



# Italy Alert: concerning civic space repressions

In recent months, Italy has seen increasing restrictions on civic freedoms, targeting climate activists, sea-rescue non-governmental organisations (NGOs), and pro-Palestine activists among others. Climate activists have faced substantial legal challenges under the new "eco-vandals" law, which imposes harsh penalties for environmental protests. Sea-rescue NGOs have encountered restrictions, which hinder their life-saving operations in the Mediterranean. Activists, including young students, expressing solidarity with the Palestinian people have faced repressions. Proposed amendments to "gag law" further constrain press freedom, while a controversial new abortion law infringes on reproductive rights. In addition, the frequent use of emergency decrees poses a significant risk to the rule of law.

The following update provides a non-exhaustive summary of concerning developments.

## Climate activists face legal challenges amid crackdown

In recent months, Italy has witnessed a surge in legal actions against climate activists, sparking concerns about the right to peaceful protest and environmental advocacy. The crackdown has targeted various groups and individuals advocating for climate action, with arrests, fines, and preventive measures becoming increasingly common.

Activist groups such as [\*Ultima Generazione\*](#) (Last Generation) have carried out actions across Italy to draw attention to the environmental impacts of fossil fuels, climate change and its role in severe weather events, and the governments' inaction in tackling this crisis. For instance, on 23 May 2023, two bare-chested [protesters smeared themselves with mud](#) to draw attention to the [flooding](#) that took place earlier that month in Emilia-Romagna which killed at least 14 people and displaced thousands.

In recent months, Italian authorities have increasingly utilised preventive measures to curb climate protests. Examples of frequently used measures include the so-called *avviso orale* (a warning to obey the law), the *rimpatrio con foglio di via obbligatorio* (also called *foglio di via*, a city ban, ranging from six months up to four years), or the more recent *daspo urbano* (a ban from specific city areas, ranging from 48 hours up to two years). The frequent application of the last two bans in the context

of climate protests has raised concerns. For example, the *foglio di via* [raises questions](#) regarding its constitutionality due to its reliance on vague criteria and lack of due process, which can lead to arbitrary application. Additionally, its use against peaceful climate activists challenges the principle of proportionality, as the measures imposed seem disproportionate to the minimal threat posed to public security.

The environmental movement Extinction Rebellion reported in a [statement](#) that, as of 15 January 2024, at least 100 criminal charges and preventive measures have been issued against activists in recent months. For example, in Rome, on 23 October 2023, 12 *Ultima Generazione* activists were detained for three days following a roadblock on a motorway. Moreover, [on 29 November](#) 2023 in Turin, nine people protested by hanging themselves from the roof of the Oval on the second day of the Aerospace and Defence Meeting, an international exhibition on aerospace and military defence. They were charged with six different offences, while four of them received a notice for expulsion from Turin and two of them an oral warning, which usually precedes special surveillance status. Additionally, after a protest in Venice on 9 December 2023, where activists dyed the Grand Canal green, [28 people were detained](#), charged with various offences, and issued with city bans, among other sanctions. Five activists also received a four-year travel ban preventing them from returning to their municipalities, while three others faced a 48-hour *daspo urbano*. This broad use of preventive measures appears disproportionate and potentially unconstitutional. Targeting activists with such severe penalties threatens the freedom of peaceful assembly, a fundamental right protected by the [Italian Constitution](#) and international human rights standards. [UN General Comment No. 37 \(2020\)](#) on the right of peaceful assembly (Article 21) recognises civil disobedience, emphasising its role in facilitating political and social change, and outlining states' responsibility in ensuring this right. It highlights that "collective civil disobedience or direct-action campaigns can be covered by Article 21 provided that they are non-violent," and "mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities" do not constitute violence.<sup>1</sup>

## Government response: stricter penalties with "eco-vandals" law

On 19 January 2024, the Meloni government passed a new law aimed at deterring acts of vandalism and damage to cultural and landscape heritage, known as the "eco-vandals" law. Approved by the Senate in July 2023 and finalised in January 2024, it imposes harsh penalties on those who deface, damage, or illegally use these assets – in a way that harms their conservation or integrity or is incompatible with their historical or artistic character – targeting those who protest for environmental justice.

