy and ability to play a democratic role.

Implications and Recommendations for 2026

The Commission's lack of reporting on the independence, resources and effectiveness of media regulatory bodies helps perpetuate weak and largely inefficient enforcement of media legislation and inadequate specialised expertise in assessing risks to media pluralism. At the same time, the current framework reduces regulatory coherence, while appointment procedures (e.g. AKOS) and budgetary dependence (e.g. Culture and Media Inspectorate) increase the vulnerability of regulatory authorities to potential political influence. These concerns are further exacerbated by using expedited legislative procedures for key institutional changes, which limit transparency and meaningful public participation. Taken together, these factors undermine the effective implementation of both national media law and relevant EU standards, including the European Media Freedom Act. In practice, the central gap remains not the normative framework, but the absence of a sufficiently independent, adequately resourced and institutionally coherent enforcement architecture capable of ensuring effective and consistent application of media regulation.

Suggested recommendation: Undertake a comprehensive reform of the institutional framework for media regulation enforcement, either by establishing an independent specialised media authority or by significantly strengthening the independence, safeguards, staffing and budgetary autonomy of existing regulatory bodies, while ensuring that core competences such as media concentration oversight are assigned to an independent regulatory body with adequate resources and specialised expertise in media pluralism.

Suggested recommendation: Adopt and implement public policy incentives to initiate the adoption of a sectoral collective agreement or equivalent binding framework establishing protection of labour rights and professional autonomy for journalists across both public and private media, in order to safeguard the sustainability, independence and quality of professional journalism.

CHECKS AND BALANCES –

General assessment

Slovenia's civic space remains formally open and supported by a comparatively well-developed legal framework. The current centre-left government does not adopt an openly hostile stance towards civil society organisations (CSOs) and maintains a declarative commitment to cooperation. Institutional channels for dialogue exist, and ministries have designated contact points for cooperation with NGOs.¹¹⁰

In December 2025, the government adopted the NGO Development Strategy to 2030 and the Volunteering Development Strategy to 2030,¹¹¹ signalling formal recognition of the sector's importance and establishing a long-term policy framework for strengthening organisational capacity, sustainability, and cooperation with public authorities. The preparation of these strategies included structured consultation with civil society actors, representing a positive example of early-stage engagement. However, these formal commitments coexist with persistent structural weaknesses. Engagement often remains procedural rather than substantive, with consultations and advisory bodies rarely translating into measurable policy influence. As documented in the national civic space report, participation in decision-making continues to be one of the most problematic dimensions of the enabling environment for CSOs. Despite clear legal standards requiring 30-60-day public consultations, implementation remains inconsistent, deadlines are frequently shortened, and 'urgent procedures' are applied expansively. Consultations often occur at late drafting stages, limiting the real capacity of CSOs to shape legislative outcomes.¹¹²

At the same time, civil society operates within an increasingly polarised political environment. Throughout the current mandate, right-wing opposition actors and aligned media outlets have systematically targeted CSOs with delegitimising narratives, particularly those active in the fields of human rights, migration, and LGBTQIA+ rights. Attacks against civil society, especially online harassment, smear campaigns, and disinformation, have increased steadily over the past decade. Human rights and LGBTQIA+ organisations are disproportionately affected. Neither the state nor civil society

110 Turnšek, T., National Report on the State of Civic Space in Slovenia, PROSECO project (forthcoming).

111 Slovenia, Ministry of Public Administration (Ministrstvo za javno upravo), The government adopted a strategy for the development of volunteering and non-governmental organizations (Vlada sprejela strategiji razvoja prostovoljstva in nevladnih organizacij), press release, 5 December 2025, www.gov.si/novice/2025-12-05-vlada-sprejela-strategiji-razvoja-prostovoljstva-in-nevladnih-organizacij/.

112 Turnšek, T., National Report on the State of Civic Space in Slovenia, PROSECO project (forthcoming).

currently has effective institutional mechanisms specifically designed to prevent or respond to coordinated attacks, and existing legal remedies for reputational harm or hate speech remain limited in practice.¹¹³

Taken together, these findings point to a civic space that is formally safeguarded but structurally fragile. While the adoption of the two strategies in 2025 represents a positive policy development, early warning signs remain visible: the normalisation of hostile political rhetoric towards CSOs, systemic non-compliance with participatory standards, and continued structural underfunding in key advocacy fields. As Slovenia approaches the March 2026 parliamentary elections, the political context further heightens this fragility. The combination of political polarisation, uneven enforcement of participatory guarantees, and insufficient institutional protection mechanisms creates conditions in which civic space could deteriorate rapidly under adverse political circumstances.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 report.

Gaps in the Commission's Report

Resolution on Legislative Regulation

The National Assembly of the Republic of Slovenia adopted in 2009 a Resolution on Legislative Regulation.¹¹⁴ The resolution was aimed at improving standards for drafting laws and regulations. Among other things, the resolution in question provides for minimum standards as regards public consultations, with a minimum period of 30 to 60 days budgeted for consultation with the public. The Rules of Procedure of the Government of the Republic of Slovenia were later also amended to include the provision related to the minimum period for public consultations.¹¹⁵

The Centre for Information Service, Co-operation and Development of NGOs (CNVOS) established a violation meter, a mechanism to monitor the frequency of violations of provisions related to public consultations. This mechanism captures regulations for which the resolution stipulates a minimum time for public consultations. It also captures other acts for which such consultations are provided in

113 Turnšek, T., National Report on the State of Civic Space in Slovenia, PROSECO project (forthcoming).

114 Slovenia, *The Resolution on legislative regulation* (Resolucija o normativni dejavnosti), 19 November 2009, <https://pisrs.si/pregledPredpisa?id=ZAKO5516>.

115 Slovenia, *The Rules of procedure of the Government of the Republic of Slovenia* (Poslovnik Vlade Republike Slovenije), 10 May 2021, <https://pisrs.si/pregledPredpisa?id=POSL32>.

the government rules of procedure. After taking office from 1 June 2022 until 17 February 2026, data gathered through this monitoring mechanism revealed that the current government did not respect provisions concerning public consultations in 65% of the cases.¹¹⁶

Throughout 2025, the practice of shortened or omitted consultation periods persisted, confirming a structural pattern of weak implementation of participatory standards. Although the Resolution on Legislative Regulation mandates 30–60-day public consultations, deadlines were frequently reduced, including during holiday periods, and “urgent procedures” continued to be used without sufficient justification. Consultations were often conducted at late stages of drafting, limiting their substantive impact. Feedback on submitted comments remained rare, and authorities seldom provided reasoned explanations on whether civil society input was incorporated. A significant share of legislation was adopted through extraordinary parliamentary procedures, further constraining debate and oversight.¹¹⁷

New Issues that Emerged in 2025

Increasing attacks against civil society

During 2025, attacks against civil society organisations became more frequent, more direct, and increasingly central to political messaging, particularly in the context of the approaching March 2026 parliamentary elections. The political discourse surrounding civil society has grown more confrontational and polarised.¹¹⁸

Two opposition parties, the Slovenian Democratic Party (SDS) and New Slovenia – Christian Democrats (NSi), have played a particularly visible role in framing civil society organisations as politically biased or illegitimate actors, particularly those active in the fields of human rights, migration, and LGBTQIA+ rights. In September 2025, the newly elected leader of NSi publicly made misleading claims regarding the financing of civil society organisations. These statements prompted a coordinated response from CSOs, including a public letter by the director of CNVOS, refuting the allegations and clarifying the legal framework governing NGO funding.¹¹⁹ The episode illustrates the growing normalisation of disinformation targeting civil society.

116 For more information, see the CNVOS website on www.cnvos.si/stevec-krsitev/.

117 Turnšek, T., National Report on the State of Civic Space in Slovenia, PROSECO project (forthcoming).

118 Turnšek, T., National Report on the State of Civic Space in Slovenia, PROSECO project (forthcoming).

119 Centre for Information Service, Co-operation and Development of NGOs (CNVOS), About 300 million from the government for left-wing NGOs: Public letter from the director of CNVOS to the president of the New Slovenia party, Jernej Vrtovec (O 300 vladnih milijonih za levičarske nevladne organizacije: Javno pismo direktorja CNVOS predsedniku stranke Nova Slovenija, Jerneju Vrtovcu), press release, 17 September 2025, www.cnvos.si/nov-ice/3851/o-300-vladnih-milijonih-za-levicarske-nevladne-organizacije/.

Similarly, in January 2026, Janez Janša, leader of SDS party and former Prime Minister, publicly referred to NGOs as a “political paramilitary of the left” and announced that, if returned to power, he would “close the taps” of public funding for NGOs.¹²⁰ The normalisation of this discourse, particularly in an electoral context, contributes to a climate in which civil society is portrayed not as a component of democratic pluralism, but as a target of political confrontation.

Implications and Recommendations for 2026

The continued failure to comply with consultation requirements risks normalising a situation in which participatory guarantees exist formally but lack effective enforcement. Systematic circumvention of consultation standards weakens democratic accountability, reduces transparency in legislative drafting, and limits the capacity of civil society actors to contribute meaningfully to public policy. Over time, such practices may entrench executive dominance in law-making processes and contribute to democratic backsliding, particularly in a politically polarised environment. The erosion of participatory standards is especially concerning, given the increasing hostility towards civil society actors in the broader political discourse.

Suggested recommendation: The government ministries should respect national provisions related to public consultations in the process of adopting laws and regulations.

120 *Stražišar, G.*, “NGOs, this is the political paramilitary wing of the left” (“Nevladniki, to je politična paravojska levice”), *Dnevnik*, 13 January 2026, www.dnevnik.si/novice/slovenija/nevladniki-to-je-politicka-paravojska-levice-2777914/.

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The Peace Institute is an independent, non-profit research institution founded in 1991 in Ljubljana, Slovenia, by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Xnet - Institute for Democratic Digitalisation



Xnet is a Barcelona-based collective of activists and specialists dedicated to advancing digital rights and modernising democracy for the digital age. Since its inception in 2008, Xnet has championed internet freedom, transparency, and anti-corruption through a combination of technopolitical tools and advocacy.

OVERALL ASSESSMENT: STAGNATOR

Spain's rule of law environment in 2025 has been dominated by an escalating conflict between the two major parties – the Spanish Socialist Workers' Party (PSOE) and the People's Party (PP). In this conflict, the opposition to the central government appears to be gaining ground by controlling all branches of state power except the central government itself. The criminal conviction of the Attorney General represents the culmination of decades of partisan capture of the judiciary, now in an advanced phase of entrenchment.

DANA disaster – torrential rains that led to flash floods – of 29 October 2024 caused more than 230 deaths in Valencia. In 2025, the use of parliamentary immunity by regional President Mazón to block criminal investigation into officials' response to the disaster raised fundamental questions about accountability. The Ombudsman of Valencia (*Síndic de Greuges*) confirmed a “*failure to fulfil the duty to protect the right to life*”.¹

Internationally, Spain faces significant pressure from the EU. The Commission sued Spain before the Court of Justice of the European Union (CJEU) in May 2025 for non-compliance with the Digital Services Act (DSA). Additionally, €626 million in NextGeneration EU funds were suspended due to continued abuse of temporary public employment. Spain's position as one of the most hostile Member States to end-to-end encryption has drawn criticism from civil liberties organisations.

Civil society demonstrates resilience. The response to the DANA disaster showed citizens' capacity to self-organise when institutions fail. Organisations such as Xnet have documented deficiencies in whistleblower protection, Civio achieved an important victory in making the right to transparency effective, and victims' associations are pursuing accountability through legal and political action.

Assessment of the trajectory

Spain is designated as a ‘Stagnator’ because the government has made only minimal progress on rule of law indicators, with structural problems remaining unaddressed despite repeated Commission recommendations since 2022.

1 Sanjuán, H.: The Ombudsman of Catalonia points to the Generalitat for a “failure to protect the right to life” after the DANA (“El Síndic de Greuges apunta a la Generalitat por un fracaso en la protección de la vida tras la DANA”), La Vanguardia, 25 March 2025, <https://www.lavanguardia.com/local/valencia/20250325/10515060/sindic-greuges-apunta-generalitat-fracaso-proteccion-vida-dana.html> [in Spanish]

The conviction of the Attorney General in November 2025 is not an isolated incident but a symptom of the structural capture of the judiciary by party politics since 1986, when the Organic Law of the Judiciary was reformed so that all members of the General Council of the Judiciary are elected by Parliament, replacing the previous system of direct election by judges. The renewal of the Consejo General Council of the Judiciary (*General del Poder Judicial*) in 2024 has not reversed the politicisation of the judiciary.

Spain responds only to concrete pressure, not to recommendations. Non-compliance with the DSA led to CJEU proceedings; abuse of temporary employment led to the suspension of €626 million in EU funds. Four consecutive rule of law reporting cycles (2022–2025) with repeated recommendations on lobbying, judicial independence and transparency have produced no structural reform.

The Democratic Governance Bill (July 2025) proposes media ownership transparency but remains stalled in Parliament. The Classified Information Bill would replace the Official Secrets Act of 1968, but with longer declassification periods than other European countries. Financial support for judicial career access has been announced but not implemented. These initiatives, while positive, represent minimal progress insufficient to alter Spain's stagnant trajectory.

The pattern is clear: announcements without implementation, reforms without structural change, and compliance only when faced with financial consequences.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Given Spain's pattern of responding only to concrete pressure, the Commission should establish clear benchmarks with automatic consequences rather than relying on recommendations that have proven ineffective over four consecutive cycles (2022–2025). The Commission should address the conviction of the Attorney General not as an isolated case but as evidence that recommendations for General Council of the Judiciary (CGPJ) (*Consejo General del Poder Judicial*, CGPJ) reform are insufficient. Spain may require constitutional reform to break the bipartisan capture of the judiciary established since 1986. The Commission should also formally assess the compatibility of the National Court (*Audiencia Nacional*) with European standards of decentralisation and the principle of the natural judge.

The Commission correctly sued Spain in May 2025 for non-compliance with the DSA; this should be pursued vigorously. New proceedings should be considered for:

(1) Systematic non-compliance with CJEU rulings on temporary public employment, affecting approximately one million workers. The ruling of June 2024² explicitly established that ‘indefinite non-permanent’ status does not constitute adequate compensation for abusive temporary employment, yet no effective legislative reform has been adopted.

(2) Potential non-compliance with the EU Whistleblower Directive due to ineffective implementation. Research by Xnet, Escola d’Administració Pública de Catalunya (EAPC) and the University of Barcelona has identified critical shortcomings: weak enforcement mechanisms, insufficient support services, and reporting channels that do not guarantee real anonymity.

Additionally, the suspension of €626 million in NextGeneration EU funds demonstrates that financial consequences work where recommendations fail. This approach should be maintained until Spain adopts effective reforms on temporary employment. The Commission should further assess whether systemic failures in judicial independence – evidenced by the partisan capture demonstrated in the Attorney General’s conviction – warrant consideration under Regulation 2020/2092, the Rule of Law Conditionality Mechanism,³ on a general regime of conditionality for the protection of the Union budget.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

Regression	No progress	Progress
		

- 2 Joined Cases C-331/22 and C-332/22, KT (C-331/22), HM and VD (C-332/22) v. Directorate-General for the Public Service and Department of Justice of the Generalitat of Catalonia: Judgment of the Court of Justice (Sixth Chamber) of 13 June 2024 (“Asuntos acumulados C-331/22 y C-332/22, DG de la Función Pública, Generalidad de Cataluña y otros”), Official Journal of the European Union, C/2024/4556, 29 July 2024, <http://data.europa.eu/eli/C/2024/4556/oj>
- 3 *Regulation (EU, Euratom) 2020/2092, on a general regime of conditionality for the protection of the Union budget (the “Rule of Law Conditionality Mechanism”)*, Official Journal of the European Union, L 433I, 22 December 2020, <https://eur-lex.europa.eu/eli/reg/2020/2092/oj> [in English].

JUSTICE SYSTEM

General assessment

The criminal prosecution of the sitting Attorney General marks a turning point: the judiciary has become a battlefield for partisan warfare rather than an independent branch of state. This unprecedented conviction of the Attorney General of Spain, Álvaro García Ortiz — barred from public office for two years by the Supreme Court for revealing confidential information in a politically charged case — has deepened perceptions of judicial fragmentation and political instrumentalisation, as both the government and the opposition have framed the trial as either a politicised attack or a vindication of accountability, eroding public confidence in impartial judicial governance.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution (first made in 2022)

The conviction of Attorney General García Ortiz on 20 November 2025 (by a vote of 5-2) for disclosure of secrets represents the culmination of the ‘judicial war’ between the two major parties that began in 2018.⁴ The PP has presented this victory as a success in its strategy to corner the central government, the only branch of the state it does not control.

