

LIBERTIES

RULE OF LAW

REPORT

2026



#roireport2026

ITALY



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FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

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ITALY

ABOUT THE CONTRIBUTING ORGANISATIONS

Italian Coalition for Civil Liberties and Rights (CILD)



Founded in 2014, the CILD is a network of civil society organisations that protect and expand the rights and liberties of all, through a combination of advocacy, public education and legal action.

Antigone



Antigone, an Italian Non-Governmental Organisation (NGO) founded in 1991, deals with human rights protection in the penal and penitentiary system. Antigone carries out cultural work on public opinion through campaigns, education, media, and publications. It conducts studies and research and cooperates in writing normative texts. Thanks to its Observatory on Italian Prisons for Adults and Minors, it monitors conditions in all prisons in Italy and publishes a report on the Italian penitentiary system. Antigone also has an ombudsman and legal clinics around Italy that collect complaints from prisoners. Antigone also carries out investigations about ill-treatment and is at times formally involved in the related trials.

Osservatorio Balcani e Caucaso Transeuropa (OBCT)



Established in 2000, OBCT is a think tank focused on Southeast Europe, Turkey, and the Caucasus that explores and reports on the socio-political and cultural developments of Italy and six other European Union (EU) Member States, namely those taking part in the EU enlargement process and those included in the European Neighbourhood Policy. As an operational unit of the Center for International Cooperation, OBCT is committed to strengthening the European project by supporting transnational relations and raising public awareness on areas at the heart of many European challenges, thanks to a participatory and multi-sectoral approach that weaves together online journalism, research, training, outreach, and policy advice.

StraLi (STRAtegic LItigation)

STRALI

strategic litigation

StraLi is a non-profit organisation of legal professionals dedicated to safeguarding rights through strategic litigation. It is a non-partisan, non-denominational, democratic association recognised as an ETS - ODV (Third Sector Entity - Voluntary Organisation). Guided by principles of civic engagement, solidarity, and social benefit, StraLi focuses on protecting fundamental rights and freedoms by utilising both national and international judicial systems.

OVERALL ASSESSMENT: DISMANTLER

This year followed the trajectory initiated in 2022, when Giorgia Meloni took office as Prime Minister. This government has been slowly eroding the rule of law and civic space. In particular, the increasing criminalisation process, which started at the very beginning of this legislature, peaked with the Security Decree - passed in April 2025 and converted into law in June 2025 - and is proceeding with the practical application of such measures, targeting minorities, dissenting people, and activists of all types. Moreover, migration policies have become more and more restrictive, despite being continuously challenged by the judiciary, against which government officials started launching smear attacks, threatening its independence and authority. As a consequence, deaths in the Mediterranean increased, search and rescue (SAR) ships were often detained and heavily fined, and the migration management and repatriation procedures were externalised to Albania.

2025 started with the violation of the International Criminal Court (ICC) orders with the Almasri case¹ and the emergence of the use of spyware against activists and journalists, once again challenging international law, and, on the other hand, violently threatening and dissuading civil participation and free journalism in Italy. This year we also witnessed the failure of the Prisons Decree in tackling overcrowding in prisons, while more criminal charges were introduced in the Italian framework due to the Security Decree and other criminalising provisions. Lastly, the bomb attack against journalist Ranucci from Report was the tip of the iceberg of the current state of media and press freedom in Italy.²

In 2025, on one hand, the Italian government managed to strengthen institutions by reducing responsibilities of public officials and increasing guarantees, especially for public order officials. On the other hand, it pursued threats against dissenting opinions, the violent repression of demonstrations, increasing discriminatory policies against ethnic minorities and migrant people, harsh criminalisation of activists, and a growing political pressure on the magistrature.

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- 1 ANSA, *Italy failed to comply with obligations over Almasri case – ICC*, InfoMigrants, 21 October 2025, <https://www.infomigrants.net/en/post/67629/italy-failed-to-comply-with-obligations-over-almasri-case--icc>; Redazione MeltingPot, *The International Criminal Court accuses the Meloni government in the Almasri case (La Corte Penale Internazionale accusa il Governo Meloni sul caso Almasri)*, MeltingPot 1 July 2025, <https://www.meltingpot.org/2025/07/la-corte-penale-internazionale-accusa-il-governo-meloni-sul-caso-almasri/> [in Italian]
 - 2 Redazione, *An explosive device detonates under the car of Report host Sigfrido Ranucci (Esplode un ordigno sotto l'auto del conduttore di Report Sigfrido Ranucci)*, 17 October 2025, Il Manifesto, <https://ilmanifesto.it/esplode-un-ordigno-sotto-lauto-del-conduttore-di-report-sigfrido-ranucci> [in Italian]

Assessment of the trajectory

Against this backdrop, as in the *2025 Rule of Law Report*, Italy is flagged as a dismantler, due to the systematic and deliberate erosion of the rule of law by its governments. No progress has been recorded both in the justice system and in the anti-corruption framework, while severe regression has been pointed out in the field of media and press freedom and democratic checks and balances.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Since the Meloni government started ruling the country in 2022, civil society organisations (CSOs) and international organisations have pointed out concerning developments in the rule of law, causing a progressive shrinking of the civic space in Italy. For this reason, Italy has often been compared to Orbán's Hungary. Indeed, increasing intolerance and repression of protests, the criminalisation of dissent and minorities, institutional forms of racism, media freedom under continuous threats and the repetitive condemnation of Italy for violations of the Article 3 of the European Convention on Human Rights (ECHR) in prisons are subtle elements supported by the government within a wider political project aimed at strengthening institutions and oppressing the people, through a punitive approach, in an increasingly complex geopolitical context.

If the European Commission, the European Parliament, or one third of the Member States consider - based on sources such as the Commission's Annual Rule of Law Report and information provided by civil society - that there is a clear risk of a serious breach of the values referred to in Article 2 TEU (Treaty on European Union) (*Trattato sull'Unione Europea, TUE*) in Italy, it may submit a reasoned proposal to the Council pursuant to Article 7(1) TEU. This occurred in 2018 in relation to Hungary, when the European Parliament submitted a reasoned proposal under Article 7(1) TEU. Therefore, if the EU Commission acknowledged in its annual report the rule of law concerns highlighted in this independent report and its past editions, those elements would probably be sufficient to potentially trigger an Article 7(1) TEU procedure. Indeed, many early signs of a progressive and severe erosion of the civic space and the rule of law are precisely outlined by CSOs but overseen by the EU Commission and denied by the government.

The same goes for triggering budget conditionality mechanisms, as the EU Commission Rule of Law Report is one of the core sources for the Commission's assessment. By acknowledging the concerning state of the rule of law in Italy, the EU could indeed trigger budget conditionality mechanisms as a

form of sanction to demand legal changes.³ This mechanism has only been activated once against Hungary in 2022, due to corruption concerns; we noted that the anti-corruption framework in Italy lacks integrity, and 2025 developments risk raising chances of corruption.

At the end of December 2025, Italy had 69 infringement procedures open, most of them for bad application of directives (25) and non-conformity of transposition for directives (19).⁴ At the end of 2024, 39 pre-infringement dialogues were open.⁵ Seven new infringement procedures were opened in December 2025, mainly targeting the lack of transposition of EU directives concerning nature and sustainability.⁶ Under media pressure due to a severe attack against a journalist, the government rushed the transposition of the EU Anti-SLAPP (Strategic Lawsuits Against Public Participation) directive - after two years of negligence, Italy could have gone through an infringement procedure in May 2026.⁷ Lastly, the insufficient compliance of the reformed Consolidated Audiovisual Media Services Act (TUSMA) (*Testo Unico dei Servizi di Media Audiovisivi*) can also consist in non-compliance with the European Media Freedom Act (EMFA), mostly in force since August 2025, hence triggering an infringement procedure. Other legal fields sensitive to potential infringement procedures in 2026 are mainly about the environment, hence do not directly impact the rule of law in the country.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

- 3 Csaky, Z., *Freezing EU funds: An effective tool to enforce the rule of law?*, Centre for European Reform, 27 February 2025, <https://www.cer.eu/insights/freezing-eu-funds-effective-tool-enforce-rule-law>
- 4 European Commission, *Repartition of infringement cases by type Applied filters: Member State: Italy; Policy area: All; Topic: All; 5 January 2026*, <https://ec.europa.eu/implementing-eu-law/member-state-infringement-cases/en>
- 5 European Commission, *Infringement decisions adopted in a year Applied filters: Member State: Italy; Infringement type: All; Policy area: All; Topic: All; 5 January 2025*, <https://ec.europa.eu/implementing-eu-law/member-state-infringement-cases/en>
- 6 Bonini, E., *Seven infringement procedures in one go: the EU's Christmas gift to the Meloni government*, EUnews, 11 December 2025, <https://www.eunews.it/en/2025/12/11/seven-infringement-procedures-in-one-go-the-eus-christmas-gift-to-the-meloni-government/>
- 7 Oleandri, A., Gherardi, S., *Policy Brief: SLAPP in Italia: impatto, lacune normative e proposte*, CILD, 28 November 2025, <https://cild.eu/wp-content/uploads/2025/11/Policy-Brief-SLAPP-IN-ITALIA-Cild.pdf> [in Italian]

JUSTICE SYSTEM -

General assessment

While the pace of recruitment of judges and administrative staff is a positive development,⁸ the lack of early action on the stabilisation of administrative staff is a serious warning sign with potentially severe consequences in 2026. Around 12,000 staff members recruited using Italy's National Recovery and Resilience Plan (PNRR) (*Piano Nazionale di Ripresa e Resilienza*) funds will see their contracts expire in 2026, and the current 2026 Budget Law contains no provisions for their renewal or stabilisation of these positions.⁹ Most of these staff members provide legal and administrative support to judges within the Office for the Trial (*Ufficio per il Processo*).¹⁰ If their contracts are not renewed, there is a real risk that the progress achieved so far – including in the criminal sector – will be reversed.¹¹

The length of proceedings is further undermined by persistent deficiencies in the new digital case management system for criminal courts. Since its introduction, the system has suffered from serious technical shortcomings that remain unresolved.¹² For instance, it happened that documents uploaded by public prosecutors for the deputy prosecutor to double-check them would disappear from the system, forcing prosecutors to redraft them.¹³ Given the serious risks posed by the system's shortcomings

8 European Commission (2025), *2025 Rule of Law Report Country Chapter on the rule of law situation in Italy*, SWD(2025) 912 final, Strasbourg, 8 July 2025, pp. 5-6, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en

9 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

10 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

11 Il Post, The chronic slowness of the Italian justice system could soon worsen (*La lentezza cronica della giustizia italiana potrebbe presto peggiorare*), Il Post, 4 December 2025, <https://www.ilpost.it/2025/12/04/tribunali-carenze-organico-personale-pnrr/> [in Italian]

12 Il Post, The electronic criminal trial is already blocked (*Il processo penale telematico è già bloccato*), Il Post, 8 January 2025, <https://www.ilpost.it/2025/01/08/processo-penale-telematico-bloccato/> [in Italian]

13 Frosina, P., Nordio's "App" now makes documents disappear: Prosecutor's offices paralyzed. The National Magistrates' Association (ANM): "These are the priorities, not separation." (*La "App" di Nordio ora fa sparire gli atti: Procure paralizzate. L'Anm: "Queste sono le priorità, altro che separazione"*), Il Fatto Quotidiano, 7 November 2025, a <https://www.ilfattoquotidiano.it/2025/11/07/app-nordio-atti-scomparsi-procure-paralizzate-oggi/8188290/> [in Italian]

and following repeated warnings of members of the judiciary, the Ministry of Justice drafted a decree to postpone the mandatory extension of the digital system to preliminary investigations to the end of March 2026 (originally set for 1 January 2026).¹⁴ Temporary derogations persisted throughout 2025, increasing the risk of territorial disparities in digital infrastructure and undermining the overall coherence of the reform.¹⁵

The Italian ‘Milleproroghe’ Decree - converted with Law No. 18/2024¹⁶ - again postponed the broadening of competences allocated to the Justice of the Peace (*Giudice di Pace*) within civil jurisdiction, under the Cartabia reform revealing a deeper structural crisis in the justice system.¹⁷ A further challenge is that many Justice of Peace offices are understaffed to efficiently carry out the additional tasks resulting from this reform.¹⁸ Scholars and the Constitutional Court have stressed the need for stability, training, and adequate status for these judges to preserve the quality and independence of judicial protection. This delay risks undermining the constitutional guarantee of a reasonable length of proceedings and frustrating reform objectives.¹⁹

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- 14 Frosina, P., Online trials: Nordio’s “App” for wiretapping will soon be mandatory. The CSM: “Postpone or the evidence will disappear.” (*Processo telematico, a breve la “App” di Nordio sarà obbligatoria per intercettare. Il Csm: “Rinvviare o spariranno le prove”*), *Il Fatto Quotidiano*, 11 December 2025, <https://www.ilfattoquotidiano.it/2025/12/11/processo-telematico-app-intercettazioni-csm-rinvio-notizie/8223146/> [in Italian]
- 15 Redazione (2025), Online criminal proceedings: application suspended (*Processo penale telematico: sospeso l’applicativo, Il diritto, quotidiano Dike*), 23 January 2025, <https://ildiritto.it/penale/processo-penale-telematico-sospeso-lapplicativo/> [in Italian]
- 16 Law No. 18 of 23 February 2024, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2024-02-23;18> [in Italian]
- 17 Moving its effective date from October 31st, 2025, to June 30, 2026. See: Zimbé Zaire, E., The postponement of the entry into force of the Justice of the Peace’s new powers: regulatory aspects and systemic criticalities (*Il rinvio dell’entrata in vigore delle nuove competenze del Giudice di Pace: profili normativi e criticità sistemiche, Processo Civile Telematico*), 8 April 2025, <https://www.processociviletelematico.it/2025/04/08/il-rinvio-dellentrata-in-vigore-delle-nuove-competenze-del-giudice-di-pace-profil-normativi-e-criticita-sistemiche/?utm> [in Italian]
- 18 Senato della Repubblica, *Ordine del giorno 279a seduta pubblica*, 27 February 2025, pp. 12-15,; <https://www.senato.it/service/PDF/PDFServer/BGT/1446636.pdf?utm> [in Italian]
- 19 Zimbé Zaire, E., The postponement of the entry into force of the Justice of the Peace’s new powers: regulatory aspects and systemic criticalities (*Il rinvio dell’entrata in vigore delle nuove competenze del Giudice di Pace: profili normativi e criticità sistemiche, Processo Civile Telematico*), 8 April 2025, <https://www.processociviletelematico.it/2025/04/08/il-rinvio-dellentrata-in-vigore-delle-nuove-competenze-del-giudice-di-pace-profil-normativi-e-criticita-sistemiche/?utm> [in Italian]

As a follow-up to the findings in the EU Commission’s 2025 Rule of Law Report,²⁰ on 30 October 2025, the parliament approved the constitutional reform which would separate the career paths of the judiciary and public prosecutors.²¹ Under Article 138 of the Constitution, the reform will be the object of a confirmatory referendum, which will be held on 22 and 23 March 2026.²² This reform would make it not possible anymore for magistrates to move from one career to the other and would also split the Superior Council of the Judiciary (CSM) (*Consiglio Superiore della Magistratura*) into two different governing bodies, which would be competent over only one branch of the magistrature and adopt a new way of electing magistrates. Critics continue to warn that the creation of two careers and two CSMs risks increasing political influence over prosecutors, particularly due to the fact that members of the governance bodies would be selected partly by lot and partly with the involvement of the parliament.²³ Those consequences raise particular concerns in the light of the tug-of-war between the government and the magistrature, which went on throughout the year, with open criticisms raised by the government over the magistrature’s decisions on migration issues.²⁴

20 European Commission (2025), *2025 Rule of Law Report Country Chapter on the rule of law situation in Italy*, SWD(2025) 912 final, Strasbourg, 8 July 2025, p. 4, https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en

21 Acts of Constitutional bodies (*Atti degli organi costituzionali*), Career separation: the text of the constitutional law in the Official Journal (pending the referendum) (Separazione delle carriere: il testo della legge costituzionale in Gazzetta Ufficiale (in attesa del referendum), Sistema Penale , 30 October 2025, <https://www.sistemapenale.it/it/documenti/separazione-delle-carriere-il-testo-della-legge-costituzionale-in-gazzetta-ufficiale-in-attesa-del-referendum> [in Italian]

