

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

A) Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

D) Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Amnesty International Italy

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☒ Other

If "Other", please specify

Police violence and impunity of law enforcement officers (cross cutting rule of law issue):

The beginning of 2023 was marked by several protests in opposition to the hard prison regime, the so-called '41-bis'; several demonstrations, including in Turin, Milan and Rome, ended in violent clashes between demonstrators and police forces. Police violence is an increasingly common phenomenon: Amnesty recorded at least 10 episodes of excessive use of force against demonstrators and citizens in general, some of which are under investigation. The system of accountability is being threatened by proposals to amend the penal code to backtrack on the crime of torture and other proposals.

During a peaceful march of the NO TAV movement which took place in San Didero (TO) in July 2023, Amnesty International recorded a massive, indiscriminate and unnecessary use of tear gas, even at human height.

Another worrying episode took place in September 2023 in Zinasco (PV) where police forces made an illegitimate use of force against a group of peaceful activists who were opposing passive resistance. Some members belonging to opposition parties submitted several parliamentary questions (1) to shed light on the issue without receiving any official reply from the government.

On 3 October 2023, serious clashes between peaceful protesters, including very young students, and police forces took place in the city of Turin where several demonstrators were injured. Parliamentary questions on the episode followed and the government formally replied stating that the police acted lawfully (2). In December 2023, we recorded three new episodes:

1) Turin, 5 December: a group of university students protested against a right-wing student political movement that was leafleting at the Einaudi University campus. Police forces entered the campus and violent clashes with the students occurred. In the clashes two female university professors who intervened to defuse the tension were injured.

2) Bologna, 6 December: after two forced evictions, police forces reacted to a spontaneous demonstration, injuring a female activist. She denounced she was sexually assaulted by a police official (3). The Democratic Party - center-left opposition party - submitted a parliamentary question (4) to the government, but no response has been given yet.

3) Rome, 22 December: in a spontaneous and peaceful demonstration in front of the Parliament, a group of students were violently attacked by the police in riot gear. The opposition parties submitted a parliamentary question on the episode asking for clarification regarding the behavior of police forces and calling to equip police forces with identification codes (5). The government has not replied yet.

Notes:

1. <https://aic.camera.it/aic/scheda.html?core=aic&numero=4/01626&ramo=CAMERA&leg=19>

<https://aic.camera.it/aic/scheda.html?core=aic&numero=3/00674&ramo=CAMERA&leg=19>

<https://aic.camera.it/aic/scheda.html?core=aic&numero=2/00228&ramo=CAMERA&leg=19>

2. <https://aic.camera.it/aic/scheda.html?core=aic&numero=5/01441&ramo=CAMERA&leg=19>

3. <https://www.bolognatoday.it/cronaca/scontri-attivisti-polizia-denuncia-violenza-sessuale.html>

4. <https://aic.camera.it/aic/scheda.html?core=aic&numero=5/01746&ramo=CAMERA&leg=19>

5. <https://aic.camera.it/aic/scheda.html?core=aic&numero=4/02087&ramo=CAMERA&leg=19>

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.amnesty.it/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica

- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☒ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan

- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay

- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda

- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an

overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland

- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☒ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

5000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures adopted to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

According to the 2023 CASE (1) report (<https://www.the-case.eu/wp-content/uploads/2023/08/20230703-CASE-UPDATE-REPORT-2023-1.pdf>), in 2023 CASE's database increased to over 820 cases – 161 of which were lawsuits filed in 2022, a significant jump compared to the 135 filed in 2021. In 2022, Italy had the highest incidence of vexatious lawsuits, accounting for 25.5% of the total cases analyzed, according to a study by the European Parliament ([https://www.europarl.europa.eu/RegData/etudes/STUD/2023/756468/IPOL_STU\(2023\)756468_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/756468/IPOL_STU(2023)756468_EN.pdf)). Amnesty International as part of CASE Italia network, the Italian working group against vexatious legal actions, monitors and denounces vexatious lawsuits. The latest one registered concerns Eni's legal action against Greenpeace Italy and ReCommon (<https://www.balcanicaucaso.org/eng/Areas/Italy/The-CASE-Italia-network-expresses-solidarity-with-Greenpeace-Italy-and-ReCommon-targets-of-legal-intimidation-by-the-Italian-oil-industry-Eni>). In addition, in 2023 Amnesty International took part as amicus curiae (2) to the vexatious lawsuit filed by Prime Minister, Giorgia Meloni, against the writer and journalist Roberto Saviano.