Commission’s 2025 assessment: Some further progress

Xnet’s current assessment: Backsliding

4 General Council of the Judiciary (Consejo General del Poder Judicial), Press release: The Supreme Court sentences Álvaro García Ortiz for the crime of revealing secrets to a fine and two years of disqualification from the position of Attorney General of the State (“El Tribunal Supremo condena a Álvaro García Ortiz por un delito de revelación de secretos a pena de multa y 2 años de inhabilitación para el cargo de Fiscal General del Estado”), 20 November 2025, <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-condena-a-Alvaro-Garcia-Ortiz-por-un-delito-de-revelacion-de-secretos-a-pena-de-multa-y-2-anos-de-inhabilitacion-para-el-cargo-de-fiscal-general-del-Estado> [in Spanish]

Recommendation: Take forward the process in view of adapting the appointment procedure of the Council for the Judiciary's judges-members, taking into account European standards on Councils for the Judiciary (first made in 2022)

The renewal of the General Council of the Judiciary (CGPJ) has not reversed decades of partisan capture of the judiciary. The Commission's recommendation is too broad and vague – it covers a wide range of issues without clear steps. Instead, the Commission should recommend that Spain:

Adopt a binding statutory framework to depoliticise judicial governance by reforming the appointment process for members of the General Council of the Judiciary (CGPJ), moving towards a system where a majority of judicial members are elected by their judicial peers under clear objective criteria, and introducing safeguards such as cooling-off periods and merit-based selection panels to limit partisan influence.

This new recommendation should be accompanied by measurable benchmarks for implementation and periodic independent evaluation reported to the Commission, in line with longstanding concerns about political control over judicial appointments and European standards on judicial independence. The ongoing failure to reform these mechanisms despite repeated Commission recommendations highlights a structural problem in judicial independence rather than isolated incidents.

Commission's 2025 assessment: Significant progress

Xnet's current assessment: No progress

Gaps in the Commission's Report

Reform of the Audiencia Nacional

National Court (*Audiencia Nacional*) is a structural anomaly (centralised national jurisdiction), yet at the same time there is the persistence of a socially homogeneous judiciary, where those who cannot sustain years of preparation at high cost continue to struggle to access the justice system.

In 2025, there was no debate on structural reform of the Audiencia Nacional. Instead, the government announced a reform that provides for increased financial support to facilitate equal access (currently being processed and awaiting results).

New Issues that Emerged in 2025

Conviction of the Attorney General

The criminal conviction of a sitting Attorney General – the first in Spanish democracy – for revealing secrets in a case with clear political dimensions occurred in November 2025. This raises fundamental questions about judicial independence, the politicisation of criminal proceedings against senior officials, and the exploitation of the justice system for partisan purposes.

The Supreme Court convicted Attorney General Álvaro García Ortiz for revealing secrets related to information about tax fraud committed by Alberto González Amador (partner of the President of the Community of Madrid, Isabel Díaz Ayuso).⁵ The ruling was 5-2 with extensive dissenting opinions,⁶ and the sentence was disqualification from holding the office of Attorney General for 2 years and a €7,200 fine.⁷ The critical evidence (deleted communications) could not be recovered from Google or

5 García, D.: The Supreme Court condemns García Ortiz for revealing tax information about Ayuso's partner by a vote of 5 to 2 and disqualifies him as Attorney General ("El TS condena a García Ortiz por revelar datos tributarios de la pareja de Ayuso por 5 votos a 2 y le inhabilita como fiscal general"), *El Español*, 20 November 2025, https://www.elespanol.com/espana/tribunales/20251120/ts-condena-garcia-ortiz-revelar-datos-tributarios-pareja-ayuso-votos-inhabilita-fiscal-general/1003744022429_0.html [in Spanish]

6 General Council of the Judiciary (Consejo General del Poder Judicial): The Supreme Court sentences Álvaro García Ortiz for the crime of revealing secrets to a fine and 2 years of disqualification from the position of Attorney General of the State ("El Tribunal Supremo condena a Álvaro García Ortiz por un delito de revelación de secretos a pena de multa y 2 años de inhabilitación para el cargo de Fiscal General del Estado"), Press release, 20 November 2025, <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-condena-a-Alvaro-Garcia-Ortiz-por-un-delito-de-revelacion-de-secretos-a-pena-de-multa-y-2-anos-de-inhabilitacion-para-el-cargo-de-fiscal-general-del-Estado> [in Spanish]

7 Supreme Court of Spain (Tribunal Supremo), Criminal Chamber, Judgment No. 1000/2025 (9 December 2025), <https://www.poderjudicial.es/stfls/TRIBUNAL%20SUPREMO/DOCUMENTOS%20DE%20INTER%20C3%89S/2025-12-09%20SENTENCIA%201000-2025%20de%209%20diciembre.pdf>

WhatsApp.⁸ This was considered circumstantial evidence,⁹ setting a dangerous precedent. The case originated from a complaint filed by González Amador himself after the Public Prosecutor's Office issued a press release correcting false statements made by officials of the Madrid regional government.

This episode is fundamentally a matter of local politics in Madrid, where the two-party system and party politics have managed to drag down the entire party system, its affiliated press, and the entire judicial system. It represents the 'final blow' to the deterioration of judicial independence that the Commission has been pointing out in successive reports, and confirms that the deadlock in the renewal of the CGPJ was not an isolated problem but a symptom of a deeper institutional capture. In the open war between the two main parties since 2018, the People's Party has claimed a fundamental victory in cornering the central government, the only branch of the state that it does not control.

Failures in disaster response and accountability

Systemic failures in the coordination of emergency response and civil protection systems led to mass fatalities in the DANA disaster, which was combined with accountability gaps that allow regional political leaders to evade criminal investigation through parliamentary immunity.

The DANA disaster of 29 October 2024 caused 229 confirmed deaths in the Valencia region. In 2025, the former Justice and Home Affairs Minister, Salomé Pradas, was charged with reckless homicide by the investigating judge in Catarroja. Regional President Carlos Mazón resigned in November 2025 but retained parliamentary immunity, blocking the criminal investigation against him.¹⁰ The Ombudsman of Catalonia, Síndic de Greuges, published a comprehensive report confirming the 'failure to fulfil the duty to protect the right to life' and identifying critical delays in issuing emergency

8 The UCO claims that the messages on the Attorney General's phone were deleted the day the Supreme Court opened his case ("La UCO afirma que los mensajes del teléfono del fiscal general se borraron el día que el Supremo abrió su causa"), RTVE, 10 February 2025, <https://www.rtve.es/noticias/20250210/fiscal-general-mensajes-juez-abrio-causa/16443352.shtml> [in Spanish]

9 The eight pieces of evidence from the Supreme Court ruling that led to García Ortiz's removal as Attorney General ("Las ocho pruebas de la sentencia del Tribunal Supremo que han acabado con García Ortiz como fiscal general"), El Español, 10 December 2025, https://www.elespanol.com/espana/tribunales/20251210/fiscalia_general_del_estado-Alvaro_garcia_ortiz-tribunal_supremo-revelacion_de_secretos-isabel_diaz_ayuso-alberto_gonzalez_ama-dor-tribunales/1003744048621_0.html [in Spanish]

10 Live updates: Carlos Mazón's resignation - latest news on his speech in the Valencian Government plenary session("En directo, dimisión de Carlos Mazón: última hora de su intervención en el pleno del Gobierno valenciano"), Infobae, 4 November 2025, <https://www.infobae.com/espana/2025/11/04/en-directo-dimision-de-carlos-mazon-ultima-hora-de-su-intervencion-en-el-pleno-del-gobierno-valenciano/> [in Spanish]

alerts.¹¹ The mayors were exonerated from criminal responsibility, concentrating accountability at the regional government level. Victims' associations have filed legal actions.

Implications and Recommendations for 2026

Regarding the reorganisation of the National Court, the absence of a specific analysis or a recommendation on the Audiencia Nacional from the Commission allows a highly centralised judicial architecture to persist without sufficient comparative assessment of its compliance with European standards of decentralisation and the natural judge, a basic guarantee of the rule of law, consisting of the right of every person to be tried by a court previously established by law, with objective, territorial and functional jurisdiction defined before the facts being judged occurred. And, even if changes are announced, unless their impact is assessed and incentives to the access of justice are corrected, real diversity can only improve marginally and continue to compromise the social representativeness of the judiciary.

Suggested recommendation: Assess the compatibility of the National Court with European standards (jurisdiction, concentration of jurisdiction and institutional alternatives) and consider redistributing jurisdiction among ordinary or specialised bodies, including any court within the Spanish judicial system other than the Audiencia Nacional.

Suggested recommendation: Establish an annual evaluation recommendation with metrics (socio-economic origin, territory, diversity) on the real impact of scholarships and access reforms, and adjust the design if it does not correct entry inequality.

Suggested recommendation: Strengthen structural measures: paid training, accessible public preparation, and transparency of costs/routes to access justice.

Concerning the new developments observed during 2025, the Commission should issue the following recommendations in its next report:

Suggested recommendation: Urgently adopt a binding reform of judicial governance to depoliticise the appointment of the General Council of the Judiciary (CGPJ), including objective, transparent criteria and a peer-based selection process for judicial members, with a clear implementation

11 Valencian Ombudsman (Síndic de Greuges de la Comunitat Valenciana), Extraordinary Report on the DANA Emergency Management ("Informe extraordinario sobre la gestión de la emergencia de la DANA"), 25 March 2025, <https://www.elsindic.com/actualidad/luna-la-dana-ha-puesto-de-manifiesto-el-fracaso-de-la-administracion-en-la-proteccion-del-derecho-a-la-vida/>

timetable and regular independent monitoring to ensure alignment with European standards on judicial independence.

Suggested recommendation: Establish clear accountability frameworks for regional authorities in emergency situations, review whether provisions on parliamentary immunity are compatible with the right to effective judicial protection when deaths result from government negligence, and ensure that victims have access to effective remedies and reparations.

The Commission should also encourage the government to further consider whether the use of a basic mechanism for the separation of powers – such as parliamentary immunity – to halt judicial investigations into the deaths of citizens could constitute an aggravating factor a posteriori, given that it involves perverting an institutional guarantee designed to protect the legislative function, not to shield public officials from the criminal consequences of their negligence.

Implementation of Judgments

CJEU rulings on temporary public sector employment ('Interinos')

Spain continues to fail to comply with multiple CJEU rulings on the abuse of temporary contracts in the public sector.¹² The ruling of June 2024 explicitly established that 'indefinite non-permanent' status does not constitute adequate compensation for abusive temporary employment.¹³ Despite Law 20/2021, temporary employment in the public sector remains at 25%.¹⁴ The European Commission

12 Court of Justice of the European Union, Judgment in Joined Cases C-103/18 and C-429/18, *Sánchez Ruiz and Others v Comunidad de Madrid (Servicio Madrileño de Salud)*, 19 March 2020, ECLI:EU:C:2020:219, <https://eur-lex.europa.eu/legal-content/ES/ALL/?uri=CELEX:62018CJ0103>

13 Court of Justice of the European Union, Judgment in Joined Cases C-331/22 and C-332/22, *KT and Others v Generalitat de Catalunya*, 13 June 2024, ECLI:EU:C:2024:496, <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:62022CJ0331>

14 Law 20/2021 of 28 December on urgent measures to reduce temporary employment in public employment (*Ley 20/2021, de 28 de diciembre, de medidas urgentes para la reducción de la temporalidad en el empleo público*), BOE núm. 312, 29 December 2021, <https://www.boe.es/buscar/act.php?id=BOE-A-2021-21651> ; The government approves more positions for temporary staff, but temporary employment in the public sector is still three times higher than the 8% target ("El Gobierno aprueba más plazas para interinos, pero la temporalidad del empleo público aún triplica el objetivo del 8%"), Infobae, 28 December 2023, <https://www.infobae.com/espana/2023/12/28/el-gobierno-aprueba-mas-plazas-para-interinos-pero-la-temporalidad-del-empleo-publico-aun-triplica-el-objetivo-del-8/> [in Spanish]

responded by suspending €626 million in NextGeneration EU funds in July 2025.¹⁵ No effective legislative reform has been adopted, representing a systematic breach of EU law affecting approximately one million workers.¹⁶

CJEU rulings on IRPH transparency (Case C-300/23)

The CJEU ruling of December 2024 requires Spanish courts to apply material transparency control to IRPH mortgage clauses, regardless of the official nature of the index.¹⁷ Implementation remains uncertain as the plenary session of the Supreme Court in October 2025 has not yet issued its ruling.¹⁸ Consumer associations report continued resistance from the banking sector and inconsistent application by lower courts.

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- 15 Serafini, L.: Brussels cuts Spain's European funds by €1.1 billion for failing to implement key reforms ("Bruselas recorta a España 1.100 millones de los fondos europeos por incumplir reformas clave"), Euronews, 7 July 2025, <https://es.euronews.com/my-europe/2025/07/07/bruselas-recorta-a-espana-1100-millones-de-los-fondos-europeos-por-incumplir-reformas-clav> [in Spanish]; The European Commission issues a serious warning to Sánchez and freezes €626 million in European Funds for failing to resolve the issue of temporary staff. ("La CE da un serio aviso a Sánchez y le embarga 626 millones de Fondos Europeos por no resolver el tema de los interinos"), Economist & Jurist, July 2025, <https://www.economistjurist.es/noticias-juridicas/la-ce-da-un-serio-aviso-a-sanchez/> [in Spanish]
- 16 González, J. A. (COLPISA): The future of a million temporary workers hangs in the balance in Luxembourg as the government delays reform ("El futuro de un millón de interinos se juega en Luxemburgo mientras el Gobierno retrasa la reforma"), La Voz de Galicia, 8 October 2025, https://www.lavozdeg Galicia.es/noticia/economia/2025/10/09/futuro-millon-interinos-juega-luxemburgo-gobierno-evita-reforma/0003_202510G9P31992.htm [in Spanish]
- 17 Court of Justice of the European Union, Judgment in Case C-300/23, NB v Kutxabank SA, 12 December 2024, ECLI:EU:C:2024:1026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0300>
- 18 The Supreme Court faces the final review of the IRPH: an imminent ruling that could transform the mortgage market ("El Tribunal Supremo ante el examen definitivo del IRPH: un fallo inminente que puede transformar el mercado hipotecari"), Economist & Jurist, October 2025, <https://www.economistjurist.es/articulos-juridicos-destacados/el-tribunal-supremo-ante-el-examen-definitivo-del-irph/> [in Spanish]

ANTI-CORRUPTION FRAMEWORK —

General assessment

Four consecutive reporting cycles with the same recommendations on lobbying, conflicts of interest, and procurement transparency have yielded no structural reform. The real problem lies not in the absence of registries but in the structural links between political parties, large corporations, and privatised public services that operate beyond any regulatory framework.

Implementation of 2025 Commission recommendations

Recommendation: Continue the ongoing procedure to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists (first made in 2022)

No comprehensive lobbying legislation has been adopted. The existing transparency portal and voluntary lobby registers remain fragmented and ineffective. The real problem lies in the structural links between political parties, large corporations and privatised public services that operate outside any registry. The healthcare sector illustrates this clearly.

The Commission should instead recommend that Spain:

Adopt a comprehensive lobbying and integrity law that goes beyond a formal lobby register to include mandatory disclosure of all lobbying activities and contacts, clear rules on revolving-door employment and conflict of interest, legislative footprint requirements for all policy proposals, and effective sanctions for non-compliance.

Such a law should also ensure transparency in financing and third-party influence and create an independent oversight body to monitor and enforce compliance, addressing structural channels of influence that currently operate with limited transparency and accountability.

Commission's 2025 assessment: No progress

Xnet's current assessment: No progress

Recommendation: Strengthen efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure (first made in 2022)

The reform of the Criminal Procedure Code remains incomplete. However, focusing on the length of proceedings obscures the deeper problem: the capture of the judiciary by partisan politics since 1986 despite many announcements.¹⁹ High-level corruption cases involving the two main parties are protracted not because of the complexity of the proceedings, but because the politicised judiciary serves partisan interests: expediting cases against political opponents and delaying those affecting allies.

The recommendation should address the root cause: the partisan capture of the judiciary that determines which cases are expedited and which are stalled. Procedural reform is meaningless without ensuring true judicial independence through constitutional reform of the CGPJ election system.