The law introduces [both criminal and administrative sanctions](#). Specifically, offenders may face fines ranging from €10,000 to €60,000, depending on the severity of the offence. Additionally, imprisonment of up to five years is possible for those who cause damage in museums or during demonstrations.

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<sup>1</sup> For more information see [https://unece.org/sites/default/files/2024-02/UNSR\\_EnvDefenders\\_Aarhus\\_Position\\_Paper\\_Civil\\_Disobedience\\_EN.pdf](https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf).



Minister of Culture [Gennaro Sangiuliano has been a strong advocate of the law](#), emphasising that those responsible for acts of vandalism against national monuments and cultural heritage will be personally liable for covering the costs of restoration. The law also imposes immediate administrative sanctions by local prefects based on complaints from public officials.

The proposal was met with a mixed response in the Italian Parliament, receiving 138 votes in favour, 92 against, and 10 abstentions in the Chamber of Deputies. While the centre-right supported the law, the opposition was largely against it, with the liberal-centrists Italia Viva and Azione abstaining. The law's supporters argue that it protects Italy's cultural and artistic heritage, ensuring that those who cause damage are held to account. However, critics, including environmental activists, view it as a tool to suppress political activity and silence protests against government inaction on climate change. Amnesty International has [highlighted](#) its concerns about the law, which it claims "has the clear intention of criminalising environmental activism and creating a deterrent effect on protests against the climate crisis and on people who want to raise their voices for the protection of our environment" (unofficial translation from Italian), [according to](#) Mariapaola Boselli, researcher at Amnesty International Italy's Campaigns Office. "When activism and civil disobedience are criminalised, not only do they silence individuals, but they also delegitimise specific groups of protesters and the causes for which they take action," she continued. Amnesty International also emphasised that this law is particularly worrying as it aims to punish actions already covered by the Criminal Code, and it introduces an administrative penalty along with the existing imprisonment sentence. Therefore, this law clearly criminalises activism and civil disobedience as forms of protest, whether individually or collectively.

The government's decision to implement stricter penalties comes as protests were carried out by climate activists from *Ultima Generazione* at landmarks, such as [the Trevi Fountain](#) in Rome, [the Uffizi Gallery](#) in Florence, and Milan's [Galleria Vittorio Emanuele](#).

Even before the proposed "eco-vandals" law was passed, the two activists [who sprayed paint on Palazzo Vecchio](#) received large fines and a suspended sentence under already existing laws that protected cultural monuments. On the other hand, [as The Good Lobby highlighted](#), "the government has never lifted a finger against fossil fuel industry executives for actively contributing more than anyone else to the climate and social collapse we are in" (unofficial translation from Italian).

More recently, on 5 March 2024, an Italian judge handed three *Ultima Generazione* activists from [a suspended sentence](#) of eight months for spraying the Senate with washable paint in January 2023 "to draw attention to the responsibility of parliament to make laws on the environment for all citizens," [according to](#) Davide Nensi – one of the sentenced activists. As Gabriella Abbate of *Ultima Generazione* highlighted in [her discussion with CIVICUS](#), "the Italian government criminalises climate activists because by doing so it can continue avoiding its responsibilities regarding the wellbeing of its citizens. Accusing activists of vandalism is much easier than implementing renewable energy policies."



## Sea-rescue NGOs face legal challenges

Human rights experts and organisations have raised serious concerns over the legal challenges and increasing restrictions faced by sea-rescue NGOs operating in Italy.

The latest [migration decree](#), known as the “Piantendosi Decree”, was introduced on 2 January 2023 and is a severe escalation in Italy’s campaign against NGOs conducting life-saving operations in the Mediterranean. The decree aims to hinder these NGOs’ efforts by prohibiting their vessels from conducting multiple rescues on a single voyage. Instead, they are mandated to head directly to an Italian-designated port after one rescue, effectively disregarding any other distress calls at sea. This measure directly contradicts international law which requires all captains to provide immediate assistance to those in distress. [According to Human Rights Watch](#) (HRW), it undermines various conventions and protocols, including [the UN Convention on the Law of the Sea](#), [the International Convention for the Safety of Life at Sea](#), [the Palermo Protocol against the Smuggling of Migrants](#), and EU legislation.<sup>2</sup> HRW called on the European Commission to demand the withdrawal of this decree and take legal action to enforce EU obligations towards migrants and asylum seekers.