22 Sky TG 24, *Justice Referendum 2026: When and What to Vote For (Referendum Giustizia 2026, quando e per cosa si vota)*, 12 January 2026, <https://tg24.sky.it/politica/2026/01/12/referendum-giustizia-2026-data> [in Italian]

23 ANSA English Desk, *Magistrates protest at judicial-year-opening ceremonies*, ANSA, 25 January 2025, https://www.ansa.it/english/news/politics/2025/01/25/magistrates-protest-at-judicial-year-opening-ceremonies_5b7c724d-0472-4724-95f0-bf63c43bd8f7.html?utm

24 Bei, F., Cerami, F., De Cicco, F., Vitale, G., Career separation, Senate approval. Meloni: historic achievement. Marina Berlusconi: dad’s victory (*Separazione carriere, ok del Senato. Meloni: traguardo storico. Marina Berlusconi: vittoria di papà*, la Repubblica), 30 October 2025, https://www.repubblica.it/politica/2025/10/30/diretta/separazione_carriere_riforma_giustizia_voto_oggi_news-424947420/; RaiNews , Meloni slams the judiciary, and the National Magistrates’ Association responds: “We don’t engage in politics; we only respect the Constitution.” (*Meloni contro le toghe, l’Anm risponde: “Non facciamo politica, rispettiamo solo la Costituzione”*), RaiNews, 8 August 2025, <https://www.rainews.it/articoli/2025/08/meloni-contro-le-toghe-l-anm-risponde-non-facciamo-politica-rispettiamo-solo-la-costituzione-c9baed15-4574-4427-9e13-983b254c5f4d.html> [in Italian]

Implementation of 2025 Commission recommendations

Recommendation: Complete the digital case management system for criminal courts and prosecution offices (first made in 2022)

According to the most recent data published by the Ministry of Justice, updated as of 30 September 2025, the ‘Digitalization investment’ for the justice sector is financed with €133,203,200, of which €59,053,996.79 has already been spent.²⁵ Last year, as of June 2024, €19,082,970.63 had been spent, so this year there has been a significant increase in spending. In addition, the government has introduced a new expenditure item called ‘Ministry Digitization’ in Table five of the 2026 Budget Bill dedicated to the Ministry of Justice, to which it allocates €4.7 million.²⁶

However, it should be noted that these positive figures are offset by a simultaneous reduction in a series of expenditure items necessary to make the entire expenditure sector efficient overall. In fact, within the overall allocation of funds to the Ministry, there has been a reduction of approximately €80 million in the civil and criminal justice programme. In particular, the contraction affected items allocated to judicial efficiency, cutting most of the investments that had been made possible by the so-called ‘Cartabia Reform’ and the National Recovery and Resilience Plan (PNRR) (e.g., reduction of court backlogs, support staff expenses, in particular the so-called Office for the Trial, training of administrative and judicial staff).²⁷

Commission’s 2025 assessment: Some further progress

CILD’s current assessment: Some progress

25 Ministry of Justice (Ministero della Giustizia), Digitization (M1C1-I1.6.2) (*Digitalizzazione (M1C1-I1.6.2)*), Ministero della Giustizia, https://www.giustizia.it/giustizia/page/it/pnrr_digitalizzazione [in Italian]

26 State General Accounting Office (Ragioneria Generale dello Stato), Table No. 5 - Budget estimates of the Ministry of Justice - Supplementary note to the budget bill for the year 2026 and for the three-year period 2026-2028 (*Tabella N. 5 - Stato di previsione del Ministero della Giustizia - Nota integrativa al disegno di legge di bilancio per l'anno 2026 e per il triennio 2026 - 2028*); https://www.rgs.mef.gov.it/_Documenti/VERSIONE-I/attivita_istituzionali/formazione_e_gestione_del_bilancio/bilancio_di_previsione/bilancio_finanziario/2026-2028/DLB/DLB-04-AT-050-GIUSTIZIA.pdf [in Italian]

27 Morelli, C. , Digitalization of Justice: Ministry “takes everything” (*Digitalizzazione della Giustizia: Ministero ‘prendi tutto’*), Altalex, 11 November 2025, <https://www.altalex.com/documents/news/2025/11/10/digitalizzazione-giustizia-ministero-prendi-tutto> [in Italian]

Gaps in the Commission's Report

Constitutional Court deadlock: Parliament's delay in electing Constitutional Court judges

Following the expiry of the term of office of four of the judges of the Italian Constitutional Court, those positions remained vacant for some months, reopening a debate on the timely replacement of judges whose terms were expiring. The vacancies were only filled in February 2025, when parliament elected four new judges. Under the Italian Constitution, five judges of the Constitutional Court are elected by parliament in joint session and require a qualified majority, a mechanism designed to ensure broad political consensus and safeguard judicial independence.²⁸ Although late appointments are unfortunately common practice in Italian political and judicial contexts, the vacant positions within the Constitutional Court are capable of altering the delicate balance of powers that guarantees its independence.²⁹

Indeed, as noted in the 2025 report, the nomination of the missing members depends on a political compromise which needs to be reached in the parliament, precisely because the required qualified majority exceeds the governing coalition's ordinary political majority.³⁰

Prosecutorial and judicial accountability

In 2024, according to the Ministry of Justice's report to the parliament on Personal Precautionary Measures and Compensation for Unjust Detention, 552 people were compensated for unjust

28 In addition to the five judges elected by Parliament, five judges are elected by the magistrates of the three highest courts (three from the Corte di Cassazione, one from the Consiglio di Stato, and one from the Corte dei Conti), and the remaining five are elected by the President of the Republic.

29 In general, the Italian constitutional system is designed to limit the risk of appointments based solely on political affiliation. In fact, those appointed must be highly professional, excluding those with purely political careers. The term of office of a constitutional judge is longer than that of the legislature, thus preventing any overlap between appointment as a constitutional judge and a political office. The secret ballot within the Court also protects the appointed figure from political interference that could influence their work. The Constitution also requires that the appointment of judges by the parliament be made by a qualified majority, which, as such, requires a favorable vote greater than the political majority that reflects the executive branch of power. The election of the five judges by the parliament in a 'joint session,' i.e., by the two chambers meeting together, requires a two-thirds majority vote of the members in the first three ballots and a three-fifths majority vote of the members from the fourth ballot onwards.

30 *Civil Liberties Union For Europe, Liberties Rule of Law Report 2025 - Italy, Civil Liberties Union For Europe, 17 March 2025, pp. 8-9, <https://www.liberties.eu/f/bwhfvr>.*

detention.³¹ Among these cases, compensation resulting from judicial error (pursuant to Article 643 of the Code of Criminal Procedure)³² must be excluded. Given this, only two disciplinary actions were taken against magistrates.

According to the report by Enrico Costa,³³ at the Court of Cassation, a member of the Chamber of Deputies, promoter of the bill on the modification of the liability of magistrates and related disciplinary offences, the General Prosecutor receives 2,000 disciplinary reports every year.³⁴ Among these reports, over 95% are dismissed, but the reasons behind each decision are not published. In this context, the bill, assigned to the Justice Commission on 5 May 2025, is divided into four provisions.³⁵ Article 1 aims to change the conditions for recognizing compensation for wrongful imprisonment. Article 2 aims at greater coordination between the various areas when proceedings are opened for wrongful imprisonment, wrongful application of precautionary measures, or ‘abuse of process’. Article

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- 31 Ministry of Justice - Department of Justice Affairs - General Directorate of Justice Affairs (Ministero della Giustizia - Dipartimento per gli Affari di Giustizia - Direzione Generale degli Affari Interni) , Personal Precautionary Measures and Reparation for Wrongful Imprisonment: Data for 2024 (*Misure Cautelari Personali e Riparazione per Ingiusta Detenzione: dati anno 2024*), January 2025, <https://terzultimafermata.blog/wp-content/uploads/2025/02/rel.-min.-giust.-misure-cautelari-gennaio-2025.pdf> [in Italian]
- 32 *The compensation for wrongful imprisonment guarantees the defendant the right to obtain fair compensation for wrongful imprisonment prior to the trial and, therefore, prior to the judgment. Judicial error, on the other hand, occurs when a person, after serving a sentence, or part of it, as a result of a conviction, is subsequently found innocent following a new trial.*
- 33 Chamber of Deputies (Camera dei Deputati), Bill - Amendments to the Code of Criminal Procedure, regarding fair compensation, as well as to the implementing, coordination and transitional provisions of the same code and to the legislative decree of 23 February 2006 n. 109, regarding liability, Parliamentary Acts Chamber of Deputies No. 2248 (*Proposta di legge - Modifiche al codice di procedura penale, in materia di equa riparazione, nonché alle norme di attuazione, di coordinamento e transitorie del medesimo codice e al decreto legislativo 23 febbraio 2006, n. 109, in materia di responsabilità*, Atti Parlamentari Camera dei Deputati No. 2248), 14 February 2025, https://images.processopenaleegiustizia.it/f/sentenze/documento_IUPy1_ppg.pdf [in Italian]
- 34 Chamber of Deputies (Camera dei Deputati), Unjust detention and disciplinary liability of magistrates (*Ingiusta detenzione e responsabilità disciplinare dei magistrati*), Camera dei deputati Servizio Studi XVIII Legislatura, 13 July 2020, <https://documenti.camera.it/leg18/dossier/Testi/gi0133.htm> [in Italian]
- 35 Chamber of Deputies (Camera dei Deputati), Bill - Amendments to the Code of Criminal Procedure, regarding fair compensation, as well as to the implementing, coordination and transitional provisions of the same code and to the legislative decree of 23 February 2006 n. 109, regarding liability, Parliamentary Acts Chamber of Deputies No. 2248 (*Proposta di legge - Modifiche al codice di procedura penale, in materia di equa riparazione, nonché alle norme di attuazione, di coordinamento e transitorie del medesimo codice e al decreto legislativo 23 febbraio 2006, n. 109, in materia di responsabilità*, Atti Parlamentari Camera dei Deputati No. 2248), 14 February 2025, https://images.processopenaleegiustizia.it/f/sentenze/documento_IUPy1_ppg.pdf [in Italian]

3 broadens the scope of disciplinary offences and, at the same time, repeals a provision excluding liability. It also intervenes in disciplinary proceedings by requiring the General Prosecutor at the Court of Cassation to no longer proceed directly with the dismissal of cases, but to share the decision with the Minister of Justice. Article 4 sets out the financial provisions.³⁶

While the prospect of providing people with easier access to compensation is encouraging, certain aspects of the reform raise concerns regarding its potential impact on judicial independence. In particular, Article 3 provides for the involvement of the Minister of Justice in decisions to dismiss disciplinary cases, thereby introducing the executive branch into a sensitive stage of disciplinary oversight of magistrates. This may create a risk of real or perceived political influence and weaken safeguards designed to ensure judicial independence. However, as the reform is still at the proposal stage, its final content and implications remain uncertain.

Ineffective procedure made the prison reform unable to reduce prison overcrowding

The situation in Italian prisons is dramatic. According to the latest data published by the Ministry of Justice, there were 63,868 inmates, compared to a regulatory capacity of 51,275 places, resulting in an official overcrowding rate of 125%.³⁷ However, it should be noted that as of 21 December 2025, there were 5,208 places unavailable, resulting in a real overcrowding rate of 138%.³⁸ The government measures adopted in recent years did not improve the situation. In particular, the so-called Prison Decree (Decree-Law No. 92 of 2024), converted into Law No. 112/2024, which was presented as the tool that would drastically reduce overcrowding in Italian prisons, has eventually failed to live up to expectations. It was only on 3 October 2025, that the provisions concerning the granting of early release were implemented by Presidential Decree 176/2025,³⁹ amending Presidential Decree 230/2000 to make the new measures provided for in the decree-law operational, especially with regard to how to submit applications and calculate deductions.

36 Andolina, E. , Updates on fair compensation and the liability of magistrates (Novità in tema di equa riparazione e di responsabilità dei magistrati), *Processo Penale e Giustizia*, 9 May 2025, https://www.processopenaleegiustizia.it/Tool/Evidenza/Single/view_html?id_evidenza=3505 [in Italian]

37 Ministry of Justice (Ministero della Giustizia), Current inmates - updated as of November 30, 2025 (Detenuti presenti - aggiornamento al 30 novembre 2025), Ministero della Giustizia, 30 November 2025, https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1482939 [in Italian]

38 See: Prison Overcrowding in Italy, An analysis of data from the Ministry of Justice, last updated 21 January 2026, <https://www.sovraffollamentocarcerario.it/> [in Italian]

39 Decree of the President of the Republic No. 176 of 3 October 2025, *Gazzetta Ufficiale della Repubblica Italiana*, <https://www.gazzettaufficiale.it/eli/id/2025/11/25/25G00184/SG> [in Italian]

In particular, the modification of the procedure for granting early release was presented as the measure that would lead to a reduction in the prison population. The implementing decree provides that for every six months of sentence served, the prisoner's file should contain notes on the prisoner's conduct and the absence of disciplinary proceedings against them. If the prisoner's conduct is negatively assessed, it should be communicated to the detainee, who has the right to apply to the Supervisory Judiciary for a new assessment within 30 days. The obligation to indicate the 'actual' end of the sentence and the 'virtual' end of the sentence, calculated taking into account the days of early release that the person accumulates during the period of imprisonment, has been included directly in the sentence. Within 90 days until the end of the sentence calculated by applying the so-called 'virtual early release', the Supervisory Judiciary will be required to take independent action to verify that the requirements for granting early release have been met. Nevertheless, it remains unclear how the magistrate can be aware of this deadline, as there are no provisions for improving communications between prisons and supervisory courts, nor for computerising data. Instead of addressing the failure of the judiciary to respond promptly to requests filed by detainees, this new procedure may result in misunderstandings and unnecessary delays.⁴⁰ Certainly, the goal of reducing overcrowding has not been achieved.

Caivano Decree destabilised juvenile justice system

In October 2022, when the current Italian government took office, Italian juvenile prisons hosted 392 children and young adults, which used to constitute less than 3% of the total number of young people under the care of the juvenile justice system. As of 15 December 2025, that number has risen to 568 in Juvenile Penal Institutions (IPM) (*Istituti Penali per i Minorenni*), marking an increase of over 44%.⁴¹

However, the peak crowding was recorded on 15 March 2025, when the number of young people in IPM reached 611. These figures would be significantly higher were it not for the fact that many young people, who were under 18 years old when they committed a criminal offence and who would have been eligible to remain in juvenile facilities until age 25, have instead been transferred to adult prisons upon turning 18. This practice, which the Caivano Decree has greatly facilitated in punitive terms, shows a complete disregard for the young person's rehabilitative path.

40 Fortuna, L. , Early release: what doesn't work (*Liberazione anticipata: cosa non funziona*), Ristretti Orizzonti, 20 December 2025, <https://ristretti.org/liberazione-anticipata-cosa-non-funziona> [in Italian]

41 Department of Juvenile and Community Justice - Office I of the Head of Department - Statistics Section (Dipartimento per la giustizia minorile e di comunità - Ufficio I del Capo Dipartimento - Sezione Statistica), Minors and young adults in the care of juvenile services - Updated as of December 15, 2025 (*Minorenni e giovani adulti in carico ai servizi minorili - Aggiornamento al 15 dicembre 2025*), Ministero della Giustizia, 19 December 2025, https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1485122 [in Italian]

This sharp rise has been particularly notable following the entry into force of the so-called ‘Caivano Decree’ in September 2023, which expanded the scope for applying pre-trial detention to children and reduced the use of alternatives to detention. It should be noted that roughly half of the young detainees are unaccompanied foreign children, many of whom have endured traumatic experiences and never received adequate reception or support upon arriving in Italy.⁴²

To cope with overcrowding, a section of the adult prison Dozza in Bologna was set aside for young adults with more difficult behaviour from all juvenile detention centres in Italy. The section was closed last November when the new juvenile detention centre in L’Aquila was inaugurated, followed shortly afterwards by the one in Lecce. At the end of June 2025, Antigone, Defence for Children Italia, and Libera launched a joint appeal - which was signed by over 100 organisations, guarantors and individuals - to halt the drift towards repression and reaffirm the role of juvenile justice as a space for support, rehabilitation and protection.⁴³ At the end of July, the appeal was submitted to the UN Committee on the Rights of the Child, which will assess the situation in Italy within the year.