Commission's 2025 assessment: Some further progress

Xnet's current assessment: No progress

Recommendation: Take forward the legislative process to strengthen rules on conflicts of interest and asset declarations of persons with top executive functions, including by further reinforcing the independence and sanctioning power of the Office for Conflicts of Interest (first made in 2023)

No comprehensive legislation on lobbying has been adopted. The existing transparency portal and voluntary registers of lobbyists remain fragmented and ineffective. The real problem lies in the structural links between political parties, large corporations and privatised public services that operate outside any register. The healthcare sector clearly illustrates this.

The Commission should revise the recommendation and instead recommend that Spain:

19 Government of Spain, Presidency of the Government (La Moncloa): 'Pedro Sánchez announces a State Plan to Combat Corruption', 9 July 2025, <https://www.lamoncloa.gob.es/lang/en/presidente/news/paginas/2025/20250709-appearance.aspx>

Adopt a comprehensive lobbying and integrity law that goes beyond a formal lobby register to include mandatory disclosure of all lobbying activities and contacts, clear rules on revolving-door employment and conflict of interest, legislative footprint requirements for all policy proposals, and effective sanctions for non-compliance.

Such a law should also ensure transparency in financing and third-party influence and create an independent oversight body to monitor and enforce compliance, addressing structural channels of influence that currently operate with limited transparency and accountability.

Commission's 2025 assessment: Some progress

Xnet's current assessment: No progress

Gaps in the Commission's Report

Threats in public procurement system

Systemic weaknesses in public procurement (integrity risks, low effective competition, insufficient traceability and poor data reusability) and outsourcing/privatisation of essential services (especially healthcare services) without sufficiently robust and uniform controls persists. Public procurement remains a high-risk area for corruption in Spain. The measures taken in recent years are not merely cosmetic, but are used to bureaucratically stifle small players and favour large players involved in major corruption schemes. In the health sector, despite numerous announcements, there is no sign of a definitive solution that will be fully operational by 2025, which would require the repeal of:

- Law 15/97,²⁰ which allows for the private management of public hospitals, the concession of hospitals to private companies, etc.
- Article 90 of the General Health Law.²¹ This is the law that allows the public health system to divert funds to private companies.

20 Ley 15/1997, de 25 de abril, sobre habilitación de nuevas formas de gestión del Sistema Nacional de Salud ("Law 15/1997 on the authorisation of new forms of management of the National Health System"), Boletín Oficial del Estado (BOE) núm. 100, de 26 abril 1997, páginas 13449-13450, BOE-A-1997-9021, <https://www.boe.es/eli/es/l/1997/04/25/15/con> [in Spanish].

21 Ley 14/1986, de 25 de abril, General de Sanidad ("Law 14/1986, General Health Law"), Boletín Oficial del Estado (BOE) núm. 102, de 29 abril 1986, <https://www.boe.es/buscar/act.php?id=BOE-A-1986-10499> [in Spanish].

Launch of the Independent Authority for the Protection of Whistleblowers (A.A.I.): appointments made in April/May 2025 and the body formally operational from 1 September 2025. However, there were clear signs that it began functioning only partially (for example, the website and reporting forms were not yet in place). This provides a useful example of a situation where the institutional structure exists, but its full implementation remains incomplete.²²

New Issues that Emerged in 2025

Church child sexual abuse scandal

One of Europe's biggest institutional child sexual abuse scandals broke open, with persistent impunity due to inadequate state response, reliance on self-investigation by the Church, and the statute of limitations on crimes.

The Ombudsman's report estimates 440,000 potential victims of sexual abuse by clergy in Spain.^{23,24} As of 2025, 674 cases have been confirmed.²⁵ In November 2025, the Bishop of Cádiz resigned following an investigation by the Vatican.²⁶ The Spanish Episcopal Conference received 101 new complaints

22 Order PJC/908/2025 of 8 August 2025 determining the date of commencement of the Independent Authority for the Protection of Whistleblowers, A.A.I. (Orden PJC/908/2025, de 8 de agosto, por la que se determina la fecha de puesta en funcionamiento de la Autoridad Independiente de Protección del Informante, A.A.I.), BOE núm. 193, 12 August 2025, <https://www.boe.es/eli/es/o/2025/08/08/pjc908> [in Spanish]

23 Ombudsman (Defensor del Pueblo), Report on Sexual Abuse in the Catholic Church and the Role of Public Authorities ("Informe sobre los abusos sexuales en el ámbito de la Iglesia católica y el papel de los poderes públicos"), October 2023, <https://www.defensordelpueblo.es/noticias/informe-abusos-sexuales-ambito-la-iglesia/> [in Spanish]

24 Domínguez, Í. & Núñez, J.: The Ombudsman's investigation estimates that there are 440,000 victims of pedophilia in the Spanish Church ("La investigación del Defensor del Pueblo estima en 440.000 las víctimas de pederastia en la Iglesia española"), El País, 27 October 2023, <https://elpais.com/sociedad/2023-10-27/la-investigacion-del-defensor-del-pueblo-estima-en-440000-las-victimas-de-pederastia-en-la-iglesia-espanola.html> [in Spanish]

25 The Ombudsman receives 144 new cases of abuse in the Church one year after publishing his report ("El Defensor del Pueblo recibe 144 nuevos casos de abusos en la Iglesia un año después de publicar su informe"), Vida Nueva, 15 October 2024, <https://www.vidanuevadigital.com/2024/10/15/el-defensor-del-pueblo-recibe-144-nuevos-casos-de-abusos-en-la-iglesia-un-ano-despues-de-publicar-su-informe/> [in Spanish]

26 'El Santo Padre ha aceptado la renuncia del Obispo de Cádiz y Ceuta', Vatican News, 22 November 2025, <https://www.vaticannews.va/es/papa/news/2025-11/el-santo-padre-ha-aceptado-la-renuncia-obispo-de-cadiz-ceuta.html> [in Spanish]

in 2025 alone.^{27,28} The government is negotiating a compensation fund with the Church, but victims' organisations have appealed directly to the Vatican, citing an inadequate national response. Unlike other European countries like Ireland or France, Spain has not established an independent truth commission with investigative powers.

Gaps in whistleblower protection

Despite the transposition of the European Whistleblower Directive, significant implementation gaps remain, leaving whistleblowers without effective protection and undermining the anti-corruption framework.

Research carried out by the civil society organisation Xnet as part of a project by the Escola d'Administració Pública de Catalunya (EAPC) and the University of Barcelona has identified critical shortcomings:²⁹ an inadequate legal protection framework with weak enforcement mechanisms; insufficient support services for whistleblowers facing reprisals (legal, psychological, financial); and proliferation of anonymous reporting channels that do not guarantee real anonymity due to inadequate technical safeguards.³⁰ Many internal reporting channels in public and private entities do not meet the requirements of the Directive. The Generalitat de Catalunya, the government of Catalonia, is developing regional legislation to address these gaps.

Abuse of employment status in healthcare sector

Systematic abuse of employment status in the private healthcare sector has been found, which deprives workers of labour rights, defrauds the social security system and provides unfair competitive advantages to companies that also receive public healthcare contracts.

27 Spanish Episcopal Conference (Conferencia Episcopal Española), Press conference (21 November 2025), <https://www.conferenciaepiscopal.es/reunion-comision-permanente-junio-2025/> [in Spanish]

28 The Spanish Church will receive more than 100 abuse reports in 2025 (“Iglesia española recibe más de 100 denuncias de abusos en 2025”), *Excelsior*, November 2025, <https://www.excelsior.com.mx/global/iglesia-espana-denuncias-abusos-casos-2025/1753180> [in Spanish]

29 *Project on Whistleblower Protection Policy Improvement* (“Proyecto sobre mejora de política para la protección de personas alertadoras”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), December 2025, <https://xnet-x.net/es/proyecto-eapc-ub-proteccion-personas-alertadoras/> [in Spanish]

30 *Proliferation of Anonymous Mailboxes that Are Not Actually Anonymous* (“Proliferación de buzones anónimos que NO LO SON”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 2024, <https://xnet-x.net/es/proliferacion-buzones-anonimos-no-lo-son/> [in Spanish]

In December 2025, the High Court of Justice of Madrid ruled that six gynaecologists at Quirónsalud Madrid University Hospital were falsely classified as self-employed when in fact they were employees.³¹ The ruling holds Quirón jointly liable for unpaid Social Security contributions. The UPTA trade union estimates that there are 60,000 falsely self-employed workers in the healthcare sector nationwide.³² The Labour Inspection (the Labour Inspectorate) has stepped up its investigations in the private healthcare sector during 2025. The court found that the doctors had fixed working hours, worked exclusively for the hospital, used its facilities and equipment, and did not have the autonomy to set their own fees – all indicators of an employment relationship.

Implications and Recommendations for 2026

Without specific and operational recommendations on public procurement, an environment is consolidated where competition may be apparent, small and medium-sized enterprises (SMEs) are at a disadvantage, and the risks of clientelism and arrests are normalised. In healthcare and other essential services, the lack of comparable controls and audits encourages conflicts of interest and a lack of transparency in the management of public resources, which in some regions has begun to cost lives.

Suggested recommendation: Strengthen the effective enforcement of pro-competition rules: default lots with reinforced justification for exceptions and compliance audits (progress has already been made in some autonomous regions; national uniformity is lacking).

Suggested recommendation: Establish mandatory and complete publication of contracts in open and reusable formats, with traceability of modifications and subcontracting.

Suggested recommendation: Establish regular external audits and effective sanctions for undue fragmentation, unjustified direct awards, and unmotivated modifications.

Suggested recommendation: Reinforce limits, transparency, evaluation of results, and control of conflicts of interest; repeal Law 15/97 on ‘new forms of management’ of the National Health System and Article 90 of the General Health Law. (With regard to healthcare.)

31 *High Court of Justice of Madrid (Tribunal Superior de Justicia de Madrid), Social Chamber, Judgment No. 868/2025 (ROJ: STSJ M 12220/2025), ECLI:ES:TSJM:2025:12220, https://simpliciter.ai/app/search/public/giurisprudenza/7da5e8ac-3174-5d93-97ab-f2baf98fae87/jurisprudencia_menor/ [in Spanish]*

32 *UPTA estimates that there are more than 60,000 bogus self-employed workers in healthcare activities (“UPTA cifra en más de 60.000 los falsos autónomos en actividades sanitarias”), Unión de Profesionales y Trabajadores Autónomos (UPTA), Press release 29 May 2024, <https://upta.es/https-upta-es-wp-content-uploads-2024-05-nota-de-prensa-240529-docx/> [in Spanish]*

In response to the new developments in 2025, the Commission is advised to issue the following recommendation:

Suggested recommendation: Establish an independent truth commission with investigative powers, create a state-funded compensation scheme that does not depend on the cooperation of the Church. Extend or eliminate the statute of limitations for child sexual abuse offences.

Suggested recommendation: Audit existing reporting channels to verify compliance with the requirements of the Directive, particularly in relation to anonymity guarantees. Establish comprehensive support services for whistleblowers, including legal assistance, psychological support and temporary financial assistance. Ensure effective enforcement mechanisms against retaliation with dissuasive sanctions.

Suggested recommendation: Intensify the Labour Inspectorate's action in the private health-care sector. Consider excluding companies with systematic false self-employment practices from public procurement, including healthcare concessions. Establish personal liability for company managers who authorise fraudulent employment schemes.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Spain was sued before the CJEU for DSA non-compliance while simultaneously chairing the European Board for Media Services – a paradox that encapsulates the gap between commitments and implementation. Media ownership transparency, editorial independence safeguards, and institutional advertising regulation remain unaddressed despite legislative announcements stalled in Parliament.

Implementation of 2025 Commission recommendations

There were no recommendations issued in this area in the Commission's 2025 report.

Gaps in the Commission's Report

Media capture

There remains a significant risk of economic capture of media by large creditors and financial groups (debt dependency) and lack of specific safeguards to protect editorial independence from funding pressures, as well as deficits in transparency and in the use of institutional advertising as a lever of influence.

Legislative initiatives aimed at improving transparency (e.g., registers/disclosure requirements) were launched, but no specific measures were adopted to address the structural influence of creditors and debt dependency on the editorial independence of large media groups.

New Issues that Emerged in 2025

IP blocking

Disproportionate IP blocking measures authorised by the courts to combat unauthorised football broadcasting became an issue last year, causing massive collateral damage to legitimate internet services and raising fundamental questions about internet freedom and the proportionality of intellectual property enforcement.

Court ruling 310/2024 (Commercial Court No. 6 of Barcelona) authorised LaLiga to request IP address blocks from internet service providers.³³ Thousands of legitimate websites have been affected as collateral damage, including hospital websites, medical diagnostic tools, LinkedIn, Vimeo, and business applications.³⁴ Healthcare professionals have reported that they are unable to access critical medical resources during matches. A parliamentary initiative to address the issue was rejected, with the PP and Vox, a national conservative party, voting against and the PSOE abstaining.³⁵ The UN recognises internet access as a human right that enables the exercise of other fundamental rights.³⁶

‘Chat Control’ Regulation

Spain’s position in the European negotiations on the CSA Regulation (‘Chat Control’) stands out as one of the most hostile to end-to-end encryption among all Member States. While other countries seek a balance between security and privacy, Spain has taken an ideologically opposed stance to encrypted communications.

33 *Commercial Court No. 6 of Barcelona (Juzgado de lo Mercantil nº 6 de Barcelona), Judgment No. 310/2024 (Roj: SJM B 309/2024; ECLI:ES:JMB:2024:309), 18 December 2024, https://www.newtral.es/wp-content/uploads/2025/06/SJM_B_309_2024.pdf [in Spanish]*

34 *Madrid Salud’s website has been the latest victim of LaLiga’s blockades. Not even the health sector is spared (“La web de Madrid Salud ha sido la última víctima de los bloqueos de LaLiga. Ni el ámbito sanitario se libra”), Genbeta, 15 December 2025, <https://www.genbeta.com/web/web-madrid-salud-ha-sido-ultima-victima-bloqueos-laliga-ambito-sanitario-se-libra> [in Spanish]*

35 *Congress of Deputies (Congreso de los Diputados), Non-Legislative Proposal before the Committee on Economy, Trade and Digital Transformation regarding the indiscriminate blocking of websites by La Liga and Movistar (Proposición no de Ley relativa a los bloqueos indiscriminados de páginas web por La Liga y Movistar), File No. 161/002294 (13 June 2025), https://www.congreso.es/es/busqueda-de-iniciativas?p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&iniciativas_mode=mostrarDetalle&iniciativas_legislatura=XV&iniciativas_id=161/002294 [in Spanish]*

36 *The promotion, protection and enjoyment of human rights on the Internet : resolution / adopted by the Human Rights Council on 1 July 2016 , UN. Human Rights Council (32nd sess. : 2016 : Geneva , <https://digitallibrary.un.org/record/845727?ln=en&v=pdf>*

Leaked documents from the Law Enforcement Working Party (LEWP) reveal that Spain maintains one of the most extreme positions against encryption in the EU.^{37,38} While Germany, the Netherlands, and Finland have expressed reservations, Spain has advocated that providers should be able to ‘deactivate’ encryption in response to court orders. This position represents an ideological opposition to the very existence of communications that the state cannot intercept. Organisations, such as Xnet, have denounced that this stance aligns Spain with authoritarian regimes in internet governance forums. The European Data Protection Supervisor (EDPS) has warned that weakening encryption puts journalists, activists, victims of gender-based violence, and the security of the digital ecosystem at risk.

Political advertising

The Transparency and Targeting of Political Advertising Regulation (TTPA) represents insufficient progress: its definition of ‘political advertising’ is abstruse, large platforms fail to comply with their obligations, and the regulatory approach seeks to correct content rather than tackle the business model of disinformation based on mass profiling.

The TTPA Regulation came into force on 10 October 2025.³⁹ The underlying problem remains: the TTPA prohibits segmentation based on sensitive data, but does not prevent advertising based on the processing of personal data in general. Meta and Google have already announced that they will restrict ‘political’ content, which, paradoxically, will only benefit large players capable of taking on litigation.

On the positive side, the TTPA establishes mandatory transparency notices in advertisements, restrictions on foreign actors in the three months prior to elections, the creation of a centralised European repository with application programming interfaces (APIs) for researchers, and a ban on targeted advertising aimed at minors.

