



## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and human rights

The ‘rule of law’ is a concept at the heart of the United Nations’ mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#):

*“Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law.”*

### Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

OHCHR is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its Member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission’s Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

### OHCHR’s contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner’s office (see diagram on the next page).

In line with the scope of the European Commission’s Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

**The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.**

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: Justice System

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

## Pillar 3: Media Freedom

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

## Pillar 2: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

## Pillar 4: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)



## Germany: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The special procedures of the UN Human Rights Council sent a communication letter to Germany ([DEU 2/2025](#), 18 August 2025) regarding information received about a pattern of systematic and undue restrictions, as well as alleged human rights violations, committed in the context of climate justice peaceful protests and Palestinian solidarity peaceful activism across several German cities, particularly in Berlin, with a marked escalation since October 2023. A [response](#) was received (16 October 2025). The special procedures of the UN Human rights Council issued a joint [press release](#) “UN experts urge Germany to halt criminalisation and police violence against Palestinian solidarity activism” on 16 October 2025.
  - The special procedures of the UN Human Rights Council sent a communication letter to Germany ([DEU 4/2025](#), 13 August 2025) regarding the allegations of sexual abuse against a child (aged 6), lack of access to care and rehabilitation services, lack of access to justice, and neglect of the well-being of the child in alternative care placement. A [response](#) was received (1 October 2025).
  - The UN Special Rapporteur on the right to development visited Germany from 10 to 19 November 2025. The Special Rapporteur published a [press release](#) and a [preliminary conclusion](#). An official report of the visit will be presented to the Human Rights Council in September 2026.
  - The UN Committee on the Elimination of Racial Discrimination examined the follow-up report submitted by Germany ([CERD/C/DEU/CO/23-26](#)) at its 111st Session, held from 20 November to 8 December 2023, and communicated a [follow-up letter](#) to Germany (12 May 2025).
- **Summary of contribution which could be of particular relevance to the Rule of Law report:**
  - Under pillar 4 on checks and balances, relevant findings and recommendations (the enabling framework for civil society - rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
  - The UN Special Rapporteur for freedom of opinion and expression will visit Germany from 26 January to 6 February 2026. At the end of the visit, the Special Rapporteur issued a [press release](#) and shared her [preliminary observations](#). An official report of the visit will be presented at the 62nd session of the UN Human Rights Council in June 2026.
  - The UN Committee against Torture will consider the State Party report from Germany in a future session ([date to be confirmed](#)).
- **Resources:**
  - Rule of Law in Europe | [OHCHR](#)
  - Country page on [Germany](#).
  - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

## Pillar IV: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

### For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

### **The enabling framework for civil society - Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders (civic participation and peaceful protest)**

Active, free and meaningful participation of people in decision making by the Government requires civic space. Despite the existence of active and vibrant civil society and examples of cooperation at all Government levels, concerns were raised to the expert about the shrinking civic space in Germany. The Government should lead by example and ensure that peaceful protestors (including climate and Gaza activists) do not face unreasonable restrictions, aggressive policing or beating. ([Preliminary conclusion](#) by the Special Rapporteur on the right to development)

The special procedures of the UN Human Rights Council sent a communication letter ([DEU 2/2025](#)) to Germany concerning pattern of undue and overbroad restrictions and alleged human rights violations committed by the authorities in the context of peaceful protests and activism supporting climate justice and solidarity with the Palestinian people across several cities in Germany:

- Prior to Palestine solidarity assemblies, activists and human rights defenders have been allegedly targeted, followed and arrested by police to prevent them from organizing or participating in peaceful protest activities. Such acts have been enabled by legislation that permits administrative arrest or preventive deprivation of liberty, such as the Bavarian Police Tasks Act which allows the police to request detention without concrete suspicion of a crime.
- During Palestine solidarity assemblies, hundreds of peaceful protestors, including minors and disabled persons, were arrested. The arrests were frequently carried out with excessive use of force, and with denying access to legal representation or communication with family, including for detained children.
- Foreign and migrant activists and human rights defenders faced deportation or cancellation of residency permits. The Federal Office for Migration and Refugees (BAMF) announced the resumption of deportation of groups with a “particular interest in expulsion”. Dozens of Gazan refugees reportedly have 9 been affected and are being deported to Greece where they are at risk of inhumane treatment and indirect refoulement. These events are considered in conjunction with police practice of targeting racialized young men in the context of the Palestinian solidarity activism.

- The experts are alarmed at the reported systematic and escalating use of excessive force, police violence and criminalisation, against peaceful protesters and human rights defenders of climate justice and Palestine solidarity movements. Increased reports of police applying pain holds (schmerzgriffe), chokeholds, and beatings -including in situations where individuals were non-violent or already detained- raise serious concerns with regards to the prohibition of torture under article 7 of the International Covenant on Civil and Political Rights. The failure to conduct timely investigations and initiate prosecutions for alleged abuses suggests a climate of impunity and contributes to the reported increased and widespread use of such practices.

In a joint press release of 16 October 2025, six UN experts from the special procedures of the UN Human Rights Council stated that they were alarmed by the persistent pattern of police violence and apparent suppression of Palestine solidarity activism by Germany, noting that Germany had escalated and expanded restrictions with regard to Palestinian solidarity activism and protests” since October 2023, and called on the authorities to stop criminalising, punishing, and suppressing legitimate Palestinian solidarity activism.