



# FUNDAMENTAL RIGHTS AND THE RULE OF LAW

## **Report on the visit to Italy** **Authorities' observations on the report**

16-17 October 2024



European Economic  
and Social Committee

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*As part of the EESC's efforts to promote fundamental rights and the rule of law, a delegation of the EESC's Group on Fundamental Rights and the Rule of Law visited Italy on 16-17 October 2024. The delegation met with several representatives of civil society, specifically from civil society organisations, the social partners, the media, and the legal professions. A separate meeting was held with the Italian authorities, where the latter had the opportunity to react to some of the points presented to them. The aim of this report is to faithfully reflect and reproduce the views of civil society. The EESC FRRL Group last carried out a visit to Italy on 5-6 December 2019.*

### 1. Fundamental rights relating to the social partners

Participants reported that Italy's legal framework strongly supported **freedom of association**, as the Constitution guaranteed this right in several articles, and the Workers' Statute was at the core of Italy's pluralistic system of labour relations. However, participants explained that a significant regulatory gap existed due to the non-application of Article 39 of the Constitution, which stipulated that national collective agreements should apply to all sectoral workers, regardless of affiliation. This had led to a proliferation of agreements offering inferior protections for workers. Participants highlighted that the absence of legal limits on the representation of employer organisations and unions had facilitated this fragmentation, allowing even small groups of workers or companies to form their own entities and negotiate agreements, undermining the protection provided by more representative organisations. Participants called this phenomenon 'contractual dumping', which they felt had severely weakened labour representation in Italy. The Italian authorities observed that the Constitution had provided for the registration of the social partners, but since this process had never been defined by law, anyone could form an association and negotiate, leaving the government unable to intervene.

According to participants, the **collective bargaining system** in Italy was strong, as national collective agreements covered nearly the entire private sector workforce, far exceeding the threshold set by the EU Minimum Wage Directive. Participants highlighted that such extensive coverage showed the effectiveness of Italy's collective bargaining system, arguing that wages should be determined through negotiation rather than by legislation. They explained that a study by the National Council for Economics and Labour (CNEL) had confirmed that collective bargaining remained the preferred means of setting minimum wages, as it preserved the autonomy of labour relations. Participants recommended monitoring and collecting accurate data on the coverage of collective agreements when transposing the EU's Minimum Wage Directive, in order to ensure that work contracts were respected in practice. They added that bilateral social dialogue within some sectors had offered additional benefits to workers, providing greater protections and welfare measures, such as healthcare, childcare, training and social safety nets, which had been especially valuable during the COVID-19 crisis.

Participants observed that the quality of **social dialogue** with institutions had evolved, particularly during the COVID-19 pandemic. They appreciated the direct involvement of the social partners in establishing emergency protocols, such as those relating to healthcare and remote work. However, they regretted the absence of a structured code for social dialogue, which, in their view, would ensure more consistent consultations of the social partners by the government. Participants observed that institutional consultations had, at times, included too many smaller or non-representative organisations, which had diluted their effectiveness. They reported that, in other instances, decisions were made without adequately considering input from the social partners, even after consultations had taken place. According to them, this practice undermined consultative processes, reducing them to a mere formality rather than a meaningful exchange. As a positive development since the previous report, participants highlighted a stronger role for the CNEL in evaluating legislative measures.

The **right to strike** was enshrined in Article 40 of the Italian Constitution. Some participants observed that the digitalisation of production processes had made certain strike regulations obsolete, particularly those concerning essential services. Conversely, other participants highlighted that the laws regulating strikes aimed at balancing workers' rights with the needs of service users. The Italian authorities commented that the right to strike could only be restricted where it conflicted with other constitutional rights, such as the right to access essential public services. Participants noted that smaller unions had resorted to strikes more frequently, and some of them suggested that this practice was intended to gain publicity, diminishing the original purpose of strike actions. They explained that the Guarantee Commission, an independent body responsible for overseeing strike activities to ensure compliance with the law, had recently extended the required notice period for strikes. Trade unions had successfully challenged this decision in court, resulting in the notice period reverting to its original duration.

Regarding **working conditions**, the alarming rise in workplace fatalities emerged as a pressing concern. Participants emphasised that workers' safety must be prioritised and called for more robust state intervention, both in terms of stricter regulations and enhanced inspections, to improve working conditions and reduce accidents. Participants highlighted several issues within the public sector, including significant delays in renewing collective agreements, pay disparities compared to the private sector, and the absence of an external evaluation system for public administration. They also expressed concern over the declining appeal of public sector jobs, citing low salaries and limited opportunities for career advancement as major factors.

Participants on the employers' side called for greater **regulatory and bureaucratic simplification** to enhance freedom to conduct business. They specifically demanded that impact assessments on new regulations be conducted in collaboration with the social partners, viewing this as crucial for reducing bureaucracy and combating corruption. Another concern raised by these participants was the growing shortage of qualified workers, which was impacting multiple sectors. To address this gap, employers' organisations had been collaborating with institutions, academies and universities to train students and prepare them for the labour market. These participants also highlighted the increasing reliance on migrant workers, particularly in agriculture, where much of the workforce came from outside the EU. They recommended a better framework of migration flows in order to help address labour shortages.

## **2. Freedom of association and freedom of assembly**

Participants noted that **consultations** with the government had often felt superficial, lacking any substantive inclusion of civil society organisations' contributions in policymaking. Regarding the National Recovery and Resilience Plan (NRRP), participants reported limited meaningful involvement of civil society organisations and a lack of transparency concerning fund allocation and outcomes. They emphasised the need for a more concrete and active contribution from civil society organisations in public resource planning, as well as in designing and implementing European legislation and programmes at the national level, calling for more inclusive and transparent processes. As a positive development, participants mentioned the increased engagement of civil society organisations at the local level in the co-management and co-design of projects. Participants also called for administrative reforms

to eliminate bureaucratic barriers, which had been identified as significant obstacles to the fulfilment of social, civil and economic rights.

