

# 2022 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report is at the core of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. The first Rule of Law Report was published on 30 September 2020, and the second on 20 July 2021.

In the preparation of the first two editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first two editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2022 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the country chapters of the 2021 Rule of Law Report and (2) any other significant developments since January 2021 [2] falling under the 'type of information' outlined in the next section. This should, where relevant, also continue to include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

**If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.**

Please provide your contribution by **24 January 2022**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email address: [rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu).

[1] [https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en) and [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the 2020 or the 2021 Rule of Law Reports.

## Type of information

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

### Legislative developments

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

### Policy developments

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

### Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input[1])

### Any other relevant developments

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

Please include, where relevant, information related to measures taken in the context of the COVID-19 pandemic under the relevant topics.

If there are no changes, it is sufficient to indicate this and the information covered in the inputs for the 2020 and 2021 Rule of Law Reports should not be repeated.

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

## About you

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\* I am giving my contribution as

- Academic/research institution
- Business association
- Civil society organisation/NGO
- International organisation
- Judicial association or network
- Media organisation or association
- Public authority or network of public authorities
- Other

\* Organisation name

*250 character(s) maximum*

Osservatorio Balcani Caucaso Transeuropa (OBCT) / Centro per la Cooperazione Internazionale (CCI)

Main Areas of Work

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

If "Other", please specify

The enabling framework for civil society

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

*500 character(s) maximum*

<https://www.balcanicaucaso.org/>

Transparency register number

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

943382841714-79

\* Country of origin

Please add the country of origin of your organisation

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

- Czechia
- Democratic Republic of the Congo
- Denmark
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Fiji
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Honduras
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan

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

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

- Uruguay
- Uzbekistan
- Vanuatu
- Venezuela
- Viet Nam
- Yemen
- Zambia
- Zimbabwe

First name

Maria Francesca

Surname

Rita

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

resourcecentre@balcanicaucaso.org

#### \* Publication of your contribution and privacy settings

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

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

I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2022 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

OBCT/CCI is involved in several activities and projects focused on human rights defenders, activists and journalists, and on the promotion of the participation of civil society: some activities of support, research and dissemination cover the Balkans, other EU Member States and Candidate Countries, and others focus on Italy only.

Through our participation in transnational advocacy groups - in particular thanks to the common activities within the consortium Media Freedom Rapid Response [www.mfrr.eu](http://www.mfrr.eu) - we are aware that human rights, civic participation, transparency and journalism are under attack in several countries.

We have noticed the rise in physical attacks on journalists, and in particular the growing level of violence against media workers who cover protests, as a common trend all over Europe.

As highlighted in our research about the needs and gaps of journalists under threat <https://bit.ly/2SoLGpK>, freelancers, women and local journalists are the most sensitive. Among the recommendations of the study, we can highlight that there is a strong need for psychological support. The precarisation of journalists is a major issue all over Europe, and if journalists are weak, they are more subject to external pressure.

In our experience, the collaboration at transnational level is helpful in tackling many problems. Through the Journalists-in-Residence programme in Milan <https://bit.ly/3InBWk8> we have managed to offer support to two reporters, who underlined the importance of having a supporting network when a journalist is in need and suffers some form of threat or pressure. Other findings will emerge from the support programme for human rights defenders implemented for the Italian network In Difesa Di (in defence of) [www.indifesadi.org](http://www.indifesadi.org).

Practical help and support is given through INGRID <https://bit.ly/33R9eJI> Intersecting GRound of Discrimination in Italy, a project that seeks to combat discrimination using an intersectional approach. OBCT contributes to implementing the Anti-Discrimination Desk in Trento, <https://bit.ly/3FLN60g> a place for listening, raising awareness, and addressing and collecting reports of cases of discrimination in Trentino.

In Italy, as well as in other Member States, several challenges hamper civil society's role as a watchdog for the protection of fundamental rights and the rule of law. We have addressed the issue of the shrinking spaces within the project Winning the Narrative <https://bit.ly/3AgI4I5> and more specifically with the policy research "Italian civil society: from target to antidote to the crisis of democracy?" <https://bit.ly/3tNPvW6> in which we provided a comprehensive analysis of the Italian civil society and the main difficulties that it faces both in the relation with public authorities and in the attempt at influencing the public opinion (see further below).

