

Working document

Civil society input for EU-wide and country-specific recommendations on the rule of law

March 2022

As civil society, media and journalist organisations, we're greatly committed to the EU's efforts to champion the rule of law in Europe, including with the rule of law reports. In September 2021, we collectively provided advice for strengthening the 2022 rule of law reporting cycle with a [joint civil society statement](#). As the reporting cycle has entered its third edition, we welcome progressive improvements such as the inclusion of country-specific recommendations as a major step forward. These recommendations are key to ensuring follow-up actions to the reports, thereby strengthening their impact and accountability on national-level and EU-wide reforms on the rule of law.

To better enable civil society and other stakeholders to support the Commission's efforts, including with the formulation of recommendations, we have come together as civil society to issue a set of EU-wide and country-specific recommendations to strengthen the reporting process and increase the reports' impact. To this end, this working document brings together EU-wide and country-specific recommendations from over 30 organisations focused on strengthening civil society, human rights defenders, journalists, media, and higher education across Europe.

This document was developed as a result of the lack of engagement of non-governmental actors in the formulation of the recommendations. The recommendations in this working document are in no way comprehensive in neither geographic nor thematic scope - the lack of recommendations on Malta, for instance, is not reflective of a flawless rule of law situation in Malta but rather of civil society's limited capacity and resources. Moreover, this collection of recommendations was not endorsed as a whole by all the organisations who provided input, but is rather a list of input from different civil society organisations. It should thus be understood as a resource and excellent starting point for the Commission's formulation of country-specific and EU-wide recommendations.

This document was developed based on the input and work of Atlas of Hate, Campaign against Homophobia, Center for Reproductive Rights, Civil Liberties Union for Europe and its member and partner organisations, Civil Society Europe, CNVOS, Committee to Protect Journalists (CPJ), Committee to Protect Journalists, Demo Finland, Democracy Reporting International, European Civic Forum, European Federation of Journalists, European Partnership for Democracy, Front Line Defenders, Human Rights House Foundation (HRHF), Human Rights House Zagreb (Croatia), ILGA Europe, In Difesa Di, International federation of ACAT (FIACAT),

International Planned Parenthood Federation European Network (IPPF EN), International Press Institute, Latvian Human Rights Committee (F.I.D.H.), Liga Portuguesa dos Direitos Humanos - Civitas, Ligue des Droits Humains (Belgium), Netherlands Helsinki Committee, NOVACT, OBC Transeuropa, Okotars Civilisation Coalition, Open Society European Policy Institute, Ossigeno per l'Informazione, and the Society of Journalists - Poland.

We call on the Commission to be ambitious in its rule of law action. Europeans overwhelmingly want the EU to protect and promote democracy, as shown by citizen engagement in the [Conference on the Future of Europe](#) and [public polling](#). A follow-up to these recommendations will thus strengthen the Union's democratic foundations as well as public support for the EU.

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EU-wide recommendations

CONSULTATION PROCESS & METHODOLOGY

Inclusive methodology:

The Commission should:

- **Formalise an open, transparent and regular dialogue on the European rule of law mechanism with non-governmental actors** - such as civil society, human rights defenders, higher education sector and media workers - along with the provisions of Article 11 of the TEU at all stages of the process, including in the country-visits to the EU Member States. Special attention should be given to the affected sectors and constituencies of civil society, including youth, discriminated and excluded groups, racialised groups and minorities.
- **Communicate clearly about the timeline of consultations and deadlines for input** to ensure predictability and sufficient time for meaningful engagement. The Commission should set up an easily-accessible portal with country pages that contain all the relevant information on previous reports, recommendations, methodology and country-level consultations and dialogues;
- **Launch a participatory review of the rule of law reporting methodology**, involving national and European governmental and non-governmental actors to collectively assess the reporting exercise following its third edition. This should include an evaluation of the effectiveness and inclusiveness of engagement of civil society, media actors and HRDs, in the process. It should also include a critical review of the impact of the reporting and ways to better integrate the variety of policy initiatives linked to the state of human rights, democracy and the rule of law in Member States.
- **Appoint a civil society focal point** to monitor any intimidation or reprisals against CSOs or HRDs as a result of their contributions and to stand up publicly in their defence.
- **Host an annual forum with civil society**, following the publication of its report, as a means to reflect and design appropriate follow-up actions at the national and EU level and link with other policies; collect feedback on the report and discuss how information included in the report is selected; gather insights on the implementation of country-specific recommendations; collect input for the preparations of next year's cycle.

Strengthening impact:

The Commission should:

- Clarify and unpack the **link between the Conditionality Regulation, Article 7 TEU recommendations and rule of law infringement cases.**
- Include **clear and concrete, country-specific recommendations** for strengthening the rule of law, including on civic space and the situation of human rights defenders, with a **clear timeline for implementation** and reporting on their implementation. Recommendations should be framed to prevent future violations and provide a full remedy to individuals affected by the concerns in the report, and a duty of care to follow up. There is also a need to clarify the binding nature, monitoring and sanctions for non-enforcement of the recommendations.

- Promote the organisation of an **open, transparent and participatory dialogue between governmental, civil society (including human rights defenders) and media actors at national levels**, to inform and monitor the recommendations from the report. Proactively and clearly communicate the timing and details of such dialogues.
- **Link the annual reporting to EU enforcement action** on the rule of law more explicitly.
- Foster **citizenship education covering rule of law and fundamental rights**, and the role of civil society in upholding it.

JUSTICE SYSTEM

The Commission should:

- Acknowledge and act on the **alarming trend of contestation of the authority and non-implementation of the decisions of European regional courts** - such as the EU's Court of Justice (CJEU) and the European Court of Human Rights (ECtHR) - as a systemic rule of law issue.
- **Call out Member States for their refusal to implement or comply with judgements** of both European courts.
- Call on Member States to **fully implement judgments from the ECtHR** as required by their obligations under international law, including the European Convention on Human Rights.
- **Make more use of interim measures requests** to the Court in **value-based infringements** to prevent harm through the application of contested laws before the judgements.
- **Review and commit resources to enhance the Commission's monitoring of execution of value-based CJEU rulings** and ensure accountability of Member States.
- Complete the process of **accession to the European Convention on Human Rights**.
- **Trigger the rule of law conditionality mechanism** against governments that attack the judiciary as part of a broader strategy to dismantle the rule of law and take no genuine steps to restore agreed standards.
- Use all its powers, including guidance, peer pressure and infringement proceedings, to **promote and enforce international standards on the independence of the justice system**.
- Use EU funding, including the recovery and resilience fund, to **push for tangible and specific investments in the area of justice** to make it more accessible, fairer and efficient for the benefit of all people in society.
- Initiate work towards an **EU recommendation on standards on detention**, including detention conditions, pre-trial detention and alternatives to detention.
- Ensure the rule of law report also covers the judiciary's ability to uphold the rule of law in the **digital sphere**.

Member States should:

- Take steps to **ensure the full independence, professionalism and integrity of judges** at all levels, including by strengthening judicial self-governance through independent and effective judicial councils or other models of judicial governance and enhancing training.
- Beyond digitalisation, governments should **increase investments in the justice system** to make it more accessible, fairer and efficient for the benefit of all people in society, including vulnerable and marginalised groups.
- **Revise rules to ensure fair allocation of costs of proceedings between the parties** and improve legal aid systems, in particular for civil cases.

- Design and implement judicial reforms in **close consultation with the legal community and civil society**.
- Reform the criminal justice systems to **give priority to community justice and other non-custodial sentences**.

ANTI-CORRUPTION

The EU should:

- **Trigger the rule of law conditionality mechanism** against governments that weaken the rule of law framework to facilitate and cover up systemic corruption.
- Strictly **monitor the transparent and lawful disbursement of EU funds**, including recovery and resilience funds, and use its enforcement powers to ensure respect for public procurement and other relevant EU rules.
- Take steps to prompt progress in the transposition and implementation of rules contained in the **EU whistleblower protection directive**, in close cooperation with non-state actors including civil society

Member States should:

- Ensure **full transparency and accountability in the distribution of public funds**, including by improving lobbying transparency measures.
- Allocate **more resources to tackle corruption** and foster better cooperation between relevant institutions and authorities.
- Swiftly implement the rules contained in the **EU whistleblower protection directive** in full consultation with stakeholders including civil society.

MEDIA PLURALISM

- The Commission should spell out and look into the **links between media pluralism and the integrity of elections**.
- The EU should **closely monitor and report on the implementation of the EU Recommendation on the Safety of Journalists, the Council of Europe recommendation, and related EU legislation**, such as the Whistleblowing Directive, in close consultation and cooperation with civil society and media representatives.
- The EU should **propose a comprehensive Media Freedom Act** based on the concept of information as a public good and international human rights standards on freedom of expression and of information, including measures to ensure that the enforcement of state aid and competition rules benefits pluralism and address the concentration of the media market beyond mere economic competition goals, provisions to ensure strong supervisory authorities at national and EU level and measures to counter government capture of public service and independent media.
- Member States should **support independent and professional journalism and facilitate access to information and public documents**.
- Member States should **revise unduly broad or vague laws that criminalise legitimate free speech**.