37 *Pegasus for Everyone – Stop #ChatControl* (“Pegasus para todos – Stop #ChatControl”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 14 September 2025, <https://xnet-x.net/es/pegasus-para-todos-chatcontrol/> [in Spanish]

38 *#ChatControl – Campaign Against the Automated Monitoring of European Citizens’ Private Conversations* (“#ChatControl – Campaña contra la ley de monitorización automatizada de las conversaciones íntimas de la ciudadanía europea avanza”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 14 September 2025, <https://xnet-x.net/es/chatcontrol-monitorizacion-automatizada-conversaciones-ia/> [in Spanish]

39 *European Parliament and Council of the European Union, Regulation (EU) 2024/900 of 13 March 2024 on the transparency and targeting of political advertising (Text with EEA relevance)*, OJ L 20.3.2024, <http://data.europa.eu/eli/reg/2024/900/oj>

Implications and Recommendations for 2026

If financial capture of the media sector is not addressed as a specific problem, plurality may be eroded even if property records exist: the editorial independence may be compromised by debt dependencies, restructurings, and agreements with creditors. Furthermore, without enforceable and verifiable rules on institutional advertising, there remains a risk of perverse incentives (like financial dependence on institutional advertising, opaque allocation of advertising, and propaganda and dependence on revenue models) and competitive inequality in the media ecosystem.

Suggested recommendation: Enhance transparency regarding funding, significant creditors, and conditions that may influence corporate governance and editorial policy.

Suggested recommendation: Design safeguards for editorial independence of media outlets (e.g., minimum governance standards, editorial committees with guarantees of independence, firewalls between funding and content).

Suggested recommendation: Establish clear and auditable rules for institutional advertising: objective criteria, full disclosure, impact assessment, and penalties for arbitrariness.

Suggested recommendation: Strengthen response to ownership concentration by applying anti-trust/competition law in the context of public interest and conflicts of interest in the media sector (including indirect influence of corporations via bank debt).

In response to new developments over the previous year, the Commission should issue several new recommendations.

Suggested recommendation: Require proportionality assessments before IP blocking measures, including analysis of the impact on legitimate services, establish independent oversight of blocking decisions with rapid review mechanisms, and ensure that intellectual property enforcement measures comply with the requirements of the European Media Freedom Regulation on internet access.

Furthermore, the Commission should urge the government to consider whether delegating blocking decisions to private entities is compatible with the protection of fundamental rights.

Suggested recommendation: Reconsider opposition to encryption, recognising that it is an essential tool for security, not an obstacle. Any detection measures must comply with the CJEU case law (Digital Rights Ireland, La Quadrature du Net) and cannot be based on removing cryptographic guarantees.

Suggested recommendation: Establish effective coordination between the Electoral Board, the Spanish Data Protection Agency (AEPD) and the National Commission on Markets and Competition (CNMC); review the delivery of the census to political parties; and move towards regulation that tackles the business model of mass profiling rather than restricting freedom of expression.

CHECKS AND BALANCES –

General assessment

In 2025, the ‘Gag Law’ (the Organic Law 4/2015 on Citizen Security) marked its 10th anniversary without repeal – despite repeated government commitments to do so – and it continues to function as a tool to restrict civic space. The Classified Information Bill (2025) would replace the 1968 Official Secrets Act, but with longer declassification periods than those in comparable European countries, while more than 1,000 Transparency and Good Governance Council (CTBG) resolutions have remained ignored since 2016.

Implementation of 2025 Commission recommendations

Recommendation: Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official document (first made in 2022)

The Classified Information Bill (July 2025) (CTBG) has been submitted, which would replace the Official Secrets Act of 1968. However, the proposed declassification periods are significantly longer than in other European countries: 45 years for ‘top secret’ information and 35 years for ‘secret’ information, compared to 30 years in Germany or the United Kingdom. The bill is currently undergoing parliamentary procedure.

In parallel, more than 1,000 resolutions of the CTBG have been ignored since 2016. The Ministry of the Interior leads with 135 pending resolutions. The CTBG lacks sanctioning power, which incentivises non-compliance. Positive development: the Bono Social Comunitario (BOSCO) (social electricity voucher) ruling by the Supreme Court (11 September 2025) ordered the delivery of public software source code, establishing a European precedent for algorithmic transparency.

The Commission could enhance this recommendation with the following in 2026:

Align classified information reform with European access standards: periods comparable to other Member States, external oversight and maximum publicity with strictly necessary exceptions. Strengthen guarantees for the right of access to public information: simplify procedures, ensure effective compliance through independent oversight and consequences for non-compliance. Provide the CTBG with real sanctioning power.

Commission’s 2025 assessment: No progress

Xnet’s current assessment: In progress

Gaps in the Commission's Report

Access to information

Although progress has been made, deficits remain in (1) access to public information and a culture of effective transparency, and (2) the lack of systematic and public ex post evaluation of legislation (evidence-based regulatory quality), with regulatory accumulation and low accountability for actual results.

In 2025, progress is being made in replacing the Official Secrets Framework with a Classified Information Act submitted to Parliament (currently being processed). However, this alone does not equate to a robust 'right to know' system: real improvement depends on deadlines, guarantees, independent oversight and administrative practice.

Public institutions selling personal data

The Commission failed to cover the systematic violation of the General Data Protection Regulation (GDPR) by public institutions selling personal data of self-employed workers to private companies without consent. Following a seven-year investigation initiated by Xnet in 2018, the Spanish Data Protection Agency (AEPD) ruled in December 2025 that the Spanish Chamber of Commerce violated multiple GDPR principles by ceding personal data of millions of self-employed workers to Camerdata, a company that specialises in providing large-scale business databases and commercial information. The data, including sensitive information such as home addresses, was being sold online without the consent of workers. Total fines amount to nearly €1,000,000 (€500,000 for the Chamber of Commerce, €260,000+ for Camerdata). The AEPD ordered the Chamber to cease data transfers within one month.⁴⁰

New Issues that Emerged in 2025

'Gag Law' continues to restrict fundamental freedoms

The Organic Law 4/2015 on Citizen Security ('Gag Law') continues to restrict the fundamental freedoms of expression, assembly, and information, with serious deterrent effects on civic space, despite repeated commitments by the government and the parliamentary majority to repeal it. Indeed, the

⁴⁰ *Xnet wins the battle in protecting the data of millions of self-employed workers* ("Xnet gana la batalla en la protección de datos de millones de autónomos"), Xnet, 30 December 2025, <https://xnet-x.net/es/xnet-gana-proteccion-datos-autonomos/> [in Spanish]

law marked its 10th anniversary on 30 March 2025 without being repealed.⁴¹ The law has generated more than €1 billion in fines and more than €400,000 in administrative penalties since it entered into force.^{42,43} A coalition of organisations issued a joint statement in March 2025 condemning its continued application and demanding its immediate repeal.⁴⁴ Reform remains stalled in Parliament. The law continues to be used to sanction journalists documenting police activity, peaceful protesters, and human rights defenders.

Accountability for the former King

It has now been five years of self-imposed exile by the former Head of State⁴⁵ following serious allegations of corruption, with no legal resolution, raising questions about equality before the law and the accountability of public institutions. King Emeritus Juan Carlos I has been residing in Abu Dhabi since August 2020, following allegations of corruption involving undeclared Swiss bank accounts, irregular payments from Saudi Arabia, and other financial irregularities. Criminal investigations were closed in March 2022 following voluntary tax regularisations exceeding €5 million.⁴⁶ In May 2025, the Supreme Court rejected a new complaint filed by a group of former judges and prosecutors.

41 *Organic Law 4/2015 of 30 March on the protection of public safety (Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana)*, BOE núm. 77, 31 March 2015, <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442> [in Spanish]

42 *Amnesty International Spain: Gag Law: Ten Years of Human Rights Violations and Unfulfilled Promises (Ley Mordaza: Diez años de vulneraciones de derechos humanos y promesas incumplidas)*, 28 March 2025, <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ley-mordaza-diez-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/>

43 *Rights International Spain: Gag Law: 10 Years of Human Rights Violations and Unfulfilled Promises (Ley Mordaza: 10 años de vulneraciones de Derechos Humanos y promesas incumplidas)*, March 2025, <https://rightsinternationalspain.org/ley-mordaza-10-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/> [in Spanish]

44 *Gag Law: 10 years of human rights violations and broken promises (“Ley Mordaza: 10 años de vulneraciones de derechos humanos y promesas incumplidas”)*, Redacción Colectiva (RedaCoGe), 28 March 2025, <https://redacoge.org/10anosleymordaza/> [in Spanish]

45 *Royal Household (Casa Real): Statement, 3 August 2020*, https://www.casareal.es/GL/AreaPrensa/Paginas/area_prensa_comunicados_interior.aspx?data=113 [in Spanish]

46 *Pozas, A.: A true story of impunity: how Juan Carlos I avoided the dock after years of excesses behind the back of an entire country (“Una historia de impunidad real: cómo evitó el banquillo Juan Carlos I tras años de excesos a espaldas de todo un país”)*, *elDiario.es*, 25 December 2025, https://www.eldiario.es/politica/historia-impunidad-real-evito-banquillo-juan-carlos-i-anos-excesos-espaldas-pais_1_12849723.html [in Spanish]

Constitutional immunity provisions (LO 4/2014)⁴⁷ continue to protect emeritus royalty from criminal prosecution. The King emeritus has made brief visits to Spain for private events but has not resumed residence. This prolonged situation undermines public trust in institutions.

Clarity of asylum law

For most asylum seekers trapped in third countries, Article 38 of the Asylum Law – which allows legal entry to be arranged through Spanish embassies – is the only regulated route that prevents them from risking their lives crossing the sea in small boats or jumping the fence. However, this gateway, approved in 2009, has still not been developed in terms of regulations.⁴⁸⁴⁹

Although the Supreme Court has confirmed that Article 38 must be applied, it lacks clear rules, personnel and, above all, political will. Inefficient embassies, administrative silence and invisible quotas turn this route into a bottleneck that forces highly vulnerable people to waste time they do not have.

Racist violence

2025 saw the worst outbreak of organised racist violence in Spain since 2000, revealing inadequate response mechanisms and the role of far-right networks in inciting and organising hate-motivated attacks based on fake news. In July 2025, the municipality Torre Pacheco (Murcia) was the scene of the worst xenophobic violence in Spain since El Ejido (2000).⁵⁰ Following an attack on a 68-year-old Spanish resident allegedly by a migrant, coordinated organised groups launched ‘immigrant hunts’ targeting North African residents. Ultras groups from other cities travelled to participate in the violence.

47 *Ley Orgánica 4/2014, de 11 de julio, complementaria de la Ley de racionalización del sector público y otras medidas de reforma administrativa por la que se modifica la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial* (“Organic Law 4/2014 of 11 July, complementary to the Law on Rationalisation of the Public Sector and Other Administrative Reform Measures amending Organic Law 6/1985 on the Judiciary”), *Boletín Oficial del Estado (BOE)* núm. 169, de 12 julio 2014, págs. 54647-54652, BOE-A-2014-7368, <https://www.boe.es/eli/es/lo/2014/07/11/4> [in Spanish].

48 *Law 12/2009 of 30 October regulating the right to asylum and subsidiary protection* (Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria), BOE-A-2009-17242, <https://www.boe.es/buscar/act.php?id=BOE-A-2009-17242> [in Spanish]

49 *Pintado Morera, J.: The story of Rosine, the Congolese woman who died waiting for asylum in Spain* (“La historia de Rosine, la congoleña que murió esperando asilo en España”), *El Periódico*, 19 September 2025, <https://www.elperiodico.com/es/internacional/20250919/historia-rosine-congolena-murio-esperando-asilo-espana-121738416> [in Spanish]

50 *Rosas, P.: “4 claves sobre lo que está pasando en Torre Pacheco, la ciudad española en la que grupos de ultraderecha persiguieron a migrantes norteafricanos”, BBC News Mundo*, 14 July 2025, <https://www.bbc.com/mundo/articles/ckglpjpwxzwno> [in Spanish].

The Spanish Commission for Refugees (CEAR) and SOS Racismo documented the involvement of far-right networks in organising and inciting the attacks.⁵¹ Several arrests were made, but civil society organisations report that most of the participants have not been prosecuted.

Authorities should ‘follow the money’: investigate the funding and coordination behind the viral spread of the 138,000 hate messages detected by OBERAXE,⁵² identifying who paid for the travel of ultras groups from other cities and what organisational structures facilitated it. Apply the duty of transparency to the major spreaders of xenophobic disinformation – whether media outlets, political parties, influencers, or coordinated accounts – by forcing them to disclose payments and receipts linked to the dissemination of content.

Public health crisis

A public health crisis that reveals systemic failures in regional health administration, quality control mechanisms, and transparency obligations, resulting in preventable deaths and delayed cancer diagnoses, occurred in 2025. It has come to light that 2,317 women in Andalusia received ‘inconclusive’ mammogram results that were never properly communicated or followed up. The Association of Women Affected by Breast Cancer in Andalusia (AMAMA) confirmed that three women died due to diagnostic delays attributable to this failure.⁵³ The Health Minister Rocío Hernández (from the PP) resigned in October 2025 following the scandal.⁵⁴ The investigation revealed that the women affected were not notified of the need for follow-up examinations, preventing timely detection and

51 *NGOs that support migrants blame the “far right” and hate speech for the disturbances in Torre Pacheco* (“ONG de apoyo a migrantes culpan a la “extrema derecha” y los discursos de odio de los altercados en Torre Pacheco”), *epsocial*, 14 July 2025, <https://www.europapress.es/epsocial/cooperacion-desarrollo/noticia-ong-apoyo-migrantes-culpan-extrema-derecha-discursos-odio-altercados-torre-pacheco-20250714183836.html> [in Spanish]

52 *Castellano, N.: “Moor, beating, shit, criminal, machete...”: 138,000 hate messages, hoaxes and disinformation spawned the racist “hunt” in Torre-Pacheco* (“Moro, paliza, mierda, delincuente, machete...”: 138.000 mensajes de odio, bulos y desinformación engendraron la “cacería” racista de Torre-Pacheco”), *Cadena SER*, 24 July 2025, <https://cadenaser.com/nacional/2025/07/23/moro-paliza-mierda-delincuente-machete-138000-mensajes-de-odio-bulos-y-desinformacion-engendraron-la-caceria-racista-de-torre-pacheco-cadena-ser/> [in Spanish]

53 *AMAMA (Association of Women Affected by Breast Cancer in Andalusia) (Asociación de Mujeres Afectadas por Cáncer de Mama en Andalucía): Statement The Amama association links three deaths to failures in cancer screenings* (“La asociación Amama vincula tres muertes con los fallos en los cribados del cáncer”), 21 November 2025, <https://www.abc.es/salud/asociacion-amama-vincula-tres-muertes-fallos-cribados-20251121163041-vi.html> [in Spanish]

54 *Regional Government of Andalusia (Junta de Andalucía): Announcement of Resignation of Councillor for Health and Consumer Affairs Rocío Hernández Soto*, 8 October 2025, <https://www.juntadeandalucia.es/boja/2025/510/1> [in Spanish]

treatment. The case exposes inadequate quality control in public health services and failures in institutional transparency.

Harassment at reproductive health centres

Despite legislative reform establishing harassment at reproductive health centres as a crime, judicial interpretation is rendering the existing provision ineffective, leaving women seeking legal health services unprotected from intimidation. The Constitutional Court confirmed the constitutionality of the crime of harassment in reproductive health contexts (STC 75/2024).⁵⁵ However, the first rulings handed down under the provision in 2025 (courts in Vitoria and Donosti) acquitted more than 20 anti-abortion activists,^{56,57} with courts characterising prayers and vigils outside clinics as ‘exquisitely peaceful’ conduct that does not reach the threshold of criminal harassment. The Association of Accredited Clinics for the Termination of Pregnancy (ACAI) reports that harassment continues one year after the legislative reform.⁵⁸ The gap between the protective intent of the law and its judicial interpretation effectively denies protection to women accessing reproductive healthcare. Debate continues on the need for spatial exclusion zones around clinics.

Implications and Recommendations for 2026

Without standardised ex-post evaluation, legislation is enacted without knowing what works, rules and obligations multiply without evidence, and legal uncertainty increases. And if transparency remains weak in practice, accountability remains limited even with partial reforms of secrecy.