Excessive litigation costs and language barriers in courts

Last year, the Criminal Division I of the Court of Florence raised the issue of constitutional legitimacy concerning the negligible remuneration paid to court assistants - in this case, reference was made specifically to interpreters and translators. The Constitutional Court, in its ruling No. 16 of 11 December 2024- 10 February 2025,⁴⁴ partially upheld the question, declaring the constitutional illegitimacy of Article 4, second paragraph, of Law No. 319 of 8 July 1980 (Remuneration due to experts, technical consultants, interpreters, and translators for operations carried out at the request of the judicial authorities) in the part in which it provides for the payment of a lower fee for services subsequent to the first. This offers a spark of hope that there will be more professionals able to support the work of the judiciary.

42 For the full analysis of the data up to 15 December 2025, see: Dipartimento per la giustizia minorile e di comunità - Ufficio I del Capo Dipartimento - Sezione Statistica (2025), *Minorenni e giovani adulti in carico ai servizi minorili - Aggiornamento al 15 dicembre 2025*, Ministero della Giustizia, 19 December 2025, available at: https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1485122.

43 Associazione Antigone, Defence for Children International - Italia, Libera (2025), *Urgent Appeal for Juvenile Justice in Italy*, 23 June 2025, available at: <https://www.antigone.it/news/3598-la-giustizia-minorile-e-in-crisi-le-associazioni-lanciano-un-appello-urgente-torni-la-cultura-educativa>.

44 The Constitutional Court (Corte Costituzionale), Sentence No. 16 11 December 2024 - 10 February 2025, Gazzetta Ufficiale della Repubblica Italiana, <https://www.gazzettaufficiale.it/eli/id/2025/02/12/T-250016/s1> [in Italian]

Language barriers in the Italian justice system have multiple implications. There are only a few interpreters and translators, partly due to a lack of resources and inadequate remuneration for the required work, and they are often not sufficiently trained in technical legal language or familiar with the dialects of the applicants.⁴⁵

New Issues that Emerged in 2025

Criminalisation of vulnerable minorities

The process of criminalising the most vulnerable minorities, as discussed in the *2025 Liberties Rule of Law Report*,⁴⁶ shows no sign of stopping. After the conversion into law of the Security Decree,⁴⁷ the Council of Ministers is considering issuing a new decree that would strengthen public order and immigration controls, introducing faster eviction procedures for occupied housing, tighter family reunification rules for migrants, harsher penalties for juvenile crime, expanded police powers, and broader restrictions on protests and civil liberties in the name of security.⁴⁸

With regard to prisons, in addition to the continued failure to address longstanding structural problems,⁴⁹ the Department of Prison Administration (DAP) (*Dipartimento dell'Amministrazione Penitenziaria*) has recently adopted measures that appear to further limit detainees' access to cultural and educational opportunities. In October 2025, the DAP issued an internal memo significantly tightening the conditions under which civil society volunteers may access prisons to organise educational, cultural, or rehabilitative activities. In particular, the circular established that the organisation

45 Alberto, C. (2025), *Razzismo linguistico nei tribunali: quando il linguaggio giuridico esclude*, *AntiRazzismo*, 14 June 2025, available at: <https://www.antirazzismo.com/razzismo-linguistico-nei-tribunali/>

46 Civil Liberties Union For Europe, *Liberties Rule of Law Report 2025 - Italy*, Civil Liberties Union For Europe, 17 March 2025, pp. 18-21, <https://www.liberties.eu/f/hwhfvr>

47 *Presidency of the Council of Ministers*, Decree-Law No. 48 of 11 April 2025, *Gazzetta Ufficiale della Repubblica Italiana*, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2025-04-11;48>

48 ANSA, Security bill heads to the Cabinet meeting, clampdown on migrants, child gangs, and evictions: the measures (*Di sicurezza verso il Cdm, sul tavolo stretta su migranti, baby gang e sfratti: le misure*), *SkyTG24*, 13 November 2025, <https://tg24.sky.it/politica/2025/11/13/di-sicurezza-misure-cosa-prevede> [in Italian]

49 *As stated also by the President of the Republic, Sergio Mattarella, during his meeting with the Head of the Department of Prison Administration on 30 June 2025*. See: Presidenza della Repubblica, Speech by the President of the Republic Sergio Mattarella during the meeting with the Head of the Department of Penitentiary Administration, together with a representation of the Penitentiary Police (*Intervento del Presidente della Repubblica Sergio Mattarella in occasione dell'incontro con il Capo di Dipartimento dell'Amministrazione Penitenziaria, unitamente a una rappresentanza della Polizia Penitenziaria*), Palazzo del Quirinale, 30 June 2025, <https://www.quirinale.it/elementi/134834> [in Italian]

of cultural, educational, and rehabilitative activities within prisons hosting High Security sections - including facilities holding collaborators of justice and detainees under the 41-bis regime - would no longer be authorised by the individual prison directors, but instead would require prior approval from the DAP itself. The circular further requires that authorisation requests be submitted with 'adequate advance notice' and include a range of detailed information that is often difficult to determine in advance, such as the total number of participants⁵⁰ Although authorities have partially revised these provisions,⁵¹ following strong pressure by practitioners and civil society organisations,⁵² it did not reverse the centralisation of decision-making at the DAP level nor substantially reduce the bureaucratic burden on organisations. This is an emblematic symbol of a broader regression in the recognition of the educational and social function of detention.

This development is particularly troubling because in March 2025,⁵³ Italy has once again been condemned by the European Court of Human Rights (ECtHR) for violations related to prison conditions, in particular for violation of Article 3 of the Convention.⁵⁴

50 See: Gianfilippi F., New DAP circular regarding educational, cultural, and recreational events in prison (*Nuova Circolare del DAP in tema di eventi di carattere educativo, culturale e ricreativo in carcere*), Sistema Penale, 5 December 2025, <https://www.sistemapenale.it/it/notizie/gianfilippi-nuova-circolare-del-dap-in-tema-di-eventi-di-carattere-educativo-culturale-e-ricreativo-in-carcere> [in Italian]

51 *Ministry of Justice* (Ministero della Giustizia), Medium Security Circuit - Participation of the External Community in Intramural Prison Life - Circular supplementing and replacing Circular Letter No. 141254/5-4 of July 16, 1997 limited to point 4), as well as the DGDT Note No. 454011 of 21 October 2021 (*circuito Media sicurezza - partecipazione della Comunità esterna alla vita detentiva intramurale - circolare che integra e sostituisce la lettera circolare di prot. N. 141254/5-4 del 16 luglio 1997, limitatamente al punto 4*), nonché la nota DGDT di prot. n. 454011 del 21 October 2025, Sistema Penale, https://www.sistemapenale.it/pdf_contenuti/1764925290_20251201-circuito-media-sicurezza-partecipazione-della-comunita-esterna-alla-vita-detentiva-intramurale-copia.pdf [in Italian]

52 Unione delle Camere Penali Italiane, Revise the circular on educational activities in compliance with the Constitution and the penitentiary system (Rivedere la circolare sulle attività educative nel rispetto della costituzione e dell'ordinamento penitenziario, Unione delle Camere Penali Italiane), 19 November 2025, https://www.camerepenali.it/cat/13382/rivedere_la_circolare_sulle_attivit%C3%A0_educative_nel_rispetto_della_costituzione_e_dell%E2%80%99ordinamento_penitenziario.html; Libera, New restrictions on prison activities (Nuove restrizioni per le attività in carcere), https://www.libera.it/it-schede-2787-dal_21_ottobre_2025_organizzare_un_laboratorio_o_un_evento_in_carcere_e_diventato_piu_difficile [in Italian]

53 ECtHR, Niort v. Italy, Application No. 4217/23, definitive sentence of 27 June 2025. <https://hudoc.echr.coe.int/eng?i=001-242444>

54 Ivanenko, A., Khakimova, L., The Protection of Human Dignity in Detention: The Case of Niort v. Italy and the Application of Article 3 ECHR, Human Rights Centre Antonio Papisca, 27 March 2025, <https://unipd-centrodirittiumani.it/en/topics/the-protection-of-human-dignity-in-detention-the-case-of-niort-v-italy-and-the-application-of-article-3-echr>

On 25 November 2025,⁵⁵ the Italian Parliament unanimously passed the reform introducing the crime of ‘femicide’ with Article 577-bis of the Italian Criminal Code, which came into force on 17 December 2025.⁵⁶ The newly introduced crime provides for a special hypothesis of homicide, where the victim is a woman and the crime has been committed for reasons of “hatred, discrimination, or oppression, or as an act of control, possession, or domination”. While the need to reform provisions criminalising gender-based violence in the Italian legal system responds to the need to meet international obligations (see, for instance, the latest GREVIO Report),⁵⁷ this reform has sparked significant debate amongst academics and practitioners. The fear is that this newly introduced legislation has a mere cosmetic effect, driven by emotional or populist demands, while failing to address the real root causes of the phenomenon.⁵⁸ On the other hand, the government opposes social and emotional

55 Law No. 181 of 2 December 2025, *Gazzetta Ufficiale della Repubblica Italiana*, a <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2025;181> [in Italian]

56 Laws and other regulatory acts (*Leggi ed altri atti normativi*), *Gazzetta Ufficiale della Repubblica Italiana*, 2 December 2025, https://www.sistemapenale.it/pdf_contenuti/1764711697_20251202-280.pdf [in Italian]

57 GREVIO, Building trust by delivering support, protection and justice - Italy, Coe, 2 December 2025, <https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/488029944>

58 Several interesting opinions can be found at: Lazzeri F., In the Official Journal, Law No. 181 of 2 December 2025 (the so-called femicide law): an overview of the substantive and procedural criminal aspects (In G.U. la l. 2 dicembre 2025, n. 181 (c.d. legge sul femminicidio): una panoramica dei profili penalistici sostanziali e processuali), *Sistema Penale*, 3 December 2025, <https://www.sistemapenale.it/it/scheda/legge-femminicidio-gazzetta-ufficiale-novita-diritto-penale-sostanziale-processuale>; Criminal Law Editorial Team (Redazione Giurisprudenza Penale), The proposal to introduce the crime of “femicide” has been definitively approved (Approvata definitivamente la proposta sull’introduzione del reato di “femminicidio”), *Giurisprudenza Penale*, 26 November 2025, <https://www.giurisprudenzapenale.com/2025/11/26/approvata-definitivamente-la-proposta-sullintroduzione-del-reato-di-femminicidio/>; Fiandaca G., Dear criminal law professors, it’s time to protest the crime of femicide (Cari prof. Di diritto penale, è ora di protestare contro il delitto di femminicidio), *Sistema Penale*, 14 March 2025, <https://www.sistemapenale.it/it/articolo/fiandaca-cari-prof-di-diritto-penale-e-ora-di-protestare-contro-il-delitto-di-femminicidio>; Pecorella C., Why a femicide case can be useful (Perché può essere utile una fattispecie di femminicidio), *Sistema Penale*, 2 June 2025, <https://www.sistemapenale.it/it/opinioni/perche-puo-essere-utile-una-fattispecie-di-femminicidio>; Allegri, Femicide as a separate crime: the risks of a merely punitive response to gender-based violence (Il femminicidio come reato autonomo: i rischi della risposta meramente punitiva alla violenza di genere), *Associazione Antigone*, <https://www.rapportoantigone.it/ventunesimo-rapporto-sulle-condizioni-di-detenzione/il-femminicidio-come-reato-autonomo/> [in Italian]

learning for children in the primary years of their education, contending that “the State cannot step in for the family”.⁵⁹

Implications and Recommendations for 2026

Given the dire situation in Italian prisons and the ineffective attempts at reform, the Commission should issue a new recommendation to address this area. The issue of remuneration for court translators, which is significantly impacting the justice system, should also be addressed. An additional recommendation should address the continued criminalisation of certain groups.

Suggested recommendation: Italy should adopt effective deflationary measures, such as extraordinary clemency, greater granting of alternative measures, and rewards.⁶⁰

Suggested recommendation: Italy should adopt a different method of remuneration for interpreters and translators, namely by replacing a fixed fee with a variable fee, calculated as a percentage, based on ministerial tables.⁶¹

Suggested recommendation: Italy should refrain from adopting further security-driven measures that disproportionately affect vulnerable groups and instead prioritise compliance with European human rights standards by addressing structural deficiencies in the prison system, ensuring detainees’ access to educational, rehabilitative and volunteer-led activities, and guaranteeing the effective functioning of legal aid as an essential component of access to justice.

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- 59 Carlino, A. , Sex education in schools, Meloni: “Educating children on such sensitive subjects is the parents’ responsibility; the state cannot replace the family.” (Educazione sessuale a scuola, Meloni: “Educare i figli su materie così delicate è compito dei genitori, lo Stato non può sostituirsi alla famiglia”), *Orizzonte Scuola*, 14 December 2025, <https://www.orizzontescuola.it/educazione-sessuale-a-scuola-meloni-educare-i-figli-su-materie-cosi-delicata-e-compito-dei-genitori-lo-stato-non-puo-sostituirsi-alla-famiglia/> [in Italian]
- 60 Associazione Antigone, Antigone’s proposals - “Inhumane and degrading” campaign (Le proposte di Antigone - Campagna “Inumane e degradanti”), Associazione Antigone, 2025, <https://www.antigone.it/upload2/uploads/docs/ProposteCampagnaInumaneDegradanti.pdf> [in Italian]
- 61 Augenti, N., Dari, A., Constitutional Court ruling on professional fees, Augenti: “Immediately applicable, but little could change, here’s why. (Sentenza Corte Costituzionale su compensi professionali, Augenti: “Immediatamente applicabile, ma poco potrebbe cambiare, ecco perchè”), 14 February 2025, <https://www.ingenio-web.it/articoli/sentenza-corte-costituzionale-su-compensi-professionali-augenti-immediatamente-applicabile-ma-poco-potrebbe-cambiare-ecco-perche/> [in Italian]

Implementation of Judgments

In 2013, the ECtHR condemned Italy for the violation of Article 3 of the ECHR in *Torreggiani and others v. Italy*.⁶² The Torreggiani ruling was a ‘pilot judgment’, a procedure used by the court to deal with large groups of identical cases that derive from the same underlying problem. This decision has had a profound impact on Italian prisons, determining a number of reforms. Seen in this context, Italy introduced a compensatory remedy in 2014 for detainees who have suffered treatment in violation of Article 3 of the Convention. Detainees who have been subjected to non-compliant treatment and have been detained for at least 15 days under conditions that violate Article 3 have the right to obtain a reduction of their remaining prison sentence, equivalent to one day for every 10 days of violation. Those who have served a sentence of less than 15 days or are no longer in detention (or whose remaining sentence does not allow for the full deduction of the sentence reduction described above) have the right to receive compensation of €8 for each day spent in detention under the aforementioned conditions.