On the legislative side, several proposals to reform the defamation offence were submitted in 2023, by Senators belonging to both the majority and the opposition. In the autumn, the Senate Justice Committee brought forward the bill tabled by the governing party, Fratelli D'Italia, as a draft text (<https://www.senato.it/service/PDF/PDFServer/BGT/01368510.pdf>) and further discussion is likely to take place in 2024.

Notes:

1. Case is broad coalition of 110+ non-governmental organisations from across Europe, united in recognition of the threat posed to public watchdogs by SLAPPs (Strategic Lawsuits Against Public Participation)
2. Amicus Curiae refers to a person or group who is not a party to an action, but has a strong interest in the matter.

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

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

[1] This includes also the consultation of social partners

5000 character(s) maximum

In 2023, the space for political debate continued to shrink. With the new government headed by Giorgia Meloni the dialogue between institutions and civil society representatives and other stakeholders has suffered from frequent recourse to decree-laws with strict schedules for discussions and limited space for hearings, hindering a meaningful parliamentary debate. Among the numerous decree-laws issued by the government a relevant number covers the migration and security fields, such as: DL no. 162/2022 (1), which tried to introduce a new serious crime in the Italian criminal code, concerning squatting and organisation of illegal gatherings; DL no. 1/2023 (2), introducing new rules for NGO vessels carrying out search and rescue (SAR) operations of migrants at sea; DL no. 20/2023 (3) issued by the government in the aftermath of the Steccato di Cutro shipwreck in February 2023 to fight human trafficking and irregular immigration on the territory; DL no. 162/2023 (4) including additional provisions on the migration field. Amnesty International opposed the listed provisions by casting doubts on their effectiveness and feasibility.

Notes:

1. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2022-10-31;162!vig=2024-01-12>
2. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2023-01-02;1!vig=2024-01-12>
3. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2023-03-10;20!vig=2024-01-12>
4. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2023-11-13;162!vig=2024-01-12>

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

The Meloni government continued and even stepped up the trend of previous governments of using urgent procedures: it issued 39 decree-laws in 11 months, ranking first in terms of the average number of decree-laws published per month (3.6), followed by the Draghi (3.2) and Conte II (3.18) governments. 55.8% of the laws passed during the current legislature are conversions of decree-laws and of the 39 decrees issued, 11 are omnibus meaning they deal simultaneously with different topics, even very distant from each other (<https://www.openpolis.it/con-il-governo-meloni-sempre-piu-decreti-e-meno-leggi-ordinarie/>)

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

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

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Despite legislative proposals having been submitted already in the previous legislature (2018-2022), a NHRI has not been established yet. In the current Parliament, three relevant bills are pending, however the debate has not even yet started. Two of them aim to extend the mandate of the Data Protection Authority (Privacy authority) to the protection and promotion of human rights. Amnesty International expressed concern about this considering the different nature of the mandates of a Data Protection Authority and a NHRI. In fact, it would be a European unicum, since at present, each member state has a privacy guarantor who exercises no other functions. Lack of progress in the parliamentary debate around these proposals indicates that the institution of a NHRI is not currently a priority.