55 Constitutional Court (Tribunal Constitucional): Judgment STC 75/2024, 8 May 2024, <https://hj.tribunalconstitucional.es/HJ/es/Resolucion/Show/30173> [in Spanish]

56 The 21 anti-abortion activists who were praying in front of a clinic in Vitoria have been acquitted (“Absueltos los 21 anti-abortistas que rezaban frente a una clínica de Vitoria”), *infoLibre*, 9 December 2025 https://www.infolibre.es/igualdad/absueltos-21-antiabortistas-rezaban-frente-clinica-vitoria_1_2111336.html [in Spanish]

57 García, A.: The courts have ruled that it is not a crime to pressure women seeking abortions through prayer: “Clinics must be cordoned off.” (“La Justicia avala que no sea delito presionar entre rezos a las mujeres que abortan: “Hay que perimetrar las clínicas”), *elDiario.es*, December 2025, https://www.eldiario.es/sociedad/justicia-avala-abortar-presiones-rezos-ult-racatolicos-no-sea-delito-hay-perimetrar-clinicas_1_12855320.html [in Spanish]

58 ACAI (Association of Accredited Clinics for the Termination of Pregnancy) (Asociación de Clínicas Acreditadas para la Interrupción del Embarazo): Statements, 2025, <https://www.acaive.com/pdf/Estudio-acoso%20anti-derechos-ACAI.pdf> [in Spanish]

Suggested recommendation: Institutionalise ex-post evaluation: obligation, methodology, timetable and publication (3–5 years after entry into force), with a responsible body and parliamentary oversight.

Suggested recommendation: Strengthen guarantees, simplify procedures and ensure compliance (including independent oversight and consequences for non-compliance).

Suggested recommendation: Align classified information reform with access standards: clear deadlines, external oversight, maximum publicity and strictly necessary exceptions.

Suggested recommendation: Audit public institutions handling sensitive personal data to ensure GDPR compliance. Establish proactive oversight mechanisms rather than relying solely on citizen complaints. Ensure that mandatory data provided to public bodies is not repurposed for commercial exploitation.

To address long-standing threats presented by the ‘Gag Law’, the Commission should urge the government to take immediate action, and issue additional recommendations to address other developments during 2025.

Suggested recommendation: Prioritise the repeal or substantial reform of the ‘Gag Law’. Remove provisions that restrict peaceful protest and the reporting of police activity. Align national legislation with international human rights standards on freedom of expression and assembly, including the recommendations of the UN Special Rapporteurs and the Council of Europe bodies.

Suggested recommendation: Review constitutional and legal provisions on royal immunity to ensure compatibility with the principles of the rule of law and equality before the law. Consider accountability mechanisms that do not rely on voluntary tax regularisations. Ensure transparency regarding public funds spent on security and other services for former heads of state residing abroad.

Suggested recommendation: Develop Article 38 into regulations with clear rules, resources and personnel. Assess the consistency between the non-application of this legal route and the financing of externalisation policies that prevent access to European territory.

Suggested recommendation: Ensure effective accountability mechanisms for public health failures, including appropriate sanctions for those responsible.

Suggested recommendation: Provide guidance to prosecutors and judges to ensure an interpretation aligned with the protective purpose of the legislation and women's right to access health-care free from intimidation.

CONTACTS

Xnet-Institute for Democratic Digitalisation

Xnet is a Barcelona-based collective of activists and specialists dedicated to advancing digital rights and modernising democracy for the digital age. Since its inception in 2008, Xnet has championed internet freedom, transparency, and anti-corruption through a combination of technopolitical tools and advocacy.

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LIBERTIES

RULE OF LAW

REPORT

2026



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ABOUT THE CONTRIBUTING ORGANISATIONS

Civil Rights Defenders



Civil Rights Defenders is a politically and religiously independent international human rights organisation. Its mission is to defend civil and political rights, as well as local human rights defenders by increasing their security, capacity, and access to justice. We work as part of a global movement of human rights defenders and partner with those at risk. Through legal means and public advocacy, we hold states, individuals, and non-state actors accountable for human rights violations. We advocate for the norms and values of the International Covenant on Civil and Political Rights and other relevant human rights standards, as we encourage people to use these rights to promote democratic societies.

International Commission of Jurists (ICJ-Sweden)



The Swedish section of the International Commission of Jurists (ICJ-Sweden) - whose members are lawyers - works to promote human rights and the rule of law in Sweden and internationally. At the national level, ICJ-Sweden monitors Sweden's international, regional, and constitutional obligations in the field of human rights, ensuring that the rights of individuals are observed, that the judiciary is independent and accountable, and works to strengthen its compliance with fundamental rights. ICJ-Sweden works for equality before the law and non-discrimination and claims the right to a fair trial a right in itself, and promotes active resistance when violations of rights occur. ICJ Sweden designs a Program for Justice in Sweden, organises debates and seminars on current issues, and collaborates with other rights organisations when individual and structural violations in society have been identified. At the international level, ICJ-Sweden monitors trials in order to promote human rights and the rule of law.

OVERALL ASSESSMENT: SLIDER

The rule of law concerns observed in recent years continued in 2025, primarily due to the government's legislative practices and restrictions on civic space. The government continued to advance a high volume of legislation at an accelerated pace. Shortened consultation periods limit meaningful participation by civil society and other stakeholders, thereby weakening the democratic process. The Council on Legislation and multiple stakeholders repeatedly warned that these practices undermine legislative quality and democratic scrutiny. Despite this criticism, no improvement was observed in 2025.

A particularly significant development was the government's increasing use of committees of inquiry with pre-determined conclusions, notably in criminal law and migration. By defining expected outcomes in advance, the executive has weakened the independence and credibility of these investigative bodies, negatively affecting institutional checks and balances. Civic space further deteriorated in 2025. The government imposed stricter limitations on freedom of assembly and expression, with police and prosecutorial authorities continuing to intervene in peaceful protests. Environmental defenders and other activists have been disproportionately targeted, signalling a chilling effect on dissent.

Overall, executive-driven legislative acceleration, weakened investigative independence, and shrinking civic space combined to significantly undermine the rule of law in 2025. Taken together, these concerns weaken the rule of law by reducing accountability and checks on power: when civil society is sidelined and consultations are rushed, laws are developed and implemented with less scrutiny and democratic legitimacy. Restrictions on protest, expression, and association undermine equal application of the law and chill lawful dissent, a core safeguard against abuse of power. Funding cuts and hostile rhetoric toward Non- Governmental Organisations (NGOs) weaken independent watchdogs, while expanded surveillance and fast-track criminal measures risk legal uncertainty and disproportionate enforcement, eroding trust that laws are fair, predictable, and rights-based.

Assessment of the trajectory

The backsliding has become entrenched and requires urgent action. Worrying trends first observed in earlier reports have turned into ever more systematic restrictions on fundamental rights and freedoms – most notably the freedoms of assembly and of expression. Legislative proposals flagged earlier as warning signs of a shift to increasingly harsh criminal and migration policies have now been implemented and even more stringent legislation proposed, such as removing the statute of limitations on removal decisions, widening usage of secret coercive measures including against children and outside the scope of preliminary investigations and widening possibility for authorities to override secrecy

framework in sharing of information for crime prevention.¹ With civil society increasingly sidelined in the democratic process and struggling to overcome cuts to funding and ever-shrinking civic space, it is unfortunately likely that these trends will continue if not urgently addressed.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Increased support for civil society, networks, and projects are needed. In addition, the proposed ‘reporting law’ would require a wide range of public sector employees at both the municipal and national level to report undocumented persons to authorities (the Swedish Migration Agency and/or police).² This much-criticized proposal could be implemented in July 2026. Critics argue that it will put Sweden in violation of international human rights treaties, including the Convention on the Rights of the Child.³ Should the implementation of this proposal put Sweden in breach of EU law, the launch of infringement proceedings would then be merited.

- 1 Swedish Migration Agency, Changed rules for statute of limitations, re-entry ban and track change, 1 April 2025, <https://www.migrationsverket.se/nyheter/news-archive/2025-04-01-changed-rules-for-statute-of-limitations-re-entry-ban-and-track-change.html>; Government of Sweden, Secret and preventive coercive measures when children under the age of 15 commit crimes (*Hemliga och preventiva tvångsmedel när barn under 15 år begår brott*), 28 May 2025, <https://www.regeringen.se/rattsliga-dokument/proposition/2025/05/prop.-202425175>; and, Government of Sweden, Proposal 2024/25:65 – Increased flow of information to law enforcement (*‘Proposition 2024/25:65 – Ökat informationsflöde till brottsbekämpningen’*), 28 November 2024, <https://www.regeringen.se/contentassets/e5a3d2c-c671047988965d30422a37065/okat-informationsflode-till-brottsbekampningen-prop.-20242565.pdf>.
- 2 Swedish Government, Prop. 2024/25:65 – Increased flow of information to law enforcement (*‘Prop. 2024/25:65 – Ökat informationsflöde till brottsbekämpningen’*), 29 November 2024, <https://www.regeringen.se/rattsliga-dokument/proposition/2024/11/prop.-20242565#:~:text=Regeringen%20f%C3%B6resl%C3%A5r%20d%C3%A4rf%C3%B6r%20att%20det,Polismyndigheten%20och%20C3%B6vriga%20brottsbek%C3%A4mpande%20myndigheter>.
- 3 Save the Children, Policy Brief – The Act on the Rights of the Child (*‘Angiverilagen och barnrätten’*), August 2024, <https://resourcecentre.savethechildren.net/document/angiverilagen-och-barnratten>; Swedish Red Cross (Röda Korset), Humanitarian consequences of the duty to inform – increased suffering, especially for children and women, without the intended effect (*‘Humanitära konsekvenser av informationsplikten – ökat lidande, särskilt för barn och kvinnor, utan avsedd effekt’*), 25 November 2024, <https://www.rodakorset.se/om-oss/fakta-och-standpunkter/rapporter/humanitara-konsekvenser-av-informationsplikten/>; Akademikerförbundet SSR, *Stop the information law!* (*‘Stoppa angiverilagen!’*), <https://akademssr.se/stoppaangiverilagen>

State of play (versus 2025)

- Justice system
- ↑ Anti-corruption framework
- Media Environment and Media Freedom
- ↓ Checks and balances

Legend

Regression	No progress	Progress
↓	—	↑

JUSTICE SYSTEM –

General assessment

Because earlier warning signs in this area have been ignored, the backsliding is becoming entrenched. In 2025, the rapid pace and volume of legislation, particularly in migration and criminal law, posed clear threats to the rule of law by weakening democratic scrutiny and increasing the risk of laws breaching international human rights standards. Examples of legislative proposals in criminal law during 2025 are the introduction of more possibilities for law enforcement to use secret surveillance, including preventively, against children,⁴ proposals for lowering the age of criminal responsibility from 15 to 13 years for serious crimes, and replacing rehabilitative institutions with prisons for underage offenders,⁵ as well as a criminal law reform whose main focus is imposing longer prison sentences.⁶ In migration law, asylum seekers who had settled in Sweden before their asylum claim was declined can no longer apply for a work permit. The statute of limitations for negative decisions in asylum procedures no longer applies if the person who received the negative decision in an asylum case remains in Sweden,⁷ moreover, an inquiry has proposed the possibility of revoking permanent residence permits.⁸ Short consultation deadlines, limited civil society participation, and government inquiries with pre-determined conclusions undermined the independence and quality of lawmaking. For example, concerning the lowering of the age of criminal responsibility, the appointed inquiry concluded in January 2025 that the age should be lowered to 14. Seven out of nine experts in the inquiry were against the conclusion, and a great majority of consultative bodies were also against. Despite this, the government proceeded in September 2025 to send a draft proposal to the Council on Legislation (Lagrådet) on consultation, proposing a lowering of the age of criminal responsibility to 13. This time every single consultative body was against the proposal. Despite this, the government

4 Government of Sweden, *Draft proposal referred to the Council on Legislation* ('Sänkt straffbarhetsålder för allvarliga brott'), 24 September 2025, <https://www.regeringen.se/rattsliga-dokument/lagratsremiss/2025/09/utkast-till-lagratsremiss-sankt-straffbarhetsalder-for-allvarliga-brott/>.

5 Government of Sweden, *Draft proposal referred to the Council on Legislation* ('Frihetsberövande påföljder för barn och unga'), 6 November 2025, <https://www.regeringen.se/rattsliga-dokument/lagratsremiss/2025/11/frihetsberovande-pafoljder-for-barn-och-unga/>.

6 Government of Sweden, *Inquiry – A penal reform* ('Inquiry– En straffreform') (SOU 2025:66) 2025:66, 5 June 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/06/sou-202566/>.

7 Government of Sweden, *Act amending the Aliens Act* ('Lag om ändring i utlänningslagen') (2005:716), 18 March 2025, <https://www.svenskforfattningssamling.eu/sites/default/files/sfs/2025-03/SFS2025-225.pdf>.

8 Government of Sweden, *Inquiry – Change of permanent residence permit for certain foreign nationals*, ('Inquiry – Ändring av permanent uppehållstillstånd för vissa utlänningar') (SOU 2025:99), 26 September 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/09/sou-202599/>.

has in January 2026 proceeded with sending the proposal to the Council on Legislation with the aim of it entering into force in July 2026. These fast-tracked processes heightened legal uncertainty, placed undue interpretative pressure on courts, and eroded public trust in the predictability, fairness, and legitimacy of the legal system.

Implementation of 2025 Commission recommendations

Recommendation: Ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence. (first made in 2023)

The Swedish Parliament has voted to adopt the proposals to strengthen democratic protections and the independence of the judiciary.⁹ The proposed constitutional amendments would enhance judicial independence through measures including the creation of an independent board composed primarily of judges to oversee the National Courts Administration, constitutional-level protections for the independence of the judiciary, and safeguards against court-packing, such as regulations on the number of Supreme Court judges and retirement ages.

Because these proposals entail amending the constitution (grundlagen), Parliament is required to hold two votes on the proposal resulting in the same outcome, with a parliamentary election in between. As such, the first vote means that the proposals are held in abeyance. Parliamentary elections are scheduled for September 2026 and if passed again, the amendments would come into force on 1 April 2027.¹⁰

CRD made no recommendation they would like to have seen.

Commission's 2025 assessment: No progress Civil Rights Defender's current assessment: In progress (initial steps)

9 Swedish Government, Prop. 2024/25:165 – Strengthened protection for democracy and the independence of the courts ('Prop. 2024/25:165 – Stärkt skydd för demokratin och domstolarnas oberoende'), 29 April 2025, <https://regeringen.se/rattsliga-dokument/proposition/2025/04/prop.-202425165>.

10 Swedish Government, *Enhanced protection of democracy and the independence of the courts*, 1 October 2025, https://www.riksdagen.se/en/news/articles/2025/oct/1/enhanced-protection-of-democracy-and-the_cms4009ce55-725f-49f3-a7a5-9623a9d76295en/.

Gaps in the Commission's Report

Lawmaking, judicial review and asylum deficits

The Commission has not made any recommendations regarding the importance of ensuring effective and transparent public consultation and stakeholder participation in the legislative process. Repeated concerns include the inadequate time allotted for stakeholder consultation, insufficient consideration given to the opinions of expert organisations in proceeding with legislative proposals after consultation, and lack of access to court proceedings, as seen in the limited possibilities for citizens to reach the Court of Justice of the European Union (CJEU) through requests for preliminary rulings, especially in migration cases. As these are areas that have become increasingly concerning in recent years, with continued negative developments seen during 2025, Civil Rights Defenders believes that a recommendation from the Commission is critical to check the backsliding.