Participants felt that, since the previous report, **risks and tensions surrounding climate activism** had increased. They explained that, in 2024, the government had passed a law to punish protest actions in museums and institutional buildings, resulting in harsher penalties for peaceful protesters. Disproportionate use of force by the police during arrests, particularly of climate activists, had increased, alongside a rise in legal cases relating to civil disobedience, most of which ended with acquittals. According to participants, some media played a key role in creating a negative image of climate movements, often portraying protesters as outcasts.

Participants explained that **other concerning trends** raised in the report of the 2019 FRRL Group's visit had persisted or worsened. Distrust in the political system had deepened, as evidenced by the continued rise in voter abstention in elections. The suspicion and obstruction faced by civil society organisations working on immigration, identified as a critical issue, had intensified, with additional provisions hindering their efforts in search and rescue operations. The lack of progress in establishing an independent human rights institution in Italy remained a significant concern, despite commitments from authorities, UN recommendations, and civil society advocacy. Participants regretted the lack of political will in the matter and emphasised the importance of setting up such an institution to tackle the rise of disinformation and hate speech, which also targeted activists. Civil society organisations' difficulty accessing funding continued to be an issue, although participants believed that the joint development of the Social Economy Action Plan by the government, civil society organisations, and other stakeholders could offer a potential path forward.

Participants expressed significant concern that the 'Security Decree', an ongoing legislative measure set to introduce new criminal penalties and increase existing ones, would restrict the **freedoms of association and expression**. According to them, this decree would strengthen police powers by imposing harsher penalties for violence or resistance against officers, allowing officers to carry weapons outside working hours, and ensuring that the state covered their legal expenses if they were accused of committing abuses. This measure would increase criminal sanctions for the illegal occupation of buildings and the obstruction of roads and railways, raising concerns among participants about its potential deterrent effect on the expression of dissent. They observed that, like other recently adopted measures, this proposal would disproportionately impact climate and environmental protesters, who often used road blocking as a peaceful form of action. With regard to the management of demonstrations, the Italian authorities explained that police intervention was kept to a minimum, while communication with protesters was actively maintained through each event's promoter, who served as the official liaison with the authorities.

Participants called for the adoption of a youth policy code that would consolidate existing provisions in the area and serve as a framework law to address generational disparities and ensure cohesive regional strategies. They recommended integrating generational impact assessments into legislative processes in order to foster active youth participation in public life. Participants noted the significant role of cooperatives in fostering **social inclusion**, particularly through the active involvement of marginalised groups. However, they criticised the security-focused approach of migration management policies and advocated for measures that prioritised inclusion.

### **3. Freedom of expression and media freedom**

Participants noted that **media concentration** in Italy remained a critical issue, with a few dominant players controlling most of the mainstream media landscape. According to them, the lack of legislative safeguards, such as caps on advertising revenue or ownership concentration, had resulted in a highly asymmetrical market. Large media corporations coexisted with smaller outlets that often relied on volunteer work and faced significant financial and operational difficulties. In their view, these challenges had a direct impact on media pluralism, as smaller entities struggled to remain viable. Despite these constraints, participants highlighted the resilience of investigative journalism, which continued to

produce high-quality work at both national and local levels. They pointed out that this success was largely dependent on European funding, as national foundations and institutions had rarely supported this type of journalistic activity. The Italian authorities commented that media outlets had received economic support through public funding, including direct subsidies and indirect measures such as tax deductions. They also noted that a forthcoming decree would introduce requirements for a minimum number of journalists with fixed contracts and adequate salaries to strengthen the profession and support the digital transition. With regard to media oversight, participants explained that the Authority for Communications Guarantees (AGCOM) was responsible for overseeing the communications sector, focusing primarily on technical issues and ensuring pluralism, such as balanced media coverage during election periods, while the Order of Journalists handled ethical matters.

Participants highlighted the extensive **political influence** exerted over Italy's public service media, particularly over the governance of RAI, the national broadcaster. RAI executives were appointed through a process involving both the government and Parliament, which compromised the broadcaster's independence, according to their view. Participants pointed out that the European Commission's Rule of Law Report had long highlighted concerns about RAI's governance and its lack of independence, yet no significant reform had been made. Participants considered that political interference in RAI had increased in recent years, pointing to an episode of censorship of an Italian writer, which had led to the dismissal of a TV host. Participants observed that the majority of Italians still relied on television as their primary source of information, which amplified the effects of political control over this medium.

Participants highlighted that journalists faced serious **intimidation, threats, and retaliation**, particularly those involved in investigative reporting. Most threats were issued by political figures, including high-profile individuals, public officials, businesses and criminal organisations. As a new troubling trend, they noted that, while the number of threats had been increasing, fewer journalists were turning to law enforcement or the judiciary. As in 2019, the Italian authorities highlighted that a Coordination Centre had been established to monitor acts of intimidation targeting journalists. Despite the government's efforts, participants felt that data collection on these incidents did not capture all cases, and they regretted that this issue would not receive political attention.

Journalists who uncovered wrongdoing were often targeted through SLAPPs (strategic lawsuits against public participation), and these lawsuits were commonly based on **defamation claims**. Participants stressed the urgent need to decriminalise defamation, which remained a criminal offense in Italy, leading to severe penalties, including imprisonment and heavy fines. Although the majority of cases ultimately had resulted in the acquittal of journalists, participants regretted the misuse of the judicial system to silence them. Participants highlighted the significant toll that these lawsuits had taken on journalists' personal and professional lives, particularly the financial burden of legal defence, the mental health impact, and the reputational damage often associated with these proceedings. In addition, the obligation to initiate criminal proceedings for defamation allegations and the lack of insurance options for legal expenses in criminal cases had exacerbated the chilling effect of these lawsuits on journalists. Participants expressed concern about the transposition of the 'anti-SLAPP' Directive into Italian law.