Regulatory Independence

- Member states must **guarantee the political independence of media regulatory bodies** and any other regulatory authority that affects the work of media such as mergers and competition or financial authorities. This is primarily achieved through a **robust appointments system** that ensures only qualified independent experts who are not politically driven are appointed to the regulatory bodies.
- Such bodies must be **protected from interference in their work** and conflicts of interest, and provided with sufficient resources to perform their roles effectively.
- **Criteria applied in licensing must provide guarantees against arbitrariness** and require proper reasoning of decisions
- There should be a **right of appeal** to courts against their rulings

Public Service media

- Governments must guarantee the **political independence of public service media** and their governing bodies. This is primarily achieved through a robust appointments system that ensures only qualified independent experts who are not politically driven are appointed to the oversight bodies and sufficient levels of long term sustainable funding to enable the broadcasters to fulfil their public service remit.
- The Commission should **take a deep and hard look at the level of independence of public service media in Member States in the 2022 Rule of Law Report** as public service media are one of the first institutions that autocratic leaders go after, alongside the constitutional courts. This high incidence of risk for public service media independence also marks a threat for the conduct of elections (including to the European Parliament) in these countries.

Government Advertising and other media subsidies

- **Government advertising** and all forms of **government subsidy** to media must be **distributed without discrimination and in full transparency**. Moreover, they must be **based on clear, objective criteria** which guarantee fair distribution regardless of editorial positions
- There must be **no conflicts of interest between the recipient media and members of government responsible for distribution**.
- The media's economic crisis has created news deserts across large parts of Europe undermining further democratic structures and discourse and the rule of law. Governments should therefore **introduce arms-length and independent mechanisms to provide financial support to public interest journalism**.

Media Ownership

- Member states must **put in place measures that ensure full transparency of media ownership and who funds media** and place **clear limits on media concentration** across and between different media platforms including print, digital, broadcast and telecoms.
- **Exclude the involvement of offshore shell companies in media ownership**
- **Strengthen conflict of interest legislation** to exclude companies in the same business portfolio as media from benefiting from government contracts

Surveillance

- Member states must **end the practice of surveillance of journalists** and other rights defenders whether by Pegasus or other illegal surveillance techniques and fully cooperate with the European Parliament's inquiry into the illegal use of Pegasus against journalists and, strengthen national legislation and oversight bodies to stop the illegal surveillance of journalists.

- Such oversight bodies must also ensure that the surveillance measures put in place during the health pandemic **cannot be abused to monitor and interfere in the work of journalists and their contacts with sources.**

Safety

- Member states should **prioritise the implementation of the Commission's recommendation on the protection, safety and empowerment of journalists** and cooperating with journalists to establish national safety bodies and action. The Commission should, in turn, increase its monitoring and reporting on the progress of member states and support for journalists on the ground.
- Member States should monitor threats and other violations of article 10 of the ECHR, and promote the UNESCO guidelines for prosecutors who prosecute instigators of offences against journalists.
- In particular **member states should root out threats to journalists, fight impunity and revise legal framework** to enable journalists to conduct their work without obstruction, improve police conduct and the safety of journalists during demonstrations, and ensure transparent, credible investigations of crimes against journalists.
- Member states must also **reinforce measures to protect journalists against online harassment** and intimidation through prosecutions against online threats while upholding international standards on free expression. Political figures must take a lead by ceasing and condemning verbal attacks on journalists that so often trigger and fuel online abuse.
- The Commission should stimulate the adoption of codes of conduct in Member States involving media actors and trade union organisations about the way media cover news on threats against journalists working for them and on the protection of threatened journalists. Moreover, the Commission should stimulate the adoption of police codes of conduct towards journalists while they cover events of public interest and especially while they are following public demonstrations.

SLAPPs

- Member states should **take urgent action against abusive legal actions**, also known as strategic lawsuits against public participation (SLAPPs). Member States should support an EU directive that applies to national as well as cross-border cases, with procedural and other safeguards which apply to all SLAPP cases. Member States should to this end:
 - Introduce domestic procedures for the early dismissal of SLAPP-type suits that are vexatious in nature and fail to meet minimum standards of evidence and public interest;
 - Provide financial and legal support to defendants to create a level playing field;
 - Put in place a system of sanctions against those who bring SLAPPs.
- Member States should **promote and support awareness-raising initiatives and training**, as well as engage with and assist actors that provide support to targets of SLAPPs. The Commission should encourage Member States in such work.
- Member states should **repeal criminal defamation, libel and slander laws** in line with international standards, repeal laws providing for prison sentences for defamation and end the practice of imposing excessive fines and costs in civil cases, while promoting a discussion based on legal ethics and professional standards.

CHECKS & BALANCES

The EU should:

- Ensure **better monitoring of the Member States' compliance with the rule of law**, human rights and the transposition of European law into national law. The Commission should also act more firmly in initiating proceedings for failure to fulfil obligations against Member States which do not apply EU law.
- Conduct an **in-depth and regular assessment of the necessity of emergency regimes and powers** in the context of the COVID-19 pandemic and guide governments on a transition, in close cooperation with civil society and international and regional monitoring bodies.
- Urge governments to **set up or strengthen independent and effective watchdog authorities**, by enforcing relevant existing EU standards and adopting new ones, for example on national human rights institutions.
- Comprehensively **track the impact of covid-19 emergency measures on the rule of law and human rights**
- Assess how parliaments, courts, and national human rights institutions have been able to **carry out oversight over executive action during the pandemic**

Member States should:

- **Reassess the necessity of emergency regimes and powers** in the context of the COVID-19 pandemic and swiftly transition to normalised management of the crisis, restoring the ordinary system of checks and balances.
- Ensure more **transparency and inclusive participation of citizens, civil society and other stakeholders** in the legislative process.
- Enhance **opportunities for judicial review and ensure effective constitutional review mechanisms**.
- Set up or strengthen **independent and effective watchdog authorities**, including national human rights institutions.
- **Involve civil society and human rights institutions in the assessment** of emergency measures.

CIVIC SPACE AND HUMAN RIGHTS

- **Structure and expand the assessment on civic space and an enabling framework for civil society organisations and human rights defenders:** A free civic space and an enabling framework for civic organisations, human rights defenders and social movements are a precondition for democratic participation, legality and accountability. The European Parliament recognised this in its [new report](#) on closing civic space in the EU. The Commission should structure and expand its assessment through a systematic methodology by dedicating to civic space and human rights defenders a dedicated set of questions within its consultation, to be drawn up on the basis of a set of targeted indicators building on international human rights standards. The methodology underpinning the annual consultations on civic space by the EU Agency of Fundamental Rights and the EU CSO meter for the Neighbourhood region could be used as a source of inspiration. The Commission's assessment on civic space and an enabling framework for civil society organisations and human rights defenders should then be presented in a standalone chapter of the EU and country reports.
- Add a separate section to the Rule of Law Report which will **systematically analyse the state of civic space** - including the situation for human rights defenders - in EU Member States and

its relationship to the rule of law context. The **methodology for assessing civic space should be clear, transparent, co-created with civil society** building on benchmarking mechanisms already used by the Commission (e.g. in the accession countries or in the Eastern Partnership) and the work of the European Union Agency for Fundamental Rights. The chapter should also **investigate the misuse of European legislation provisions for closing down civic space**. The chapter should cover the following elements:

- enabling legal environment: not just changes in legislation but also its implementation;
 - framework for civil society organisations' financial viability and sustainability;
 - access to participation in decision-making, including the right to access information;
 - safe space including the state duty to protect from verbal and physical attacks, smear campaigns, judicial harassment and criminalisation of human rights and watchdog activities;
 - contributing to the functioning and protection of the rule of law framework;
 - connections between civic space restrictions and rule of law deficiencies in other areas, such as justice, media, or corruption.
- Broaden the scope of the Report to include systemic human rights violations that result from the breaches of law. The interconnectedness of human rights, democracy and the rule of law must be sufficiently acknowledged and the systemic violation of certain human rights in EU Member States must be mapped in the report and included in the country-specific recommendations.
 - In addition to strengthening the link between respect for the rule of law and fundamental rights protection, the report should also look more closely at the **link between rule of law and democracy**.
 - Given the essential role that civil society and human rights defenders play as watchdogs against breaches of the rule of law, the **EU should take concrete steps to support the work of CSOs and human rights defenders**, ensuring that EU funds are accessible to them and taking other measures such as, but not limited to, developing guidelines on the protection of HRDs within the EU, adopting a comprehensive strategy on civic space in the EU, and setting up an altar and rapid action mechanism open to CSOs to flag to the Commission serious threats to civic freedoms.