The worrying trend of the fast pace and high volume of legislation continued in 2025, especially in the areas of migration and criminal law, including complex and controversial legislation that could put Sweden at risk of being in breach of its international obligations. In 2025, several legislative proposals within the area of criminal law policy, including a proposal for one of the biggest penal law reforms in modern time, have been put forth, with stakeholders given only a short period to submit input despite the complexity of the issues.¹¹ The penal law inquiry was almost 2000 pages and included reforms designed to fundamentally restructure core principles of criminal law. Despite this being one of the most extensive systemic changes in modern times, stakeholders only had approximately four months, three of which were during the traditional Swedish summer vacation period (June–August), to submit their consultation responses. Although such legislative proposals require careful analysis and consideration, the government has instead been imposing short deadlines on relevant stakeholders to submit consultation responses. For civil society organisations in particular, many of whom have limited resources, this is a serious impediment to their participation in the legislative process. Fast-tracked measures also create a risk of legal uncertainty and erode public trust that legislation is fair, predictable, and rights-based. Moreover, as highlighted in 2025's report, the democratic deficiency has been exacerbated by the government pre-emptively assigning conclusions in terms of reference for government-appointed committees of inquiry, particularly within the areas of criminal law and

11 Government of Sweden, Inquiry – A penal reform (*Inquiry – En straffreform*) (SOU 2025:66) 2025:66, 5 June 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/06/sou-202566/>.

migration.¹² Government directives are increasingly specifying in advance the conclusions that an investigation should reach, and committees have been tasked with presenting proposals regardless of the actual conclusions. The rapid and insufficiently scrutinised legislative process is likely to lead to increased pressure on courts, as they are subsequently required to interpret and apply legislation that has not been adequately assessed for compatibility with constitutional and international human rights standards.¹³

Further, Swedish courts have historically demonstrated a reluctance to request preliminary rulings from the CJEU.¹⁴ This is clearly noticeable at the Migration Court of Appeal, which is the highest judicial body in migration cases. During 2025, the Migration Court of Appeal did not request any preliminary rulings; in 2024, there was only one request.¹⁵ As there are no judicial remedies under national law to appeal the Migration Court of Appeal's rulings, the court is obliged to request preliminary rulings regarding the interpretation of EU law in accordance with Article 267 of the Treaty on the Functioning of the European Union (TFEU). The lack of requests for preliminary rulings unduly restricts access to judicial review of national decisions and hinders the uniform implementation of EU

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- 12 E.g. Jacob Lind, Regardless of one's position on the matter (*'Oavsett ställningstagande i sak'*), Vol 2(1) 2025, <https://mau.diva-portal.org/smash/get/diva2:1968932/FULLTEXT01.pdf>, Criticism of the government's pace – could result in poorer legislation, (*'Kritik mot regeringens tempo – kan ge sämre lagar'*), 12 March 2024, <https://omni.se/kritik-mot-regeringens-tempo-kan-ge-samre-lagar/a/76EWyv>, and DEBATE: Tidö parties override civil servants (*'DEBATT: Tidöpartierna kör över tjänstemännen'*), <https://www.arbetsvarlden.se/debatt/tidopartier-na-kor-over-tjanstemannen/>.
- 13 Domstolsverket, A record year for Sweden's courts (*'Ett rekordår för Sveriges domstolar'*), 10 March 2025, <https://www.domstol.se/domstolsverket/om-domstolsverket/nyhetsbrev-om-sveriges-domstolar/ett-rekordar-for-sveriges-domstolar/>, Domstolsverket, The National Courts Administration critical of parts of the penal reform (*'Domstolsverket kritiskt mot delar av straffreformen'*), 9 October 2025, <https://www.domstol.se/nyheter/2025/10/domstolsverket-kritiskt-mot-delar-av-straffreformen/#:~:text=%C3%96kad%20arbetsbelastning%2C%20l%C3%A4ngre%20handl%C3%A4ggningstider%20och%20fler%20f%C3%B6rtursm%C3%A5l%20som,kompetensf%C3%B6r%C3%B6rningen.%20Domstolsverket%20betonar%20%C3%A4ven%20behovet%20av%20straffprocessuella%20reformer.>
- 14 According to CJEU's annual reports, Swedish courts requested 34 preliminary rulings between 2020-2024. See, CJEU, *Annual Report 2024: Statistics concerning the judicial activity of the Court of Justice*, https://curia.europa.eu/site/upload/docs/application/pdf/2025-09/ra_en_statistiques_24_-b_statistiques-cour.pdf; see also, Ulf Bernitz, *Förhandsavgöranden av EU-domstolen 1995–2020*, September 2021, https://sieps.se/media/2ipn3amq/sieps-2021_2-web.pdf, for an analysis of the approach of Swedish courts to requesting preliminary rulings. Bernitz concludes that while Swedish courts fully recognize EU law, they have been reluctant to request preliminary rulings and could do so more often.
- 15 Official statistics from the Migration Court of Appeal, <https://www.domstol.se/migrationsoverdomstolen/avgoranden/>.

legislation within Member States. It is of fundamental importance in ensuring the correct application of EU legislation that national courts adhere to the requirement of Article 267 of TFEU and measures need to be introduced to encourage Swedish courts to do so. This practice raises serious concerns regarding effective judicial protection, particularly in cases where individuals' fundamental rights under EU law are at stake. Moreover, the Migration Court of Appeal has at times failed to provide adequate reasoning for why a preliminary ruling was not requested, a deficiency explicitly noted by the Supreme Administrative Court in a judgment of April 2025.¹⁶ This lack of transparency further undermines legal certainty and accountability in migration proceedings.

Despite recurring reports of sub-standard living conditions in asylum centres, no legislative or administrative measures have been introduced to ensure effective monitoring or accountability.¹⁷ In 2025, attempts were made to report the deficient living conditions to both the Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*, IVO) and the Parliamentary Ombudsman (*Justitieombudsmannen*, JO).¹⁸ IVO is a government agency responsible for supervising health care, social services and activities under the Act concerning Support and Service for Persons with Certain Functional Impairments.¹⁹ JO reviews the implementation of laws and other regulations in the public sector, including courts of law and other public authorities, as well as their employees.²⁰ However, these efforts have not resulted in any effective oversight, largely due to insufficient legal provisions granting these bodies the authority to supervise asylum accommodation standards. Combined with the forthcoming introduction of the legal fiction of non-entry under the EU Migration and Asylum Pact, this creates a situation where individuals are placed outside the scope of ordinary legal safeguards, amplifying the risk of rights violations.

16 Supreme Administrative Court (*Högsta förvaltningsdomstolen*), Judgment of 14 April 2025, Case No. 4793-24, <https://www.domstol.se/globalassets/filer/domstol/hogstaforvaltningsdomstolen/2025/domar-och-beslut/4793-24.pdf>, paragraph. 13.

17 See, e.g., Swedish Association of Local Authorities and Regions (Sveriges Kommuner och Regioner, SKR), *Skrivelse gällande situationen kring Migrationsverkets mottagande- och återvändandecenter*, 19 September 2025, <https://extra.skr.se/download/18.59e8a5b11992795b53090d35/1758285733141/WEBB-09-Skrivelse-Mottagningscenter.pdf>.

18 Complaint to the Parliamentary Ombudsman, filed by Skåne Stadsmission on 16 July 2025, case number 8087-2025. The Parliamentary Ombudsman did not open an investigation, thereby not indicating if their oversight includes the centres. In a written response on 4 July 2025, the Health and Social Care Inspectorate (IVO) stated that the matter falls outside its supervisory remit (reference number 250526-000051). IVO is the Swedish authority responsible for the supervision and licensing of healthcare and social services.

19 For more information, see About IVO, <https://www.ivo.se/other-languages/about-ivo/>.

20 For more information, see About JO - JO - Riksdagens Ombudsmän, <https://www.jo.se/en/about-jo/>.

New Issues that Emerged in 2025

Sweden introduced sweeping reforms in 2025 that significantly toughen criminal law and tighten migration and asylum rules, including proposals affecting children, access to legal safeguards, and long-term residence rights. These rapid and far-reaching changes raise serious concerns about regression in fundamental rights, reduced legal protections, and weakened adherence to international human rights standards.

In 2025, several new legislative proposals reflect the shift in Swedish criminal law and migration policy. In June 2025, a government-appointed committee of inquiry presented a proposal for one of the biggest penal law reforms in modern time.²¹ Among the suggested legislative changes are significantly increased penalties for a large number of crimes and double penalties for crimes connected to criminal organisations.²² Experts in the committee, whose task it was to present this inquiry, have stated that since the committee's directives were focused primarily on increasing repression, and given the short time available to the committee, it has not been possible for the committee's experts to assess whether the proposals as a whole are reasonable.²³ In January 2025, a government inquiry was presented which proposed a lowering of the age of criminal responsibility from 15 to 14 years. The directives of this inquiry had been predetermined so as to bind the committee to suggest such a change, regardless of the committee's conclusions.²⁴ Despite opposition from seven out of nine experts on the committee and a majority of consultation bodies, in September the government went a step further than the committee and proposed a temporary lowering of the age of criminal responsibility to 13 years.²⁵ The proposals represent a regression of established rights and therefore violate a fundamental principle of international law. They are incompatible with the purpose of the Convention on the Rights of the Child, particularly when considered alongside other reforms such as the removal of sentence

21 Government of Sweden, SOU 2025:66 *En straffreform*, 5 June 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/06/sou-202566/>.

22 Sweden Herald, *Gang-related crimes to result in double punishment, to be introduced this year*, 15 January 2026, <https://swedenherald.com/article/penalties-for-around-50-crimes-to-be-tightened>.

23 Government of Sweden, SOU 2025:66 *En straffreform*, 5 June 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/06/sou-202566/>.

24 Government of Sweden, SOU 2025:11 *Straffbarhetsåldern*, 28 January 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/01/sou-202511/>.

25 Government of Sweden, *Straffbarhetsåldern ska sänkas till 13 år*, 10 September 2025, <https://www.regeringen.se/debattartiklar/2025/09/straffbarhetsaldern-ska-sankas-till-13-ar/>.

reductions for young offenders and extended periods before conditional release.²⁶ The proposals also conflict with recommendations from the UN Committee on the Rights of the Child, which has stated that the age of criminal responsibility should not be lowered under any circumstances and has expressed serious concern about current developments in this direction.²⁷ Given the far-reaching nature of these measures and the lack of thorough consideration, these proposals pose a grave concern.

In 2025, the fast-paced changes to Sweden's migration and asylum framework continued with several legislative acts entering into force. As of 1 April 2025, the statute of limitations for negative decisions in asylum procedures no longer applies if the person who received a negative decision in an asylum case remains in Sweden.²⁸ Previously, the statute of limitations was four years after a final negative decision. This means that undocumented migrants who remain in Sweden, including those who have received an order of deportation, but whose country of origin refuses to accept them, will be forced to live as undocumented with almost no access to basic rights.

At the same time, a government inquiry introduced amendments to the Swedish asylum and migration process.²⁹ The suggested amendments are to be lowered as much as possible without violating the minimum requirements of EU legislation. Some of the most worrying proposals of the inquiry include severely restricting access to public counsel in migration cases by imposing a one-hour limit

26 See, e.g., statements from Unicef Sweden, Legal developments that contravene the Convention on the Rights of the Child (*'En rättsutveckling som strider mot barnkonventionen'*), <https://unicef.se/vad-vi-gor/paverkan/en-rattsutveckling-som-strider-mot-barnkonventionen>, Bris critical of lowering the age of criminal responsibility to 13 (*'Bris kritisk till sänkt straffbarhetsålder till 13 år'*), <https://www.bris.se/om-bris/vart-arbete/paverkan/vart-paverkansarbete/bris-kritisk-till-sankt-straffbarhetsalder/> and Save the Children: No to lowering the age of criminal responsibility (*'Rädda Barnen: Nej till en sänkning av straffmyndighetsåldern'*), 28 January 2025, <https://press.raddabarnen.se/news/raedda-barnen-nej-till-en-saenkning-av-straffmyndighetsaaldern-493182>.

27 Committee of the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, pp. 44-45, CRC/C/Swe/CO/6-7, 2023.

28 Government of Sweden, *Government proposes measures to ensure that more people with removal orders leave the country*, 28 January 2025, <https://www.government.se/press-releases/2025/01/government-proposes-measures-to-ensure-that-more-people-with-removal-orders-leave-the-country/>. See also, Swedish Migration Agency, *Changed rules for statute of limitations, re-entry ban and track change*, 1 April 2025, <https://www.migrationsverket.se/nyheter/news-archive/2025-04-01-changed-rules-for-statute-of-limitations-re-entry-ban-and-track-change.html>. Link to preparatory works: Statute of limitations on removal decisions and certain issues concerning re-entry bans (*'Preskription av avlägsnandebeslut och vissa frågor om återreseförbud'*), 23 January 2025, <https://www.regeringen.se/contentassets/d13ca75d5e7f46ab869c689e18a834ef/preskription-av-avlagsnandebeslut-och-vissa-fragor-om-aterreseforbud-prop-20242592/>,

29 Government of Sweden, *Migration and integration*, 30 January 2025, <https://www.government.se/government-policy/the-governments-priorities/migration-and-integration/>.

on assistance from legal counsel, and denying state-funded financial compensation to public counsel if they are present during the client's interview at the Migration Agency. These proposed changes will cause a severe imbalance of power between the Migration Agency and the individual, as well as increasing the risk of serious infringements on fundamental rights, such as access to justice and non-discrimination.

In 2025, another government inquiry proposed the possibility of revoking permanent residence permits already granted to all non-Swedish citizens who have received permanent residence permits with refugee status, subsidiary protection, quota refugees— as well as the few who have received permanent residence permit on the grounds of exceptionally distressing circumstances or impediment to enforcement.³⁰ The permanent residence permit could be replaced by a temporary residence permit, but if not, the main rule will be deportation from Sweden. This inquiry is particularly worrying as it is in stark contrast to international human rights requirements and core principles of Swedish administrative law. The proposal is ostensibly intended to create incentives to become a Swedish citizen,³¹ even though the government has at the same time passed legislation that makes it harder to attain citizenship.

At the end of November 2025, a 1,500-page government inquiry regarding the implementation of the EU Migration Pact was presented.³² Despite the massive changes proposed, the consultation response period only runs through the beginning of January 2026, in stark contrast to the tradition of a lengthy Swedish legislative process with a lengthy consultation response to allow for input from relevant stakeholders. As a result, many civil society organisations will not have the capacity to provide input on the inquiry, although such input is vital for drafting legislative bills that adhere to human rights.

The government must ensure that proposed and implemented legislation is in line with Sweden's international obligations and protects rights enshrined in the European Convention on Human Rights (ECHR) and other international agreements to which Sweden is party. The government must refrain from lowering the age of criminal responsibility.

30 Government of Sweden, Change of permanent residence permit for certain foreign nationals, (*Ändring av permanent uppehållstillstånd för vissa utlänningar*), 26 September 2025, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/09/sou-202599/>.

31 Government of Sweden, *More stringent requirements for Swedish citizenship*, 19 September 2023, <https://www.government.se/press-releases/2023/09/more-stringent-requirements-for-swedish-citizenship/>.

32 Government of Sweden, Migration and Asylum Pact, ('*Migrations- och asylpakten*'), 24 November 2025, <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2025/11/migrations--och-asylpakten/>.

Implications and Recommendations for 2026

The implications of these omissions are a systemic weakening of the rule of law in Sweden, as insufficient democratic safeguards in the legislative process and shortcomings in court proceedings limit the courts' ability to effectively review legislation, ensure compliance with international and EU law, and protect fundamental rights.

In the 2025 Rule of Law Report, Civil Rights Defenders proposed the following recommendations, which are still relevant today:

- The government must ensure that the constitutionally mandated legislative process – a cornerstone of democracy and rule of law in Sweden – is respected and upheld. Stakeholders in the legislative process, including civil society actors, must be given sufficient time to respond to legislative proposals during the consultation process. Government inquiries must be able to carry out their intended purpose of thoroughly examining and reporting on relevant matters, including understanding the potential consequences of a proposed action, in an objective, neutral manner without external interference.
- The government must ensure that all aspects of the asylum and migration process, including the process for appealing negative decisions by the Migration Agency, adhere to the rule of law and due process principles.
- In order to ensure effective access to justice, the legal aid system must be updated. The requirements for being able to obtain legal aid should be revised in order to make legal aid more accessible for a wider group of people. Court proceedings should be adapted to address the individual needs of persons with disabilities in order for them to be able to enjoy the same conditions as others during the legal process. The limited legal aid system prevents applicants from receiving the support they need to be able to assert their rights.

Suggested recommendations:

Measures should be adopted to ensure that courts, particularly courts of last instance, consistently comply with their obligation to request preliminary rulings from the CJEU when required under Article 267 TFEU.

The government must ensure that proposed and implemented legislation is in line with Sweden's international obligations and protects rights enshrined in the ECHR and other international agreements to which Sweden is party.

The government must refrain from lowering the age of criminal responsibility.

Implementation of Judgments

Implementation of European Court of Human Rights (ECtHR) judgements

During the period between 2020 and 2025 the ECtHR has only found Sweden in active and persistent violation of ECHR in one case. This is the case of *Centrum för rättvisa v. Sweden* in 2021.³³ In June of 2025 the Committee of Ministers found the measures implemented by Sweden as a result of this judgement to be sufficient and decided to close the examination.³⁴ In the case of the FRA-law (signal intelligence law), full implementation of the judgment has thus been achieved.

Centrum för Rättvisa recently released an extensive report on the right to a fair trial within current Swedish legislation and found 494 possible legislative acts whose compliance with the ECHR they question. Notably, of these 494 legislative acts approximately 340 concern governmental decrees (*förordningar*). These in-depth rules are highly represented in the cases before the ECtHR in which Sweden is alleged to be actively violating the right to a fair trial. Swedish public law includes an extensive right to appeal all decisions made by an authority in the main administrative legislation.³⁵ This right is unfortunately compromised by case law from the national supreme court and exceptions in *lex specialis*, such as these governmental decrees. This goes to show that previous judgments from ECtHR as well as the articles in ECHR have not been fully implemented. The judgments finding Sweden in violation of the right to a fair trial pose complex and structural demands for reform of the Swedish administrative law system to reach full implementation.