With regard to **access to information**, participants explained that the Freedom of Information Act provided a general framework for transparency, but that its implementation had been hindered by the absence of penalties for non-compliance and by overlapping laws, which created confusion. Participants demanded more open access for journalists to sensitive sites, such as prisons and migrant detention centres (*'centri di permanenza per il rimpatrio'* (CPRs)), which had remained particularly restricted. They raised concerns about recent legislative measures that had restricted communication between prosecutors' offices and journalists, and prohibited the publication of full custody orders. In their view, these measures functioned as gag laws, significantly limiting transparency and reducing public awareness of critical issues. Participants noted the rise of politicians using social media to communicate directly with the public, bypassing traditional journalism and avoiding accountability. Regarding the right to privacy, participants expressed concern about the application of the Artificial Intelligence (AI) Act, particularly in relation to biometric systems and their potential widespread use by law enforcement. In their view, although the AI Act prohibited the use of facial recognition systems, it allowed for certain

exceptions, which could lead to it being used in public areas. The Italian authorities indicated that a committee of experts had been established to assess the impact of AI on journalism.

#### **4. The right to non-discrimination**

Participants observed a growing disregard by the authorities for safeguarding rights, particularly those of **marginalised and vulnerable groups**. They expressed concern about the lack of effectiveness of the National Office Against Racial Discrimination (UNAR), citing its limited autonomy and powers. Discriminatory practices, such as the obligation to have resident status in order to receive social housing and benefits, persisted until challenged in court, pointing to the need for structural change. Another troubling trend raised by participants was the government's tendency to address social issues with an increasingly punitive approach instead of focusing on education and prevention.

Participants observed that **refugees, migrants and asylum seekers** faced a combination of legal, institutional, and social challenges that severely hindered their ability to integrate and enjoy fundamental rights. They noted that some recent laws had systematically reduced protections for these groups, made saving lives at sea more difficult, lowered standards within the reception system, limited access to special protection residence permits, and increased detention within CPRs for people awaiting repatriation. Participants reported episodes of violence in such centres, including the administration of psychotropic drugs to detainees to keep them calm, often leading to dependency. They explained that procedural hurdles, such as lengthy waits to formalise asylum applications, had left individuals in limbo, without access to work, housing, or healthcare for extended periods. Efforts to externalise border control, such as the recent agreement with Albania and the Italian list of 'safe countries of origin' were identified as additional barriers that further prevented asylum seekers from exercising their rights. These policies, in the participants' view, represented a deliberate effort to restrict access to asylum and foster marginalisation, leaving many individuals vulnerable to social exclusion. Participants observed pervasive indirect discrimination, such as residency requirements for social benefits, alongside widespread exploitation of migrants in low-paid and unsafe jobs, highlighting the need to simplify the recognition of foreign qualifications. They expressed concern about the alarming rise in hate speech against migrants in political and media narratives, where migrants were often portrayed posing as threats to national stability, despite Italy's demographic decline and reliance on immigration for economic sustainability.

Participants reported that, while Italy had adopted strategies for the inclusion of **Roma people**, housing segregation persisted due to abrupt camp closures without adequate relocation plans. They observed widespread societal prejudice, exacerbated by discriminatory narratives in media and politics, which fuelled protests against relocating Roma people into residential neighbourhoods, reinforcing segregation and social exclusion. While the national strategy emphasised integration, participants highlighted that local authorities had often failed to facilitate sustainable housing solutions, leaving many Roma families in precarious living conditions.

Participants explained that a recent law banning surrogacy was aimed at targeting **LGBTIQ+** families, despite the practice being more commonly used by heterosexual couples, reflecting a politically motivated stance. Participants expressed concern about restricted abortion access for **women**, and criticised the authorities' lack of response to femicides, which only intensified existing punishments without addressing cultural issues or promoting education, particularly among young people. Several national prevention plans on gender-based violence existed; however, their implementation was considered ineffective. According to participants, the lack of action on these plans, the failure to apply preventive measures such as early warnings mechanisms, and the uneven distribution of anti-violence centres across the country had hindered progress in this area.

Regarding **people with disabilities**, participants expressed concern about the insufficient implementation of laws, emphasising regional disparities in educational support and healthcare access.

Despite existing legislation, they stressed the need for better employment integration and technological accessibility in order to empower people with disabilities. Participants highlighted that gaps in healthcare infrastructure often forced individuals with disabilities to travel long distances for essential treatments, exacerbating financial and emotional stress.

## **5. The rule of law**

Regarding the **judiciary**, participants reported that addressing delayed justice was a key objective of the NRRP and that significant progress had been made, particularly in reducing court processing times and case backlogs. Ongoing discussions with the government aimed at stabilising the roles of temporary staff employed in judicial offices through NRRP schemes, with the goal of securing permanent funding from the state budget. Participants expressed strong opposition to the proposed constitutional reform separating the careers of judges and prosecutors. They explained that the current system, in which both categories operated under the oversight of the High Council of the Judiciary (CSM), guaranteed judicial independence. The reform would create two separate ‘high councils’ which, in their view, would expose prosecutors to greater political influence due to their close links with law enforcement, which fell under executive control. Participants also noted that a newly created High Court would assume disciplinary powers previously held by the CSM. This court would include judges appointed by Parliament and by the President of the Republic, raising concerns about interference from political authorities.

Participants regretted that the political climate reflected growing hostility towards the judiciary. They noted accusations from political figures who claimed that judges had obstructed governmental actions, particularly on immigration policies. They expressed concern that this environment fostered a narrative portraying the judiciary as an obstacle to executive power, potentially justifying reforms that would curtail **judicial independence**.

Participants reported that Italy’s **prisons** suffered from severe overcrowding, with occupancy rates vastly exceeding their official capacity. They noted that this situation had resulted in inhumane conditions, inadequate access to healthcare, and a high number of suicides among detainees. They observed a shift from an open-cell to a closed-cell regime, further restricting detainee mobility and exacerbating tensions. Participants raised concern over the appointment of a former high-ranking prison administration official as the new head of the National Preventive Mechanism (NPM) for monitoring detention conditions, as it risked undermining the independence of the body. Participants also reported deteriorating conditions in **administrative detention centres** for migrants (CPRs), describing them as even worse than those in criminal detention facilities, and with limited access to judicial remedies. They expressed concern that the ‘Security Decree’ would not only make ‘rioting’ a criminal offence for both CPR and prison detainees, but that the concept of ‘rioting’ would also be defined in a way that included passive resistance. In their view, this would discourage detainees from reporting abuses or protesting against detention conditions. Participants observed that the agreement with Albania might not ensure procedural safeguards for asylum seekers forced to make their claims in a foreign jurisdiction, and could allow actions that would violate the principle of non-refoulement. However, one of the participants expressed hope that Italy’s system of checks and balances would help mitigate these risks. Participants felt that recent government policies had signalled a shift in criminal justice towards harsher sentencing and a more punitive approach, particularly in juvenile justice, rather than focusing on rehabilitation. In this regard, participants noted a significant rise in the number of incarcerated minors following the adoption of a law on juvenile delinquency.