Belgium

JUSTICE SYSTEM

- **Ensure that this right is fully reaffirmed and its application is guaranteed through the legal system.** For this, Belgium should guarantee adequate funding through the establishment, in the long term, of a form of mutualisation of legal costs.
- **Provide for massive investment in the judicial sector** and give the judiciary control over the management of its budget.
- Ensure that digital tools such as video conferencing are not used as **a remedy to respond to the lack of investments in the justice system**, even in times of pandemic.
- **Revise and repeal rules criminalising solidarity** and humanitarian assistance.

ANTI- CORRUPTION

- **Allocate the necessary resources** (financial, human and legal) to allow an efficient fight against financial crime and corruption.
- **Put in place comprehensive whistleblower legislation** to protect whistleblowers, specifically mentioning the protection of civil servants.

MEDIA PLURALISM

- **Guarantee the right to film and to take photographs of law enforcement interventions, in order to ensure the protection of journalists and human rights defenders.**
- **Prevent all lawsuits, prosecutions and detention against journalists and citizens** for simply filming the police and take action to tackle SLAPPs and legal harassment.

CHECKS & BALANCES

- **Ratify the OPCAT as soon as possible and establish a national prevention mechanism** with adequate legal, financial and human resources to ensure effective, independent and impartial external monitoring of all places where people are deprived of their liberty, following the OPCAT requirements.
- **Ensure the independence of human rights monitoring bodies**, such as the Permanent Control Committee of the Police Services (Committee P) and the Supervisory Body for Police Information and the Data Protection Authority (DPA), to ensure the effectiveness of the complaint's mechanisms, according to international recommendations.
- **Guarantee the respect of fundamental rights as well as greater transparency** in the issuing of licences for the export of arms to foreign countries by thoroughly amending the Walloon decree of June 21, 2012, on the import, export, transit and transfer of civilian arms and defence-related products.

- Regarding the enabling framework for civil society, Belgium **should guarantee freedom of assembly and freedom of expression** by imposing clear engagement rules to police forces in cases of pacific demonstrations and by prosecuting every infringement to the exercise of these freedoms, **refrain from prosecuting civil society actors** when they express legitimate concerns and claims about Belgium's human rights situation, and strictly **respect the CJEU jurisprudence** in the "data retention" case by forbidding blanket surveillance of citizens and by limiting exceptions to the strictly necessary cases, providing sufficient safeguards are put in place
- **Put an end to the endemic prison overcrowding situation** by developing alternatives to deprivation of liberty in case of conviction and by reviewing its penal policies to ensure that the prison sentence is the ultimum remedium. It should **take the necessary measures to combat ill-treatment** by the police effectively, including ill-treatment based on any form of discrimination, punish the perpetrators appropriately, and **put an immediate end to the incarceration of people with mental illnesses in prisons.**

Bulgaria

JUSTICE SYSTEM

- **Carry out a thorough reform of the legal framework of the judiciary** to ensure effective self-government of judges, balanced control over the prosecution and the possibility for the Chief Prosecutor to be investigated by an independent body in case they are suspected of committing crimes.
- **Strengthen cooperation with a wide range of experts from NGOs** who have previously shed light on problems in the judiciary.
- Consult with the judicial and legal community to make **decisions on changes to the judicial map.**

ANTI- CORRUPTION

- **Find mechanisms to work more effectively with the prosecution** in the case of former tax official Borislav Kolev.

MEDIA PLURALISM

- **Include the training of prosecutors and judges to recognize and prevent SLAPPs.** In many cases, there are indicators that some prosecutors and judges are engaged in SLAPPs. A more transparent and well-managed judicial system would prevent that.
- **Protect journalists and media from all kinds of threats** to their physical safety: better protection should be provided by the Ministry of Interior, the Prosecutor's Office and Special Services.
- **Distribute public funds to media, according to clearly defined and transparent criteria,** and stop buying media comfort and stop funding outlets that do not respect ethical and professional standards. They should promote the work of the National Council for Journalism Ethics in order to build confidence in quality journalism and stop funding outlets that violate ethical standards.

CHECKS & BALANCES

- **Refrain from smear campaigns and hate speech and condemn any acts** which are motivated by hate or propagating hate and **amend the Bulgarian Penal Code in order to criminalise hate speeches and acts.**
- **Take into account the Committee of Ministers of the Council of Europe recommendations regarding the UMO Ilinden case.** This case is setting a dangerous precedent that reaffirms a faulty and overly broad interpretation of the legal restrictions to freedom of association.
- **Examine the incidents during the anti-government protests in 2020,** to serve as a basis for a reform in the police structure that will ensure respect for the right of peaceful assembly. Good practises and standards, as set in General Comment No. 37

(2020) on the Right of Peaceful Assembly (Article 21) of the Human Rights Committee, need to be applied.

- **Urgently develop sector-specific recovery and support measures for NGOs in Bulgaria.** Additionally, a solution needs to be found to resolve the legality issue of the online meetings participation of members of NGOs' governing bodies.
- **Comply with the law and establish the Council for the Development of the Civil Society (CDCS)** and ensure the effective work of all established consultative councils, by providing them with operational and administrative resources and taking into account and promoting the results of their work

Regarding enabling framework for civil society, the government should:

- **Strengthen the use of civil society organisations' expertise and input in drafting and discussing laws;**
- **Reform the framework in the direction of more transparency of their funding sources,** including through public registers and in the direction of more incentives, e.g. in terms of court fees, tangible and intangible incentives for employees, etc;
- **Stop denying the right to self-determination to people claiming to be ethnically Macedonian** and treating such ethnicity as a challenge to Bulgarian national identity, as well as **put an end to discriminatory practices in registration for CSOs working on ethnic minorities.**
- **Recognise the elevated social dangers of crimes motivated by the real or presumed sexual orientation or gender identity of expression of the victim** and enhance punishment for such crimes.
- **Promptly improve the legal framework governing surveillance and subsequent accessing of information data.**

Regarding the neglect of human rights obligations and other systemic issues affecting the rule of law framework, the government should:

- **Urgently review some of the longest-standing and most systemic cases of non-compliance with ECtHR rulings** and decisively engage NGOs in drafting the necessary bold changes in legislation and administrative practice.
- **Prioritise addressing systemic human rights problems in Bulgaria. The academic community should also be involved in the processes of finding quick and meaningful solutions to long-standing problems.**

Croatia

JUSTICE SYSTEM

- **Provide the multiannual funding scheme to primary free legal aid providers (CSOs and university legal aid clinics) instead of annual funding schemes and it should raise the maximum amount for financing primary free legal aid providers to an amount that would adequately cover the costs of organising and providing quality free legal aid to citizens. In addition, draft a new Free Legal Aid Act.**
- **undertake necessary measures to make all court judgements and decisions publicly available and accessible online in readable and searchable formats.**
- **Consider involving human rights CSOs in the creation of action plans for the implementation of the general measures from the ECtHR judgements and it should provide more funding to police and judiciary academies to carry out general and specific ECHR related human rights training on regular basis.**
- **Take all necessary steps to increase the efficiency of the justice system and shorten the length of procedures in Croatian courts.**
- **Ensure independent and effective investigations into allegations of illegal and violent pushbacks of refugees and migrants from Croatia.**

ANTI- CORRUPTION

- **Undertake necessary measures for a full observance and implementation of the Act on the Rights to Access the Information, especially on resolving requests for access to information (silence of the administration) within the prescribed period, remedying the frequent misuse of the provisions of the GDPR and in obliging the public officials and servant to obey and follow the standardised practice of the Information Commissioner and the High Administrative Court. This should consist of i.e. conducting regular training and education, proscribing and imposing disciplinary measures and sanctions against responsible public officials and public servants).**
- **Amend the proposed Act on Protection of Persons Reporting Irregularities that is currently in the parliamentary procedure in order to grant a right to access psychosocial support for whistleblowers in addition to the already proscribed right to free legal aid. Additional financial resources should be allocated to the free legal aid providers in addition to organising educational training to foster the proper implementation of the Act. Moreover, the Ombusperon's Office should get additional funding for human resources necessary for a proper execution of their mandate and adequate office space since their building was damaged by the 2021 Zagreb Earthquake.**

MEDIA PLURALISM

- **Involve representatives of human rights and other CSOs into the established expert group to advise on policy initiatives to counter SLAPPs and should mandate and secure**

funding to Judicial Academy to develop and conduct **educational training for the legal professionals, including judges**, on proper implementation of the ECHR in the field of a right to freedom of expression.