In [its report on Italy for 2023](#), Amnesty International highlighted that Italy “was not always fulfilling its search-and-rescue obligations”, adding the example of almost a hundred people drowning in February 2023 in Italian territorial waters in Calabria. Amnesty underlined that despite evidence of widespread human rights violations, the government expanded the list of “safe countries of origin” in March 2023 to include Nigeria and Tunisia. Subsequently, in May, the parliament abolished special protection permits for asylum seekers, limiting other grounds for protection. Additionally, Italy introduced accelerated border procedures for asylum applications from people arriving from countries regarded as “safe,” although some of these changes did not meet international standards. Lastly, in November 2023 two detention facilities for migrants and asylum seekers were created by mutual agreement of the prime ministers of Italy and Albania on Albanian territory under the jurisdiction of Italy.

On 1 February 2023, Amnesty International [called on](#) Italy to withdraw measures that hinder the work of search-and-rescue (SAR) NGOs and increase the risk of drowning in the Mediterranean. They emphasised how the measures violated the human rights of asylum seekers and migrants, especially combined with the so-called “distant ports” practice introduced by the Italian government in December 2022. This practice involves the Italian authorities ordering NGO ships to disembark people at ports in central and northern Italy.

On 16 February 2023, UN High Commissioner for Human Rights, Volker Türk, said in a [statement](#) that “more people in distress will be made to suffer and more lives risk being lost because timely help is not available, if this law is passed”. The law was approved by the Italian Parliament on 24 February 2023. [SOS MEDITERRANEE condemned](#) its application, highlighting the increasing deaths in the central Mediterranean. Notably, on 23 February 2023, 22 NGOs involved in SAR activities

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<sup>2</sup> Regulation (EU) No [656/2014](#) of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.



released [a joint statement](#) on the issue, calling on the Italian authorities to immediately refrain from obstructing NGOs' SAR activities to "prevent the Central Mediterranean becoming yet a larger graveyard". on 24 February 2023. [SOS MEDITERRANEE condemned](#) its application, highlighting the increasing deaths in the central Mediterranean. Notably, on 23 February 2023, 22 NGOs involved in SAR activities released [a joint statement](#) on the issue, calling on the Italian authorities to immediately refrain from obstructing NGOs' SAR activities to "prevent the Central Mediterranean becoming yet a larger graveyard".

Regarding the continuing criminalisation of sea rescue, on 9 February 2023, Mary Lawlor, [the UN Special Rapporteur on human rights defenders, emphasised](#) that "the ongoing proceedings against human rights defenders from search-and-rescue NGOs are a darkening stain on Italy and the EU's commitment to human rights."

She was referring to [the criminal proceedings at the Court of Trapani](#), initiated in May 2022, against 21 people in Sicily – including four members of the Luventa (a former fishing trawler) SAR crew for alleged collaboration with people smugglers. They face charges for aiding and abetting unauthorised immigration during search-and-rescue missions conducted between 2016 and 2017. The Luventa played a pivotal role in saving approximately 14,000 lives in the Mediterranean Sea before its seizure in 2017. On January 19, 2023, the Prime Minister's Office and the Ministry of Interior applied to the court to be added as plaintiffs in the case, aiming to receive compensation for the harm they allege was caused by the purported crimes. "The Government's decision to seek to join the case goes directly against this principle – it is a very disturbing sign," Lawlor commented, adding that "saving lives is not a crime, and solidarity is not smuggling." She highlighted [significant procedural violations in the proceedings](#), including inadequate interpretation services and translation issues for non-Italian defendants, compromising the fairness of the trial.

On 13 July 2023, five NGOs – Doctors Without Borders (MSF), SOS Humanity, EMERGENCY, the Association for Juridical Studies on Immigration (ASGI) and Oxfam Italia – [filed a complaint](#) with the European Commission against the Italian government, as the law concerning seas rescues raises significant doubts about whether it aligns with EU regulations and international law.