Participants expressed strong reservations about certain potential **constitutional reforms**. Regarding a proposal which would grant more decision-making power to the Italian regions on certain matters, they argued that it could exacerbate social and territorial inequalities, undermining the equal exercise of rights by all citizens and weakening parliamentary oversight. They also debated a plan to introduce the direct election of the prime minister, replacing the current system whereby Parliament selected the head of government. Some participants noted Italy’s history of political instability and saw the reform as a way

to make the government more resilient. Others argued that it could weaken the legislative branch in favour of the executive, leading to an unprecedented concentration of power.

Regarding **corruption**, participants criticised the recent abolition of the crime of ‘abuse of office’, which, as they observed, effectively removed criminal accountability in cases where public officials intentionally caused undue harm or benefit. They noted that it had been driven by political pressure to reduce legal constraints on local administrators. In this regard, the Italian authorities replied that the law on abuse of office had been criticised for its limited effectiveness, as shown by the low number of convictions. They emphasised that the judiciary, particularly administrative judges, exercised other forms of control against corruption and clarified that abuse of office remained an administrative offence. Participants perceived a two-faced criminal justice system that showed leniency toward public authorities and harshness toward marginalised groups. They expressed regret that Italy still lacked comprehensive regulations on lobbying and conflict of interest. In their view, the absence of clear rules had led to ambiguity between legitimate political influence and corrupt practices, along with unequal access to decision-making processes. While they reported that parliamentary discussions were underway in order to establish clearer guidelines, they voiced uncertainty about the outcome, as none of the previously proposed laws had advanced in Parliament.

**Authorities' observations on the report on  
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**OBSERVATIONS FROM THE ITALIAN AUTHORITIES ON THE REPORT OF  
THE FUNDAMENTAL RIGHTS AND RULE OF LAW GROUP ON ITS VISIT TO  
ITALY  
(16-17 OCTOBER 2024)**

**1. Fundamental rights relating to the social partners (comments from the Ministry of Labor and Social Policy)**

**Chapter 1, page 1, first paragraph, **Freedom of Association:****

Since 1948, social partners have never been interested in the effective application of article 39 of the Constitution: to comply with the regulatory gap they claim currently still exists in the Italian legislative system, they should have accepted to be publicly registered. If social partners had asked to be registered, their collective agreements would apply to all sectoral workers. Registration is on a voluntary basis: that is why the Government never pushed for the creation of the register nor for making registration mandatory, in line with the rights of association and freedom of negotiations, set by the Italian Constitution.

To address the contractual dumping due to the fragmentation of collective agreements, several legislative acts have been issued, based on the principle of the importance of collective agreements agreed between “*the most important social partners, by comparison*”. The act of comparing between them different social partners is used as a criterion to measure their strength (in terms of representation) and, consequently, their clout and the importance of the collective agreements they negotiate.

**Chapter 1, page 2, second paragraph, **right to strike** (comments from the Ministry of Labour and Social Policies in coordination with the Ministry of Infrastructure and Transport)**

Based on data published by the Strike Guarantee Commission, in 2024, 1633 strikes regarding essential services have been announced in Italy. Of these, 522 were revoked by social partners; the Commission examined 446 strikes that took place regularly. In 2025, up until now, 360 strikes have been announced and the Commission examined 65 strikes that took place regularly. (Please note that the Commission does not intervene in all announced strikes).

The reference to a recent sentence on a proposal by the Commission to extend the required notice period for strikes has not been reported correctly. The proposal concerned the necessary period in between different strikes, in the specific case of several strikes being announced in a rapid succession of time: the population can be affected by the interruption of essential public services. To prevent such negative effects, the law introduces intervals of time in between the different periods of strike (so called “period of rarefaction”), which should be set at twenty days. Social partners felt that this period was too long, and the issue was examined by a court, whose sentence set a principle establishing that the Commission can make a proposal on the length of the period and asked for a new proposal based on a stronger evaluation.

**Chapter 1, page 2, third paragraph, **workers’ safety:****

In addition to the numerous legislative interventions concerning health and safety in the workplace, a recent decree of the Minister of Labour and Social Policies of 17 December 2024, n.195, “Integrated Plan for Health and Safety in the Workplace”, takes into consideration the issue of health and safety in the workplace no longer as a mere regulatory instrument, but as a founding

value in every context of life, from school to the workplace. The main purpose of the Plan is to create a synergistic network of collaboration between the Ministry of Labour and Social Policies, labour inspectors, national institutes for social protection, citizens, enterprises, social partners, public and private bodies and all stakeholders interested in health and safety. It aims to set up targeted activities for specific areas of intervention and to maximize any useful initiative to reduce the risk of accidents at work and occupational diseases. The first step to establish the network is the implementation of a plan to enhance awareness among young people and workers on health and safety, accompanied by pragmatic initiatives to support companies that want both to invest in safety and to fight undeclared and irregular work.

**Chapter 1, page 2, fourth paragraph, migration flows:**

Two recent laws have changed the discipline of migration flows, l. No. 50/2023 and l. No.187/2024. The first has provided for the admission of a total of 452.000 foreign citizens, for seasonal and non-seasonal employment and self-employment. It also aims to simplify and accelerate the procedure for issuing work authorizations; to reinforce training procedures abroad so to allow several trained workers above the current quota to enter in Italy; to adopt monitoring guidelines.