- **Secure adequate funding schemes from public sources for non-profit media outlets** and should undertake the adequate measures that will result in HRT (public broadcaster) **dropping the ongoing lawsuits** for non-pecuniary damages **against journalists and editors-in-chief** and **prevent the future misuse of legal tools** for silencing the journalists which criticise and questions the work of HRT and its management.
- **Protect journalists and media against threats and attacks.** Smear campaigns against the media should be curtailed.
- **Reform Croatian Radio Television and take other legal actions** to ensure full independence of the public broadcaster from political influence need to be taken

CHECKS & BALANCES

- Undertake the necessary steps to **improve the quality of the public consultations and citizens' engagement** in policy formulation and decision making processes i.e. by organising round tables, panel discussions, etc. in addition to the existing online consultation model of 'e-savjetovanje'.
- Undertake necessary measures, i.e., the Government's Council for Civil Society Development, a cross-sectoral body in charge of selecting CSO representatives, **should amend its rules of procedure to ensure that CSO representatives** in various working groups for the preparation of laws and public policies **are elected solely based on their qualifications and experience in the field** instead of predominantly filling vacant places with CSO representatives which are not relevant stakeholders for the subject matter.
- Undertake necessary legislative steps in order to **guarantee the same level of independence to specialised ombudsperson institutions** as the Ombudsperson of the Republic of Croatia has, i.e., to **amend the provision of the laws stipulating that Ombudswoman for Gender Equality and Ombudswoman for Children** can be dismissed from office following the non-acceptance of their annual reports by the Parliament as well as to **remove the requirement of the Ombudswoman for Children** to obtain the parliamentary approval of the annual working plan of the institution.
- Allocate additional resources to the Ombudsperson institution to **build capacities in order to execute the mandate under the new Act on the Protection of Persons Reporting Irregularities** since the institution is designated authority for external reporting of irregularities. Additionally, Croatia should provide **adequate office space for the Ombudsperson's institution** since the current does not provide optimal working conditions.
- Strengthen the role of the Croatian Parliament. **Anti-Covid-19 measures that limit human rights should require a two-thirds majority** in the Parliament in order to be passed.

- Reduce the **number of legislative acts brought under the urgent procedure protocol.**
- Adopt key policies to **develop the capacities of the sector and protect civic space**, the National Strategy for the Creation of an Enabling Environment for Civil Society Development and National Program for Protection and Promotion of Human Rights - in a **participatory process** engaging civil society.
- **Ensure transparency during the process of programming**, publishing and conducting tenders and evaluating project proposals.
- **Simplify calls for funding** to the minimum necessary, in order to ensure that the process and implementation of projects run smoothly and that funds are spent justifiably and purposefully.
- Improve institutional capacities to avoid breaches of contractual obligations towards beneficiaries in the implementation of **ESF projects.**
- Engage in **open dialogue with NGOs** regarding public policies bearing in mind that civil society organisations are partners in terms of achieving societal goals.
- Enable **participatory models** in bringing public policies that reflect transparency, human rights respect and European values.
- **Introduce civic education** in national schools' curricula in order to sustain informed and active citizenship
- **Revise or repeal rules criminalising solidarity and humanitarian assistance**
- The Croatian government's Council for incorporating NGOs into the legislative process needs to be **more transparent.**

Regarding enabling framework for civil society, Croatia should:

- Develop and adopt the fundamental national public policies in the field of human rights and civil society, i.e., the **National Program for Protection and Promotion of Human Rights and Combating Discrimination 2021 to 2027**, the **National Plan for Gender Equality 2021 to 2027** that were, based on October 2020 Government's Decision, due for adoption in the first quarter of 2021 and the **National Program for Civil Society Development** whose process of development has not progressed since the last year's Rule of Law Report.
- **Equalise the number of representatives of CSOs and public institutions** in the Government's Council for Civil Society Development in order to **avoid override in voting for representative CSOs in various working groups by the public institutions** and to organise sessions of the Council in regular intervals.
- Abolish the **quality assessment method based on the order in which project applications are received (the so-called 'fastest finger first')** which favours organisations that submitted projects earlier instead of considering the quality of the project proposal as the basic criterion for awarding funds. Additionally, Croatia should **make efforts to create multi-annual funding schemes** for CSOs programs in areas of social provisions and long-term advocacy and watchdog.
- **Immediately stop with law enforcement and judicial practice of criminalisation of humanitarian and human rights work in the area of migration and refugees and should fully implement general measures for the recent ECtHR case of M.H. against**

Croatia i.e., in removing obstacles that **prevent or hinder the free action of civil society and independent institutions** in assisting migrants and asylum seekers.

Czech Republic

JUSTICE SYSTEM

- **Ensure compliance with the ECtHR 2017 judgement of A.P., GARÇON AND NICOT v. FRANCE** (which found that mandatory sterilisation as a condition for trans people to access legal gender recognition violates the ECHR), by amending Section 29 of the Czech Civil Code.
- **Allow for the recognition of marital status or parental rights of same-sex couples** acquired under another Member State's law, following EU jurisprudence and EU law (see CJEU judgements in Case C-673/16 and Case C-490/20).
- The legislators, in cooperation with the Government, should **discuss and adopt all proposed legislation as soon as possible**, several of which are already ready for debate

MEDIA PLURALISM

- Adopt new legislation on media councils that ensure they are **more independent**, and their structure and decision-making are **subject to judicial review**.

CHECKS & BALANCES

- **Improve the situation of LGBTI people** (in the past 8 years only one vote was taken), and not support bills that go against the principles of equality and non-discrimination.
- **Implement the Strategy of cooperation of public administration with NGOs for 2021 till 2030** and other key documents in this field in order to fulfil the state's priorities of improving public recognition and enabling social climate for CSOs activities, supporting effective partnership and cooperation in public decision-making and ensuring appropriate legal environment and financing. It should engage CSOs as supporting partners in this process.

Estonia

JUSTICE SYSTEM

- **Enhance as a matter of urgency the protection of people's privacy** in the field of storing communications and location data, and in the organisation of access to that data, thereby bringing Estonian national law into line with EU law.
- **Enhance the protection of the rights and interests of vulnerable persons** in court proceedings through both legislative and practical measures.
- **Ensure that the pursuit of greater efficiency in the judiciary system does not lead to any deterioration in the quality of justice**

CHECKS & BALANCES

- **Continue the debate regarding a more effective solution to the constitution-related review** of restrictions on fundamental rights and freedoms.
- **Amend relevant legislation** so that the ban on voting in elections applies only to prisoners for whom this ban has been applied as an additional form of punishment.
- **Contribute to the accessibility of polling stations and e-elections.**
- **Avoid rules restricting civil society organisations' advocacy role and access to funding.**

Finland

JUSTICE SYSTEM

- Comply with the recommendation of several Finnish rule of law experts, such as the Chancellor of Justice and the President of the Supreme Administrative Court, that have called for an **investigation on the independence of the judiciary** in Finland and a **committee to look for ways to strengthen the independence of the justice system**.
- Ensure that **details that are crucial to the functioning of the courts are protected by the Constitution**, to ensure that politicians cannot push for legal reforms that threaten the rule of law (as is the case presently)
- **Conduct a comprehensive report on the independence of the judiciary**, which is necessary given the current weak spots and international developments concerning the rule of law.
- Address the long-standing concern in Finland regarding the **prolonged processes and many years of waiting in the justice system**, which has deteriorated due to the pandemic and may lead to unreasonable situations for the individual. These long processes may also have a negative influence on the public trust in the legal system.

ANTI- CORRUPTION

- The Commission should congratulate Finland on its **preparation of [the transparency register](#)** by the Ministry of Justice, which has been a significant action to tackle corruption. The purpose of this act is to improve the transparency of decision-making and prevent undue influence and reinforce public confidence. Finland is the first Nordic country to advance anti-corruption legislation regarding professional lobbying.
- **Listen to concerns that the proposed transparency is not able to reach all essential actors who influence decision-makers**. If the law is passed, the register must be implemented in a way that is easy to use and update for lobbyists, journalists and citizens. Decision-makers themselves also have the responsibility to advance transparent decision-making and anti-corruption.

MEDIA PLURALISM

- Address the **risks in the Finnish media environment** as identified by the [Media Pluralism Monitor Country Report 2021](#). The report also recognises that Finnish media is largely free of political control, and there is no evidence of a political bias in the media.

CHECKS & BALANCES

- The Commission should acknowledge the positive development of the **establishment of [The Rule of Law Centre](#)** in Finland in 2021, and encourage other Member States to enact similar efforts. The Rule of Law Centre connects Finnish rule of law experts' expertise, produces information on rule of law and promotes the development of the rule of law with different projects, especially in developing countries. The purpose of the Rule of Law Centre is to connect Finnish expertise and experience on the rule of law with international institutions that can benefit from them.

France

ANTI- CORRUPTION

- **Reform the national anti-corruption framework** including measures to reinforce the protection of whistle-blowers.

MEDIA PLURALISM

- **Repeal Article 36 of the Anti-Separatism law**, or else guide its application.

CHECKS & BALANCES

- **Conduct a careful assessment of the impact of the emergency regime on the system of checks and balances** and restore full parliamentary and judicial oversight over the executive
- **Refrain from discrediting and criminalising human rights defenders** acting for the rights of the environment, migrants and ethnic minorities.
- **Revise and repeal new rules on adherence to republican values**, and in meantime refrain from disproportionate and discriminatory application
- **Regulation should focus on enabling and protecting freedom of assembly rather than restricting and repressing it** and ensure that Human Rights observatories and journalists are able to safely attend demonstrations.