In recent months, there have been even more distressing events on the Mediterranean. On 9 February 2024, the Ocean Viking rescue vessel, operated by SOS MEDITERRANEE, [received a detention order](#) from Italian authorities under the Piantedosi Law after rescuing 261 individuals off the coast of Libya. This marked the third detention order, exacerbating concerns over the worsening disregard for maritime and humanitarian laws in the region. On 6 February the vessel encountered repeated violations of maritime and human rights conventions by EU-funded Libyan patrol vessels. Despite witnessing forced returns and aggressive methods endangering lives, Italian authorities opted to detain the Ocean Viking upon its arrival in Brindisi for 20 days, solely based on false declarations by Libyan vessels.

On a positive note, [an Italian court ruling](#) blocked the return of refugees and migrants to Libya. Italy's legal system's acknowledgment that Libya is not a safe country for rescued individuals underscores the stark reality faced by those attempting sea crossings.

However, on 14 March 2024, survivors rescued from a deflating rubber dinghy [reported the deaths](#) of at least 60 individuals during their week-long journey from Libya, in which they were left without



water or food after their engine failed. The Italian Coast Guard did not comment on the incident. In a [report](#) on its Missing Migrants Project, released on 26 March 2024, the International Organization for Migration (IOM) disclosed that the death toll of migrants along migration routes, including the Mediterranean, is significantly higher in 2024 compared to the same period in 2023. The latter underlines once again the urgent need for strengthened maritime patrols and humanitarian action to prevent further loss of life on what remains one of the world's most dangerous migration routes.

## Repression of Palestine solidarity and the case of Italian-Palestinian activist Karem Rohana

As the violence in Israel and Palestine intensifies, so do the restrictions against those expressing solidarity with Palestine. The freedom of peaceful assembly is increasingly being violated in Italy, as observed in other EU member states. Numerous cases have been reported including the banning of peaceful demonstrations by the authorities, arrests of activists, prohibiting of symbolic pro-Palestine actions, or excessive use of police force (such as the use of batons, blockades, violence against underage protesters), censorship and repression of dissent.<sup>3</sup>

More recently, [student encampments](#) advocating for solidarity with Palestine have taken place in cities such as Bologna, Rome, Pisa, Siena, Trento, Venice, Naples, Padua, Milan, Palermo, Brescia, Genoa, Bari, Ravenna, Bergamo, Salerno, Cosenza and Turin, with tents and banners advocating solidarity with Palestine. These protests, following the global mobilisation known as "Student Intifada," have faced massive repression by the government. The [demands of the student protestors](#) include ceasing agreements with Israeli universities and companies, denouncing Israeli military aggression in Gaza, and advocating for a ceasefire in Gaza.

On 23 February 2024, [excessive police violence was reported](#) against students in the cities of Florence and Pisa, while student marches were violently blocked by the police. Numerous participants [remain under investigation](#). According to media reports, the police blocked a peaceful demonstration in Pisa and [attacked](#) participants, several of whom were injured and taken away by ambulances. On 19 March 2024, pro-Palestine students in Turin [disrupted](#) an Academic Senate session, demanding an end to the universities participation in collaborations involving dual-use technologies – used for both civilian and military purposes – with Israel. After extensive debate, the senators approved a motion suspending new collaborations with Israel, marking Turin as the first Italian city to take such action. On 13 May 2024, pro-Palestine groups occupied the Academic Senate, calling for the termination of academic cooperation agreements with Israeli universities and urging the university to prioritise human rights and social justice. At the beginning of May 2024, Palestinian youth [established](#) an encampment at the State University of Milan, with banners demanding an end to the massacre of the Palestinian people and expressing solidarity with the

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<sup>3</sup> For an extensive analysis on the restrictions on Palestine solidarity in Italy, see p. 372-374 of the Civic Space Report 2024 by the European Civic Forum, accessible [here](#).





"Student Intifada." On 15 May, after a week of encampment at the Polytechnic University of Milan, [students found](#) the doors of the university barred, preventing them from entering the building.