The second law aims to prevent and discourage the employers from abandoning administrative procedures after asking for the admission of foreign citizens for working reasons. It also introduces a labour market test to check the unavailability of workers already present on national territory. Moreover, it allows additional entry quotas: 10.000 foreign workers for family assistance and sanitary assistance for the elderly (more than 80 or disabled); 16.450 foreign workers for seasonal employment. Lastly, it includes measures for an additional digitalization of entry procedures.

**Chapter 4, page 5, paragraph 2, indirect discrimination and exploitation of migrants:**

Combating exploitation and promoting decent working conditions are priority issues for Italy. Decree no.145/2024 has introduced a new residence permit for foreigners' victims of illicit brokering and labor exploitation. They will be allowed to enter a personalized program of training and job placement and to access income support measures. To protect seasonal workers, the intermediation of employment relationships after the first one (which takes place during the period of validity of the authorization to work and within 60 days after the expiry of the previous contract) is carried out through an Information Platform (SIISL) created by the Ministry of Labour and Social Policy. In the context of NPRR, Italy has invested in a National Strategy against undeclared work to enhance our capability of measurement through better data gathering and analysis, involving social partners, stakeholders, institutions.

Social partners and third sector bodies are essential partners of the National Strategy to address exploitation in agriculture ("*caporalato*"), to build synergies and networking at a national and regional level, creating a framework for several initiatives to fight exploitation and to enhance awareness on the phenomenon.

## **2. Freedom of expression and media freedom (comments from the Department of Information and Publishing)**

The Department for Information and Publishing of the Presidency of the Council of Ministers promotes policies to support newspaper and periodical publishers as well as news agencies, with the aim of strengthening the information ecosystem. These efforts uphold the right of citizens to access information from an independent and diverse media environment, as enshrined in the Italian Constitution.

Recent Department initiatives include a key provision in the 2024 budget law, which establishes a single fund to promote pluralism and digital innovation in the information and publishing sectors, consolidating all previous contributions and public funding and providing greater financial stability. Support measures include: direct contributions to cooperatives of journalists and non-profit organisations that publish newspapers and magazines; contributions to stabilise journalists' employment contracts, in particular to convert temporary contracts into permanent ones; a fixed contribution to publishers for each printed copy sold; financial support to publishers investing in technological innovation; a tax credit for companies and NGOs that increase their advertising investment in local and national newspapers or magazines by at least 1% compared to the previous year; a tax credit for the purchase of newsprint; contributions for the employment of journalists under 36 years of age.

Other measures are addressed to the news agency sector, which plays an important role in Italy and has a specific structure as it is characterised by the presence of a large international agency and many medium and small agencies. The Department purchases their services for all Italian central administrations, acting as a central contracting authority; the financial support is given to news agencies based on the number of professional journalists employed on a permanent basis.

As part of the Council of Europe's "Journalists Matter" campaign to improve the safety of journalists, the Italian government has set up a National Committee composed of representatives of various central authorities and key stakeholders, such as the Italian Order of Journalists, the National Press Federation, the Federation of Newspaper Publishers and the National Association of Online Press. The Committee serves as a forum to discuss the safety of journalists in Italy, identify best practices and highlight areas for improvement.

## **3. Freedom of expression and media freedom (Comments from the Ministry of Justice)**

Referring to the right to freely report news and to the correct balancing of interests in the event of the publication of articles referring to proceedings still in the preliminary investigation stage, it should be noted that the legislative amendment set out in Law No. 114/2024 was aimed at protecting and guaranteeing the presumption of innocence, without ever affecting free expression of thought, based on Article 21 of the Constitution. The regulatory intervention in question, within the framework of European provisions, has the objective to enhance the presumption of innocence, prohibiting the publication of the full text or entire textual parts of orders applying precautionary measures until the next stage of the trial. The provision leaves untouched the right of the media to publish, without any limitation, references to the pre-trial order and its content (suspects, alleged offences and the evidence collected against them).

#### **4. The right to non-discrimination (Comments from the Ministry of Justice)**

On the introduction of the ‘Albania model’, it should be clarified that the provision has been included in our legislative framework in full respect of constitutional and supranational principles to which Italy adheres. Moreover, full expression has been given to the jurisdictional path, to the Judicial Authority’s own assessments and to the full protection of foreigners involved in the proceedings. Moreover, with the last decree-law - No. 145 of October 11<sup>th</sup>, 2024 (converted, with amendments, by Law No. 187 of December 9<sup>th</sup>, 2024) - a number of provisions related to judicial proceedings on international protection were amended, specifically over proceedings for the review (validation) of measures restricting the personal liberty of asylum seekers, which was previously assigned to the specialised sections of asylum and immigration courts, has been attributed to the Court of Appeal (see article 16, Decree-Law No. 145/2024) responsible for the district in which the administrative authority adopting the measure is located.

The Court of Appeal of Rome has also been expressly assigned the jurisdiction for the validation of detentions ordered in the areas concerned by the Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania for the strengthening of cooperation in migration matters, signed on November 6<sup>th</sup>, 2023. The corresponding ratification law (February 21<sup>st</sup>, 2024, no. 14), in article 4, paragraph 1, assigns the judicial offices in Rome the territorial jurisdiction for disputes concerning international protection and validations of asylum seekers located in these areas.

The Courts of Appeal have also been attributed (see Article 17, Decree-Law No. 145/2024) the competence to rule, exclusively on appeal, on the decisions by which the specialised section of the court decides on the request to suspend the effects of the rejection of the application for asylum. - No changes have been made to the general competence of the specialised sections of the court, which maintain the power to decide on the merits of appeals against the decisions of the administrative authority on international protection, nor has this competence been attributed in general to the Court of Appeal of Rome. With reference to the district of Rome, it has implemented the flows related to the competence attributed to it for the validation of detentions ordered in the areas affected by the Italy-Albania Protocol, also through an increase in the number of judges assigned to assess proceedings.