33 HUDOC – *European Court of Human Rights Case Law Database*. Search query filtered for Sweden as respondent, Grand Chamber and Chamber judgments, violations under Articles 2, 3, 5, 6, 8, 10, 11, 13, 14, P1-1, P7-4, for the last five years. <https://hudoc.echr.coe.int/eng>, (Accessed 19 February 2026).

34 Resolution CM/ResDH (2025)135 Execution of the judgment of the European Court of Human Rights *Centrum för rättvisa* against Sweden, adopted by the Committee of Ministers on 12 June 2025 at the 1531st meeting of the Ministers' Deputies, (Accessed 18 February 2026).

35 Förvaltningslagen SFS § 40-49 (2017:900).

Implementation of CJEU judgements

Since 2001, Sweden has committed 30 infringements of EU law, three of which occurred in the past five years.³⁶ In Case C-22/20 (2021), addressing Sweden's incorrect application of the Urban Waste Water Treatment Directive, Sweden undertook corrective measures to implement the Directive, and the Commission closed the infringement in 2023.³⁷ In Case C-353/22 (2023), regarding the Council Directive on the control of the acquisition and possession of weapons, Sweden was found to have failed to fulfil its obligations. Sweden subsequently completed the transposition, which the European Commission accepted. In Case C-822/21 (2024), concerning the Deposit Guarantee Scheme Directive, the CJEU found that Sweden had misinterpreted a provision of the Directive although Sweden had incorporated the Directive.³⁸ However, the Commission has not initiated any non-compliance proceedings under Article 260 TFEU since the judgement.

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- 36 EUR-Lex, Case-Law database: search query filtered for Sweden as respondent, judgements only, and infringement proceedings, for the period 1 January 2001 to 18 February 2026, https://eur-lex.europa.eu/search.html?partiesDefendantMemberState=SWE&def=true&partiesDefendantStatus=MEMBER_STATE&DB_MEMBER_DEFENDANT=SWE&SUBDOM_INIT=EU_CASE_LAW&DB_TYPE_OF_ACT=judgment&DTS_SUBDOM=EU_CASE_LAW&typeOfActStatus=JUDGMENT&type=advanced&date0=ALL%3A01012001%7C18022026&qid=1771580151102&PR_CODED=-CONS*&DTS_DOM=EU_LAW&lang=sv, (Accessed 19 February 2026).
- 37 Naturvårdsverket, Information on infringement cases against Sweden, <https://www.naturvardsverket.se/amnesomraden/avlopp/aktuellt/information-om-overtradelsearenden-mot-sverige/>, (Accessed 18 February 2026).
- 38 Swedish Deposit Guarantee Act (1995:1571), Section 14, P3.

ANTI-CORRUPTION FRAMEWORK

General assessment

In 2025, the government committee of inquiry published its findings which include key proposals addressing the Commission's recommendations. Among these are measures expanding corporate liability, addressing transparency in lobbying, and clarifying legal definitions with the goal of improving enforcement. The government's report was open for stakeholder input until November 2025. Based on the input received, the government will prepare draft legislation for Parliament's approval; however, this new legislation is not expected to enter into force until 2027.³⁹

As such, we see that some progress has been made in this area.

39 Setterwalls, *Sweden's Proposed Overhaul of Anti-Corruption Legislation: Key Takeaways from the Swedish Government's Official Report (SOU 2025:87)*, 4 September 2025, <https://setterwalls.se/en/article/swedens-proposed-overhaul-of-anti-corruption-legislation-key-takeaways-from-the-swedish-governments-official-report-sou-202587/>; see also, OECD, *Integrity Review of Sweden*, OECD Public Governance Reviews, 30 September 2025, https://www.oecd.org/en/publications/oecd-integrity-review-of-sweden_648d3988-en/full-report/public-governance-integrity-and-unlawful-influence-in-sweden_845502c1.html#:~:text=As%20a%20result%2C%20the%20Swedish,sector%20to%20their%20own%20ends.

Implementation of 2025 Commission recommendations

Recommendation: Strengthen the fight against foreign bribery, including through amending the existing legal framework and improving enforcement (first made in 2022)

In 2025, the government committee of inquiry published its findings,⁴⁰ which include key proposals to expand corporate liability, address transparency in lobbying, and clarify legal definitions with the aim of improving the likelihood of enforcement. The government's report was open for stakeholder input until November 2025. Based on the input received, the government will prepare draft legislation for Parliament's approval. This new legislation is not expected to enter into force until 2027.⁴¹

In 2025, the government committee of inquiry published its findings, which include measures to address transparency in lobbying. Based on the input received, the government will prepare draft legislation for Parliament's approval. This new legislation is not expected to enter into force until 2027.⁴²

We do not see that an additional recommendation is necessary at this time.

Commission's 2025 assessment: Some progress **Civil Rights Defenders' current assessment: In progress (initial steps)**

40 Government of Sweden, Criminal law measures against corruption and misconduct in office, ('*Straffrättsliga åtgärder mot korruption och tjänstefel*'), SOU 2025:87, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/07/sou-202587/>.

41 Setterwalls, *Sweden's Proposed Overhaul of Anti-Corruption Legislation: Key Takeaways from the Swedish Government's Official Report (SOU 2025:87)*, 4 September 2025, <https://setterwalls.se/en/article/swedens-proposed-overhaul-of-anti-corruption-legislation-key-takeaways-from-the-swedish-governments-official-report-sou-202587/>; see also, OECD, *Integrity Review of Sweden*, OECD Public Governance Reviews, 30 September 2025, https://www.oecd.org/en/publications/oecd-integrity-review-of-sweden_648d3988-en/full-report/public-governance-integrity-and-unlawful-influence-in-sweden_845502c1.html#:~:text=As%20a%20result%2C%20the%20Swedish,sector%20to%20their%20own%20ends.

42 Setterwalls, *Sweden's Proposed Overhaul of Anti-Corruption Legislation: Key Takeaways from the Swedish Government's Official Report (SOU 2025:87)*, 4 September 2025, <https://setterwalls.se/en/article/swedens-proposed-overhaul-of-anti-corruption-legislation-key-takeaways-from-the-swedish-governments-official-report-sou-202587/>; see also, OECD, *Integrity Review of Sweden*, OECD Public Governance Reviews, 30 September 2025, https://www.oecd.org/en/publications/oecd-integrity-review-of-sweden_648d3988-en/full-report/public-governance-integrity-and-unlawful-influence-in-sweden_845502c1.html#:~:text=As%20a%20result%2C%20the%20Swedish,sector%20to%20their%20own%20ends.

Recommendation: Ensure the appropriate follow-up to the evaluation of the rules on revolving doors (first made in 2023)

In 2025, the government committee of inquiry published its findings, which include measures to address transparency in lobbying. Based on the input received, the government will prepare draft legislation for Parliament's approval. This new legislation is not expected to enter into force until 2027.⁴³

The government should develop rules regarding revolving doors that cover top executive functions in the government.

Commission's 2025 assessment: Some progress Civil Rights Defenders' current assessment: In progress (initial steps)

Implications and Recommendations for 2026

Recommendation: Strengthen the fight against foreign bribery, including through amending the existing legal framework and improving enforcement

Recommendation: Ensure the appropriate follow-up to the evaluation of the rules on revolving doors

43 Setterwalls, *Sweden's Proposed Overhaul of Anti-Corruption Legislation: Key Takeaways from the Swedish Government's Official Report* (SOU 2025:87), 4 September 2025, <https://setterwalls.se/en/article/swedens-proposed-overhaul-of-anti-corruption-legislation-key-takeaways-from-the-swedish-governments-official-report-sou-202587/>; see also, OECD, *Integrity Review of Sweden*, OECD Public Governance Reviews, 30 September 2025, https://www.oecd.org/en/publications/oecd-integrity-review-of-sweden_648d3988-en/full-report/public-governance-integrity-and-unlawful-influence-in-sweden_845502c1.html#:~:text=As%20a%20result%2C%20the%20Swedish,sector%20to%20their%20own%20ends.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

The situation for Sweden as described in the 2025 Rule of Law Report has not changed significantly, either for the better or for the worse. Sweden continues to maintain its long-standing tradition of press freedom as well as strong legal protections for journalism and media. However, the concerns previously described remain unchanged: concentration of ownership, challenges to ensuring sustainable adequate funding for public service media, and proposed legislation (especially within the areas of national security and criminal policy) that risks restricting access to public information and impacting freedom of the press and journalistic integrity.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 Rule of Law Report.

Gaps in the Commission's Report

New surveillance and espionage laws threatening source protection and press freedom

Recent legislation granting expanded surveillance powers to Swedish authorities has raised concerns that this could affect journalists' ability to guarantee the anonymity of sources.⁴⁴

Additional legislation related to national security created new criminal offences, including foreign espionage, aggravated foreign espionage, and disclosing secret information in international cooperation. This has raised concerns that this legislation will negatively impact freedom of communication and journalistic integrity by limiting whistleblower protections and journalistic immunities.⁴⁵

44 Swedish Union of Journalists (Svenska Journalistförbundet), Protect source protection – stop FRA's domestic signals intelligence ('Skydda källskyddet – stoppa FRA:s inhemska signalspaning'), 9 December 2024, <https://www.sjf.se/aktuellt/202412/skydda-kallskyddet-stoppa-fras-inhemska-signalspaning>.

45 Swedish Union of Journalists (Svenska Journalistförbundet), Legislative proposals that could make your job more difficult ('Lagförslagen som kan försvåra ditt jobb'), 7 April 2025, <https://www.sjf.se/aktuellt/202504/lagforslagen-som-kan-forsvara-ditt-jobb>; European Centre for Press and Media Freedom, Mapping Media Freedom, *New "foreign espionage" law in Sweden sparks concerns for media freedom*, 16 November 2022, <https://www.mapmf.org/alert/25336>.

Implications and Recommendations for 2026

New surveillance and espionage laws threatening source protection and press freedom

The use of national security concerns as grounds for expanding government authority, including surveillance powers, and introducing harsher measures that risk infringing on civil liberties has been seen in other areas such as criminal policy and migration. Given this concerning trend, the Commission should flag any potential risks to freedoms, including freedom of the media, to signal to the government that it has noticed and is monitoring these areas. By not doing so, it enables these serious concerns to go unaddressed.

Recommendation: We would resubmit the recommendation made in 2025: The government should ensure that proposed and existing legislation does not restrict access to public information or impact freedom of the press or journalistic integrity.

CHECKS AND BALANCES

General assessment

The backsliding has become entrenched and requires urgent action. Concerning trends first flagged in earlier reports have turned into systematic restrictions on fundamental rights and freedoms – most notably the freedoms of assembly and of expression. Legislative proposals flagged earlier as warning signs of a shift toward increasingly harsh criminal and migration policies have now been implemented, and even more stringent legislation has been proposed, including the penal law reform, the lowering of the age of criminal responsibility, changes to the statute of limitations for asylum applications, the introduction of harsher requirements for obtaining a residence permit, and the weakening of the protections attached to permanent residence permits and citizenship. With civil society increasingly sidelined in the democratic legislative process and struggling to overcome cuts to funding and ever-shrinking civic space, it is unfortunately likely that these trends will continue if not checked. These concerns weaken the rule of law by reducing accountability and checks on power: when civil society is sidelined and consultations are rushed, laws are developed and implemented with less scrutiny and democratic legitimacy. Restrictions on protest, expression, and association undermine equal application of the law and chill lawful dissent, a core safeguard against abuse of power. Funding cuts and hostile rhetoric toward NGOs weaken independent watchdogs,⁴⁶ while expanded surveillance,

46 Regarding funding cuts, see, e.g., From one billion to zero kronor in funding for the Islamic aid organisation ('Från en miljard till 0 kronor i bidrag för islamiska biståndsorganisationen'), 20 January 2026, <https://www.expressen.se/nyheter/sverige/fran-en-miljard-till-0-kronor-i-bidrag-for-islamiska-bistandsorganisationen/>, The Swedish National Council for Adult Education decides not to grant Kista Folk High School a state subsidy ('Folkbildningsrådet beslutar att inte bevilja Kista folkhögskola statsbidrag'), 11 December 2025, <https://folkbildningsradet.se/aktuellt-och-projekt/nyheter/nyhetsarkiv-2025/folkbildningsradet-beslutar-att-inte-bevilja-kista-folkhogskola-statsbidrag/>, and Funding for feminist men's group halted – by the Gender Equality Authority ('Bidrag till feministiska Män stoppas – av Jämställdhetsmyndigheten'), 3 February 2026, <https://www.etc.se/inrikes/bidrag-till-feministiska-maen-stoppas-av-jaemstaellldhetsmyndigheten>. In terms of hostile rhetoric toward NGOs see for example, DN Debate. "We have been naive and cowardly in the face of the threat from Islamism." ('DN Debatt. "Vi har varit naiva och fega inför hotet från islamism)'), 18 February 2026, <https://www.dn.se/debatt/vi-har-varit-naiva-och-fega-infor-hotet-fran-islamism/>

such as enhanced mandates to use preventative coercive secret surveillance measures,⁴⁷ and fast-track criminal measures risk legal uncertainty and disproportionate enforcement, eroding trust that laws are fair, predictable, and rights-based.

Implementation of 2025 Commission recommendations

There were no recommendations in this area in the Commission's 2025 Rule of Law Report.

Gaps in the Commission's Report

Restrictions to freedom of association and assembly

The Commission did not make any recommendations relating to civic space, despite this being the area of greatest concern in recent years, in particular relating to shrinking civic space and restrictions on the freedoms of association and assembly.

In recent years, the right to freedom of assembly has been increasingly restricted in Sweden. Environmental defenders, people who protest in solidarity with Palestine, and non-Swedish citizens have been particularly negatively impacted.⁴⁸ The restrictions take the form of disproportionate criminal sanctions, new legislation, and police intervention in protests based on migration-related grounds. It is exacerbated by a narrative and political discourse surrounding people who protest, which impacts them negatively. The previous Rule of Law Report described how the criminal provision of sabotage, as stipulated in section 4, chapter 13 of the Swedish Criminal Code, had been increasingly used against climate activists engaging in peaceful acts of civil disobedience.⁴⁹ This development has had

47 Government of Sweden, Act amending the Act (2007:979) on measures to prevent certain particularly serious crimes (*Lag om ändring i lagen (2007:979) om åtgärder för att förhindra vissa särskilt allvarliga brott (SFS 2024:560)*), 2 July 2024, <https://www.xn--svenskfrfattningssamling-roc.se/sites/default/files/sfs/2024-06/SFS2024-560.pdf>; Government of Sweden, Act on the continued validity of the Act (2020:62) on secret data interception and amendments to the same Act (*Lag om dels fortsatt giltighet av lagen (2020:62) om hemlig dataavläsning, dels ändring i samma lag (SFS 2025:123)*), 4 March 2025, <https://www.xn--svenskfrfattningssamling-roc.se/sites/default/files/sfs/2025-02/SFS2025-123.pdf>.

