**Governments continue weakening democracy in 2022, EU-wide annual rule of law report by 45 civil liberties groups finds**

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Most EU countries made little effort to resolve documented rule of law issues, allowed existing shortcomings to go unaddressed, or even made things worse in all areas assessed, ‘Liberties Rule of Law Report 2023’ (Report) finds. Exceeding the scope of the European Commission’s annual rule of law audit, Liberties’ Report lays out the most striking developments concerning justice, corruption, media freedom, checks and balances, civic space and systemic human rights issues in 2022 as compiled by 45 human rights organizations in 18 countries across the EU. The Report is the most in-depth ‘shadow report’ exercise to date on the rule of law by an independent civil liberties network in the EU.

In Croatia inefficiency of the judiciary, attacks and SLAPPS against journalists, continuing trend of shrinking civic space and wide-spread violations against refugees and other migrants are among the top rule of law issues, according to the Centre for Peace Studies contributing to the EU-wide report.

Sara Lalić, Programme Director of the Centre for Peace Studies, said:*“Rule of law in Croatia has not been enhanced in 2022. We are particularly concerned about the SLAPPs against journalists, shrinking civic space issues and impunity for systematic violations of human right of refugees and other migrants by the Croatian police."*

Balazs Denes, Executive Director of the Civil Liberties Union for Europe (Liberties), said:

*“European governments should realize that by failing to nurture their democracies, they pave the way for extremist politicians who will not hesitate to tear down the whole system. Despite Brussels having allowed itself to be blackmailed into taking half measures, we want to see the EU make full use of the conditionality mechanism for both the Polish and Hungarian regimes. When funds are suspended, it must be at a level that gives Orban and Kaczynski no choice but to return democracy to their citizens, because Poland and Hungary need the EU to cope with the fallout of Russia’s war in Ukraine.”*

**KEY FINDINGS FROM ACROSS THE EU (SEE TOPICAL TRENDS BELOW)**

* **‘OUTLIERS’: HUNGARY and POLAND** remain the worst offenders on the rule of law. Although the EU has triggered its newly created conditionality mechanism to withhold funds from Hungary, this has yet to produce genuine improvements on the ground. And similarly, the reforms being negotiated with Poland in exchange for release of EU COVID Recovery funds would lead to only modest improvements that don’t free judges from political control. These governments continue to implement a series of measures designed to centralize power, silence their opponents, control public opinion, and make it very difficult to lose future elections.
* **‘FAST LEARNERS’: ITALY, SWEDEN.** Early signs from the new governments formed in Italy and Sweden in 2022 point to the risk that, if checks and balances do not stay strong, ruling coalitions may turn towards authoritarianism. For example, we have already seen a sharp increase in rhetorical attacks against NGOs and the media by both of these new governments. However, these countries have strong independent institutions, which, in the short-term, prevent a turn to authoritarianism on the scale of Hungary and Poland.
* **RECOVERING SLOVENIA.** In contrast, developments in Slovenia since the replacement of the far-right government show that countries can rehabilitate their democracies. For example, the Report records efforts to restore independence to institutions like the public broadcaster and to revoke and reimburse fines that were illegally issued under the previous far-right government to citizens for attending protests.
* **MIXED RESULTS: THE EU.** While the situation across the member states continues in the wrong direction, the EU has had mixed success in exerting a positive influence. Against the background of Russia’s war against Ukraine, the EU has decided to take firmer action against Hungary (which isolated itself politically by supporting Russia) than Poland (which has gone to lengths to support Ukraine), though even then, the Council weakened the Commission’s proposal under the conditionality mechanism in exchange for Hungary lifting its veto on aid to Ukraine. At the same time, the EU’s own reaction to emerging threats to democracy have raised concern. For example, the EU’s ban on Russia Today and Sputnik as a way of combating Russian state-sponsored disinformation raised serious concerns for setting a dangerous precedent. And the shocking revelations of the Qatargate corruption scandal rocking the European Parliament are likely to have damaged the credibility and moral standing of the EU, which will need to win public support for protecting the rule of law, especially when this involves measures that authoritarians can spin to their advantage, such as cuts in EU funds.

