
EXECUTIVE SUMMARY

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

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

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

THE IMPLEMENTATION GAP - NO PROGRESS HAS BEEN MADE

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

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

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

THEMATIC TRENDS

Justice - reform denied

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

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

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

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

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

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

Anti-Corruption - continued stagnation

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

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

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

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

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

Media - fading freedoms

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

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

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

Checks and Balances - institutional resilience and civic space under pressure

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

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

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

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

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

THREATS WITHIN THE EU INSTITUTIONS

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

WHERE FURTHER ACTION SHOULD BE TAKEN

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

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

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

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

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