Germany

ANTI- CORRUPTION

- The federal government **should present a draft bill for the implementation of the EU Whistleblowing Directive**. The legislation should provide comprehensive protection for whistleblowers, regardless of whether they report violations of EU law.

CHECKS & BALANCES

Regarding the enabling framework for civil society, Germany should:

- **Ensure that state legislation, which regulates the freedom of assembly, should focus on enabling, facilitating and protecting the exercise of the freedom of assembly.** Provisions that lead to more legal uncertainty, state surveillance and criminal prosecution, and thereby creating a severe chilling effect, should be reassessed in light of what is strictly necessary for a democratic society and should **recognise new forms of protest** like climate camps as falling under the scope of freedom of assembly.
- Focus on **enabling and protecting freedom of assembly** rather than restricting/repressing it, and **recognise new forms of protest**.
- **Improve charitable status rules.**

Greece

JUSTICE SYSTEM

- Promptly implement planned structural reforms to increase the efficiency, transparency and quality of the country's justice system, improve law-making processes and protect media freedoms;
- Amend legislation that restricts the **freedom of assembly and association**, as per recommendations by national and international bodies and experts;

CHECKS & BALANCES

- **Strengthen the role of civil society actors in policymaking**, by supporting an open, transparent and regular dialogue between civil society and policymakers;
- **Refrain from negative narratives concerning civil society action**;
- **Improve the operational framework for CSOs**, following a meaningful consultation process with them, to ensure their effective protection against attacks and other forms of harassment.
- Greece should promptly implement planned structural reforms to increase the efficiency, transparency and quality of the country's justice system, improve law-making processes and protect media freedoms;
- Greece should amend legislation that restricts the **freedom of assembly and association**, as per recommendations by national and international bodies and experts;

Hungary

JUSTICE SYSTEM

- **Strengthen judicial self-governance** by expanding the powers of the National Council of the Judiciary to counterbalance political influence on the judicial administration.
- **Fill judicial and court management positions** through regular tendering procedures in full respect of **fairness and transparency requirements**.

ANTI- CORRUPTION

- **Stop taking advantage of the coronavirus pandemic to engage in corruption** and must take the necessary legislative and non-legislative measures to ensure transparency in spending and to return assets used for public functions to public ownership. Levels of corruption are higher than ever.

MEDIA PLURALISM

- The National Assembly should **elect a Media Council with a composition that ensures the authority's independence from the government**; restrictions on media investment and campaign spending and enforcement of these limits are needed to restore a pluralistic media system.
- **limit the legal possibility to monitor journalists** in order to protect journalistic sources.
- **Inform the public and the press about public affairs**, both proactively and on request, while respecting the fundamental standards of freedom of information.

CHECKS & BALANCES

- **Stop abusing the special legal order**: such order should be declared only for the most necessary time. The government should eliminate the situation where the de jure temporary state of emergency becomes de facto permanent.
- **Ensure that the Constitutional Court, the Ombudsman, the Data Protection Authority and other independent bodies act in accordance with their constitutional functions**: not as a legitimation of public authority, but as a limit to the power of the government in order to protect the rights of the individuals
- **Commit to adhere to international standards in legislating civil society matters and abolish any restrictive provisions** (see [here](#));
- The government should review **existing legislation** in consultation with civil society, **in order to guarantee the full exercise of the freedom of association and to decrease the administrative burdens of CSOs**;

- Encourage, e.g. through special tax incentives, the **development of domestic philanthropic foundations.**
- **Award service contracts in open, competitive and sector-neutral processes** enabling CSOs to tender;
- **Support CSOs in an unbiased, transparent and accountable manner**, involving representatives of the sector in the decision-making;
- Provide for **meaningful CSO participation in the Monitoring Committees of EU funds.**
- Fully and appropriately **implement existing legislation providing for participation;**
- Develop **transparent plans for dialogue in main policy and strategy procedures, including feedback to stakeholders;**
- Guarantee the **freedom of information** without undue obstacles to requests for access;
- Rejoin the **Open Government Partnership.**
- Encourage individual giving through **reintroducing personal tax benefits;**
- Re-organise the system of corporate tax benefits to encourage business giving;
- Provide for **balanced reporting on CSOs** in its media policy and regulation;
- Encourage the **direct participation and activism of individual citizens.**
- **Refrain from smear campaigns, repeal regulations aimed at discrediting CSOs.**

Ireland

JUSTICE SYSTEM

- Complete a **comprehensive review of the legal aid system**, which should include, inter alia; provision for an enhanced civil legal aid system
- Complete the **review of the Offences Against the State Act** and ensure that all courts comply with **international fair trial standards**.
- **Increase overall levels of investment in the Irish courts/justice system** to ensure that the system is accessible, accommodative and time-efficient.

ANTI- CORRUPTION

- Urgently progress the **review and update of Ireland's outdated public ethics legislation** to a level at least commensurate with the shelved 2015 Standards in Public Office Bill.
- Complete the **transposition of EU directive 2019/1937** on protected disclosures and reverse the decision to derogate from a number of provisions of the directive.
- Conduct a **public consultation on national measures required to address SLAPP litigation** and **implement stringent dissuasive penalties** in respect of those pursuing SLAPP as a measure to deter the public and organisations from exercising their access to justice and public participatory and access to information rights.

MEDIA PLURALISM

- Progress the **review of the Freedom of Information system** to ensure a regime that is transparent, user-friendly and accessible, and implement solutions that bring Ireland's Access to Environmental Information regime into compliance with the UNECE Aarhus Convention.
- **Amend both the Online Safety and Media Regulation and the Criminal Justice (Hate Crime) Bills** to ensure that freedom of expression is protected.
- Commence the long-overdue **review of Ireland's defamation laws** to ensure the media are empowered to report without undue interference.

CHECKS & BALANCES

- **Revise the Draft Electoral Reform Bill** to address the inappropriate application of the 1997 Electoral Act (as amended) to the work of civil society organisations.
- Commence an **immediate review of the Charities Act 2009** in order to allow for the promotion of human rights to be designated as a charitable purpose and to address other areas of concern for CSOs.
- Revise the rules on **political advertising**.
- Take action to **tackle SLAPPs and legal harassment**.

- Improve **opportunities for access to justice by civil society organisations**, particularly in areas such as the environment.
- Improve **charitable status rules**.
- Conduct an **urgent human rights assessment of existing COVID-19 regulations** and a review of the decision-making processes of government in the context of the pandemic.
- **Withdraw the general scheme of the Housing and Planning and Development Bill 2019**, and instead implement a system with clear and compliant rules for Judicial Review in environmental cases, including, in particular, on costs. This will serve to minimise the ability to intimidate applicants on their exposure to prohibitively expensive costs, and avoid a chilling effect on those considering judicial review affording them the required level of certainty which the CJEU indicated was essential in case c-427/07,81 para 55.
- The **Constitutional role of both Houses of the Oireachtas and the President in making law has been severely compromised** in 2021, and there is no transparency or clarity on how the approach of this Government compromising this is to be mitigated against. There is a need for consultation within the Oireachtas and with the wider public on safeguards to ensure these practices are not continued.

Italy

JUSTICE SYSTEM

- The delegation to reform criminal justice should **give more space to community sanctions** that aim at the reintegration of the inmate into society, marginalising home detention (an alternative to detention that does not prescribe the creation of an individualised plan for the inmate) to the last resort
- **Reform the regime of semi-liberty** to eliminate the incarceration component of the penal sanction
- **Increase the number of staff employed in the Offices** for the execution of non-custodial sanctions in view of wider use of community sanctions instead of detention

ANTI- CORRUPTION

- **Modify the Lobbying regulation** so that it does not dispense business associations, unions, and religious bodies from the obligation to join the transparency register.
- Ensure that decision-makers (and not only former members of the government), should **have to wait a period of no less than two years before undertaking the lobbying profession.**
- **Align with the EU Directive 2019/1937 on the protection of persons who report breaches of Union law.** Laws, regulations and administrative provisions necessary to comply with the Directive should be brought into force in the shortest possible time. The transposition process should be transparent and public. External stakeholders should be consulted and audited.
- **Approve the draft law on lobbying** n. 196-721-1827 by the end of the current legislative term
- **Proceed rapidly with the examination of the draft law on conflict of interest** n. C. 702 so as to approve it as soon as possible

MEDIA PLURALISM

- **Amend FOIA legislation**, which is applied to all public institutions including public broadcasters, to prevent any attempt to obtain documents from a journalist or disclose a source's identity.
- **Support the work of journalistic unions and organisations in fostering solidarity with local journalists**, who are often left alone in their newsroom and on the territory. The work of support centres and unions is needed to ensure their connection with national and international organisations, in order to build a solidarity network.
- Acknowledge the **existence of a severe gender gap in the media sector** and take action to overcome it: women journalists must have the same opportunity as their male colleagues to be at the management level, to choose what to report about, and receive the same salary for the same position.