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) feedback and progress made and developments with regard to the points raised in the respective country chapter of the 2021 Rule of Law Report and (2) any other significant developments since January 2021[1]. This would also include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report. Please always include a link to and reference relevant legislation /documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

[1] Unless already covered in the input for the 2020 or the 2021 Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire.**

**There is no limit to the number of contributions submitted by a single participant.**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

## I. Justice System

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### A. Independence

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

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Allocation of cases in courts

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Independence/autonomy of the prosecution service

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

3000 character(s) maximum

## B. Quality of justice

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

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

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities)*

3000 character(s) maximum

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

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

## C. Efficiency of the justice system

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

## Length of proceedings

*3000 character(s) maximum*

Data updated at the first half of 2021 show that there are in total 3,106,123 pending cases in the civil justice, while the pending cases in the criminal justice amount to 1,485,984, excluding the justice of the peace.

Two important processes for the reform of the Italian judicial system that started during the last months of 2021 addressed the problem of lengthy proceedings in the Italian criminal justice system:

- the adoption of law no. 134 / 27.09.2021 with regard to criminal trials;
- the adoption of law no. 206 / 26.11.2021 with regard to civil trials.

The reforms were long awaited and resulted from the conditionality mechanism of the PNRR as they are seen as fundamental for the country's economic recovery. The long duration of trials has a considerable impact on freedom of expression as well: lawsuits targeting journalists, human rights defenders, and activists because of their investigations have a strong chilling effect and the longer they last, the longer they keep citizens uninformed.

Both laws delegate to the Government the adoption of a reform in the justice system within a year. The two laws have not been exempt from criticism. Particularly with regard to the reform of criminal trials, the most contested point is the provision of inadmissibility of the case, except for most serious crimes, at the Appeal and Cassation degrees if the proceedings are not reached by a certain time limit.

References:

<https://www.gazzettaufficiale.it/eli/id/2021/10/04/21G00146/sg>

<https://www.gazzettaufficiale.it/eli/id/2021/12/09/21G00229/sg>

[https://www.giustizia.it/giustizia/it/mg\\_1\\_14\\_1.page?contentId=SST1287132&previousPage=mg\\_2\\_9\\_13](https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1287132&previousPage=mg_2_9_13)

[https://www.giustizia.it/giustizia/it/mg\\_1\\_14\\_1.page?contentId=SST1288006&previousPage=mg\\_2\\_9\\_13#](https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1288006&previousPage=mg_2_9_13#)

## Other - please specify

*3000 character(s) maximum*

Access to venues during important trials has been limited due to the health crisis, for example in the case of the Rinascita trial, one of the biggest mafia trials in the last 30 years. In January 2021, when the trial was scheduled to start, Covid-19 was used as justification to ban cameras from the room.

The Italian Federation of Journalists protested, but nothing changed for months. Three months later, the European Federation of Journalists joined the protest. The subsequent lift of the ban shows the importance of involving international actors to obtain results at the domestic level.

References:

<https://www.articolo21.org/2021/03/luce-su-rinascita-scott-telecamere-ammesse-un-precedente-virtuoso-per-multi-altri-processi-fnsi-e-usigrai-vittoria-importante/>

<https://europeanjournalists.org/blog/2021/03/03/italy-cameras-banned-from-ndrangheta-maxi-trial/>

<https://www.fnsi.it/processo-rinascita-scott-fnsi-e-usigrai-sbagliato-non-autorizzare-le-riprese>

## II. Anti-Corruption Framework

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

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

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

## B. Prevention

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

*3000 character(s) maximum*

General transparency of public decision-making (e.g. public access to information, including possible obstacles related to the classification of information, transparency authorities where they exist, and framework rules on lobbying including the transparency of lobbying, asset disclosure rules, gifts and transparency of political party financing)

*3000 character(s) maximum*

Lobbying:

On 12 January 2022, the Chamber of Deputies approved the draft law on lobbying in first reading. This is the first time that the Parliament tries to discipline lobbying in an organic way. The bill introduces a national transparency register and meeting agendas, with the aim of improving transparency, trust in institutions, and participation in formulation of public policies.

Civil society pressure contributed to the achievement of this result. OBC Transeuropa is part of a coalition of CSOs - Lobbying4change - active in the field of regulating lobbying and improving the process of public consultations in decision-making.

This is a positive result that comes after no less than 96 attempts at regulating the issue since 1976. The

draft law now needs to pass the exam of the Senate.