According to the most recent data available, during 2024, Italian surveillance offices decided 10,097 complaints; among these, 5,837 (57.8%) were accepted;⁶³ there was a 23.3% increase compared to complaints upheld in 2023. These dramatic figures escalate as overcrowding worsens. At the end of November 2025, there were 63,868 people detained in Italian prisons, almost 2,000 more than a year ago, compared to an actual capacity of only 46,124 places. The actual overcrowding rate reached 138.5%, with 72 institutions exceeding 150% and peaks reaching 200%. Antigone launched a petition, signed by 1,384 people as of 19 December 2025, to denounce this situation and call on the government to implement urgent reforms to tackle prison overcrowding.⁶⁴

Regarding access to justice, on 11 December 2025 Italy was condemned by the ECtHR in the case of *Diaci and Lenchi* on the grounds that the systematic delays experienced by lawyers in receiving their fees at the expenses of the state treasury (when a client is admitted to legal aid) constitute a violation of Article 1 of Protocol No. 1 of the Convention.⁶⁵

62 ECtHR, *Torreggiani and Others v. Italy* - Applications 43517/09, 46882/09, 55400/09 et al., January 2013, <https://hudoc.echr.coe.int/eng?i=002-7400>

63 Source: Ministry of Justice. Data obtained through a FOIA request.

64 Associazione Antigone, INHUMANE AND DEGRADING. Italian prisons are outside the constitutional law (INUMANE E DEGRADANTI. Il carcere italiano è fuori dalla legalità costituzionale), <https://www.antigone.it/iniziativa/3611-il-carcere-italiano-e-fuori-dalla-legalita-costituzionale> [in Italian]

65 ECtHR, *Diaci et Lenchi v Italy*, Application No. 15587/10 et al., 11 December 2025, Strasbourg, <https://hudoc.echr.coe.int/eng%23%7B%22appno%22%5B%2259140/00%22%5D%7D?i=001-247437> [in Italian]

ANTI-CORRUPTION FRAMEWORK -

General assessment

In 2024, Italy scored 54/100 in the Corruption Perception Index, going down 10 positions in the ranking elaborated by Transparency International.⁶⁶ Italy's recent shifts in anti-corruption policy may be slowing its momentum. Several legal changes - most notably a tighter interpretation of 'influence peddling' and the removal of criminal liability for abuse of office - have reduced safeguards designed to detect and deter problematic connections between public authorities and organised crime. Oversight of the National Recovery and Resilience Plan (*Piano Nazionale di Ripresa e Resilienza, PNRR*) spending is also still constrained by limited transparency and uneven access to relevant data. In addition, Italy continues to lag behind many European peers in regulating lobbying and managing conflicts of interest. Even so, there are signs of progress: the National Anti-Corruption Authority is often cited as a model in the region, particularly for improving procurement transparency through its digital platform.⁶⁷

Having consideration for the EU Commission Recommendations in the *2025 Rule of Law Report*, Italy's past year performance demonstrates limited progress. Two main patterns have appeared: on the one hand, the legislator appears to be inert or slow in taking initiative; on the other hand, the legislative process, once initiated, is hindered by several factors. In fact, some legislative initiatives within the anti-corruption framework, initially appearing as promising reforms, either stagnated or ended up being passed as attenuated provisions compared to initial intentions. The legislative process in this area of law appears to have the tendency to advance at an early stage and then remain dormant for extended periods of time, while the approval of amendments reduces the scope of applicability of transparency safeguards. These aspects warrant attention.

Due to pending legislative processes, no quantifiable progress can yet be assessed, nor is it possible to fully evaluate whether these reforms will prove effective or whether the regulatory potential weaknesses identified will result in a backsliding upon their eventual approval.

66 Transparency International, Corruption Perceptions Index 2024 - Italy, <https://www.transparency.org/en/cpi/2024/index/ita>

67 Cresswell, F., Prokic, L., Myrzabekova, A., CPI 2024 for Western Europe & EU: Leaders' hollow efforts cause worsening corruption levels, Transparency International, 11 February 2025, <https://www.transparency.org/en/news/cpi-2024-western-europe-eu-leaders-hollow-efforts-cause-worsening-corruption-levels>

Implementation of 2025 Commission recommendations

Recommendation: Adopt the pending legislative proposal on conflicts of interest and step up efforts to adopt comprehensive rules on lobbying to establish an operational lobbying register, including a legislative footprint (first made in 2022)

Conflicts of interest

To date, the conflict of interest reform, after some steps forward in 2024, is in a procedural stalemate.⁶⁸ The draft delegation law (Act of Chamber No. 304), approved by the Chamber of Deputies in May 2024, awaits the discussion by the Senate, without a hearing having been scheduled for this purpose.⁶⁹ This situation suggests that the reform is not among the legislative priorities, thus making it unlikely that a new regulation will be implemented before the end of the legislature.

68 Atto Camera No. 304 of 28 May 2024, Provisions on conflicts of interest and delegation to the government for the adaptation of the regulations relating to the holders of local government offices and to the members of the independent guarantee, supervision and regulation authorities, as well as provisions concerning the prohibition on the receipt of grants from foreign countries by the holders of public offices (Disposizioni in materia di conflitti di interessi e delega al Governo per l'adeguamento della disciplina relativa ai titolari delle cariche di governo locali e ai componenti delle autorità indipendenti di garanzia, vigilanza e regolazione, nonché disposizioni concernenti il divieto di percezione di erogazioni provenienti da Stati esteri da parte dei titolari di cariche pubbliche), <https://www.camera.it/leg19/126?leg=19&cidDocumento=304> [in Italian]

69 Atto Senato No. 1154 of 13 June 2024, Delegation to the government for the reform of the regulations regarding conflicts of interest of holders of government offices at state and regional level and of the autonomous provinces of Trento and Bolzano, as well as of the presidents and members of the independent guarantee, supervisory and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitti di interessi dei titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano nonché dei presidenti e componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), assigned to the 1st Standing Committee (Constitutional Affairs) on 13 June 2024, <https://www.senato.it/leggi-e-documenti/disegni-di-legge/scheda-ddl?did=58284> [in Italian]

Furthermore, the substantial content, if compared to the original project, appears altered. Through an extensive amendment, the majority parties revised the initial proposal, delegating to the government more powers than initially proposed, and expunging some provisions.⁷⁰ For instance, with regard to cases of incompatibility stemming from patrimonial activities of persons exercising top executive functions (PTEFs), an amended formulation, which will act as one of the delegation principles and criteria, weakens the safeguards against conflict of interest through a relevant elevation of the shareholding threshold (from 2% to 50% of the share capital of companies that carry out their activity under public concession or holding exclusive rights or operating under a monopoly regime) and narrowing subjective and objective categories which could give rise to that kind of incompatibility.⁷¹

Lobbying regulation

Some progress has been made with regard to lobbying regulation, but some issues are emerging. Five proposals are currently under joint consideration by the first Constitutional Affairs Commission of the Chamber of Deputies, following the approval, in September 2024, of a final document from an in-depth fact-finding parliamentary investigation.⁷²

- 70 Atto Camera 304-A of 13 October 2022, Delegation to the government for the reform of the rules on conflicts of interest for holders of government offices at state, regional, and autonomous provinces of Trento and Bolzano, and for the presidents and members of independent guarantee, supervisory, and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitto di interessi per i titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano e per i presidenti e i componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), p. 3 and following, https://document.camera.it/appscommonServices/getDocumento.ashx?sezione=lavori&tipoDoc=testo_pdl_pdf&id=legislatura=19_codice=leg.19.pdl.camera.304_A.19PDL0083000 [in Italian]
- 71 Atto Camera 304-A of 13 October 2022, Delegation to the government for the reform of the rules on conflicts of interest for holders of government offices at state, regional, and autonomous provinces of Trento and Bolzano, and for the presidents and members of independent guarantee, supervisory, and regulatory authorities (Delega al Governo per la riforma della disciplina in materia di conflitto di interessi per i titolari di cariche di governo statali, regionali e delle province autonome di Trento e di Bolzano e per i presidenti e i componenti delle autorità indipendenti di garanzia, vigilanza e regolazione), lett. e, https://document.camera.it/appscommonServices/getDocumento.ashx?sezione=lavori&tipoDoc=testo_pdl_pdf&id=legislatura=19_codice=leg.19.pdl.camera.304_A.19PDL0083000 [in Italian]
- 72 Camera dei Deputati, Disciplina dell'attività di relazioni istituzionali per la rappresentanza di interessi. AA.C. 308, 983, 1700, 1894 e 2336 (Disciplina dell'attività di relazioni istituzionali per la rappresentanza di interessi. AA.C. 308, 983, 1700, 1894 e 2336), Dossier, 11 June 2025, <http://documenti.camera.it/leg19/dossier/Pdf/AC0363.pdf>

However, some recently agreed-upon amendments to Article 3 of Draft Bill 2336 risk diminishing the framework's comprehensiveness and functionality.⁷³ More specifically, a clause has introduced further exceptions to compulsory enrolment in the stakeholders' register, making it not applicable to representatives of trade unions and employers' organisations.⁷⁴ This amendment was met with criticism from professional associations, as it potentially compromises the law's effectiveness.⁷⁵ In fact, exempting major stakeholders from rules that enhance transparency creates issues of equal treatment.⁷⁶ Moreover, the amendment regarding the frequency of updating obligations of the meetings agenda with lobbyists, from weekly to quarterly, could attenuate the legislative footprint's efficacy and timeliness. A further weakening of accountability may stem from the reduction of the re-registration waiting period from two to one year post-deletion.⁷⁷

- 73 Amendments 3.14 (M.P. Boschi) and 3.15 (M.P. Urzi et al.), List of proposed amendments (26) in the 1st Commission in the referring office published in the Bulletin of the Committees and Commissions of 27/11/2025 (n. 593) referring to C. 2336, in order of publication (Elenco delle proposte emendative (26) in I Commissione in sede referente pubblicate nel Bollettino delle Giunte e Commissioni del 27/11/2025 (n. 593) riferite al C. 2336, in ordine di pubblicazione), <https://documenti.camera.it/apps/emendamenti/getProposteEmendativeSeduta.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&tipoListaEmendamenti=1> [in Italian]
- 74 This exclusion collides with existing Chamber of Deputies' rules on the subject; see 'Disciplina dell'attività di rappresentanza di interessi nelle sedi della Camera dei deputati (Deliberazione dell'Ufficio di Presidenza dell'8 febbraio 2017), Article. 1 (Register), par. 4, which states 'Trade unions and employers' organisations are required to register in the Register where they intend to carry out the activity referred to in paragraph 3 at the Chamber's premises [...]'; <https://rappresentantiinteressi.camera.it/sito/deliberazione.html>
- 75 Redazione, #Lobbying4Change, FERPI, UNA, A law on lobbying cannot apply only to some (Una legge sul lobbying non può valere solo per alcuni), FERPI, 1 December 2025, <https://www.ferpi.it/news/una-legge-sul-lobbying-non-puo-valere-solo-per-alcuni> [in Italian]
- 76 Marino, M., Lobbying Law: One Step Forward, Two Steps Back (Legge sul lobbying: un passo avanti e due indietro. Perché l'esclusione delle organizzazioni datoriali e delle parti sociali dalla legge sulla rappresentanza di interessi rischia di cristallizzare l'opacità, anziché superarla), The Good Lobby, 10 December 2025, <https://www.thegoodlobby.it/legge-sul-lobbying-un-passo-avanti-e-due-indietro/> [in Italian]
- 77 Amendment 5.3 (M.P. Boschi) to Article 5, Draft Law 2336, Amendment proposal 11.7. in the 1st Committee in the referring body referred to C. 2336 (Proposta emendativa 11.7. in I Commissione in sede referente riferita al C. 2336), XIX Legislature, <https://documenti.camera.it/apps/emendamenti/getPropostaEmendativa.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&idPropostaEmendativa=5.3.&position=20251127>; Amendment No. 11.7 (M.P. Urzi) to Article. 11, at: <https://documenti.camera.it/appsemendamenti/getPropostaEmendativa.aspx?contenitorePortante=leg.19.eme.ac.2336&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:19:2336:null:null:com:01:referente&dataSeduta=20251127&idPropostaEmendativa=11.7.&position=20251127> [in Italian]

Provisions underlying the institutional structure add further potential shortcomings. The designation of CNEL (National Council for Economics and Labour) as the supervisory authority on the register is raising constitutional doubts, despite suggested in the aforementioned investigation. Article 99 of the Constitution only confers consultative powers to this entity, not regulatory enforcement ones, such as the imposition of sanctions. On the basis of concerns regarding institutional independence and technical competency, the opposition parties recommend allocating that function to the Italian Competition Authority (*Autorità Garante della Concorrenza e del Mercato, AGCM*) instead.⁷⁸

The recommendation clearly addresses two complex reform areas, identifying measurable general goals. However, a distinct formulation for each reform would be beneficial, along with an enhanced focus on implementation quality. More specifically, the recommendation adopts generic expressions that lack operational specificity and reference standards. Better recommendations would be:

Adopt comprehensive rules on conflicts of interest applicable to all persons with top executive functions (PTEFs), including government advisers, establishing clear preventive mechanisms, ad hoc disclosure obligations, and a system for the systematic verifications of declarations.

Adopt comprehensive rules on lobbying applicable to all stakeholders; establish a mandatory operational lobbying register with a timely legislative footprint; designate an independent supervisory authority with adequate monitoring and enforcement powers.

Commission's 2025 assessment: Some progress

CILD's current assessment: No progress

Recommendation: Step up efforts to effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information (first made in 2022)

Both issues addressed by the European Commission's recommendation remain unimplemented - no further progress has been made compared to 2025.

78 Gonzato, F., The law on lobbyists is not yet in place, but in the meantime it has already changed (La legge sui lobbisti non c'è ancora, ma intanto è già cambiata), *Pagella Politica*, 2 December 2025, <https://pagellapolitica.it/articoli/modifiche-legge-lobbisti-parlamento?utm> [in Italian]

Considering that draft laws aimed at reforming it are still pending before both parliamentary chambers, with no scheduled discussions, the current framework continues to rely on Decree-Law No. 149/2013 (converted into Law No. 13/2014). Similarly, the examination of bills that would strengthen the autonomy of the Committee for Transparency and Control of Political Parties and Political Movements is not scheduled. Hence, issues persist. Past reforms attempted to expand accountability obligations to political foundations and associations, establishing criteria to define when they must comply with party-level transparency standards. Nevertheless, those conditions are weak and could be easily circumvented.

An example of this is the threshold by Article 5(4) of Decree-Law 149/2023, which equates foundations to political parties if at least one-third of their governing bodies consist of current or former political individuals. This requirement is rather permissive, as organisations can remain exempt from stricter transparency rules by formally staying below it.

Such regulatory weaknesses are confirmed by the mismatch between the numerous foundations mapped as politically connected and the few actually subject to transparency obligations, i.e. by publishing their financial statements online and disclosing their donor list. According to the latest report of the Committee for Transparency and Control of Political Parties, only 14 foundations/associations equivalent to political parties and movements had complied with the obligation to submit financial statements (which were still under examination at the report release date). Indeed, civil society organisations have mapped a significantly higher number of foundations linked to political parties. This opacity enables the practice flagged by the EU Commission, allowing donations to reach parties and donors to exert potential influence on policy agendas without adequate forms of scrutiny.

To date, no unified electronic platform enables citizens to access aggregated party and campaign financial information. Data remains scattered across multiple sources (party websites, parliamentary databases, and records issued by the Committee for Transparency and Control of Political Parties). These gaps are often filled by civil society organisations, journalistic investigations, and expert analysis.

Against the backdrop outlined above, this area of law shows no measurable progress. The Commission could improve the formulation of this recommendation, as it identifies two specific objectives, but remains vague on concrete implementation. Terms like ‘step up’ and ‘effectively and swiftly address’ lack clarity and precision.

In order to address the practice of channelling donations through political foundations and associations, establish a single electronic register for centralised and timely disclosure of party and campaign finance data. Ensure that transparency and accountability obligations effectively cover all entities functionally linked to political parties, preventing the use of formal legal distinctions to circumvent public scrutiny.

Commission's 2025 assessment: No progress

CILD's current assessment: No progress

Gaps in the Commission's Report

Whistleblowing

As for whistleblowing regulation, the Gap Analysis conducted by Liberties on the European Commission's *2025 Rule of Law Report* highlighted, amongst other issues, the lack of legal certainty regarding the practical application of the new framework.⁷⁹ With particular reference to Italy's implementation of Directive (EU) 2019/1937, it was noted, inter alia, that some provisions of the transposition decree (Legislative Decree 24/2023) are ambiguously worded and diverge to some extent from the EU standards. The Commission's failure to highlight implementation issues was reflected in the lack of specific recommendations. These could have prompted Italy to improve the quality of legislation in this area, ensuring clarity of interpretation and, thus, efficiency in its implementation.