- Judges and members of the judiciary **should receive proper training, in order to be able to identify cases where information, critics and also actions, can be defined as freedom of expression acts**, and the authors (journalists, activists) can avoid a trial or be acquitted. To prevent the abuse of vexatious lawsuits and excessive claims for damages aimed at silencing the critics, both from journalists and from human rights defenders (activists in different fields), the legislation and the trial procedure rules **should be amended both in the criminal and in the civil trials**, thus allowing the judges to early dismiss lawsuits and claims where public interest issues are at stake.
- **Respond to the repeated invitation of the Constitutional Court that both in 2020 and in 2021 invited the legislator to find a proper solution and a balance between two constitutionally granted rights: freedom of speech and protection of one's reputation.** After the latest call of the Constitutional Court in June 2021, no new bill has been discussed.
- The Italian federation of publishers and the Italian Federation of Journalists, together with the Chamber of Journalists **should try to come to an agreement concerning the application of Law 233 of 2012, which fixed the obligation of a minimum fee for freelancers.** The law officially came into effect in January 2013 but several issues, court decisions, and disagreements prevented it from coming into effect, thus leaving too low fees presently paid to freelancers in Italy.
- **Act to improve the safety of journalists covering protests and demonstrations.** Episodes of violence and harassment - including any acts of police brutality - must be adequately investigated and prosecuted. To that end, capacity-building among law enforcement personnel in coordination with representatives of the journalists should be improved.
- **Urgently reform both criminal and civil defamation laws** in order to stop SLAPPs against journalists (which often lead to self-censorship). In particular, such reform should: (i) focus on the decriminalisation of defamation; and (ii) set limits within civil law on the number of damages that can be sought.
- **Adopt the same approach both in the FOIA and in the Law n. 241/1990 (which regulates access to public documents) by excluding journalistic material from their scope of application** and ensuring that the two regimes comply with the ECtHR case-law and European standards

CHECKS & BALANCES

- **Enhance efforts to promote a culture of fundamental rights at the national level and strengthen the institutional setting for human rights protection.**
- **Speed up the process to approve the law establishing a National Human Rights Institution** in compliance with the UN Resolution No. 48/134 of 1993 and in line with the related Paris principles as soon as possible.
- **Reinforce the national equality body (UNAR),** ensure its autonomy from the government and strengthen its role in support of human rights, the rule of law and civic space.

- **Recognise civil society as key partners for the promotion of a culture based on fundamental rights and the rule of law.** To empower civic actors and guarantee their independence and sustainability, **national authorities should ensure proper financing** to civil society organisations, setting up transparent and accountable funding mechanisms that take into account the necessities of CSOs working both at the local, national and European and international level.
- Adopt a **national program for the protection of defenders of human rights**, which ensures transparency and commitment of the competent authorities, in accordance with the provisions of the UN Convention on Human Rights Defenders and OSCE-ODIHR guidelines. The **establishment of the independent National Authority for Human Rights** and the inclusion, in its mandate, of support for human rights defenders can no longer be postponed. The Authority must prepare and coordinate a national program for the protection of human rights defenders that includes the active participation of civil society, to ensure inter-institutional coordination and investigation into any violations of the rights of defenders. Pending the establishment of the National Authority, a national action plan on defenders should be promoted to ensure independent monitoring and coordination with international bodies and the application of commitments and the standards of protection of their work.
- **Develop training modules on international instruments and obligations relating to the respect of defenders** directed to public officials, police, officials of the judiciary (prosecutors and judges) and competent ministries.
- **Annually publish a report on the state of implementation of the country's commitments to respect human rights defenders**, OSCE-ODIHR guidelines, recommendations of international protection bodies and initiatives taken in this regard.

Latvia

JUSTICE SYSTEM

- Ensure greater use of minority languages in civil proceedings, in particular the right to a free interpreter (CERD/C/LVA/CO/6-12, 25.09.2018, §19, c, d);
- Undertake a thorough analysis of the reasons for the high incarceration rates of ethnic minorities, including Russian-speaking minorities and Roma, with a view to addressing underlying concerns; collect and publish statistics on the ethnic composition of the prison population at regular intervals (ibid, §19, a, b)
- The activities of the special services should be depoliticized and not aimed at persecuting individuals solely for their political opinions.

ANTI- CORRUPTION

- Prevent anti-corruption measures from restricting the rights of honest taxpayers. In particular, for all legal and natural persons - residents of Latvia, the possibility of opening an account in Latvian credit institutions should be guaranteed.

MEDIA PLURALISM

- Ensure a balance between the use of the state language and minority languages in public and private media in proportion to the use of these languages by the population (see ACFC/OP/III(2018)001, 23.02.2018, §§116,117).

CHECKS & BALANCES

- Accept Declaration approximating equality of Latvian (and Estonian) non-citizens with EU citizens in the frame of the whole sphere of EU competence.
- Stop the destruction of the education system in minority languages, initiated by the amendments to the educational laws of 22.03.2018 and sentenced to complete destruction in the near future by the decision of the Coalition Council of the ruling parties of 28.02.2022. Implement the relevant recommendations of the UN Committees (CCPR/C/LVA/CO/3, 11.04.2014,§20; CERD/C/LVA/CO/6-12, 25.09.2018, §§20-21; CEDAW/C/LVA/CO/4-7, 10.03.2020, §§33d, 34f), the Venice Commission (CDL-AD (2020) 012-e, 975/2020, 19.06. 2020, §§119,120) and the Committee of Ministers of the Council of Europe (CM/ResCMN(2021)9, 03.03.2021).

Netherlands

JUSTICE SYSTEM

- Act upon its promise announced in its coalition agreement for 2021-2025 of a **reduction of court fees** by 25% in the upcoming years in order to increase the access to justice of citizens and SMEs.
- **Act to combat the budget deficit** being faced by the judiciary, strengthening access to justice by ensuring adequate and predictable funding in the criminal justice chain.
- **Increase the budget of the Data Protection Authority** to better protect digital human rights.

ANTI- CORRUPTION

- Implement the GRECO recommendations from the fifth evaluation round, including an overall **integrity strategy for the central government**, as has been recommended for years now. Additionally a **lobby register, cooling-off period and legislative footprint** are needed.
- The Senate and Parliament need to **adhere to a code of conduct regarding integrity and abstain from activities that could be seen as conflict of interest**. This should include sanctions on breaches of the code.
- **Revise and increase the restrictions on party financing**, especially on the national level by restricting party financing from foreign countries, increasing party financing transparency at the local level and giving local parties the same subsidies as national ones.
- Implement **specific provisions on trading in influence** in the Netherlands legal framework.
- **Adhere to a code of conduct regarding integrity and abstain from activities that could be seen as a conflict of interest**.
- Revise the **Dutch Ministry of Interior's draft law implementing the 2019 EU Whistleblower directive** in line with criticism by the Council of State, Transparency International, labour unions, the national Whistleblower Authority, Parliament and the Employers Federation.

MEDIA PLURALISM

- Clarify the grounds on which the **commissioners that lead the Dutch Media Authority are appointed and/or dismissed**.

CHECKS & BALANCES

- **Ensure an enabling space for civil society** and not unnecessarily or disproportionately restrict civic space.

- **Reassess several bills that the government proceeded within 2021 that are potentially harmful to the independent position and the space of civil society organisations and critical citizens in the Netherlands.** For example, the proposed bill to criminalise persons travelling to areas controlled by terrorist organisations (Wet strafbaarstelling uitreis naar terroristisch gebied), the bill for Amendment of the Civil Code to broaden the possibilities for banning legal entities (Wijziging van Boek 2 van het Burgerlijk Wetboek ter verruiming van de mogelijkheden tot het verbieden van rechtspersonen), the proposed bill for the Administrative prohibition of subversive organisations (Initiatiefvoorstel Wet bestuurlijk verbod ondermijnende organisaties) and the Memorandum of Amendment to the proposed Civil society organisations transparency act (Wet transparantie maatschappelijke organisaties) that was published for consultation in June 2021.
- **Ensure that citizens and civil society and grassroots organisations are sufficiently involved in the drafting of legislation (and policy).** When civil society is involved in consultation, they **must be given sufficient time to submit**, with the standard minimum period being four weeks.