Similar actions have been seen in other Italian cities. At La Sapienza University in Rome, students [set up a tent camp](#) in solidarity with Palestine, calling for the termination of cooperation agreements with Israeli universities, and on 28 May they [organised a march](#) in solidarity with Palestine. In Florence, [clashes erupted](#) during a pro-Palestine march on 28 May, resulting in police searches and investigations into student activists. Police searched apartments of participants, using intimidating tactics against them, while several others participants were [severely injured](#) as a result of police violence in Pisa and Florence. Despite the intimidation by the police, protests continued. For example, on 28 May, students in Bologna [blocked the train station](#), causing delays. On 29 May, [a demonstration was held](#) in St. Mark's Square in Florence to express solidarity with those who [were investigated for taking part in a protest in February 2024](#). "This morning at 6 a.m., I and others were taken from home and taken to the prosecutor's office. We don't even know what they were looking for, probably evidence that doesn't exist to prove that there were violent people. It's a shameful thing: all this was done for a peaceful demonstration in which we were demonstrating against a massacre of civilians in Gaza that is continuing," Arturo Gambassi, a university student, [explained](#).

In Modena, a [regional demonstration](#) took place on 2 June, coinciding with Republic Day. At La Sapienza University in Rome, students [organised](#) a national mobilisation set to begin on 1 June, demanding academic and institutional boycotts in solidarity with Palestine. On the same day, [a march organised](#) by the *June 1 Committee* against the Meloni government in Rome, gathered representatives from about 50 trade unions, collectives from La Sapienza university, members of "Power to the People," university students, members of the Palestinian diaspora, migrants, and various associations. According to media reports, clashes were reported between police and participants at various points along the march route, and the police used tear gas.

On 4 June, the month-long protest at La Sapienza university, which had commenced on 6 May, [concluded](#). The decision was taken shortly after the clashes with the police in the demonstration on 1 June, in which collectives from the university participated. The collectives explained their decision to end the protest with tents, stating that they will continue protesting through other forms of mobilisation.

## The case of Karem Rohana

Karem Rohana, an Italian-Palestinian activist, has been the target of months-long pressure and attacks from Italian politicians and journalists due to his critical stance on media coverage of Palestine and his activity on social media in defending the rights of the Palestinian people.

On 18 October 2023, he suddenly had his [Instagram account deleted](#), along with others expressing their solidarity with Palestinians. "They started suspending profiles for no reason, taking down the views of the stories of those who shared information about Palestine," he stated from his new account. The platform later apologised and reinstated his account. On 24 October, he suffered a [violent assault in Rome](#) by two unknown individuals at 10:30 pm, after coming back from visiting his family in Jerusalem. [Benedetta Sabene](#), a journalist and Rohana's companion during the attack,



characterised it as a “very serious hate crime”. On the same day, he [documented what happened](#) on Instagram, posting a video while he was in the emergency room, showing the severity of his injuries and stating that he intended to file a complaint.

On 6 March 2024, Rohana was arrested by the municipal police at home, as he [reported on his Instagram account](#), following an interaction with the mayor of Florence, Dario Nardella, in Piazza della Signoria the same morning. Previously, the mayor had ordered the police to issue a warning against Rohana for stalking. "Stalking and persecutory acts are configured in very specific cases in which the freedom, safety and life of the complainant would be at risk, which is undoubtedly absent here," Carlotta Vagnoli, a Florentine author commented.

Despite the challenges he has encountered, Rohana continues to use social media to amplify the voices of the Palestinian people, shed light on the situation in the Gaza Strip, [raise funds](#) for Palestinian families and [attend protests](#) in solidarity with Palestine.

## “Gag law” limits reporting on court cases

On 20 December 2023, the Italian Chamber of Deputies approved a contentious amendment to a bill that restricts the reporting of court cases by preventing journalists from publishing pretrial detention orders, in full or in the form of excerpts, until the end of preliminary hearing. Proposed by Enrico Costa of the centrist opposition party Azione (Action), the amendment was added to a bill implementing EU norms in Italy.

The amendment to the Article 114 of the Code of Criminal Procedure received significant backing in the parliament, with 160 votes in favour and 70 against, making approval by the Senate likely. The law aims to protect the rights of the accused by preventing premature judgments based on preliminary accusations.