The National Anti-Corruption Authority (ANAC) (*Autorità Nazionale Anticorruzione*) conducted a monitoring on critical issues in the application of the norms between December 2023 and May 2024, with the participation of 319 public bodies and 213 private entities, which revealed a complex picture of application problems.⁸⁰ ANAC itself is addressing these issues through its own guidelines on internal reporting channels, published in November 2025. They aim to "ensure uniform and effective application of the legislation" and "further guide those required to implement it".⁸¹ In the same period, ANAC updated those on external reports.⁸²

79 Civil Liberties Union for Europe (2025), *European Commission's Rule of Law Report 2025 - Gap Analysis*, 5 November 2025, p. 48, <https://www.liberties.eu/f/uw2pr->; see also: Civil Liberties Union for Europe (2025), *Rule of Law Report 2025 on Italy*, 17 March 2025, pp. 25-26, <https://www.liberties.eu/f/hwhfvr>

80 ANAC, *Monitoring of critical issues in the application of whistleblowing regulations (Legislative Decree no. 24/2023) (Monitoraggio sulle criticità nell'applicazione della disciplina whistleblowing (d.lgs. n. 24/2023))*, ANAC, March 2024, <https://www.anticorruzione.it/documents/91439/195511204/Monitoraggio+criticit%C3%A0+applicazione+disciplina+whistleblowing+-+18.03.2024.pdf/59f99896-2861-8eb8-847d-9b3212f2a49e?t=1710847767490> [in Italian]

81 ANAC, *Guidelines No. 1 - 2025 on whistleblowing through internal reporting channels - approved with Resolution No. 478 of November 26, 2025 (Linee Guida n. 1 - 2025 in materia di whistleblowing sui canali interni di segnalazione - approvate con Delibera n. 478 del 26 novembre 2025)*, ANAC, 26 November 2025, <https://www.anticorruzione.it/-/del.n.478-26.11.2025.llgg.wb> [in Italian]

82 ANAC, *Amendment and addition to Resolution No. 311 of 12 July 2023 containing 'Guidelines on the protection of persons reporting breaches of Union law and the protection of persons reporting breaches of national legislation. Procedures for submitting and managing external reports'*, ANAC, 26 November 2025, <https://www.anticorruzione.it/-/del.479-26.11.2025> [in Italian]

It has been noted that the institution remains underutilised.⁸³ Experts also point out that the stratification of sources (supranational and national hard law, on the one hand, and internal soft law, i.e., ANAC guidelines and those of private operators such as Confindustria, on the other) adds complexity to the reference framework. Therefore, looking forward, some analysts hope for reform measures to remedy the ambiguities.⁸⁴

Revolving doors

Another persistent significant gap in Italy's anti-corruption framework is the lack of effective *pantouflage* (revolving doors) restrictions on politicians. The only applicable provision is Article 2 (par. 4) of Law No. 215/2004,⁸⁵ which establishes a 12-month 'cooling off-period' following the conclusion of the term of office.

This provision applies before taking on positions in public law institutions, including economic ones, or in profit-making companies operating primarily in sectors related to the position held previously. This provision is inadequate in several respects. Firstly, the cooling-off period is significantly shorter than the three year period imposed on public employees, pursuant to Article 53 (par. 16-ter) of Legislative Decree No. 165/2001.⁸⁶ Secondly, there is no effective preventive surveillance system, as

83 ANAC, Monitoring of critical issues in the application of whistleblowing regulations (Legislative Decree no. 24/2023) (Monitoraggio sulle criticità nell'applicazione della disciplina whistleblowing (d.lgs. n. 24/2023)), ANAC, March 2024, p. 8, <https://www.anticorruzione.it/documents/91439/195511204/Monitoraggio+criticit%C3%A0+applicazione+disciplina+whistleblowing+-+18.03.2024.pdf/59f99896-2861-8eb8-847d-9b3212f2a49e?t=1710847767490> [in Italian]

84 Parisi, N., Tambasco, D., Whistleblower support measures. A comparative experience starting from the Italian system (Le misure di sostegno del whistleblower. Un'esperienza comparata a partire dal sistema italiano), *Etica Pubblica: studi su legalità e partecipazione*, n. 2, 2024, <https://www.torrossa.com/en/resources/an/5977731#> [in Italian]

85 Law No. 215 of 20 July 2004, *Norme in materia di risoluzione dei conflitti di interessi*, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2004-07-20;215> [in Italian]

86 Legislative Decree No. 165 of 30 March 2001, General rules on the organization of work within public administrations (Norme generali sull'ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche), <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2001-03-30;165> [in Italian]. In this regard, see the guidelines issued by the National Anti-Corruption Authority on 25 September 2024, <https://www.anticorruzione.it/documents/91439/190203148/Linee+guida+n.+1+-+divieto+di+pantouflage+-+del.n.493-25-2024.pdf/ba91a700-0dd1-8382-10ec-e3b83b57964d?t=1737365321713> [in Italian]

there is no obligation to communicate subsequent occupations to the AGCM (for ministers, who left office. Moreover, as pointed out in the GRECO's Fifth Evaluation Round Report, it remains unclear whether Legislative Decree 165/2001 applies to members of the offices of direct collaboration of the ministers (advisors, experts, consultants), who undoubtedly perform key functions in the government's decision-making process.⁸⁷

Nevertheless, the pending draft law on conflicts of interest does not aim to fill this gap. Although the text delegates the government to identify situations of incompatibility, no specific principles or criteria concern post-assignment restrictions. The only reference to the topic is found in the letter m) of paragraph 3, which merely recalls the provisions of Article 29-bis of Law No. 262/2005 for former CONSOB members,⁸⁸ without, however, extending this regime to government officials.⁸⁹ Furthermore, the delegation is intended to repeal Law No. 215/2004 (paragraph 5), but it is unclear whether, and to what extent, the future legislative decree will address political pantouflage. Significantly, in 2024, GRECO recommended Italy to strengthen its post-employment regime in order to improve effectiveness and broaden its scope to cover all persons with top executive functions.⁹⁰ Nevertheless, while the European Commission's rule of law recommendations invite Italy to adopt a comprehensive regulation on conflicts of interest and lobbying, there is no specific reference to pantouflage restrictions, despite their evident importance as a preemptive measure to counteract corrupt dynamics.

87 GRECO, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Report Italy, CoE, 28 August 2024, p. 25, par. 97, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680b16315>.

88 The Commissione Nazionale per le Società - the public authority responsible for regulating the Italian financial markets.

89 Atto Camera 304-A of 13 October 2022, <https://documenti.camera.it/leg19/pdl/pdf/leg.19.pdl.camera.304.19PDL0005690.pdf> [in Italian]

90 GRECO, *Fifth Evaluation Round, Evaluation Report Italy, recommendation No. X* "that the post-employment regime be strengthened in order to improve its effectiveness and that it be broadened in scope to cover all persons with top executive functions (paragraph 97)", p. 76, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680b16315>

New Issues that Emerged in 2025

GRECO recommendations

Following the GRECO Fifth Round Evaluation Report, Italy was supposed to submit a follow-up report based on the recommendations received by the end of September 2025.⁹¹ Nevertheless, the report might have been submitted but has not been published to today.

GRECO flagged the ‘Transparent Administration’ portal as a good practice from that round of evaluation. Moreover, from 19 September a new online platform was made available on the ANAC website to improve accessibility to transparency data.⁹² Moreover, consultations were organised about the 2025 National Anti-Corruption Plan.⁹³ This new pluriannual plan is impact-focused, with clear indicators and goals. In the 2026-2028 period, the ANAC will aim at improving the transparency platform through AI tools able to process complex data and by increasing accessibility for people with disabilities. The plan also seeks to consolidate whistleblowing practices and reinforce corruption prevention in public procurement through end-to-end digitalisation and better data integration, including during contract execution. While the ANAC will oversee implementation and monitoring, criminal corruption prosecutions remain handled by ordinary public prosecutors rather than a dedicated national prosecutorial authority.

Law on lobbying, abuse of office, and influence peddling

As regards the bill on lobbying, a civil society coalition was formed by #Lobby4Change, FERPI, and UNA to oppose the amendments approved in November. The CSOs demand equal lobbying regulations, with no exceptions for specific sectors such as workers’ unions. They claim that a lobbying law needs to apply to everyone and to all fields, otherwise the provision risks not reaching full application, hence lacking efficacy.⁹⁴

91 Wahl T. , GRECO: Fifth Round Evaluation Report on Italy, Eucrium, 26 September 2024, <https://eucrium.eu/news/greco-fifth-round-evaluation-report-on-italy/>

92 ANAC, Unified Transparency Platform (Piattaforma Unica della Trasparenza), <https://www.anticorruzione.it/en/-/piattaforma-unica-trasparenza> [in Italian]

93 ANAC, National Anti-corruption Plan 2025 - Draft of 07/08/2025 (Piano Nazionale Anticorruzione 2025-Schemi del d.lgs. n. 39.2013 – Consultazione 07.08.2025), <https://www.anticorruzione.it/-/consultazione.07.08.25.pna-2025#p2>[in Italian]

94 Lisi, E., Here’s why lobbyists are defending the lobbying law (Ecco perché I lobbisti difendono la legge sul lobbying), Policy Maker, 1 December 2025, <https://www.policymakermag.it/insider/ecco-perche-i-lobbisti-difendono-la-legge-sul-lobbying/> [in Italian]

Finally, in 2025, two important sentences were published by the Constitutional Court: on the abolition of the crime of abuse of office, and on the lawfulness of influence peddling. In July 2025, the Constitutional Court - with sentence No. 95/2025 - rejected challenges brought by fourteen referring judges against the parliament's 2024 repeal of the criminal offence of 'abuse of office'.⁹⁵ On the merits, taking into consideration the United Nations Convention against corruption (Merida Convention) (UNCAC) invoked by the referring judges alongside the violation of Article 117 of the Constitution, the court concluded that the Convention does not require States to criminalise 'abuse of office' as such. Moreover, the offence is not uniformly present across the criminal laws of all States parties, which reinforces the conclusion that UNCAC cannot be read as imposing a strict obligation to retain this particular offence. Nonetheless, the court acknowledged that the repeal produces "undeniable gaps in criminal protection", but held that assessing whether those gaps are adequately offset by the advantages sought by Parliament (as described in the legislative preparatory works) is ultimately a matter of political responsibility. In other words, the court said it cannot replace the legislature's policy judgment by conducting its own overall 'effectiveness review' of the post-repeal system of prevention and repression of abusive conduct by public officials.

In Sentence No. 185 of 16 December 2025,⁹⁶ the Constitutional Court held that the 2024 reform of the offence of illicit trading in influence (or influence peddling) is not unconstitutional, even though it substantially reduces criminal-law protection of the proper functioning and impartiality of the public administration, and it does not violate Italy's international obligations under the Criminal Law Convention on Corruption (the Strasbourg Convention).⁹⁷ The case arose from proceedings before the Rome Tribunal: several business people were accused of paying more than €11 million to an intermediary who, according to the prosecution, was supposed to use his connections with the Commissioner for the COVID-19 emergency to secure a contract concerning 800 million face masks. With the 2024 reform, however, trading in influence no longer punishes 'unlawful mediation' in a broad sense: it now requires that the mediation agreement concerns the commission of a criminal offence by a public official. In the Rome case, the Commissioner had been accused of abuse of office, but that offence was meanwhile repealed by the same reform. As a result, under the new legal framework, the defendants would have had to be acquitted. This is why the Rome Tribunal questioned whether such a restrictive

95 Constitutional Court, Sentence No. 95 of 7 May 2025, <https://www.cortecostituzionale.it/scheda-pronuncia/2025/95> [in Italian]

96 Constitutional Court, Sentence No. 185 of 7 October 2025, <https://www.cortecostituzionale.it/scheda-pronuncia/2025/185> [in Italian]

97 Constitutional Court (2025), The reform of the crime of influence trafficking is not unconstitutional (Non è incostituzionale la riforma del reato di traffico di influenze), 16 December 2025, https://www.sistemapenale.it/pdf_contenuti/1765885898_694141291649e.pdf

definition was compatible with Article 12 of the Strasbourg Convention, which refers to ‘improper influence’ without necessarily requiring that the public official must commit a crime.

With this sentence, the Italian Court chose to define the broad notion of influence peddling, as requested by the Convention. Nevertheless, its interpretation is restricted to cases where the improper influence is aimed at a crime by a public official. In its press release, the court also noted that Italy still lacks a comprehensive statutory framework on lobbying that would clearly distinguish between legitimate forms of advocacy and illegitimate intermediation. Finally, the court included an institutional policy message: it urged the parliament to adopt lobbying legislation that makes interactions with public authorities transparent and provides clear rules and sanctions. In the court’s view, such a framework would help define unlawful influence more clearly and could, in the future, support a reconsideration of the current criminal rules on trading in influence, and ensure stronger protection of the impartiality and proper functioning of the public administration against serious conduct that, under the present narrowed offence, risks going unpunished.

Court of Auditors reform and the fiscal damage to the public administration

On 27 December 2025, the Senate approved the final version of a bill presented in 2023 on the reform of the Court of Auditors.⁹⁸ Pushed by the ruling coalition, this reform reshapes how Italy polices the legality and financial responsibility of public spending, especially in public tenders, by narrowing officials’ exposure to sanctions and speeding up pre-award checks. This law is presented as a response to the ‘fear of signing’ (officials delaying decisions to avoid personal liability), which the government argues is slowing public works and the rollout of projects linked to the EU-funded National Recovery and Resilience Plan (PNRR).⁹⁹ At the core is a tighter definition of ‘gross negligence’ (pantouflage) for ‘*danno erariale*’ (fiscal damage to the public administration): liability remains for intentional wrongdoing, and still exists for gross negligence, but that concept is restricted to cases such as a manifest violation of applicable law or a clear distortion/denial of incontrovertible facts, excluding broader forms of serious negligence.¹⁰⁰ The reform also caps financial penalties when an official is ordered to compensate the state; the amount cannot exceed 30% of the assessed loss and, in any case, cannot exceed twice

98 Senato della repubblica, Senate Act no. 1457 (Atto Senato n. 1457), <https://www.senato.it/leggi-e-documenti/disegni-di-legge/scheda-ddl?did=59070> [in Italian]

99 Innamorati, G., The reform of the Court of Auditors is now law, amid controversy (La riforma della Corte dei Conti è legge, tra le polemiche), ANSA, 28 December 2025, https://www.ansa.it/sito/notizie/politica/2025/12/27/il-senato-approva-il-ddl-sulla-corte-dei-conti-e-legge_819c72bb-28c0-4310-914e-b2593632d202.html [in Italian]

100 Innamorati, G., The reform of the Court of Auditors, the contents (La riforma della Corte dei Conti, i contenuti), ANSA, 27 December 2025, https://www.ansa.it/sito/notizie/politica/2025/12/27/la-riforma-della-corte-dei-conti-i-contenuti_48ecd63b-9d56-4be4-885e-5e86c9d58475.html [in Italian]

the official's gross annual salary. On procurement oversight, it introduces a 'silence-assent' mechanism for preventive legality controls on 'above-threshold' contracts (those over EU relevance thresholds). If the court does not respond within 30 days (extendable up to 90), the act is deemed registered, and the administrator is protected from subsequent erarial liability tied to that authorisation. The Court of Auditors magistrates describe the reform as "a dark page for citizens", arguing it strips away a key constitutional safeguard over how public money is spent. They warn that narrowing 'gross negligence' and capping compensation at 30% turns liability into a mild, predictable cost - so most losses fall back on taxpayers. They also fear the new 'silence-assent' deadlines will work like an automatic shield - if the court can't respond in time (without extra staff), contracts are effectively cleared, and officials gain protection. The Magistrates Association concluded that "a more efficient public administration is not achieved by reducing the role of the Court of Auditors' judiciary, but by strengthening the independent and impartial safeguard that guarantees the proper use of public money."¹⁰¹

Implications and Recommendations for 2026

To address the above-mentioned gaps in the Commission's report, Italy should implement the prior recommendations for Italy included in the 2025 EU Commission's report in this area, including adopting the pending Bill on conflicts of interest, adopting comprehensive rules on lobbying, establishing an operational lobbying register, addressing channeling of donations via political entities, and introducing a single electronic register for party/campaign finance information.

101 Redazione ANSA , The Court of Auditors' Association calls it a "dark page for citizens." (Associazione magistrati Corte Conti, 'pagina buia per i cittadini'), ANSA, 27 December 2025, https://www.ansa.it/amp/sito/notizie/cronaca/2025/12/27/associazione-magistrati-corte-conti-pagina-buia-per-i-cittadini_500aedbd-ff51-47a5-b8c7-63d30da27646.html [in Italian]

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

In 2025, journalists were targeted with various forms of legal and physical attacks and smear campaigns by political figures, violently aimed at silencing criticism. Furthermore, a new concerning issue has emerged over the use of spyware and surveillance targeting journalistic work, posing serious risks to press freedom and journalists' safety. At the same time, no serious steps have been taken to transpose or enforce EU legislation, resulting in non-compliance with the EMFA and inadequate implementation of the Anti-SLAPP Directive. Italy's public service media (*Radiotelevisione italiana*, RAI) remains weak, with no realistic prospect of meaningful reform. Political interference in RAI continues to increase, undermining both governance, editorial, and financial independence.