Poland

JUSTICE SYSTEM

- **Immediately implement all decisions of the CJEU and ECtHR, including** in relation to the functioning of the judiciary in Poland, especially when it comes to suspending the activities of the Disciplinary Chamber of the Supreme Court and restoring full independence to the National Council of the Judiciary.
- **Cease any actions or legal changes imposing further pressure on judges**, especially in the form of disciplinary proceedings and other kinds of harassment in the response to content of substantive decisions issued by judges.
- **Implement the outstanding decisions of CJEU with regards to the judiciary**, in particular, the 15 July 2021 judgement C-791/19 and the 14 July 2021 interim order C-204/21, and in doing so **suspend all activity of the Disciplinary Chamber and move towards dismantling the chamber and restoring the system of disciplinary action against judges and lawyers to a state where it does not fall under undue influence.** The new system of disciplinary action should ensure addressing any possible infractions by judges in a fair and impartial manner, without the participation of judges appointed in a legally questionable manner and outside the influence of the National Council of Judiciary as it is currently formed. **At the same time, Poland should suspend all ongoing proceedings before the chamber and unsuspend all judges who were temporarily removed from work on the order of the Minister of Justice.**
- **Re-establish the independence and legitimacy of the Constitutional Tribunal**, whose composition is unlawful due to irregularities in the election of its judges dating back to 2015.
- **Repeal decisions of the politically compromised Constitutional Tribunal**, particularly those that infringe on international human rights standards and the principle of non-retrogression, including the 22 October 2020 decision that imposed a de facto abortion ban. As the European Parliament [stated](#), ‘the legality of the ruling of 22 October 2020 is questionable’, and it imposed ‘unlawful restrictions on women’s sexual and reproductive health and rights’.
- **Implement rulings of the European Court of Human Rights**, particularly in the area of sexual and reproductive health and rights and access to abortion care.
- **Guarantee access to safe and legal abortion for women in Poland.** At the very least, protect women’s rights to life and to be free from ill treatment and ensure that not one more woman dies for being denied an abortion. At least three women have already died as a direct result of the de facto abortion ban.
- **Remove from the legal system the institution of extraordinary complaints**, which only serves the Minister of Justice to interfere in judicial decisions.
- **Ensure that the posts of the Minister for Justice and Prosecutor General are performed by two separated individuals**, who would respect human rights of LGBTI people.
- **Implement CJEU and ECtHR rulings**, especially in the areas concerning **human rights of LGBTI people.**

- Introduce legislative and non-legislative anti-SLAPP measures as of the high number of cases in Poland against journalists, rights defenders, activists, academics and other public watchdogs.

MEDIA PLURALISM

- **Allow media reporters to enter the area adjacent to the Polish-Belarusian border.** The President of Poland should amend his order from 30 November 2021 (in effect until 1 March 2022), which extended the prohibition of entering the emergency zone, by excluding media workers from this prohibition or introducing an accreditation system.
- **Reintroduce and secure the independence of the National Broadcasting Council.**
- **Provide a secure and fair framework of operation for all media outlets**

CHECKS & BALANCES

- **Abandon the practice of refusing to implement/comply with judgments of CJEU and ECtHR,** and in particular, cease the practice of bringing cases before the Polish Constitutional Tribunal concerning the conformity of ratified international treaties with the Polish Constitution. Such cases appear to be in fact aimed not at judicial review of acts of international law, but at “countering” judgments and decisions of CJEU and ECtHR, as evidenced by an emerging pattern of reaction by the Prosecutor General to any elaborations by these courts critical of recent Polish laws and policies. Such judgments include P 7/20, K 3/21, K 6/21 and the upcoming K 7/21 and K 1/22. The idea of sincere cooperation between a country and regional courts is undermined by such practice and could have a chilling effect, deterring Polish courts and individuals from exercising their rights to lodge a case with either court.
- **Replace the three people who were appointed to the already taken seats in the Constitutional Tribunal with legally elected judges.**
- **Improve the process of enacting laws,** in particular by refraining from the use of fast-track procedure where it is not justified.
- **Act against any form of harassment, threats, or attacks against women human rights defenders (WHRDs);** including smear campaigns, police violence, arbitrary detention, and judicial harassment.
- **Ensure WHRDs’ access to justice and protection from threats** carried out by non-state actors, such as far-right groups or individuals.
- **Establish an enabling environment** for civil society organisations and human rights defenders, including WHRDs.
- **Remove Article 196 of the criminal code** (provision of “offending religious beliefs”)
- **The prosecutor's office and the police have to reliably pursue cases of violence against LGBT people**

- **Reject the draft bill that would ban pride events and other public gatherings that “promote non-heterosexual orientations”** from further works in the parliamentary committees
- **Ensure repeal of unlawful resolutions "against LGBT ideology" and Family Rights Charters**
- **Amend the Criminal Code** to ensure that offences and crimes motivated by discrimination on the grounds of sexual orientation, gender identity and sex characteristics are **investigated and prosecuted as hate crimes/hate speech**
- **Respect and effectively introduce the horizontal principles on discrimination** and Charter of Fundamental Rights in the national and regional EU funding programmes
- **Withdraw legislative proposals that would deteriorate civic space, human rights and rule of law**, in particular the ‘Stop LGBT+ bill’;
- **Ensure all laws conducive to affecting civic space are prepared through transparent and participatory policy-making, involving CSOs representatives;**
- **Ensure the inclusion of representatives of independent CSO** in the process of creating, implementing and monitoring national Recovery and Resilience Plan and cohesion policy programs;
- **Ensure transparent distribution of public funding for CSOs** and refrain from establishing discriminatory requirements to access foreign funding;
- **Drop charges, especially criminal charges, against peaceful protesters and organisers of peaceful demonstrations;**
- **Protect and facilitate the exercise of the right to peaceful assembly**, in line with recommendations from the Ombudsperson and international standards;
- **Refrain from smear campaigns and other forms of harassment** against representatives of civil society, journalists and judges.

Portugal

JUSTICE SYSTEM

- **Improve the allocation of court cases.** Given the news of mishandling of court cases' distribution, new Laws have been issued which we urge to be analysed and assessed whether they are working as intended.
- **Improve transparency and the investigation of citizens' complaints by the Judicial High Council (judges) and Public Prosecutors High Council.** The work of these 2 autonomous bodies and the information they provide could be vastly improved as well as the follow-up given to the complaints received from citizens. Out of 692 complaints in 2020 in the first entity, only 2 resulted in expedited fact-finding missions. Out of 108 preliminary enquiries brought to the second entity in 2019, only 3 resulted in enquiries.
- **Frequent violation of the secrecy of judicial enquiries** hurts the reputation of the Portuguese judicial system, with several facts about ongoing investigations coming to light during enquiries. This affects public perception of the judicial system as well as on the people targeted by investigations.
- **Surveillance of journalists issued by a public prosecutor** took place in the beginning of 2021. Two journalists were surveilled by police at the order of the public prosecutor's office. It was not entirely clear whether such type of surveillance could be done without a judge's mandate, nor has the wider public been thoroughly educated on the matter.
- **Difficult Access to Justice in Portugal.** High court and legal fees affect the Portuguese legal system without proper statistics to account for its evolution. There are waivers for low-income citizens and in certain cases but fees are still very high for the average portuguese. The fact that proceedings may many times take years only add to this difficulty to resort to the judicial system.

ANTI- CORRUPTION

- **Access to administrative documents.** There is a specific law to regulate the access to administrative documents and a commission which issues non-binding opinions and, as such, we believe rules of access should be simplified and access made easier in order to increase transparency in public life and the capacity of civil society and the media to scrutinise the actions of the State.
- **Nepotism in public life and public procurement.** It is common for companies of friends and family to gain public contracts at all levels of government. It is not uncommon for companies which were formed days or months ago to be chosen in public procurement. A specific court should be created to address and investigate these cases that are still pervasive in the country.
- **The Supreme Auditor's Court lacks resources and meaningful capacity to impose consequences.** Tasked with a huge assignment to oversee all public procurement, it is

almost impossible for the Court to be able to set out to do the entirety of its role. Heavy investment needs to take place in the Court if it is ever to have a more meaningful role in public life. It is also not uncommon for public contracts to be divided in several sub-contracts so as to escape the reach of the Auditor's Court.

- **Lack of a Lobbying Law or a Lobbying Registry in Portugal.** None exists to help drive relationships between government officials and private interests and to improve transparency in public life. It is worthy of positive note though, improvements in the National Parliament's website with Committee's meetings and input documents being made freely available in its website. MEDIA PLURALISM

CHECKS & BALANCES

- **Lack of Independence of National Supervisory/Auditing Authorities and conflicts of interest.** The Minister of State and Finance was appointed as Governor of the Portuguese Central Bank, which seriously puts in question its independence vis-à-vis the Government, including decisions he took as Finance Minister. Additionally, the Prime-Minister publicly criticised the framework which limits the powers of Governments, and delegates those powers to independent Auditing Entities/National Authorities. This statement was nefarious towards Rule of Law and the independence of national authorities tasked with supervising certain sectors. This criticism was targeted at the National Communications Authority (ANACOM) which was undertaking a lengthy 5G licence auction, and put in question its authority as well as that of ANACOM's president.
- **The Inspectorate-General of Home Affairs (IGAI) needs more independence of action.** This organism of external control and auditing of police activity (including violence/abuses claims) is in the dependence of the Ministry of Home Affairs and is required to submit the disciplinary processes and proceedings to the decision of the Home Affairs Minister. This needs to change so that the IGAI can investigate and act more freely, by changing its Organic Law ("Decreto-Lei n.º 22/2021, de 15 de março"), in article 7 "Inspector-general", subparagraph f). Out of 1,181 complaints filed by citizens which were analysed in 2020, only 6 resulted in disciplinary proceedings (only 0.5%, an extraordinarily low figure).