Critics, however, have labelled it a ["gag law."](#) as it limits media freedom and the public's right to information. Journalists and media freedom watchdogs have expressed concerns over the potential impact on press freedom and the public's right to know.

The [National Press Federation \(FNSI\) announced a mobilisation](#) against the law, urging President Sergio Mattarella not to sign it, warning of "immense distortions of rights" and highlighting that "this is a liberticidal measure not only with regard to Article 21 of the Constitution, but also with regard to individual freedoms." Journalists [boycotted a prime ministerial press conference](#) in protest on 4 January 2024, emphasising the law's potential hindrance to reporting on high-profile arrests. "We are alarmed by the approval of an amendment that risks putting an end to information on judicial matters," Carlo Bartoli, head of the separate National Order of Journalists (ODG) commented. In the same context, FNSI's president [Vittorio Di Trapani commented](#) that "this law today has no justification other than gagging citizens' right to be informed: they no longer have the right to know that a judge has ordered precautionary measures against the accused. A deadly stranglehold on the right to news coverage."





On 19 March 2024, [a written question](#) was submitted to the European Commission by members of the European Parliament, calling for the Commission to acknowledge the gag law as a serious breach of the EU law and take action against Italy.

## New abortion law violates reproductive rights

On 23 April 2024, the Italian Senate approved a law allowing anti-abortion groups access to facilities for women considering terminating their pregnancies, such as abortion counselling services, public support centres, family planning centres (*consultori*) and hospitals. The amendment, [introduced by Meloni's party](#), proposed that women considering an abortion should first listen to the foetus's heartbeat, and was approved as part of Italy's [National Recovery and Resilience Plan](#) (NRRP).

While [Law 194 legalised](#) abortion in 1978, it nevertheless [includes provisions](#) to discourage abortions and support motherhood. The Meloni government aims to reverse Italy's demographic crisis by increasing the birth rate and encouraging childbirths, a campaign that the Pope also [applauds](#). Meloni has [stated](#) that the government must “guarantee a free choice [...] And to guarantee a free choice you have to have all information and opportunities available. And that's what the Law 194 provides.” As she has previously [claimed](#) while campaigning on a slogan of “God, fatherland, and family”, she aims to fully implement Law 194, thus reinforcing its “true intent” to prevent abortions and support motherhood.

Based on the amendment that was passed, pro-life associations are now able to enter counselling centres which women must visit to obtain the medical certificates required for hospital-based voluntary termination of pregnancy. According to the wording of the law, the “involvement of third sector entities who have qualified experience in the support of motherhood” (unofficial translation from Italian) is now enabled. Multiple individuals, political parties, associations and trade unions have [voiced their concerns](#) about the new law. Elly Schlein, head of the opposition centre-left Democratic Party, [advocated](#) for establishing an obligatory percentage of doctors willing to perform abortions in public hospitals to ensure reproductive rights are guaranteed. While recognising the demographic challenges, she [underlined](#) various measures that could alleviate the situation, such as reducing precarious part-time contracts, helping young couples get mortgages, and expanding access to subsidised daycare centres.

The International Planned Parenthood Federation European Network (IPPF-EN) strongly condemned the approval of the law by the Italian Senate in its [statement](#) on 24 April 2024. In the statement it emphasised that the law undermines access to safe and legal abortion care and perpetuates stigma, creating an atmosphere of intimidation for women seeking reproductive healthcare. The IPPF went on to highlight that allocating European Union's (EU) funds to support measures restricting access to sexual and reproductive health services is deeply concerning and contradicts EU principles of equality and fundamental rights. According to it, Italy's decision goes against the objectives of the NRRP and risks misusing EU funds. “The allocation of EU funds to support measures restricting access to sexual and reproductive health services, including safe and legal abortion, is deeply concerning and runs counter to the principles of equality and



fundamental rights enshrined in EU treaties. We strongly condemn any use of EU funds to fund initiatives that infringe upon individuals' rights to make autonomous decisions about their bodies and health.”