Implementation of 2025 Commission recommendations

Recommendation: Advance with the ongoing legislative work to ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit and to guarantee its independence (first made in 2022)

Italy's public service media reform has so far produced no tangible results, leaving national legislation out of compliance with Article 5 of the EMFA on financial independence. In September 2025, the 8th Permanent Committee of the Senate adopted a unified text proposing amendments to the TUSMA, forming the basis for the continuation of the reform process.¹⁰²

The current financial model, largely reliant on the annually set RAI licence fee, fails to provide the adequate, sustainable, predictable, and multiannual resources required under the EMFA. While the unified text limits fee reductions to 'exceptional motivations' and no more than 5% of the previous year, these safeguards are insufficient to protect RAI from progressive budget cuts that could jeopardise its financial stability and editorial independence. Moreover, the 2026 Budget Law provides for a €10 million reduction in licence fees, further constraining RAI's resources and its ability to fulfill its public service mandate.¹⁰³

102 Senato della repubblica, 19th Legislature - 8th Standing Committee - Summary Report No. 210 of 17 September 2025 (Legislatura 19^a – 8^a Commissione permanente – Resoconto sommario n. 210 del 17/09/2025), http://www.senato.it/show-doc?leg=19&tipodoc=SommComm&cid=1473376&part=doc_dc-allegato_a&crif=0 [in Italian]]

103 [Italy's 2026 Budget Law](#)

The recommendation has a clear objective. However, it should take a more assertive stance by explicitly stating that adequate legislative reform must be completed to ensure national legislation complies with Article 5 of the EMFA, otherwise Italy risks an EU infringement procedure:

Italy should put in place procedures that guarantee adequate, sustainable, and predictable funding so that the public service media can fulfil their remits and are capable of innovating and further developing, in line with Article 5 of the EMFA.

Commission's 2025 assessment: Some progress CILD's current assessment: No progress/Potential backsliding

Recommendation: Continue the ongoing legislative process on the draft reform on defamation, the protection of professional secrecy and journalistic sources while avoiding any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists (first made in 2022)

The Italian government has made no progress in implementing Article 4 of the European Media Freedom Act, which governs the protection of journalistic sources. In particular, this concerns the obligations regarding transparency of data processed through spyware and the establishment of a responsible authority that is genuinely open to the needs of the journalistic community.

It should also be noted that existing Italian legislation is, in some respects, more protective than the provisions set out in Article 4. Therefore, it is recommended that the government refrain from introducing measures that would ultimately weaken journalistic safeguards rather than strengthen them.

The issue of preventive interceptions remains unresolved; these are permitted under Italian law and are subject to a procedure that lacks transparency and undermines the right to defence.

The Commission could improve this recommendation by splitting into separate recommendations to address the issues individually:

Continue the ongoing legislative process on the protection of professional secrecy and journalistic sources while avoiding any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists.

Amend the draft defamation reform (Balboni Bill) to eliminate the proposed excessive fines for press-related criminal defamation, as well as the ancillary penalties, and launch a parliamentary debate to fully decriminalise defamation.

Commission's 2025 assessment: No further progress

CILD's current assessment: No progress

Gaps in the Commission's Report

In its 2025 report, the EU Commission disregarded some concerning aspects related to the media landscape in Italy - namely, potential media concentration concerns, *par condicio* rules, and state advertising transparency.

Potential media concentration

In the 2025 Rule of Law Report, we pointed out the alleged acquisition of AGI (*Agenzia Giornalistica Italiana*) by the Angelucci group, owned by Antonio Angelucci, a Lega party MP and entrepreneur in the health and media sector, whose assets include *Il Giornale*, *Libero*, and *Il Tempo*. Concerns regarded growing media concentration, undue political influence, and possible conflicts of interest. Nevertheless, the negotiations by Angelucci did not succeed, and the media agency remains on sale for now.¹⁰⁴

In December 2025, negotiations were confirmed for the sale of the GEDI media group, publisher of *La Repubblica* and *La Stampa*, to the Greek Antenna Group owned by Theodore Kyriakou, raising concerns about media pluralism and editorial independence in Italy. Journalists at both newspapers staged strike actions in mid-December, warning that the acquisition could undermine critical journalism and the independence of their newsrooms.¹⁰⁵

Political communication and *par condicio* rules

The debate, which started in sight of the 2024 EU elections around the amended *par condicio* rule, approved with the so-called Fazzolari Decree,¹⁰⁶ died soon after the elections took place. Nevertheless, a similar argument emerged around the communication campaign on the five referenda, which took place in spring 2025. The five referendum questions tackled citizenship and workers' rights

104 Panzarella, M., Romanelli, D., In the Hands of a Few: Who Controls Information in Italy? The Infographic (Nelle mani di pochi: chi controlla l'informazione in Italia? L'infografica), LaViaLibera, 1 September 2025, https://lavi-alibera.it/it-schede-2414-chi_controlla_informazione_giornali_italia_proprietari_infografica [in Italian]

105 *Reporters without Borders, Sale of La Repubblica and La Stampa: threat to future of media pluralism in Italy, 22 December 2025*, <https://rsf.org/en/sale-la-repubblica-and-la-stampa-threat-future-media-pluralism-italy>

106 F.Q., The right splits over the Fazzolari provision; Boschi's proposal is rejected. The 'save-Petrecca' measure passes: on RaiNews, a simple disclaimer will be enough to broadcast campaign rallies in full (*Sul lodo Fazzolari la destra si divide, bocciata Boschi. Passa il "salva-Petrecca": a Rainews basterà una sigla per trasmettere i comizi per intero*), 10 April 2024, *Il fatto Quotidiano*, <https://www.ilfattoquotidiano.it/in-edicola/articoli/2024/04/10/sul-lodo-fazzolari-la-destra-si-divide-bocciata-boschi-passa-il-salva-petrecca-a-rainews-bastera-una-sigla-per-trasmettere-i-comizi-per-intero/7507408/> [in Italian]

- although these concerned the majority of the population, CSOs and workers' unions complained about censorship on RAI, also organising protests in front of RAI local headquarters.¹⁰⁷ Furthermore, members of the majority in the government aimed at boycotting the referenda by inviting people to abstain from voting or not to withdraw all five voting cards, excluding the one on citizenship, given that it clearly goes against the nationalist political agenda of Meloni.¹⁰⁸ In light of this situation, the Communication Authority (*Autorità per le Garanzie nelle Comunicazioni*, AGCOM) was requested to intervene and issued a provision calling on RAI to adequately communicate about the upcoming referenda.¹⁰⁹ At the end, only 30,6% of the population cast their vote, and as a consequence, no referendum question passed.¹¹⁰

State advertising transparency

The shortcomings highlighted in the 2025 Rule of Law Report as regards state advertising transparency persist. Article 49 of TUSMA is intended to make the use of public money for institutional advertising more transparent and to steer how those resources are distributed across the media market. It requires public administrations and other public bodies to inform AGCOM of the sums they spend on buying advertising space for institutional campaigns. The provision also sets minimum allocation thresholds, reserving at least 15% for local private TV and radio stations and at least 50% for daily newspapers and periodicals.¹¹¹ A major limitation, however, is that these obligations do not cover state-owned or publicly controlled companies, even though they are often among the most significant

107 Zero, D. , Silence, there's the referendum (Silenzio, c'è il referendum, Collettiva), 13 May 2025, <https://www.collettiva.it/speciali/referendum-2025/silenzio-informazione-referendum-qkb9ad19> [in Italian]

108 Redazione, The governing parties are calling for a voter not to vote in the referendum. (I partiti al governo invitano a non votare ai referendum), *Pagella Politica*, 6 May 2025, <https://pagellapolitica.it/articoli/referendum-cittadinanza-lavoro-governo-invito-astensione> [in Italian]

109 AGCOM , Press release – Call on television and radio broadcasters to ensure adequate coverage of the referendums (Comunicato stampa – Richiamo alle emittenti televisive e radiofoniche per garantire adeguata copertura ai referendum), AGCOM, 13 May 2025, <https://www.agcom.it/comunicazione/comunicati-stampa/comunicato-stampa-33> [in Italian]

110 IPSOS , Abrogative referendums on June 8 and 9, 2025: low turnout and reasons, Italians' opinions (Referendum abrogativi 8 e 9 giugno 2025: bassa affluenza e motivazioni, le opinioni degli italiani), IPSOS, 16 June 2025, <https://www.ipsos.com/it-it/referendum-abrogativi-lavoro-cittadinanza-voto-italiani> [in Italian]

111 Legislative Decree No. 208 of 8 November 2021, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2021-11-08;208> [in Italian]

advertisers connected to the public sector. As a result, the mismatch between the current domestic rules and the standards envisaged in Article 25 of the EMFA persists.¹¹²

New Issues that Emerged in 2025

Use of spyware against journalists

A worrying trend of the use of spyware against journalists emerged in Italy. The Italian government showed little interest in investigating the cases, to the point that the targeted journalists were not even heard by the inquiring parliamentary committee.¹¹³

On 31 January 2025, it was reported that 90 users of Meta’s social media platform WhatsApp, including journalists and members of civil society, were targeted with Paragon spyware, also known as Graphite. In the EU, it is understood that individuals were targeted in 13 Member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Germany, Greece, Latvia, Lithuania, the Netherlands, Portugal, Spain, and Sweden.¹¹⁴ One of the targets was investigative journalist Francesco Cancellato, the editor-in-chief of Italian news outlet Fanpage, who was informed of the spyware attack by WhatsApp on 31 January.¹¹⁵ The company reportedly discovered that Paragon was targeting its users in December 2024 and had since disrupted the hacking effort. It was unknown how long Cancellato may have been compromised, but the journalist published a high-profile investigative story in May 2024, which exposed how members of Italian Prime Minister Giorgia Meloni’s far-right party’s youth

112 Vigevani, G. E., Canzian, N., Cecili, M. , Monitoring media pluralism in the European Union : results of the MPM2025. Country report : Italy; (Monitoraggio del pluralismo dell’informazione nell’Unione Europea : risultati del MPM2025. Rapporto : Italia), EUI, RSC, Research Project Report, Centre for Media Pluralism and Media Freedom (CMPF), 2025, Country Reports, p. 47, <https://hdl.handle.net/1814/92896>

113 Cancellato, F. , Everything that doesn’t add up in the Copasir report on the Paragon case (Tutto quello che non torna nella relazione del Copasir sul caso Paragon), Fanpage, 6 June 2025, <https://www.fanpage.it/politica/tutto-quello-che-non-torna-nella-relazione-del-copasir-sul-caso-paragon/>; Pellegrino, C., The story of Paragon spyware on my phone. What happens when a journalist discovers he’s been spied on? (Storia dello spyware Paragon sul mio telefono. Cosa accade quando un giornalista scopre di essere stato spiato), Fanpage, 12 June 2025, <https://www.fanpage.it/politica/storia-spyware-paragon-ciro-pellegrino-fanpage/> [in Italian]

114 Media Freedom Rapid Response (2025), Italy: Call for full transparency after Fanpage editor-in-chief surveilled with spyware, Media Freedom Rapid Response, 2025, <https://www.mfr.eu/italy-call-for-full-transparency-after-fanpage-editor-in-chief-surveilled-with-graphite-spyware/>

115 Kirchgaessner, S., Italian investigative journalist targeted on WhatsApp by Israeli spyware, The Guardian, 1 February 2025, <https://www.theguardian.com/technology/2025/jan/31/italian-journalist-whatsapp-israeli-spyware>

wing had engaged in fascist chants, Nazi salutes, and antisemitic rants. Cancellato reportedly said he did not have reason to suspect that his mobile device had been compromised and that he had never been told by any authorities that he was under investigation.

The parliamentary committee that oversees the work of Italian intelligence services (Copasir) published an investigation report in June 2025,¹¹⁶ denying the involvement of Italian actors in the surveillance of the journalist, while indicating the possibility that foreign services were involved. The government authorities have not taken further action, while two court proceedings are ongoing in Rome and Naples. In April 2025, another Fanpage journalist, *Ciro Pellegrino*, who has been similarly critical of the Meloni government, received a notification by Apple warning that a mercenary spyware was used against him, which was later confirmed to be Graphite in a Citizen Lab report.¹¹⁷

Implications and Recommendations for 2026

The emergence of the use of spyware against journalists should be addressed by the Commission in its upcoming report with the following recommendation:

Suggested recommendation: It is recommended that the Italian government implements Article 4 of the European Media Freedom Act, particularly regarding: paragraph 7, implementation of safeguards such as the right of the data subject to information and access to personal data undergoing processing carried out in the context of the deployment of the surveillance measures; paragraph 8, right to effective judicial protection through an independent authority, body or self-regulatory mechanism with relevant expertise to provide assistance with regard to the exercise of that right.

116 Camera dei Deputati e Senato della Repubblica, Report on the use of the spyware “Graphite” by the intelligence services for the security of the republic (Relazione sull’utilizzo dello spyware “Graphite” da parte dei servizi di informazione per la sicurezza della repubblica), 4 June 2025, https://documenti.camera.it/_dati/leg19/lavori/documentiparlamentari/IndiceETesti/034/004/INTERO.pdf [in Italian]

117 Reuters, Alleged Italian phone hacking involves political gossip website, sources say, Reuters, 19 June 2025, <https://www.reuters.com/world/alleged-italian-phone-hacking-involves-political-gossip-website-sources-say-2025-06-19/>

CHECKS AND BALANCES

General assessment

Civic space in Italy has been described as ‘obstructed’ in the latest Civicus Monitor Report, placing our country at the same level as Orban’s Hungary, in line with the *2025 Liberties Rule of Law Report*. CSOs share consensus over identifying the security bill, the criminalisation of protest, and intimidation of journalists and activists through spyware, the three main catalyst elements to the shrinking of civic space in the country.¹¹⁸

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to establish a National Human Rights Institution taking into account the UN Paris Principles (first made in 2022)

More than 30 years later the UN General Assembly stated the obligation for Member States to establish a National Human Rights Institution (NHRI) according to the Paris Principles. With resolution 48/134, the Italian government is finally taking some steps in this direction. Nevertheless, this is happening only as a consequence of the upcoming full entry into force of the New Pact on Asylum and Migration foreseen in June 2026. Indeed, Article 10 of the Regulation (EU) 2024/1356 (Screening Regulation)¹¹⁹ and Article 43 Para. 4 of Regulation (EU) 2024/1348 (Procedure Regulation)¹²⁰ provide for the establishment of an independent human rights monitoring mechanism. In the context of the National Implementation Plan of the Pact, a document was circulated in November 2025, announcing that the National Data Protection Authority appears to be an adequate institution to allocate this mandate to. To this aim, €10 million will be granted to this existing body, in order to hire multidisciplinary personnel, buy technological equipment for monitoring activities, develop an online data platform, and lastly to cover organisational and logistical costs as well as external contributors costs, e.g. mediators and translators.