Romania

JUSTICE SYSTEM

- **Urgently resume the process of submitting the new justice draft laws** for the necessary legal approvals so that they can be sent to the Parliament for adoption.
- **Double the elimination of the Section for investigating offences within the judiciary by the provision of an alternative guarantee**, in order to ensure an adequate legal framework for the independence of judges and to offer effective protection against abusive and intimidating criminal investigations of judges. This measure will also prevent the Romanian Constitutional Court from declaring the abolition of SIJ as unconstitutional.
- Ensure that **the decisions of the Superior Council of Magistracy (SCM) on disciplinary matters are motivated and public**, to avoid such decisions from appearing disproportionate and subjective, thus casting doubts on the independence of the justice system.

ANTI- CORRUPTION

- Ensure without delay the full transposition of **EU rules on whistleblowers protection** into the Romanian legal framework.

CHECKS & BALANCES

- **Ensure that law No 52/2003 is amended to oblige the authorities to send, within a specific timeframe** (e.g. 20 days after the adoption of the draft legislation), a reply to any person, natural or legal, who has sent recommendations on draft legislation, stating which recommendations have been accepted and which have been rejected, together with the reasons for the acceptance or rejection. In addition, to ensure compliance with such a provision, a sanction for failure to answer should be introduced in the law, at least in the form of a provision that breach of this obligation constitutes disciplinary misconduct.
- **Modify law 544/2001 on access to public interest information** in order to provide the obligation for public entities to communicate, ex officio, the nominal composition of the various bodies (committees, commissions, groups, etc.) that are set up by/within/among/on different public authorities or institutions. This meets the requirements of transparent activities which fall within the notion of “legitimate interest of third parties” referred to in Article 6(f) of GDPR.
- **Amend the law on the organization and functioning of the Ombudsperson** in accordance with the Constitutional Court decision no. 455/2021. Any rule of law complaint state has clear legal frameworks in place concerning the cases in which the Ombudsperson can be revoked and the respective procedure, especially when the law was found to have several constitutional deficiencies.

- **Ensure that Romanian Institute for Human rights fulfils international standards** on independence and effectiveness, and it should be absorbed within the Ombudsperson, which has a general legal competence regarding human rights, taking into consideration the comments and recommendations made by the Legislative Council in July 2020.
- **Enforce rulings on the rights of the LGBTIQ+ community** by the Court of Justice of the European Union and the European Court of Human Rights in order to respect the rule of law. The cooperation between civil society and relevant authorities should be essential for the effective implementation of these decisions, considering that non-governmental organisations know best the situation of LGBTIQ+ people.
- **Investigate hate crimes against non-governmental organisations or activists.**
- Regarding the impact of Covid-19 measures on the LGBTIQ+ community, Romania **should take measures to combat the virus and not use them to limit the rights of the LGBTIQ+ community**, such as the right to freedom of association and assembly, and to ensure that the measures are not discriminatory against LGBTIQ+ people.

Slovakia

JUSTICE SYSTEM

- **Reassess the scope of power granted to the General Prosecutor of the Slovak Republic** and reconsider the model of the Slovak prosecution in its current state.
- **Finalise the court map based on the current requirements** of the judiciary.
- **Provide more consistent training for judicial appointees** and an emphasis on the ethical standard of the judiciary must be enforced.

ANTI- CORRUPTION

- **We congratulate Slovakia on The Whistleblower Protection Office** that started operating in September 2021, in order to provide legal advice and assistance to people who report on unlawful acts that have a negative social impact.

MEDIA PLURALISM

- **Implement improvements during the inter-ministerial comment procedure** regarding the latest amendment to the Act no. 211 / 2000 Coll.
- **Review the amendment to the Criminal Code**, which was submitted by the Ministry of Justice of the Slovak Republic, as it includes a new form of offence, the dissemination of false information. This amendment raises concerns about whether the dissemination of any politically sensitive information could be prosecuted, or even if such information is at risk of censorship.

CHECKS & BALANCES

- **Ensure that the selection procedures for all supreme positions in government management are more transparent**, and the practice of ministers appointing people to these positions without a transparent selection process must be put to an end.
- **Involve civil society organisations in the decision-making process**, increase financial support for the non-governmental sector, and ensure that misinformation about the non-governmental sector is curbed as much as possible.
- **Back current rules with clearer reasoning and communication** to ensure their stability in order to comply with human rights obligations and avoid other systematic issues affecting the rule of law framework.

Slovenia

MEDIA PLURALISM

- **Protect public service media from government pressure and interference** by countering such practices by various means (including legal), but also by **changing the media legislation to introduce better safeguards** (particularly related to the appointment and composition of the governing bodies at RTV Slovenija).
- **Introduce sanctions for the government representatives involved in unlawful obstruction of financing of STA** for almost all of 2021.
- Independent bodies (such as the Court of Audit) and law enforcement should **investigate investments, sales and all other elements of the media-related business of the state-owned Telekom Slovenije**, and **introduce sanctions** for those involved in the misuse of the company for political interests.
- **Revise the media legislation related to state subsidies to media** to introduce better safeguards against political misuse of the subsidy schemes.
- **Establish clear criteria and increase the transparency of state advertising in the media** (by state bodies, local governments and public companies) in the revised media legislation.

CHECKS & BALANCES

- **Ensure transparent and non-discriminatory funding of NGOs**, which also enables organizations working with vulnerable groups to apply.
- **Design and implement clear guidelines about values**, which must be upheld by NGOs that want to be recognized as “working in the public interest”, since the status coming from this recognition can enable NGOs to apply for funding and other benefits.
- The authorities should **respect national provisions related to public consultations in the process of adopting laws and regulations**
- **Provide financing mechanisms from public funds for NGOs** on a continuous basis and on the basis of objective criteria, without any political interference.
- **Provide NGOs at Metelkova 6 building in Ljubljana with contracts to continue using the premises** while the national and local governments should make available more such subsidised spaces to allow for the autonomous work of NGOs in various fields of public interest.
- **Respect the right to freedom of association and create an enabling environment** that allows civil society to fully participate in decision-making processes by refraining from harassing NGOs and observing the framework for consultation.
- **Refrain from taking any actions that seek to remove NGOs from the premises where they operate** and publicly affirm the contributions which NGOs make to the social and economic development of Slovenia.
- **Respect the right of civil society organisations to associate and organise freely** by lifting all restrictions that prevent environmental rights groups including LUTRA from accessing funding and from carrying out their activities without fear or intimidation.

- Respect the **right to peaceful assembly and allow peaceful protesters** to demonstrate in a safe and enabling environment without the threat of violence and harassment

Spain

CHECKS & BALANCES

- **Improve transparency on protocols on policing of protest and use of riot materials:** they should be public. The assessment of their compliance with international standards should be provided, and civil society should participate in the elaboration and assessment of these protocols.
- **Revise the public order management model:** the government and its security forces should design methodologies to facilitate protests that **go beyond a criminalising and punitive approach**. De-escalation, mediation, and other ways to solve tensions should be explored. These methodologies should be designed with civil society and experts included in the discussion and on the basis of international standards.
- **Develop independent mechanisms of oversight of security forces:** public bodies independent from the police should be investigating incidents of abuse and ensuring accountability.
- **Develop accountability mechanisms** such as a clear identification of police officers, and ensuring its application.
- Take into account the **non-discrimination principle by enforcing a prohibition of racial profiling**, and putting measures in place to make sure that people with an irregular administrative status can exercise their right to protest safely.
- **Reform law on citizens' security** to avoid it disproportionately impacting civic space

Sweden

JUSTICE SYSTEM

- Ensure **stronger constitutional protection against the passage of laws contradicting democratic values and human rights**. This should be backed by at least a qualified majority in Parliament.
- Increase the **independence of the courts**.
- Increase **attentiveness to individual human rights** and a better legal aid system for those who need it.

MEDIA PLURALISM

- Ensure **constitutional protection for public service broadcasting**, which would limit the possibility of decisions to shut it down, to stop funding it, to attack its independence or to install political steering. This protection should be based on a decision with at least a qualified majority in Parliament.

CHECKS & BALANCES

- Require a two-thirds majority, instead of the simple 51% majority, in two consecutive Parliamentary resolutions with public parliamentary elections in between to **change the constitution** to protect our constitutional rights and freedoms.
 - Require **simple, predictable and transparent democratic principles to access funding** without increasing the administrative burden on civil society organisations.
 - Protect the **independence and autonomy of civil society** and civic education activities and refrain from undue interference and control of the civic engagement.
 - **Ensure the inclusion of civil society in the policy-making process through dialogue and consultation** as set up by the national compact and provide increased and long-term resources to civil society networks for this engagement.
 - Amend relevant regulations (kommittéförordningen) to **ensure that impact assessments are systematically carried out for all new legislative proposals**.
 - Ensure that the **judicial authorities have the right competence and enough resources to identify, prevent and obviate crimes and threats against civil society actors**.
 - Strengthen the **national safety net for civil society** and include support for self-employed actors.
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