

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT**  
**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**ITALY REVIEW**

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**I. Justice System**

**B. Quality of justice**

*Training of justice professionals (including judges, prosecutors, lawyers, court staff)*

In its 2022 concluding observations, the Committee on Economic, Social and Cultural Rights expressed its persistent concern about the absence of court decisions invoking provisions of the International Covenant on Economic, Social and Cultural Rights, and the lack of specialized training for judges, prosecutors and lawyers on the justiciability of the provisions of the Covenant. The Committee called on Italy to regularly provide such specialised training ([E/C.12/ITA/CO/6](#), paras 5 - 6).

**C. Efficiency of the justice system**

***Other – please specify***

In June 2022, the UN Special Rapporteur on the independence of judges and lawyers entered into a dialogue with Italy regarding the case of a Moldovan national Ms. Elena Ojog, a woman of Moldovan, American and Italian nationality, currently residing in Venice. Ms. Ojog's former partner has relatives in the Venice Tribunal which had reportedly impeded her access to an impartial tribunal in separation, custody and criminal cases. The Special Rapporteur asked the Italian authorities to provide detailed information on the measures adopted to ensure the independence and impartiality of courts, and to ensure that defendants and their legal counsels are granted all the fair trial guarantees set out in article 14 of the International Covenant on Civil and Political Rights ([ITA 2/2022](#)).

**II. Anti-Corruption Framework**

**A. The institutional framework capacity to fight against corruption (prevention and investigation/prosecution)**

*Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators*

In its 2022 concluding observations, the Committee on Economic, Social and Cultural Rights remained concerned that corruption continues to be pervasive, including in the judiciary, while noting the strengthening of the anti-corruption legal framework with the adoption of Act No. 3/2019. It also pointed at inadequate and underresourced institutions empowered to curb corruption. The Committee reiterated its recommendation that Italy investigate all allegations of corruption, including in the judiciary, and ensure effective implementation of anti-corruption legislation. It also recommended the allocation of sufficient resources to anti-corruption institutions, the implementation of a zero-tolerance policy against corruption and steps to ensure the effective protection of victims of corruption, whistle-blowers and their lawyers ([E/C.12/ITA/CO/6](#), paras 23-24).

**IV. Other institutional issues related to checks and balances**

**A. The process for preparing and enacting laws**

*Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process*

In its 2022 concluding observations, the Committee on Economic, Social and Cultural Rights expressed its concern over the persistent lack of awareness of Italy's obligations under the International Covenant on Economic, Social and Cultural Rights among public officials, especially those responsible for its implementation. The Committee called on Italy to systematize a human rights impact assessment in the process of formulating legislation and policies in the areas of economic, social and cultural rights ([E/C.12/ITA/CO/6](#), para 5 – 6).

## **B. Independent authorities**

*Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions*

In its 2022 concluding observations, the Committee on Economic, Social and Cultural Rights regretted the continued lack of concrete results with respect to the establishment of an independent national human rights institution despite years of consideration. The Committee urged Italy to establish an independent national human rights institution with a broad mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), allocating sufficient human, technical and financial resources for it to fully exercise its mandate in relation to economic, social and cultural rights ([E/C.12/ITA/CO/6](#), paras 7-8).

## **C. 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. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.*

In its 2022 concluding observations, the Committee on Economic, Social and Cultural Rights expressed its concern about repeated allegations of harassment, physical threats and verbal attacks by both State and non-State actors on human rights defenders and journalists advocating economic, social and cultural rights, particularly in the context of the protection of refugees. The Committee recommended that Italy guarantee the effective protection of independent journalists, human rights defenders and other activists, including by expanding personal protection programmes ([E/C.12/ITA/CO/6](#), paras 9 - 10).

In May 2022, four Special Procedure - the Special Rapporteur on the situation of human rights defenders, the Independent Expert on human rights and international solidarity, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children - entered into a dialogue with Italy concerning criminal prosecution of three human rights defenders for providing assistance to migrants and asylum seekers. They asked for detailed information to clarify the legal and factual basis for their prosecution, detailed information as to the legal basis for their pre-trial detention, along with information as to the assessments taken to evaluate the necessity of such detention and information concerning the reasons for its extended duration, as well as on any measures to ensure that criminal justice laws are not misused to punish

migration-related humanitarian acts or to harass human rights defenders or civil society organizations that work with migrants ([ITA 1/2022](#)).