118 Amnesty International Italia (2025), Italy like Orban’s Hungary for Civicus Monitor, Amnesty International Italia (L’Italia come l’Ungheria di Orban per Civicus Monitor), Amnesty International Italia, 9 December 2025, <https://www.amnesty.it/litalia-come-lungheria-di-orban-per-civicus-monitor/> [in Italian]

119 Official Journal of the European Union, REGULATION (EU) 2024/1356 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 22 May 2024, <http://data.europa.eu/eli/reg/2024/1356/oj>

120 Official Journal of the European Union, REGULATION (EU) 2024/1348 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, 22 May 2024, <http://data.europa.eu/eli/reg/2024/1348/oj>

Those developments raised several concerns among CSOs, both regarding the independence and the mandate of ombudsman bodies in Italy. Firstly, by opting for allocating this mandate to the Data Protection Authority rather than to the Guarantor of the Rights of People in Detention, the government denies the forms of deprivation of personal liberties resulting from immigration procedures, devaluating the role and mandate of the Guarantor of the Rights of People in Detention.¹²¹ Indeed, this results in an administrative shortcut taken by the government to comply with regulations' obligation and risks undermining the objective of the NHRI mandate in the context of the New Pact on Asylum and Migration. Lastly, a few weeks before this, the Data Protection Authority was at the centre of attention due to alleged political influence and conflict of interests emerged thanks to an independent journalistic investigation,¹²² which caused the resignation of Angelo Fanizza, General Secretary of the Data Protection Authority.¹²³

As stated by CILD Co-Executive Director, “the protection of fundamental rights cannot be entrusted to temporary solutions or to bodies not equipped for this purpose. Italy now has an opportunity to strengthen its democratic institutions and align itself with international standards by establishing a long lasting and independent human rights authority with real powers and a clear mandate.”¹²⁴

Commission's 2025 assessment: No further progress

CILD's current assessment: In progress

Gaps in the Commission's Report

Criminalisation of solidarity

Since 2023, the work of SAR NGOs and supporting CSOs has been increasingly hindered through administrative detention measures and economic sanctions, in application of the so-called Piantedosi

121 Merli, G. , The government likes the guarantor: privacy also includes the right to asylum (Al governo il garante piace: alla Privacy anche il diritto di asilo), Il Manifesto, 11 November 2025, <https://ilmanifesto.it/al-governo-il-garante-piace-alla-privacy-anche-il-diritto-di-asilo> [in Italian]

122 Gambirasi, M., Report case, now the privacy guarantor is in the balance (Caso Report, ora il garante della privacy è in bilico), Il Manifesto, 10 November 2025, <https://ilmanifesto.it/caso-report-ora-il-garante-della-privacy-e-in-bilico>

123 Redazione , Privacy, the Secretary General resigns (Privacy, il segretario generale si dimette), Il Manifesto, 20 November 2025, <https://ilmanifesto.it/privacy-il-segretario-generale-si-dimette>

124 Oleandri, A., Instead of shortcuts we demand a truly independent human rights authority, CILD, 12 November 2025, <https://cild.eu/en/2025/11/12/instead-of-shortcuts-we-demand-a-truly-independent-human-rights-authority/>

Decree (Decree-Law No. 1/2023) and the 2024 Flow Decree (Decree-Law No. 145/2024), which further tightened restrictive provisions and extended the applicability of administrative detention and monetary sanctions to aircrafts supporting monitoring violations and distress cases in the Mediterranean. In 2025, the Piantedosi Decree was applied to ten SAR ships, consisting of detention periods and high fees - in many cases, the order was appealed and suspended by the court as illegitimate.¹²⁵ Moreover, for the first time, two supporting aircrafts were also detained for 20 days, with sanctions up to €100,000.¹²⁶ On 8 July 2025, the Constitutional Court published a sentence on the lawfulness of the Piantedosi Decree provisions, reaffirming that the Law of the Sea cannot be sidestepped through punitive or discriminatory measures, and that any order conflicting with it must be regarded as unlawful and illegitimate.¹²⁷ Moreover, with a sentence published on 3 December 2025, the Agrigento Tribunal once again challenged the application of the Piantedosi Decree to SAR ships, by excluding its application in the case of lack of communication with the Libyan authorities, as not among the conditions stated in the Decree.¹²⁸

125 RESQSHIP, Arbitrary detention after rescuing 112 people, 9 June 2025, <https://resqship.org/en/detention-nadir/>; RESQSHIP, Nadir blocked in port – again! Political repression against RESQSHIP continues, 8 July 2025, <https://resqship.org/en/detention-2/>; Sea-Eye, After Rescuing 65 People: SEA-EYE 5 Unlawfully Detained in Sicily, 17 June 2025, <https://sea-eye.org/en/after-rescuing-65-people-sea-eye-5-unlawfully-detained-in-sicily/>; Sea-Watch, Sea-Watch rescue ship Aurora detained, 22 July 2025, <https://sea-watch.org/en/sea-watch-rescue-ship-aurora-detained/>; Sea-Watch, Rescue ship Aurora blocked after rescuing 75 people, 9 September 2025, <https://sea-watch.org/en/rescue-ship-aurora-blocked-after-rescuing-75-people/>; Mediterranea Savung Humans, Mediterranea fermata dal Decreto Legge Piantedosi, 25 August 2025, <https://mediterraneaescue.org/it/news/mediterranea-fermata-dal-decreto-legge-piantedosi> [in Italian]; Mediterranea Savung Humans, 60 giorni di detenzione e 10 mila euro di multa per Mediterranea: una sanzione ingiusta e punitiva, 15 November 2025, <https://mediterraneaescue.org/it/news/60-giorni-di-detenzione-e-10mila-euro-di-multa-per-nave-mediterranea> [in Italian]; Compass Collective, Trotamar III is free, 10 September 2025, <https://compass-collective.org/en/2025/09/10/trotamar-iii-is-free/>; SOS Humanity, Rescue ship Humanity 1 detained in Ortona, 10 December 2025, <https://sos-humanity.org/en/press/humanity-1-detained-in-ortona/>.

126 Sea-Watch, Italy detains human rights monitoring aircraft, 8 August 2025, <https://sea-watch.org/en/italy-detains-human-rights-monitoring-aircraft/>; Bellini, F., La sanzione esemplare contro gli occhi scomodi di Pilotes Volontaires sul Mediterraneo, Altreconomia, 3 October 2025, <https://www.pilotes-volontaires.org/fr/carnet-devol/> [in Italian]

127 Constitutional Court, Sentence No. 101/2025 of 21 May 2025, https://www.asgi.it/wp-content/uploads/2025/07/pronuncia_101_2025.pdf

128 ASGI, Agrigento Court: NGOs cannot be sanctioned for failing to communicate with Libyans (Tribunale di Agrigento: non si possono sanzionare le ONG perché non comunicano con i Libici), ASGI, 22 December 2025, <https://www.asgi.it/antidiscriminazione/tribunale-di-agrigento-non-si-possono-sanzionare-le-ong-perche-non-comunicano-con-i-libici/> [in Italian]

In July 2025, an appeal signed by 32 SAR NGOs reported that since 2023, the application of such provisions entailed spending “960 days in harbours instead of rescuing lives at sea.”¹²⁹ Indeed, the obstructive policies affecting SAR actors have severe impacts on the deadliness of the Mediterranean route and also implies higher capacity of NGOs operating in this field in terms of resources to sustain legal and administrative costs faced due to the application of such provisions.¹³⁰

In this context of increased restrictions on solidarity in the Mediterranean, in 2025, two episodes of direct attacks against SAR NGOs by the so-called Libyan Coast Guard have been recorded: in August against the Ocean Viking ship, from SOS Humanity,¹³¹ and in September against Sea-Watch 5, from Sea-Watch.¹³² Libyan authorities, which are responsible for those violent threatening episodes, are supported by Italy through the Italy-Libya Memorandum of Understanding,¹³³ which was renewed for three more years on 2 November 2025. CSOs opposed to the renewal of the agreement as there is evidence that over the past eight years, it has empowered the Libyan Coast Guard to intercept tens of thousands of people at sea and return them to Libya, where they may be subjected to inhumane detention conditions, torture, and other forms of ill-treatment.¹³⁴ Moreover, despite a warrant order from the International Criminal Court for crimes against humanity and war crimes, the Italian government returned Libyan General Nijeem Osama Almastri to Libya on board a State flight, after

129 Redazione MeltingPot, Piantedosi insists, the judges deny it (Piantedosi insiste, i giudici lo smentiscono), MeltingPot, 12 December 2025, <https://www.meltingpot.org/2025/12/piantedosi-insiste-i-giudici-lo-smentiscono/> [in Italian]

130 Echoes Team, The obstruction of search and rescue vessels causes hundreds of deaths at sea, Civil MRCC, 28 July 2025, <https://civilmrcc.eu/criminalisation/the-obstruction-of-search-and-rescue-vessels-causes-hundreds-of-deaths-at-sea/>

131 SOS Mediterranée, Ocean Viking under heavy fire by Libyan Coast Guard in unprecedented attack against survivors and humanitarian workers, 25 August 2025, <https://www.sosmediterranee.org/sos-med-libyan-attack/>

132 Sea-Watch, Libyan militia fires on rescue ship Sea-Watch 5, 26 September 2025, https://sea-watch.org/en/libyan-militia-fires-on-rescue-ship-sea-watch-5/?_gl=1*1b0mi1w*_up*MQ..*_gs*MQ..&gclid=Cj0KCQjwmYzIBh-C6ARIsAHA3IkRizvjeMDHdVjfLb1TdynBeXSox3AyKw7WOC1z0g2N-0P7g89T3DjIaAmB4EALw_wc-B&gbraid=0AAAAApIZxqoj3vvnufRbVANOR6eGN4D_6

133 Presidente del Consiglio dei Ministri, Memorandum of Understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, and smuggling, and on strengthening border security between the State of Libya and the Italian Republic (Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana), Governo della Repubblica Italiana, 2 February 2017, <https://www.governo.it/sites/governo.it/files/Libia.pdf> [in Italian]

134 Human Rights Watch, Italy: End Border Control Pact with Libya, 13 October 2025, <https://www.hrw.org/news/2025/10/13/italy-end-border-control-pact-with-libya>

being arrested in Turin on 19 January 2025. Italy has been accused of violating international cooperation obligations,¹³⁵ while an investigation was opened by the Tribunal of Ministers against Prime Minister Giorgia Meloni, Justice Minister Carlo Nordio, Interior Minister Matteo Piantedosi, and Cabinet Secretary Alfredo Mantovano.

In the same days as the Almasri case, a worrying espionage case emerged. It seems that the Italian government had a contract with an Israeli military spyware company which spied on around 90 people in 20 countries, including Italian SAR activists and journalists.¹³⁶ As stated by Elina Castillo Jiménez, Amnesty International: “The use of spyware against activists and journalists by Italian authorities and the lack of transparency and cooperation undermine international norms that Italy is bound by and raises serious concerns about its commitment to the Pall Mall Process and its Code of Practice for States, which seeks to stop the abuse of commercial spyware which undermine freedom of expression.”¹³⁷

Right to protest

In the 2025 Rule of Law Report, we expressed great concern about the so-called Security Bill (DDL 1660), which was presented in the parliament back in September 2024, due to the fact that it would criminalise forms of dissent, creating a chilling effect.¹³⁸ After months of the parliamentary discussion and opposition from CSOs, international organisations, and academics, the government decided to adopt those provisions through Decree-Law No. 48/2025 of 11 April 2025,¹³⁹ then converted

135 ANSA, *Italy failed to comply with obligations over Almasri case – ICC*, InfoMigrants, 21 October 2025, <https://www.infomigrants.net/en/post/67629/italy-failed-to-comply-with-obligations-over-almasri-case--icc>; Redazione MeltingPot, *The International Criminal Court accuses the Meloni government in the Almasri case (La Corte Penale Internazionale accusa il Governo Meloni sul caso Almasri)*, MeltingPot 1 July 2025, <https://www.meltingpot.org/2025/07/la-corte-penale-internazionale-accusa-il-governo-meloni-sul-caso-almasri/> [in Italian]

136 Fonte, G., Armellini, A. (2025), *Italy and Israeli Paragon part ways after spyware affair*, Reuters, 9 June 2025, available at: <https://www.reuters.com/sustainability/society-equity/italy-has-ended-spyware-contract-with-paragon-parliamentary-document-shows-2025-06-09/> [in Italian]

137 Amnesty International Italia (2025), *Italy: New case of journalist targeted with Graphite spyware confirms widespread use of unlawful surveillance*, Amnesty International Italia, 13 June 2025, available at: <https://securitylab.amnesty.org/latest/2025/06/italy-new-case-of-journalist-targeted-with-graphite-spyware-confirms-widespread-use-of-unlawful-surveillance/>.

138 Civil Liberties Union for Europe (2025), *Rule of Law Report 2025 on Italy*, 17 March 2025, p. 50, available at: <https://www.liberties.eu/f/hwhfvr>.

139 *Decree-Law No. 48 of 11 April 2025*, available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2025-04-11;48> [in Italian]

with Law No. 80/2025.¹⁴⁰ This raises different questions challenging the rule of law in Italy. First, once again, the government bypassed the political and technical debate that was happening within the regular parliamentary legislative process by adopting a decree-law. This is a concerning dynamic, which is highlighted in the 2025 Report, also given the persistent use of this strategy by the Meloni government. CILD denounces: “The abuse of emergency decree-making is a serious distortion of the democratic process, used to impose security-focused reforms without debate, without transparency, and without opposition.”¹⁴¹ Secondly, this legislative decree introduced new crimes affecting activists, minorities, and opponents, undermining civic participation on various fronts. In particular, it further criminalises forms of peaceful demonstrations, such as road blockades by eco-activists, and forms of passive resistance and protest both in prisons and administrative detention centres for migrant people (CPRs).

The criminalizing provisions introduced by the Security Bill found application starting from June 2025. In June 2025, Article 14 on road blockade was applied against the road blockade resulting from a steelworkers’ demonstration in Bologna,¹⁴² while Article 20 was applied against a 22-years-old man following his participation in a pro-Palestine demonstration in Bari.¹⁴³ Moreover, in August 2025, nine migrant people were arrested following a protest in the CPR in Palazzo San Gervasio, in application of Article 27 of the Security Decree.¹⁴⁴ Finally, the provision prohibiting the production, selling, and distribution of cannabis light under Article 19 of Decree-Law No. 48/2025 was finally appealed, and a sentence by the Constitutional Court on its constitutionality is awaited.¹⁴⁵

140 Law No. 80 of 9 June 2025, available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2025;80> [in Italian]

141 Biondi, M. (2025), Il Decreto Sicurezza per scavalcare il Parlamento, CILD, 15 April 2025, available at: <https://cild.eu/blog/2025/04/15/il-decreto-sicurezza-per-scafcare-il-parlamento/> [in Italian]

142 F.Q. (2025), Sciopero dei metalmeccanici, a Bologna 10mila bloccano la tangenziale. “Denunciati in base al dl sicurezza”, Il Fatto Quotidiano, 20 June 2025, available at: <https://www.ilfattoquotidiano.it/2025/06/20/10mila-metalmeccanici-bloccano-la-tangenziale-di-bologna-saranno-denunciati-in-base-al-decreto-sicurezza/8033631/>.

143 Spagnolo, C. (2025), Arrestato dopo il corteo per Gaza in base al Decreto sicurezza, ragazzo di 22 anni condannato a Bari, La Repubblica, 18 November 2025, available at: https://bari.repubblica.it/cronaca/2025/11/18/news/arrestato_al_corteo_per_gaza_in_base_al_decreto_sicurezza_manifestante_di_22_anni_condannato_a_bari-424989181/.

144 Covella, A. R. (2025), CPR di Palazzo San Gervasio: dall’exasperazione alla protesta per denunciare condizioni disumane, Meltingpot, 12 August 2025, available at: <https://www.meltingpot.org/2025/08/la-rivolta-nel-cpr-di-palazzo-san-gervasio-dallesasperazione-alla-protesta-per-denunciare-condizioni-disumane/>.

145 Bocci, M., Giannoli, V. (2025), Cannabis light, dubbi di incostituzionalità sul divieto. Il ricorso del giudice: “Decida la Consulta”, La Repubblica, 3 December 2025, available at: https://www.repubblica.it/cronaca/2025/12/03/news/corte_costituzionale_decisione_su_divieto_coltivare_vendere_cannabis_light-425018311/.

Finally, on the morning of 30 December 2025, the Turin Police Headquarters carried out a precautionary measure against six minors from the ‘Einstein high school’ (Istituto di Istruzione Superiore Albert Einstein) ordering that they remain under house arrest pending trial.¹⁴⁶ This is a serious precedent, especially given the students’ very young age. The charges relate to certain protest episodes, including a road blockade, linked to the large pro-Palestinian demonstrations for the Global Sumud Flotilla this autumn.¹⁴⁷ For the same events, many other demonstrators have been fined in recent weeks, up to €5,000.¹⁴⁸

LGBTQIA+ rights

No progress has been made regarding LGBTQIA+ rights, especially as concerns same-sex marriage and rights over children from same-sex couples. However, the Court of Justice of the European Union (CJEU) judgment 917/2025 published on 25 November 2025 states that all EU Member States have the obligation to recognise same-sex marriages among EU citizens occurring in another State, in respect of the right of free movement and family life.¹⁴⁹ The court reiterates that, under the EU law, while Member States are not required to introduce same-sex marriage in their domestic legal systems, they nevertheless cannot refuse to recognise and register same-sex marriages lawfully concluded in another EU Member State.