48 See e.g. Arbetaren, Lawyer speaks out against government's move: "Demonstrate more!" (*Advokaten ryter ifrån mot regeringens utspel: "Demonstrera mera!"*) 10 October 2025, <https://www.arbetaren.se/2025/10/10/advokaten-ryter-ifran-mot-regerings-utspel-demonstrera-mera/>, and Arbetaren, Freedom of demonstration is being eroded from two sides (*Demonstrationsfriheten äts upp från två håll*), 7 January 2025, <https://www.arbetaren.se/2025/01/07/demonstrationsfriheten-ats-upp-fran-tva-hall/>

49 Liberties Rule of Law Report 2025, pp. 1011-1013, <https://www.liberties.eu/f/vdxw3e>.

a chilling effect, as the risk of imprisonment and high fines discourages people from exercising their right to engage in acts of peaceful civil disobedience.⁵⁰ The practice of prosecuting protesters for the crime of sabotage has garnered criticism from legal academia and human rights groups.⁵¹ However, in 2025 the Swedish Supreme Court ruled that a roadblock carried out by climate activists did not amount to sabotage.⁵² The Supreme Court stated that when applying the penal provision in Chapter 13, section 4 of the Swedish Penal Code to actions during a demonstration or other expressions of opinion, consideration must be given to the freedom of assembly and freedom of expression and that it must be taken into account that the risk of imprisonment due to participation in a peaceful demonstration can have a chilling effect. While this is a positive development, Civil Rights Defenders fears that the trend of using criminal sanctions as a threat continues.⁵³

The increasing repression against persons engaging in peaceful protests has been coupled with a narrative and political discourse that portrays peaceful protesters as a threat to democracy. Examples from 2025 include a parliamentary group leader calling protesters ‘beasts’ in a tweet that was then shared by the Swedish Minister of Foreign Affairs, and the chairperson of the youth section of the Moderate Party writing an op-ed arguing that it must be possible to punish and deport pro-Palestinian protesters and suggesting a new criminal provision called ‘disturbing of democracy’.⁵⁴

50 See, e.g., Michel Forst, UN Special Rapporteur on Environmental Defenders expressing his concerns about chilling effects in Sweden: UN criticizes Sweden’s actions against climate activists (*‘FN kritiserar Sveriges agerande mot klimataktivister’*), 5 March 2025, <https://www.dn.se/sverige/fn-chef-kritiserar-sveriges-agerande-mot-klimataktivister-djupt-oroad/>

51 E.g. Civil Rights Defenders JO-anmäler Polisen - Civil Rights Defenders, 27 May 2025, <https://crd.org/sv/2025/05/27/civil-rights-defenders-jo-anmaler-polisen/>, and Mary Lawlor, UN Special Rapporteur on Human Rights Defenders, expressing concern about Sweden: Harsh criticism from the UN: “Developments in Sweden are shocking” (*‘Hårda FN-kritiken: ”Utvecklingen i Sverige är chockerande”*”) 12 December 2025, <https://www.aftonbladet.se/nyheter/a/V6RX11/harda-fn-kritiken-utvecklingen-i-sverige-ar-chockerande>, and Supreme Court Justice Thomas Bull’s regarding increased repression against climate activists, Civil olydnad eller sabotage? (*‘Civil olydnad eller sabotage?’*), 5 July 2024, <https://www.amnestypress.se/artiklar/reportage/27126/civil-olydnad-eller-sabotage/>.

52 Sweden Herald, Supreme Court Acquits Climate Activists in E4 Blockade Case, 9 July 2025, <https://swedenherald.com/article/supreme-court-acquits-e4-climate-activists-of-sabotage>.

53 See below under “New issues in 2025”.

54 SVT Nyheter, *Stenergard doesn’t back down: ‘Exercising my freedom of expression’* (*‘Stenergard backar inte: ”Utnyttjar min yttrandefrihet.”*”) 18 September 2025, <https://www.svt.se/nyheter/inrikes/stenergard-backar-inte-utnyttjar-min-yttrandefrihet>; DN Debatt, Palestine protesters must be able to be punished and deported (*‘Palestinademonstranterna måste kunna straffas och utvisas’*), 14 October 2025, <https://www.dn.se/debatt/palestinademonstranterna-maste-kunna-straffas-och-utvisas/>.

Restrictions to the freedom of religious organisation and practice

As noted in the 2025 Rule of Law Report, the discriminatory treatment of religious and ethnic organisations continues, further shrinking these organisations' access to public spaces. This year, the Swedish Institute for Human Rights published a report about the vulnerability of Muslim congregations and associations to Islamophobia. A recurring theme in the interviews conducted by the Institute was that it has become increasingly difficult for Muslim congregations and associations to operate in Sweden. The difficulties range from practical conditions, such as access to meeting locations, to exposure to hate and threats. Since the majority of Swedish Civil Society Organizations (CSOs) in practice rely on public funding, the withdrawal of such in effect forces them to 'voluntarily' dissolve. In June 2024, the Swedish Parliament voted to pass a bill introducing a 'democracy requirement' for civil society organisations and faith-based communities to be eligible for public funding.⁵⁵ The adopted legislation entered into force on 1 January 2025.⁵⁶ The requirement that an organisation does not "violate the principles of equality and non-discrimination" or "in other ways counteract the democratic system of governance" is broad and vague in its wording and, as stated in the previous Rule of Law Report, risks disproportionately targeting ethnic, minority or religious organisations.⁵⁷

In December 2025, the government announced that a 'democracy requirement' would be introduced for adult education from 2026.⁵⁸ The requirement will apply to independent adult education colleges and study associations when they receive public funding. In December 2025, the Swedish National Council of Adult Education, the entity responsible for distributing state grants to adult education colleges (*folkhögskolor*) and adult education associations (*studieförbund*) announced its decision to

55 Proposal 2023/24:119 State support for religious communities and civil society – uniform and legally secure conditions (*Proposition 2023/24:119 Statens stöd till trossamfund och civilsamhället – enhetliga och rättssäkra villkor*) 3 April 2024, <https://www.regeringen.se/rattsliga-dokument/proposition/2024/04/prop-202324119/>.

56 According to the bill, CSOs or faith-based communities will be prohibited from receiving public funding if they, either themselves as legal entities or through any of their representatives, (1) exercise violence, coercion or threaten other persons or otherwise violate the fundamental rights and freedoms of persons, (2) discriminate against individuals or groups of individuals or otherwise violate the principles of equality or non-discrimination, (3) defend, promote or incite any of the previous categories of actions or (4) in other ways 'counteract' the democratic system of governance. CSOs or faith-based communities that are found to have violated any of these conditions might be further liable to pay back previously granted public funding retroactively. See the 2025 Rule of Law Report for additional background.

57 *Liberties Rule of Law Report 2025*, p. 1008.

58 Government of Sweden, The government tightens requirements for state subsidies for adult education (*Regeringen skärper kraven för statsbidraget till folkbildningen*), 11 December 2025, <https://www.regeringen.se/pressmeddelanden/2025/12/regeringen-skarper-kraven-for-statsbidraget-till-folkbildningen/>.

revoke state funding for Kista Folkhögskola starting January 2026.⁵⁹ Kista Folkhögskola is Sweden's only community high school with a Muslim profile. The school was found not to meet fundamental conditions for receiving state funding, such as conveying and anchoring respect for human rights and for fundamental democratic values. The decision has been met with criticism from teachers and students at the school, who do not agree with the picture that the Council of Adult Education has painted of the institution.⁶⁰

In December 2025, the Swedish International Development Cooperation Agency (Sida) decided to stop all new grants to Islamic Relief Sweden (IRS) following an in-depth investigation conducted by the Swedish Center for Preventing Violent Extremism. The reason being that the organisation was deemed not to meet the requirements intended to ensure that there are no links to violent extremism or anti-democratic activities. Sida has however emphasised that nothing has emerged to indicate that IRS or its member organisations' actual activities are anti-democratic or violent extremist in and of themselves, or that the current board exercises such influence over IRS's operations. Sida further stressed that there are no grounds for assuming that the current board has any links to violent extremism or anti-democratic environments, but that there are individuals holding positions within the organisation who may be considered to have such links. There is also, according to Sida, no reason to assume that IRS has breached the terms the current agreement or that any of Sida's disbursed funds have been used for activities that are anti-democratic or involve violent extremism.⁶¹ Sida's decision has garnered criticism for lacking legal certainty and transparency and relying on vague definitions. The process placed an impossible burden of proof on the organisation, requiring it to demonstrate the absence of any risk, thus making the decision disproportionate and detrimental to the broader civic

59 Folkbildningsrådet, The Swedish National Council of Adult Education decides not to grant Kista Folk High School a state subsidy (*Folkbildningsrådet beslutar att inte bevilja Kista folkhögskola statsbidrag*), 11 December 2025, <https://folkbildningsradet.se/aktuellt-och-projekt/nyheter/nyhetsarkiv-2025/folkbildningsradet-beslutar-att-inte-bevilja-kista-folkhogskola-statsbidrag/>.

60 Olle Bergvall, Dagens Area, *Teachers at Kista Folkhögskola critical of withdrawn state grant* (*Lärare på Kista folkhögskola kritiska mot indraget statsbidrag*), 18 December 2025, <https://www.dagensarena.se/innehall/larare-pa-kista-folkhogskola-kritiska-mot-indraget-statsbidrag/>; Mitt i Stockholm, *Large demonstration for the folk high school's survival* (*Stor demonstration för folkhögskolans överlevnad*), 11 November 2025, <https://www.mitti.se/nyheter/stor-demonstration-for-folkhogskolans-overlevnad-6.3.329646.a86daeb4f5>.

61 Expressen, *Islamic Relief får indraget miljonbidrag: Islamic Relief loses million-dollar grant: "Precautionary principle"* (*Islamic Relief får indraget miljonbidrag: "Försiktighetsprincip"*), 20 January 2026, <https://www.aftonbladet.se/nyheter/a/y5RjqK/islamic-reliefs-bistand-dras-in>

space.⁶² This forms part of a broader and worrying pattern in which Muslim civil society organisations are singled out, judged on vague allegations or perceived risks rather than facts, and thereby exposed to discriminatory treatment that undermines the civic space of Muslim communities in Sweden.

New Issues that Emerged in 2025

Protest arrests displaying discrimination based on nationality and ethnicity

Sweden saw increasing restrictions on freedom of assembly in 2025, as police used severe or legally questionable measures, including charges meant for emergency-service disruption, detentions, deportations, and re-entry bans, against peaceful protesters. This trend causes a chilling effect and has disproportionately affected non-citizens and racialised individuals, with several cases suggesting that police actions lacked proper legal basis and were used to deter political participation.

During 2025, the shrinking of civic space has continued to be noticeable with regards to freedom of assembly. As the Police Authority dissolved a Pro-Palestinian student encampment in Sweden, three of the activists were accused of committing ‘sabotage against emergency services’ (sabotage mot blåljusverksamhet) which is a relatively new offence.⁶³ Sabotage of emergency services is a serious offence with a penalty scale carrying several years of imprisonment, with prerequisites that were already heavily criticised for their ambiguity and disproportionality during the drafting of the legislation. The offense was furthermore never intended to be used against protesters. The charges were later dropped before the case reached the trial stage but still amounted to a serious chilling effect.⁶⁴ Despite addressing this in a complaint to the Parliamentary Ombudsman in 2025, an investigation was never initiated.⁶⁵

62 Anna Ardin, DN Debatt ”Beslutet mot Islamic Relief bygger på fördomar, inte fakta”, available at <https://www.dn.se/debatt/beslutet-mot-islamic-relief-bygger-pa-fordomar-inte-fakta/>, Svenska Dagbladet Debatt, ”Är Sidas beslut rättssäkert?”, <https://www.svd.se/a/V69BBd/islamic-relief-sverige-ar-sidas-beslut-rattssakert-fragar-debattorer>.

63 See SVT Nyheter Emily arrested for blue light sabotage in Lund: “Trying to cast suspicion on me” (*Emily greps för blåljussabotage i Lund: ”Försöker misstänkliggöra mig”*), 5 June 2024, <https://www.svt.se/nyheter/lokalt/skane/emily-greps-for-blaljussabotage-i-lund-forsoker-misstankliggora-mig> and Swedish Criminal Code Chapter 12 Section 12. (Act 2019:1162).

64 See SVT Nyheter, Emily was arrested for blue light sabotage – now all charges have been dropped (*Emily greps för blåljussabotage – nu är alla misstankar avskrivna*), 9 September 2024, <https://www.svt.se/nyheter/lokalt/skane/emily-greps-for-blaljussabotage-nu-ar-alla-misstankar-avskrivna>

65 Civil Rights Defenders, *Parliamentary Ombudsman files complaint against police* (‘JO anmäler polisen’), <https://crd.org/sv/2025/05/27/civil-rights-defenders-jo-anmalar-polisen/#:~:text=Civil%20Rights%20Defenders%20anser%20att,pr%C3%B6va%20om%20polisen%20agerat%20korrekt>.

This trend disproportionately affects individuals that do not have Swedish citizenship and/or are racialised as non-white. An example is a German citizen studying in Sweden and who was active in the student encampments of 2024. He was later sentenced to the minor crime of ‘disobedience against public authority’ with fines as penalty.⁶⁶ In 2025, during a visit to Sweden, he attempted to attend a counter-protest against a neo-Nazi march. He was stopped by the police and put into detention and later deported back to Germany, as the police assessed him to be a serious threat against national security. The deportation order was also combined with a five-year re-entry ban.⁶⁷

At the same counter-protest, the police also apprehended eight individuals on the grounds that they were unlawfully in Sweden and posed a threat to public order and security.⁶⁸ In doing so, the police referred to a section of the police law to claim a legal basis for apprehension that can be utilised in particular cases; for example if they have an arrest warrant for the individuals. To date, however, there have not been any indications that these were lawful apprehensions and should be seen as another way of deterring individuals from exercising the freedom of assembly.

Another German citizen residing and working in Sweden with permanent right of residence has received a deportation decision based on his climate activism.⁶⁹ He has conducted civil disobedience and has in relation to this been convicted of the minor sentence ‘disobedience against public authority’ with fines in its penalty scale. During 2025, he was apprehended by the police and put in detention and later received a deportation order based on the police deeming him a serious threat to national security.⁷⁰

66 Sweden’s Criminal Code, Chapter 16 Section 3 (1962:700), The Swedish Criminal Code, <https://www.government.se/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf>

67 Kalle Kniivilä, Sydsvenskan, 12 December 2025, *Police force German protester from Palestinagård to leave Sweden* (‘Polisen tvingar tysk demonstrant från Palestinagård att lämna Sverige’) <https://www.sydsvenskan.se/lund/polisen-tvingar-tysk-demonstrant-fran-palestinagard-att-lamna-sverige/>.

68 Polismyndigheten, 06 December 18:30, *Police operation/deployment, Södertälje* (‘06 december 18.30, Polisinsats/kommendering, Södertälje’), <https://polisen.se/aktuellt/handelser/2025/december/6/06-december-18.30-polisinsat-skommendering-sodertalje/>.

69 SVT Nyheter, *After climate actions: Lund researcher David faces deportation* (‘Efter klimataktionerna: Lundaforskaren David riskerar utvisning’), 1 November 2025, <https://www.svt.se/nyheter/lokalt/skane/efter-klimataktionerna-lundaforskaren-david-riskerar-utvisning>.

70 See Police urge: Deport researcher David – “Poses a threat” (‘David Alcer rsikerar att utvisas – efter sin klimataktivism’), 24 November 2025, <https://www.aftonbladet.se/nyheter/a/k0WwlQ/david-alcer-rsikerar-att-utvisas-eft-er-sin-klimataktivism>.

Implications and Recommendations for 2026

Civil society organisations, adult education, and peaceful protests are all essential parts of a healthy democracy, and the developments described are part of a worrying trend of continuously shrinking civic space in Sweden. If these developments are not checked, further legislation restricting civil rights is likely to be implemented, with the government escaping scrutiny. Failure to address them will result in the rule of law being further undermined. When civil society is sidelined and consultations are rushed, laws are developed and implemented with less scrutiny and democratic legitimacy. Restrictions on protest, expression, and association undermine equal application of the law and chill lawful dissent, a core safeguard against abuse of power. Funding cuts and hostile rhetoric toward NGOs weaken independent watchdogs, while expanded surveillance and fast-track criminal measures risk legal uncertainty and disproportionate enforcement, eroding trust that laws are fair, predictable, and rights-based.

Freedom of assembly

Recommendation: The government, particularly judicial and law enforcement authorities, must promote and uphold the rights to freedom of association and assembly. This includes abstaining from enacting legislation that in effect criminalises peaceful protests.

Recommendation: The government must demonstrate its commitment, through actions and rhetoric, to ensuring a robust civil society by, among other things, safeguarding access to stable public funding.

Recommendation: The government must ensure equal treatment of civil society organisations and adhere to national anti-discrimination laws in this respect, especially with regards to Muslim civil society organisations.

Immigration

Recommendation: Swedish authorities should refrain from utilizing border control and immigration tools to prohibit participation by non-Swedish citizens in peaceful protests.

Recommendation: Adhere to the high threshold of deeming non-Swedish citizens as a serious threat against national security and public order.

CONTACTS

Civil Rights Defenders

Civil Rights Defenders is a politically and religiously independent international human rights organisation. Its mission is to defend civil and political rights, as well as local human rights defenders by increasing their security, capacity, and access to justice. We work as part of a global movement of human rights defenders and partner with those at risk. Through legal means and public advocacy, we hold states, individuals, and non-state actors accountable for human rights violations. We advocate for the norms and values of the International Covenant on Civil and Political Rights and other relevant human rights standards, as we encourage people to use these rights to promote democratic societies.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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**Co-funded by
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