**The full ‘Liberties Rule of Law Report 2023’ is available [here](https://www.liberties.eu/f/lknfhz)**

**The Croatia report is available** [**here**](https://dq4n3btxmr8c9.cloudfront.net/files/umbiis/RuleOfLaw_Report_2023_Croatia.pdf)

**BACKGROUND NOTES**

**TOPICAL TRENDS FROM THE EU**

**> MEDIA FREEDOM:**  In many countries, it became harder for journalists to do their job. The governments of Poland and Hungary continued to use their public broadcasters to disseminate propaganda and we found that in Slovakia and Sweden their independence from government was at risk. In many countries a small number of owners continue to own most private media outlets, allowing them to influence what the public hears, for example in Italy, the Netherlands, the Czech Republic, France and Slovenia. Journalists trying to report on things like corruption found themselves harassed by bogus lawsuits (SLAPPs), for example in Bulgaria, Croatia, Hungary, Italy, the Netherlands and Poland. And reporters were also verbally and physically attacked across the EU by the public or by the state, for example in Bulgaria, Croatia, the Czech Republic, Estonia, France, Hungary, Germany, Ireland, Italy, the Netherlands, Poland, Romania, Sweden and Spain. In one stand-out positive development, the new government of Slovenia has begun a series of reforms to depoliticise the public service media and restore it to independence after it was taken over by the previous far-right government.

**> JUSTICE:** In 2022, we saw many examples of courts not being able to do their job. For example, in Bulgaria, the Czech Republic, Germany, Hungary, Poland, Slovakia and Spain, we found politicians having a say over picking, promoting and disciplining judges. Political pressure on judges remained severe in Hungary and Poland, and in 2022 they also faced renewed smear campaigns. We also found that countries are doing little to make it easier for people to use the courts. For example, governments don’t give enough resources to the court systems in Belgium, Croatia, Estonia, France, Germany, Italy, Ireland and Poland. This means that it takes an unreasonably long time to get a decision because, for example, there isn’t funding to hire enough judges.

**> CORRUPTION:** The Report found that the rules and mechanisms created by many governments were too weak to stop corruption. We found deep corruption in Hungary, though the government did make some superficial improvements in order to secure COVID Recovery Funds and Structural Funds. But many countries face problems. For example, in the Czech Republic and the Netherlands it’s very difficult for the public to find out which businesses the government decides to give contracts to and in France and Croatia the government has awarded contracts to business allies, while in Belgium and Ireland, the mechanisms created to combat corruption haven’t been given the resources they need to do their job. Many countries have also failed to give whistleblowers the level of protection that the new EU directive requires, such as the Netherlands and Croatia, or have still not adopted national legislation, such as Bulgaria, the Czech Republic, Estonia, Italy, Slovakia and Spain.

**> CIVIC SPACE:** In 2022, many governments made it harder for nonprofit civil society organizations to survive and do their jobs. A number of countries maintained, introduced or proposed new laws which either gave the government greater powers to dissolve NGOs or were deliberately vague over what activities could lead to closure or loss of their public benefit status, making NGOs less likely to speak up on topics that politicians would rather not discuss. For example, the Czech Republic, France, Germany, the Netherlands and Spain. We also saw smear campaigns and legal harassment of NGOs in Croatia, France, Germany, Ireland, Italy, Slovenia and Sweden. These were particularly pronounced for organizations working to protect people who migrate and to combat climate change. Several countries also used their powers to restrict the right to protest, especially in relation to people calling for action on climate change, for example in Belgium, Estonia, France, Germany, Italy, the Netherlands and Sweden. In some cases, the authorities were acting on powers created to deal with the pandemic that are still in place.

**> SYSTEMIC HUMAN RIGHTS ISSUES:** Some governments keep attacking certain groups in society. Often this is a tool to distract the public from their own failure to solve the problems we face, by blaming hard times on anyone but the politicians with decision-making power. In 2022, we have seen continued rhetorical attacks and often restrictive and punitive measures against people who migrate (in Croatia, Estonia, France, Germany, Hungary, Italy, Ireland, Lithuania, Slovenia and Spain), people from ethnic minorities (Bulgaria, France, Sweden) and LGBTIQ persons (Czech Republic, Hungary, Ireland and Slovakia).

**> CHECKS AND BALANCES:** Governments have in the past years, and are now continuing to abuse fast-track procedures and are not sharing information with the public. In several countries this is a hangover from the pandemic when governments sped up the process of creating new laws and policies so they could react quickly to protect public health. In some cases, this seems like a deliberate attempt to stop citizens from having their say. We found these problems in Croatia, the Czech Republic, France, Germany, Ireland, Hungary, Romania and Slovakia. In 2022 we found that a lot of countries haven’t given their institutions the independence, resources or powers they need to do their jobs, for example, to make sure that governments follow the correct rules when legislating. We found this in Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Hungary and Ireland. Elsewhere, like in Italy, governments seem incapable or unwilling to create an independent institution tasked to promote and protect human rights.