#### **5. The right to non-discrimination (Comments from the National Office against Racial Discrimination - UNAR)**

##### **Paragraph no. 4 - Legislation and UNAR’s independence**

Concerning the independence and competences of the UNAR (National Anti-Racial Discrimination Office), the following points must be highlighted:

- Regarding the extension of UNAR's mandate to counter all forms of discrimination, it is recalled that, in accordance with the general guidelines for administrative action and management of the Department for Equal Opportunities, since 2011 the Office has in fact been tasked with the protection against discrimination based on racial or ethnic origin, religion or belief, age, disability, sexual orientation and gender identity.
- In 2022, UNAR's mandate was further expanded to include “nationality” as a ground for discrimination to fully implement EU Directive 2014/54. Under the new legal framework, UNAR was designated as the Italian equality body responsible for dealing with cases of

discrimination against EU nationals in the field of employment, thus guaranteeing their right to free movement.

- On the issue of independence, measures were taken to strengthen UNAR's autonomy. On 1 October 2018, the Secretary General of the Presidency of the Council of Ministers issued a Circular reiterating the legal guarantees in place to ensure the independence of the Office:
- UNAR's tasks are laid down in primary legislation and therefore cannot be changed by secondary legislation or changes in political orientation.
- UNAR is financed through an annual allocation established by law, guaranteed over time and coming from the “Rotation Fund” for the implementation of EU policies. This funding is therefore independent of the annual State budget.
- The Circular also outlines the responsibilities of the UNAR Coordinator, both as a civil servant and as the head of an entity with unique characteristics of independence. To further strengthen autonomy, full responsibility for the management of financial resources is delegated to the coordinator.
- UNAR's independent status was confirmed by the closure on 7 March 2019 of the EU PILOT 8034/15/JUST procedure by the European Commission, which assessed Italy's compliance with Directive 2000/43/EC.

### **Housing and the right to housing for Roma and Sinti communities**

The housing dimension within the National Strategy 2021-2030 represents a key axis to overcome social exclusion and discrimination. In mapping the housing conditions of Roma and Sinti in Italy, civil society - including members of the RSC Platform, formally established in Italy in 2017 - has played a crucial role thanks to its widespread presence and the diversity of its data sources.

Recent data confirms a gradual reduction in the number of individuals living in segregated settlements, reflecting several contributing factors. A dedicated survey, promoted by UNAR in cooperation with ISTAT, analysed local housing inclusion initiatives and revealed an increase in projects at local level: 96 projects were implemented between 2012 and 2020 (see report: Housing in Transition - <https://www.unar.it/portale/-/abitare-in-transizione.-indagine-sui-progetti-di-transizione-abitativa-rivolti-alle-popolazioni-rom-sinte-e-caminanti>).

A growing tendency not to create new segregated settlements and a reduction in evictions carried out without complying with the law or the provision of adequate alternative measures should be noted. However, these are dynamic and complex phenomena, which require further specific studies. Information on the quality of housing transition pathways will be provided in the second phase of the ISTAT survey, which will offer data and insights to assess the social inclusion gap and discrimination experienced by Roma and Sinti populations who have benefited from housing transition projects (approximately 500 interviews and questionnaires) compared to those still living in informal settlements.

## **6. The right to non-discrimination (Comments from the Department for Equal opportunities)**

### **Law on the prosecution of the crime of surrogacy**

Since 2004, the Italian legal system has prohibited and prosecuted the use of surrogacy (Law No. 40/2004). The new law (n. 169/2024), adopted by the Senate on 16 October 2024, concerns the prosecution of the crime of surrogacy committed abroad by Italian citizens. It amends article 12 of Law 40/2004 by adding a new provision that subjects to Italian jurisdiction any conduct connected to the offence of surrogacy committed by an Italian citizen, even if committed abroad.

In Italy, however, the debate on surrogacy cannot be separated from Constitutional Court's ruling No. 162/2014 on heterologous fertilisation, which took a firm stance against surrogacy, deeming it contrary to the principles of human dignity, respect for the female body and children's rights. The use of surrogacy, regardless of the manner and purpose, is considered an intolerable offence to women's dignity and a profound degradation of human relations. Moreover, reference is also made to Constitutional Court ruling No. 272/2017 on the issue of filiation, in which the Court reiterated 'the serious disapproval that the Italian legal system reserves for practices prohibited by criminal law, such as surrogacy, which offends the dignity of women and deeply undermines human relations.

### **Restricted abortion access for women**

Italy can count on dedicated health facilities such as the "Consultori Familiari" - established by law 405 of 1975 and distinctive in their approach - that represent an effective point of reference for all women, including those who wish to resort to voluntary interruption of pregnancy (IVG), as they constitute a network of services managed and organised by the Italian Regions in a capillary and coordinated manner throughout the national territory, through the "Aziende Sanitarie Locali", which are responsible for financial and managerial organisation.

Regarding law 194/1978, the importance of its full implementation must be emphasised. This law defines maternity as a free choice within the dual framework of social protection of maternity and legal and safe access to voluntary interruption of pregnancy (IVG). According to the Minister of Health's latest annual report to Parliament (presented in December 2024 and based on 2022 data), pharmacological IVG is now more common than surgical IVG. Regarding the IVG service - considering both the absolute number of facilities where IVG is performed and the number of women of childbearing age, the availability of IVG Points (facilities where IVG is performed) appears adequate in terms of the number of procedures performed. Moreover, the number of IVG Points, compared to Birth Points (which provide obstetrical assistance and support during delivery), is proportionally higher: for every 1,000 deliveries, there is one Birth Point; for every 1,000 IVG procedures, there are 5.2 IVG Points. Waiting times are decreasing, although there is still some variation between regions. Finally, it should be noted that the average weekly workload of each non-objecting gynecologist is part of a national trend of constant decrease compared to the past. Considering 44 working weeks per year, the number of IVGs performed by each non-objecting gynecologist amounts to 0.9 IVGs per week at national level (2022 data).

### **Lack of response to femicides**

On International Women's Day 2025, the Italian Government expressed its support for a landmark bill proposing the introduction of femicide as a distinct and specific offence in the Italian Criminal Code. The bill is currently being presented to the Parliament for discussion and provides for that:

"Whoever causes the death of a woman, when the act is committed as an act of discrimination or hatred towards the victim because she is a woman, or to repress the exercise of her rights or freedoms, or, in any case, the expression of her personality, is punished with life sentence". Once adopted by the Parliament, the provision will further strengthen the already advanced Italian legislative framework on violence against women and girls and is expected to strongly contribute to the cultural change necessary to eradicate violence against women and girls.