In April 2024, Veerle Nuyts, a spokeswoman of the European Commission, [said](#) that the law does not belong in the NRRP. IPPF called for the Italian government to prioritise policies that uphold the rights and dignity of all individuals, including comprehensive access to sexual and reproductive health services, and for the EU institutions to ensure that Italy does not use EU funds to infringe upon human rights.

## Developments in the law-making process

Since July 2023, Italy's law-making process, including procedures for regulatory impact assessment (RIA), ex post evaluation, stakeholder engagement, and regulatory planning, has seen no notable developments, as Federica Masi from the non-profit association Cooperation for the Development of Emerging Countries (COSPE) told ECF. This absence of progress could limit the ability of civil society to effectively participate in the policy-making process. This could result in policies and laws being less effective and inclusive.

Specifically, RIAs enable policymakers to make informed decisions and ensure that the laws and regulations passed will achieve their objectives with respect to the proportionality principle. Additionally, the transparent process of RIAs allows civil society to hold the government to account, and often involves consultations with stakeholders, including CSOs. Regarding the latter, on 8 January 2020, the Italian Constitutional Court adopted a [resolution](#) that permits CSOs to submit written opinions and information to the Court to present their views. Ministries are also required to prepare simplified RIAs and publish semi-annual legislative programs highlighting planned RIAs and consultations. The Department of Legal and Legislative Affairs (DAGL) reviews the quality of RIAs and ex post evaluations, issuing recommendations and promoting training. Despite these advancements, [challenges persist](#) in RIA implementation. Many RIAs lack sufficient quantification and are often difficult for the public to access.

[Italy's NRRP](#) for 2023 is the largest national plan under the ground-breaking Next Generation EU (NGEU) instrument. It includes measures to promote Italy's economic recovery, while addressing a number of structural weaknesses and pursuing major objectives such as the green transition and digital transformation. The Senate gave final approval to a decree on Italy's NRRP in April 2024. The Observatory in Italy – which is a think tank focused on analysing the country's digitalisation process – presented the [2nd edition of its Annual Report](#) at a Forum in Rome on 30 November 2023, where government and business representatives discussed proposals for advancing digitalisation in public administrations and businesses, including insights on AI and cybersecurity.



## The use of emergency decrees and the rule of law

Italy's use of emergency decrees, particularly during the COVID-19 pandemic, has raised concerns about the rule of law. The state of emergency, which ended on 1 April 2022, allowed authorities to swiftly impose rules without bureaucratic hurdles. While this helped manage the pandemic, it also raised questions about civic freedoms. As also [highlighted by the UN Human Rights Office of the High Commissioner](#) (OHCHR), according to international standards, the state of emergency legislation must be strictly temporary, and the restrictions on civic freedoms must be legal, necessary, proportionate and must be interpreted strictly and in favour of the right at issue.

The Meloni government's reliance on emergency decrees could pose potential risks to the rule of law, as the extensive use of emergency decrees can erode the separation of powers by granting excessive authority to the executive branch. Examples of such decrees include the [ergastolo ostativo](#), namely the life imprisonment measure, and the [measures taken](#) to address pressing emergencies in September 2023, including allocating funds towards flood defence work, and road systems.

## The debate on the establishment of a National Human Rights Institution (NHRI)

Italy still lacks an independent human rights institution, making it one of the few European Union member states (along with the Czech Republic, Malta, Estonia, and Romania) without such an institution.

The Italian Parliament has been in discussions regarding the establishment of independent human rights institutions, with [three draft laws](#) under consideration, combining proposals from various members of the Parliament. Despite these discussions, none of the draft laws appear to be progressing in the parliamentary process. In its [annual Rule of Law Report](#), the European Commission expressed concerns over an increase in lawsuits targeting journalists and a narrowing of civic space in Italy, and urged the government to establish an independent institution to safeguard human rights. The push for such institutions aligns with international standards, particularly the [Paris Principles](#) adopted by the United Nations General Assembly in 1993. Establishing a NHRI would be crucial for ensuring the protection of individuals' fundamental rights and educating the public about human rights, increasing public awareness. Lastly, a NHRI would cooperate with Italian CSOs, engage with Italian authorities and serve as an intermediary between them, while maintaining its independence from both parties.