**ABOUT THE REPORT**

* This annual Report on the rule of law is the fourth exercise that Liberties publishes since 2019. Besides pulling together the individual country reports drafted by member and partner organizations, the Report includes an overview of general trends on the rule of law in the EU compiled by Liberties. It also formulates detailed recommendations addressed to both national governments and the EU institutions on how to address the shortcomings identified in each of the areas covered, and suggests how the European Commission could improve the impact of its monitoring exercise.
* Being a ‘shadow report’, the Report reflects the exact themes of the European Commission’s own rule of law report: checks and balances, the justice system, the media environment, systemic human rights issues, corruption and the civic space. Please note, not all contributing organizations collected information on all the areas covered by the report.
* The Report 2023 includes submissions from 18 EU Member States by 45 human rights organizations, namely:
  + League of Human Rights ([Belgium](https://www.liberties.eu/f/ym19cz)),
  + Bulgarian Helsinki Committee ([Bulgaria](https://www.liberties.eu/f/pexpww)),
  + Centre for Peace Studies (Croatia),
  + League of Human Rights, Glopolis ([Czech Republic](https://www.liberties.eu/f/7c0m8r)),
  + Human Rights Center ([Estonia](https://www.liberties.eu/f/fkxefk)),
  + Vox Public ([France](https://www.liberties.eu/f/cwcxi-)),
  + the Society for Civil Rights, FragDenStaat, LobbyControl ([Germany](https://www.liberties.eu/f/c9ftfx)),
  + the Hungarian Civil Liberties Union ([Hungary](https://www.liberties.eu/f/llyy84)),
  + the Irish Council for Civil Liberties, Irish Congress of Trade Unions, Trinity College Dublin School of Law, The Immigrant Council of Ireland, Inclusion Ireland, Intersex Ireland, Community Law and Mediation, Justice for Shane, Mercy Law Resource Centre, Irish Penal Reform Trust, The National Union of Journalists, Age Action Ireland, The Irish Network Against Racism, Outhouse, Irish Traveller Movement, Pavee Point, FLAC-Free Legal Advice Centres, Mental Health Reform ([Ireland](https://www.liberties.eu/f/pxj-bl)),
  + Antigone Association, Italian Coalition for Civil Liberties and Rights (CILD), A Buon Diritto Onlus, Association for Juridical Studies on Immigration or ASGI,Osservatorio Balcani e Caucaso Transeuropa (OBCT) ([Italy](https://www.liberties.eu/f/mhwtq1)),
  + Human Rights Monitoring Institute ([Lithuania](https://www.liberties.eu/f/bgpoql)),
  + Netherlands Helsinki Committee, Free Press Unlimited, Transparency International Nederlands ([Netherlands](https://www.liberties.eu/f/pkypcz)),
  + the Helsinki Foundation for Human Rights ([Poland](https://www.liberties.eu/f/cxcuhl)),
  + Apador-CH ([Romania](https://www.liberties.eu/f/lo6dmk)),
  + Via Iuris ([Slovakia](https://www.liberties.eu/f/h4j5hd)),
  + Peace Institute ([Slovenia](https://www.liberties.eu/f/_3as1s)),
  + Rights International Spain ([Spain](https://www.liberties.eu/f/h9xggu)),
  + Civil Rights Defenders, International Commission of Jurists ([Sweden](https://www.liberties.eu/f/ysqhhs)).
* Liberties’ previous annual rule of law reports are available here: [2020](https://dq4n3btxmr8c9.cloudfront.net/files/Ko8Dt_/Response_to_EC_RoL_consultation_final_for_design.pdf), [2021](https://www.liberties.eu/en/stories/demanding-on-democracy-liberties-report-2020/43366), [2022](https://www.liberties.eu/en/stories/liberties-rule-of-law-report-2022/43972).

**ABOUT LIBERTIES**

The Civil Liberties Union for Europe (Liberties) is a Berlin-based civil liberties group with 19 member organisations across the EU campaigning on human and digital rights issues including the rule of law, media freedom (inc. SLAPPs), privacy, targeted advertising, AI, surveillance and more.