Among the most recent laws adopted in Italy to prevent and combat violence against women, we can recall:

- Law n. 53/2022, "Provisions on statistics on gender-based violence", aimed at ensuring an adequate flow of information, in terms of frequency and content, including concerning relevant healthcare patterns of questions as collected at ERs, on gender-based violence against women, particularly regarding the relationship between the victim and the author, besides a focus hate crimes and revictimization, to ensure inter alia "an effective monitoring of the phenomenon" through a specific recording of data by relevant officers by a multistakeholder approach;
- Law No. 168/2023 aims, from a violence prevention perspective, to equip law enforcement agencies and the judiciary with new, targeted, and more effective tools while at the same time ensuring that victims receive more adequate levels of information and support at every stage and level of the proceedings.

Considering the promotion of a cultural change, Italy is firmly convinced that the unbalanced relationships between women and men that underpin violence against women start already at a very young age. In this regard, to promote equality and mutual respect between women and men among students, a Memorandum of Understanding was signed by the Minister for Family, Natality and Equal Opportunities, the Minister of Education and Merit, and the Minister of Culture. As part of this Memorandum, a Call for proposals was published in 2024 for the shooting, by students, of short videos on violence against women, with the best videos being awarded during the Venice International Film Festival; a new call for proposals for 2025 has been published recently.

In the current 19th Legislature, l n. 12/2023 provided for the establishment of a joint bicameral Commission of enquiry into 'femicide', i.e. crimes in which the victim is a 'woman as a woman'. Article 609-bis of the Italian Criminal Code punishes sexual acts committed with violence, threat, or abuse of authority. Given the established relevant case law, in full conformity with Article 36 of the Istanbul Convention, it is to be recalled that the Supreme Court of Cassation has confirmed that for consumption of the crime of sexual violence, it is sufficient the lack of consent.

In October 2024, Italy received the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) of the Council of Europe, which, in reporting on the initial findings of the visit, repeatedly emphasized the importance of the measures taken by Italy, expressing appreciation for the Government's commitment in this area.

The integrated system of different data and sources, which ISTAT, thanks to the MoU signed with the Equal Opportunities Department in 2017, feeds progressively and constantly, provides an updated and comprehensive picture of the different facets of gender-based violence. It does so by producing data to monitor the implementation of the Istanbul Convention (ratified in Italy in 2013) on the three strategic pillars of Prevention, Protection and Prosecution.

## **Implementation of national prevention plans on VAW**

The new National Strategic Plan on Violence against Women and Domestic Violence 2025–2027 is set to be adopted in the first half of 2025. In the meantime, the 2021–2023 Strategic Plan remains in force, with its continuity reflected in the numerous initiatives and activities promoted by the Department for Equal Opportunities throughout 2024 — many of which are continuing at full speed in 2025 — to implement the priorities identified across all Axes of the 2021–2023 Plan.

In relation to the Prevention Axis, with specific reference to the measures implemented from 2024 onwards:

- on the International Day for the Elimination of Violence against Women, celebrated on 25 November 2024, the Training White Paper on Violence against Women was presented. Based on this White Paper, the Guidelines for Training on Violence against Women, provided for by Law No. 168/2023, will be developed.
- In 2024, the Department for Equal Opportunities launched numerous awareness-raising initiatives and communication campaigns. An integrated communication plan was implemented to promote and disseminate the legal instruments, operational measures, and support services available to women who are victims of male violence.
- To convey a positive and empowering message, encouraging women — especially those affected by domestic violence — to take steps toward leaving violent situations, the Department also decided to update the slogan displayed alongside the 1522 helpline. The revised version, translated into 11 languages (English, Spanish, French, German, Arabic, Chinese, Russian, Portuguese, Romanian, Bengali, and Slovenian), was introduced through a new Prime Ministerial Decree, published in the Official Gazette on 11 April 2024.
- The previously mentioned Memorandum of Understanding signed by the Minister for Family, Natality and Equal Opportunities, the Minister of Education and Merit, and the Minister of Culture was implemented. The agreement promotes joint initiatives within the school system aimed at preventing violence against women and domestic violence. The first of these initiatives was the student competition to produce short films on the theme of male violence against women. The videos were intended to convey a positive message, highlighting the possibility for all women and girls to break free from the cycle of violence — particularly through its recognition. The competition received an excellent response, and the best short films, selected by a Commission composed of representatives from all three Ministries, were awarded on September 4, 2024, during a dedicated ceremony attended by the three Ministers, held as part of the Venice International Film Festival.
- Interventions targeting male perpetrators of violence fall within the scope of tertiary prevention. In this context, and in implementation of Article 18 of Law No. 168/2023, a Ministerial Decree was signed on 22 January 2025 by the Minister of Justice and the political authority delegated for equal opportunities. The decree establishes the criteria and procedures for the recognition and accreditation of entities and associations authorized to carry out rehabilitation programmes for perpetrators of violence against women and domestic violence.
- Soft law actions were also promoted in 2024, among the various support and empowerment measures targeting women who are already victims of violence. Notably, a memorandum of understanding was signed by the Minister for Family, Natality and Equal Opportunities with the

Italian Banking Association (ABI) and the Foundation for Financial Education and Saving (FEduF). This agreement led to the publication, in March 2024, of an online practical guide exploring the main aspects of economic violence.

- In February 2025, the Minister for Family, Natality and Equal Opportunities and the President of the Italian National Association of Dentists (ANDI) signed another Memorandum of Understanding aimed at raising awareness and training dental professionals to identify signs of violence against women and respond appropriately. Dentists and dental practitioners can play a key role in identifying abuse, thanks to their unique position, which allows them to detect physical indicators such as repeated trauma, fractures, and injuries to the jaw, facial bones, teeth, or soft tissues of the mouth.