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

5000 character(s) maximum

In 2023 Amnesty International did not record the adoption of specific measures for HRDs, but only a general support for the OSCE initiatives (<https://delegazioneosce.esteri.it/it/litalia-e-losce/iniziativa-dellitalia/2170-2/>)

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 on-line –, 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

5000 character(s) maximum

The Italian government continues to criminalize human rights defenders engaged in search and rescue operations at sea and to hamper significantly their activity. In December 2022 and January 2023 the government adopted two measures affecting NGO ships that patrol the central Mediterranean and rescue people in distress at sea. In combination, these measures significantly reduce the capacity of NGO rescue ships to patrol the areas of the central Mediterranean where shipwrecks are more likely to occur. The first is a new “distant ports” practice, that requires NGO ships carrying refugees and migrants rescued at sea to have people disembark in ports in central and northern Italy, including in the Adriatic Sea – i.e. in ports particularly distant from the position where rescues are typically carried out. The second is a decree-law – which received final approval in January 2023 – introducing a number of additional requirements for NGO rescue vessels (<https://www.amnesty.org/en/documents/eur30/6407/2023/en/>). In Trapani, four crew members of the *Iuventa* - a rescue ship of the German NGO Jugend Rettet -, have been on trial since 2022 on charges of 'aiding and abetting irregular immigration'. In February 2023, the Ministry of the Interior succeeded in being a civil party in the trial against the four crew members. The government's attitude is intimidating and violates international law, according to which states must provide a safe and favorable environment for defendants who should be free to act without fear of repercussion.

In September 2023 the government issued an inter-ministerial decree (https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2023-09-21&atto.codiceRedazionale=23A05308&elenco30giorni=true) establishing that the asylum seeker must provide 4938 euros as financial guarantee in order to avoid detention in detention and removal centers. The measure is illegal since it subjects the right to liberty of asylum seekers to de facto unattainable conditions, thus amounting to automatic detention for those arriving in Italy. International and EU law forbids automatic detention and establishes the right to liberty as the default condition of every individual.

In November 2023 the government announced an agreement with Albania for the construction of two detention and repatriation centers where people rescued at sea by Italian ships would be held while their asylum claims would be processed in accelerated border procedures. The agreement puts at risk the right to asylum and it lays the foundations for the violation of the principle of non-refoulement and for the implementation of illegal detention practices, as well as violation of the obligation to disembark rescued people in the nearest place of safety. The government presented the agreement for ratification by Parliament in an urgent procedure in order to obtain the final parliamentary approval within 14 February 2024. Amnesty International and other civil society organisations, as well as academics and other experts, highlighted serious concerns with this arrangement in highly compressed parliamentary hearings which did not allow enough time for a meaningful debate.

With decree no. 124/2023 (<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2023-09-19;124:vig=2024-01-10>), the government introduced new provisions regarding the administrative detention of migrants, with the possibility of extending detention to a maximum of 18 months (before the decree the maximum was 3 months). The construction of new migrant detention facilities is also planned. Several appeals were made against the use of administrative detention against people who had just arrived, upheld by some courts which did not validate the detention orders and judged the accelerated procedures involving automatic detention for categories of people coming from so-called safe countries as illegal. The government is appealing against these Court decisions.

In relation to groups subject to physical, verbal or online attacks, Amnesty International monitors hate speech and problematic online content on some of the most used social media platforms. The monitoring activity revealed that the most targeted groups subject to derogatory comments are women, migrants /refugees/people with a migration background and people working in the solidarity sector. No legislative reform has been promoted yet to protect women, LGBTQIA+ community and people with disabilities from hate crimes. In 2022, OSCAD (Italian Observatory for Security against Discriminatory Acts, established within the Ministry of Interior) recorded 1393 hate crimes. Of these 97 are “anti-LGBTI hate crimes”; 1105 are “racist and xenophobic hate crimes”; 191 are “disability hate crimes” (<https://hatecrime.osce.org/italy?year=2022>)

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

5000 character(s) maximum

As far as we know, no new rules or practices have been established to ensure civil society participation in policy developments. However, the government seems to be sensitive to fight gender violence and it announced an interministerial working table to promote new protective measures for women, involving Ministries of Interior, Justice and Equal Opportunities with participation of civil society organisations ((<https://www.pariopportunita.gov.it/it/news-e-media/news/2023/donne-roccella-piantedosi-nordio-primo-pacchetto-urgente-a-breve/>). However, no civil society organisations seem to have been involved in such table since it was established.

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

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