A report shows that, in 2024, the number and the geographic spread of bias-motivated violence against LGBTQIA+ people in Italy rose worryingly, with incidents reported nearly every month.¹⁵⁰ Never-

146 Questura di Torino, Torino: la Polizia di Stato esegue provvedimento cautelare nei confronti di sei minorenni, Questura di Torino, 30 December 2025, available at: <https://www.poliziadistato.it/articolo/scontri-di-piazza-a-torino--sei-minorenni-indagati> [in Italian].

147 Redazione La Stampa, Clashes outside Einstein Hospital: Six minors placed under house arrest for resisting arrest and assaulting police officers (Scontri davanti all’Einstein: sei minorenni ai domiciliari per resistenza e lesioni ai poliziotti), La Stampa, 30 December 2025, https://www.lastampa.it/torino/2025/12/30/news/scontri_liceo_einstein_minorenni_arresti_domiciliari-15450498/ [in Italian]

148 @Torino.per.Gaza, Have you received a fine during the Palestine protests? Let us know! (Hai ricevuto una multa nell’ambito delle manifestazioni per la Palestina? Scrivici!), Instagram @Torino.per.Gaza, 3 January 2026, https://www.instagram.com/p/DTC6xKTDdSP/?img_index=2 [in Italian]

149 CJEU, Jakub Cupriak-Trojan and Mateusz Trojan v. Wojewoda Mazowiecki, Case C-713/23, CJEU, 25 November 2025, <https://curia.europa.eu/juris/document/document.jsf%3Bjsessionid%3D5CB9250C175BD8C-B744257CC8AC192F2?cid=15531415&dir=&docid=306544&doclang=EN&mode=req&occ=first&pageIndex=0&part=1&text=&>

150 ILGA Europe, Annual Review 2025 - Italy, Brussels, ILGA Europe, <https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Italy.pdf>

theless, no progress has been made regarding the approval of a law against hate towards LGBTQIA+ community in Italy. On the contrary, the Meloni government is restricting sex education in schools under the pretext of containment of the ‘gender ideology’, which is thought to be a threat to traditional-family values.¹⁵¹ Indeed, the Parliament is currently discussing a bill which would forbid sex-education in kindergarten and primary school, alongside the requirement of written consent of parents to teach it in middle school and high school.¹⁵²

Administrative detention

Throughout 2025, the implementation of Italy’s model of offshored administrative detention in Albania continued in an uneven and conflictual way, fuelling an ongoing tug-of-war between the government and the judiciary. Early in the year, critical issues emerged immediately (including potential vulnerabilities and minors), and the Rome Court of Appeal again refused to validate detention orders and referred questions to the CJEU, resulting in transfers back to Italy.¹⁵³ At the same time, the government attempted to ‘fix’ the regulatory framework: with Decree-Law No.37 adopted on 28 March 2025,¹⁵⁴ it expanded the operational scope of the scheme, allowing transfers to Albania also of people already held in Italian CPRs, thereby consolidating the use of the Albanian facilities as places of detention and not merely as sites for an accelerated border procedure.¹⁵⁵

One of the legal knots that had emerged since the opening of the Gjadër centre - namely the notion of a ‘safe country of origin’ and the extent to which the related ‘safe-country list’ is amenable to judicial

151 Giuffrida, A., Outcry in Italy over sex education bill to crack down on ‘gender ideology’, *The Guardian*, 4 December 2025, <https://www.theguardian.com/world/2025/dec/04/outcry-in-italy-over-sex-education-bill-to-crack-down-on-gender-ideology>

152 Atto Camera No. 2423 of 23 May 2025 “Provisions on informed consent in the school environment” (2423) (“Disposizioni in materia di consenso informato in ambito scolastico” (2423)), <https://www.camera.it/leg19/126?leg=19&cidDocumento=2423> [in Italian]

153 Reuters, Italy resumes migrant transfers to Albania detention centres,, Reuters, 26 January 2025, <https://www.reuters.com/world/europe/italy-resumes-migrant-transfers-albania-detention-centres-2025-01-26/>; Corte di Appello di Roma, Ordinanza della Corte di Appello di Roma – Convalida del trattenimento, 31 January 2025, <https://www.dirittoimmigrazionecittadinanza.it/allegati/fascicolo-n-2-2025/allontanamento-5/1757-all-40-c-app-roma-20250131/file> [in Italian]

154 Decree-Law No, 37 of 28 march 2025, <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2025-03-28&atto.codiceRedazionale=25G00050&tipoDettaglio=multivigenza&classica=true&generaTabId=true&bloccoAggiornamentoBreadCrumb=true&title=lbl.dettaglioAtto>

155 Amante, A., Italy to turn empty Albania migrant centre into repatriation hub, Reuters, 28 March 2025, <https://www.reuters.com/world/europe/italy-turn-empty-albania-migrant-centre-into-repatriation-hub-2025-03-28/>

review - continued to directly affect the feasibility of detention. After the hearing before the CJEU on 25 February 2025 on the questions raised by Italian judges, the CJEU's judgment of 1 August 2025¹⁵⁶ clarified that a Member State may designate a third country as a 'safe country of origin' by legislative act only if that designation is subject to effective judicial review, that the sources underpinning such a designation must be accessible to both the applicant and the national court, and that a Member State may not include a country on the list if it does not offer adequate protection to its entire population.¹⁵⁷ These principles significantly undermined the legal architecture underpinning the 'Albania model' as it had been operationalised by Italy.¹⁵⁸

The political reaction was swift. Government figures, particularly Interior Minister Matteo Piantedosi, reiterated the intention to press ahead with the Albania centres and framed judicial decisions as an obstacle to the executive's action.¹⁵⁹ By the end of 2025, litigation resurfaced on an even broader basis: on 17 November 2025, the Rome Court of Appeal referred to the CJEU questions concerning the overall compatibility of the protocol and extraterritorial detention with EU law. In essence, it asked (i) whether Italy had competence to conclude the agreement with Albania on its own or whether the matter falls within the exclusive competence of the EU, and (ii) even assuming such national

156 CJEU, LC (C-758/24) and CP (C-759/24) C. Commissione territoriale per il riconoscimento della protezione internazionale di Roma – Sezione procedure alla frontiera II, 1 August 2025, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=303022&pageIndex=0&doclang=IT&mode=req&dir=&occ=-first&part=1&cid=9234151> [in Italian]

157 Specifically, in its decision, the Court sets out three fundamental principles:

- the designation of a 'safe country' is lawful only if it can be reviewed by the national court;
- the sources on which the designation is based must be accessible to both the applicant and the court;
- a country that does not guarantee sufficient protection for everyone, including specific vulnerable categories, cannot be included in the list.

158 ASGI, EU Court of Justice: Safe country of origin must be a safe country for all. The Albanian model falls apart (Corte di Giustizia UE: Il Paese di origine sicuro deve esserlo per tutti. Cade il modello Albania), ASGI, 1 August 2025, <https://www.asgi.it/allontamento-espulsione/cgue-il-paese-di-origine-sicuro-deve-esserlo-per-tutti-cade-il-modello-albania/> [in Italian]; CILD (2025), The Court of Justice of the European Union invalidates the "Albania model", CILD, 1 August 2025, <https://cild.eu/en/2025/08/01/the-court-of-justice-of-the-european-union-invalidates-the-albania-model/>

159 Huffpost, Matteo Piantedosi slams the EU Court: "Move forward with CPRs in Albania. It's problematic if judges decide instead of governments." (Matteo Piantedosi contro la Corte Ue: "Avanti sui cpr in Albania, è un problema se i giudici decidono al posto dei governi"), Huffpost, 2 August 2025, [https://www.huffingtonpost.it/politica/2025/08/02/news/matteo_piantedosi_contro_la_corte_ue_avanti_sui_cpr_in_albania_e_un_problema_se_i_giudici_decidono_al_posto_dei_governi-19768835/-](https://www.huffingtonpost.it/politica/2025/08/02/news/matteo_piantedosi_contro_la_corte_ue_avanti_sui_cpr_in_albania_e_un_problema_se_i_giudici_decidono_al_posto_dei_governi-19768835/) [in Italian]

competence, whether the EU law - read in light of the Charter of Fundamental Rights - permits detention and the handling of asylum procedures in a territory outside the EU.

Pending the CJEU's reply, the Court of Appeal suspended the decision on validating detention; and, by operation of law, detention ceases to have effect after 48 hours.¹⁶⁰ The Constitutional Court, too, with Order No. 104 of 2025,¹⁶¹ raised ex officio the question of constitutional legitimacy in the proceedings concerning the validation of the measure by which the Chief of Police ordered the detention or the extension of the administrative detention of the applicant for international protection.¹⁶² Some associations, such as Association Antigone, requested to be admitted before the Constitutional Court as *amicus curiae*; their written opinion submitted alongside the request were accepted on 5 December 2025.¹⁶³

Politically and socially, the institutional conflict continued to produce a strongly polarised climate, with spillover effects on the safety of judges in immigration sections. Judge Silvia Albano publicly denounced the political-media instrumentalisation of judicial decisions¹⁶⁴ and linked this context to the threats she received, which led her to seek protective measures.¹⁶⁵ In parallel, parts of the public

160 CILD, The Italy-Albania Protocol at the Court of Justice of the European Union (Il Protocollo Italia-Albania alla Corte di Giustizia UE), CILD, 10 December 2025, <https://cild.eu/blog/2025/12/10/il-protocollo-italia-albania-alla-corte-di-giustizia-ue/> [in Italian]

161 Corte di Appello di Lecce, Atto di promovimento - ordinanza No. 104 of 7 May 2025, <https://www.gazzettaufficiale.it/eli/id/2025/06/04/25C00132/s1> [in Italian]

162 The main issue under discussion is the possibility that asylum seekers may be detained for a considerable period of time without any legal basis for such detention. In fact, there is no provision placing limits or regulations on the repetition of the procedure underlying detention, so that the administration could issue a series of measures not validated by the judicial authority, keeping the migrant detained in a state of deprivation of liberty.

163 Constitutional Court, 5 December 2025, <https://www.cortecostituzionale.it/uploads/amicus/ro-188-2025-decr-ammissione-opinio-6937e58998ca9.pdf> [in Italian]

164 Stasi, L., CPR in Albania, Silvia Albano: "Our rulings have been exploited. Today the European Court has ruled in our favor." (Cpr in Albania, Silvia Albano: "Le nostre sentenze sono state strumentalizzate. Oggi la Corte europea ci dà ragione"), L'Espresso, 1 August 2025, available at: <https://lespresso.it/c/politica/2025/8/1/silvia-albano-sentenza-corte-ue-migranti-albania-intervista/55988> [in Italian]

165 LaPresse, Death threats filed against Judge Silvia Albano (Minacce di morte alla giudice Silvia Albano, presentata denuncia), SkyTG24, 24 October 2024, available at: <https://tg24.sky.it/cronaca/2024/10/24/giudice-albano-minaccia-denuncia> [in Italian]

and media discourse persisted in delegitimising judges working on immigration matters, contributing to a confrontational framework that continued throughout 2025.¹⁶⁶

New Issues that Emerged in 2025

A new Security Bill

At the end of 2025, the Lega party announced a new ‘Security Bill’ consisting of 14 new provisions further criminalising protests, forms of dissent, and minorities, while strengthening once again guarantees for police officers. Those provisions would include stricter rules for family reunification for migrant people, increased forced evictions, pecuniary sanctions to parents of children committing crimes (so-called *baby gangs*), a monetary deposit from people organising demonstrations to be kept in case of damages, and, lastly, the establishment of a national monitoring body on ‘islamisation’.¹⁶⁷ The bill has been announced, yet not formally presented to the parliament, leaving the possibility for the government to pass it as a decree-law, bypassing the parliamentary debate.¹⁶⁸

Referendum on the separation of the magistrature career path

As reported above, in spring 2026, a new referendum is going to be held - this time, it will concern a constitutional law reforming the career path of prosecutors and judges. The debate around this question is vivid,¹⁶⁹ and the main concern is its effects on the independence of the magistrature, as highlighted in the justice system section. An additional element to consider for the upcoming vote is that, contrary to the ones held in June 2025, a quorum is not needed for the success of the referendum. Considering

166 Biloslavo, F., Money, lawsuits, and friendly judges: this is the system that supports illegal immigrants (Soldi, querele e toghe amiche: ecco il sistema pro clandestini), *Il Giornale*, 12 December 2025, <https://www.ilgiornale.it/news/magistratura/soldi-querele-e-toghe-amiche-ecco-sistema-pro-clandestini-2581581.html> [in Italian]

167 *Il Post*, Salvini has a new idea: a security decree (Matteo Salvini ha avuto un’idea nuova: un decreto sicurezza), *Il Post*, 12 November 2025, <https://www.ilpost.it/2025/11/12/decreto-sicurezza-lega-salvini-meloni-sfratti-reati-immigrazione/> [in Italian]

168 Stasi, L., The League presents a new security package: from a deposit for those organizing demonstrations to faster evictions (La Lega presenta un nuovo pacchetto Sicurezza: dalla cauzione per chi organizza manifestazioni agli sgomberi più rapidi), *L’Espresso*, 12 November 2025, <https://lespresso.it/c/politica/2025/11/12/lega-sicurezza-nuove-misure-cauzione-manifestazioni-sgomberi-islamizzazione/58174> [in Italian]

169 Redazione Pagella Political, Separation of judicial careers: what does the reform approved by the Chamber of Deputies envisage? (Separazione delle carriere dei magistrati: che cosa prevede la riforma approvata alla Camera), *Pagella Politica*, 17 January 2025, <https://pagellapolitica.it/articoli/separazione-carriere-magistrati-contenuti-riforma> [in Italian]

the boycotting tendency that representatives of the government demonstrated last spring,¹⁷⁰ it may happen that, once again, people are discouraged to cast their vote as a political strategy by the majority in the parliament - which has always convincingly supported the reform - and the decision will result being taken by the minority of the people, hence bypassing the participation issue created by disinformation and disinterest in politics spread among the Italian population.

Implications and Recommendations for 2026

The gaps mentioned above highlight serious, ongoing issues should be addressed through new recommendations by the Commission. Moreover, the new issue that emerged over 2025 related to the Security Bill is also serious enough to warrant a new recommendation in the Commission's upcoming report.

Suggested recommendation: Cease the criminalisation of NGOs' activity at sea by imposing fines and administrative detention orders against vessels and aircraft engaged in SAR operations in the Mediterranean. No activist or journalist should be subject to spyware activity because of their civic participation.

Suggested recommendation: Effectively protect the right to protest by stopping the criminalisation of dissenting opinions through the increase of penalties, the introduction of new offences and the strengthening of administrative measures of repression against activists, minorities, and human rights defenders.

Suggested recommendation: Grant the status of marriage to civil unions between same-sex couples, allowing the automatic recognition of children regardless of the sexual orientation and/or gender identity of the parents, and allowing adoptions, also through the approval of the step-child adoption.

Suggested recommendation: Resume the discussion on a law that can protect LGBTQIA+ people from all forms of discrimination and hate crime.

Suggested recommendation: Halt the implementation and expansion of offshored administrative detention schemes and ensure that any form of administrative detention fully complies with EU law, the Charter of Fundamental Rights, and the CJEU jurisprudence. In particular, Italy should refrain from building detention facilities outside EU territory, guarantee effective judicial

170 Redazione ANSA, Meloni: "I'm going to vote but I won't collect my ballot." (Meloni, 'vado a votare ma non ritiro scheda'), ANSA, 2 June 2025, https://www.ansa.it/sito/notizie/topnews/2025/06/02/meloni-vado-a-votare-ma-non-ritiro-scheda_9af6596a-afa9-4bb1-a7a6-649079cec605.html [in Italian]

review of detention decisions and of 'safe country of origin' designations, and prioritise non-custodial, rights-based alternatives to detention in asylum and migration procedures.

Suggested recommendation: Effectively protect the right to protest, by stopping the criminalisation of dissenting opinions through the increase of penalties, the introduction of new offences, and the strengthening of administrative measures of repression against activists, minorities, and human rights defenders.

CONTACTS

Coalizione Italiana Libertà e Diritti Civili (CILD) / Italian Coalition for Civil Liberties and Rights

Founded in 2014, the CILD is a network of civil society organisations that protect and expand the rights and liberties of all, through a combination of advocacy, public education and legal action.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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