Regarding the financing of anti-violence centers and shelters, the allocated resources are transferred by the Department for Equal Opportunities to the Regions on the basis of annual allocation decrees signed by the political authority pro tempore delegated to equal opportunities.

The allocation decree of 16 November 2023 provided for the transfer of €55 million to the Regions, including €40 million for the financing of anti-violence centers and shelters and €15 million for regional initiatives pursuant to Article 5 of Decree-Law No. 93 of 2013, with a focus on empowerment actions for women victims of violence. Following the approval of the program proposals submitted by the Regions, the Department proceeded with the transfer of resources between February and April 2024.

For the year 2024, the decree of 28 November 2024 allocated a total of €80.2 million among the Regions, divided as follows:

- €40 million for the financing of anti-violence centers and shelters,
- €15 million for other regional-level initiatives,
- €5 million for the creation of new anti-violence centers,
- €20 million for the creation — including through the purchase — of shelters, and
- €200,000 allocated to the Campania Region in the implementation of the so-called "Caivano Decree".

There has been a progressive increase in the resources allocated to the regions from the Department for Equal Opportunities' budget. Since 2023, the amounts allocated have grown significantly: in particular, the 16 November 2023 decree allocated 37% more resources than the previous year, for a total of €55 million. The 2024 decree further increased the amount to €80.2 million, marking a 45% increase compared to 2023.

The 2024 amount was also determined based on the provisions of the 2024 Budget Law, which allocated €5 million for the creation of anti-violence centers and €20 million for the creation of shelters, including through the purchase of real estate.

## **7. The rule of law (Comments from the Ministry of Justice)**

### **First paragraph**

*The reform would create two separate 'high councils' which, in their view, would expose prosecutors to greater political influence due to their close links with law enforcement, which fell under executive control*.

The envisioned subdivision of the "High Council of the Judiciary" into two separate bodies (one reserved for the judging component and the other for the prosecuting component) does not undermine the autonomy and independence of magistrates, because in the proposed constitutional

reform the quota reserved for the component of “togati” magistrates - members elected from among judges or prosecuting magistrates - is entirely identical to that envisaged by the discipline currently in force (Article 104 of the Constitution). The feared exposure of investigating magistrates to “political influences” is implied in the transmitted document because of their alleged “close ties” with the judicial police bodies, the latter being exposed to the control of the executive power.

The assertion is devoid of any concrete and factual reference to the forms of potential exposure to control of investigating magistrates who, even after the approval of the proposed constitutional reform currently under consideration, in the new text of article 104 of the Constitution remain autonomous and independent according to the dictate of art. 104 ‘The judiciary constitutes an autonomous and independent order from any other power and is composed of judges of the judiciary and the investigating magistracy’. *“The judiciary constitutes an autonomous order independent of any other power and is composed of magistrates from the judiciary and prosecuting careers”*. Moreover, the principle of functional dependence of the judicial police on an independent public prosecutor, integrated in the direction of investigation activities, has not been the subject of any reform initiative.

The report also contains allegations about the composition of the High Court of Discipline for which it is speculated that ‘This Court would include judges appointed by the Parliament and the President of the Republic, raising concerns of interference by political authorities’

On the contrary, in the Constitutional Reform Project, the High Court of Discipline that is to be established - similarly to the current composition of the disciplinary section of the Superior Council of the Magistracy - is would be made up by a majority of 'togati' components (nine in number, six drawn by lot from among the judges and three from among the investigating magistrates) while the "lay" component is reduced to six (three appointed by the President of the Republic and three drawn by lot from a shortlist of candidates identified by the Parliament in common session).

## **Second paragraph**

The Italian legal framework on the fight against corruption is perfectly aligned with the current EU legislation and respects the parameters and principles of the United Nations Convention against Corruption (UNCAC), the most comprehensive international legal instrument on the subject, identifying a wide range of measures to prevent and repress corruption and within which, moreover, the provision of the offence of abuse of office is the expression of a mere recommendation (see article 19).

As a matter of fact, Italy provides for a broad spectrum of safeguards against corruption in the Public Administration, ranging from the criminal sector, which is closely linked to the perpetration of unlawful conduct, to the civil, accounting and administrative sectors, through the provision of remedies against the conduct of public officials that is unlawful, unlawful or, in any case, likely to cause unjust damage and undue enrichment.

Moreover, the regulatory framework does not present any conflict with Directive (EU) 2017/1371 of 5 July 2017 (the so-called PIF Directive) insofar as the same does not contemplate abuse of office among the offences of reference - and in article 4 thereof.

Regarding the Italian criminal Code, it provides for and severely punishes as many as seventeen offences built around the concept of an unlawful act carried out by a public official, among which there are different types of corruption (for the exercise of a function, for an act contrary to official

duties, in judicial acts), embezzlement, trafficking in unlawful influence, all offences explicitly referred to by EU legislation and the UNCAC Convention.

Moreover, other criminal protection tools are the provision of the offence of money laundering (which may well include, as a predicate offence, the offences of public officials against the public administration) as well as the possibility of confiscating goods for equivalent value of the profit or price of the offences, pursuant

Amending the law does not result in any weakening of the fight against corruption: it appears to be in line with the principle of proportionality, referred to in the draft directive with further reference to the UNCAC Convention, according to which *'in defining the scope of corruption-related offences with a view to covering all relevant conduct'*, there is a need to *'at the same time limit such scope to what is necessary and proportionate'*. In this regard, in the case of misuse of office, the criminal response gives way to a threefold, and more effective, - protection in the administrative, accounting and civil law spheres.

The provision of such forms of extra-criminal protection, makes it possible to firmly assert that the Italian legal system can guarantee the protection of the interests of citizens and institutions, both national and non-national, against any offence perpetrated by public standard that is not marked by the values of legality and respect for the rules.

The same legal framework also supports the national legislator in the choice, in deference to the principles of proportionality and recessiveness of criminal action, of the diversification of the graduation of the criminal response, allowing it to identify the conduct to be removed from the criminal court in favor of other forms of jurisdiction and protection, without such choices being in any way at odds with the overall supranational trend of strengthening the fight against corruption, in respect of which Italy, with its long and complex expertise, will always be at the forefront.

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