The coalition underlines the negative aspects of the bill, that are watered-down compromises: the bill dispenses business associations, unions, and religious bodies from the obligation to join the transparency register. Another critical point is related to the “revolving doors” between politics and business. According to the bill, the members of the government must wait one year before undertaking the lobbying profession. Lobbying4change asks to extend this period to at least two years and demands its application to all decision-makers.

References:

<https://www.thegoodlobby.it/campagne/lobbying-italia/>

<https://www.balcanicaucaso.org/eng/Projects2/ESVEI/News-Esvei/Lobbying-in-Italy-and-legislator-schizophrenia-195830>

Political party financing:

Law no. 3/2019 established strict rules with regard to transparency and political party financing. The law foresees the obligation for parties and political movements to register each contribution over 500 Euros received and the identity of the donor.

In recent years, publication of data related to party financing has improved, and information is accessible on the Parliament website.

References:

<https://www.camera.it/temiap/documentazione/temi/pdf/1104961.pdf>

<https://parlamento18.camera.it/199>

An overview of the subject can be found in OBCT’s 2021 submission, which we made available at the following link:

<https://www.rcmediafreedom.eu/News/Rule-of-Law-Report-2021-OBCT-submission-for-Italy-Croatia-and-Bulgaria>

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

*3000 character(s) maximum*

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

*3000 character(s) maximum*

Italy is non-compliant with the EU Directive 2019/1937 on the protection of persons who report breaches of Union law, not having brought into force the laws, regulations, and administrative provisions necessary to comply with the Directive by 17 December 2021, as set out in Article 26.

The non-compliance with the Directive has been underlined by the President of the Anti-Corruption Authority on 1 January 2022, highlighting the fundamental role played by whistleblowers in exposing corruption and illegal acts that undermine the public interest. Protection of whistleblowers is not only important from an economic perspective. Guarantees for whistleblowers are essential for investigative journalism, as the erosion of the protection of journalistic sources is one of the main threats to media freedom.

The protection of whistleblowers remains therefore disciplined by Law no. 179/2017, which outlines, although to a lesser extent, protective measures also for workers in the private sector.

Transparency International Italia and The Good Lobby highlight another significant problem in the lack of transparency and publicity of the transposition process of the Directive. An example of this is the fact that

external stakeholders have not been consulted nor audited.

References:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937>

<https://www.anticorruzione.it/-/il-presidente-di-anac-busia-italia-inadempiente-nella-tutela-del-whistleblowing-?redirect=%2F>

<https://www.rcmediafreedom.eu/Dossiers/Whistleblowers-looking-for-European-protection>

[https://transparency.it/images/pdf\\_publicazioni](https://transparency.it/images/pdf_publicazioni)

[/analisi\\_e\\_raccomandazioni\\_sulla\\_direttiva\\_whistleblowing\\_2021.pdf](/analisi_e_raccomandazioni_sulla_direttiva_whistleblowing_2021.pdf)

<https://www.rcmediafreedom.eu/Tools/Legal-Resources/The-new-EU-Directive-on-whistleblower-protection>

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other).

*3000 character(s) maximum*

Measures taken to assess and address corruption risks in the context of the COVID-19 pandemic.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

## C. Repressive measures

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

*3000 character(s) maximum*

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

*3000 character(s) maximum*

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

3000 character(s) maximum

Information on effectiveness of administrative measures and sanctions, in particular recovery measures and administrative sanctions on both public and private offenders.

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

### III. Media Freedom and Pluralism

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#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

Measures taken to ensure the independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

The professional title of “journalist” in Italy is given by the Chamber of Journalists, with a distinction into two categories according to several criteria dating back to a 1963 law. The need for a reform of the legislation has been supported by several stakeholders and by the National Council of the Chamber itself for the last 10 years at least. A bill went through the first stages of discussion in 2011, but no reform has been approved in Parliament. In 2017 some changes were made to the composition of the National Council, but no changes were made to the access to the profession. In October 2018, the National Council of the Chamber of Journalists presented its guidelines for a reform, which has to be approved by the Department of Publishing. The need for a reform has been confirmed by the new president of the National Council of the Chamber of Journalists Carlo Bartoli, and the Legislative Commission within the Chamber is still examining a draft to be forwarded to Parliament.

The Chamber of Journalists is in charge of ethics and deontology, and regional Disciplinary Councils can judge journalists and sanction them if they have not respected the Code of Ethics (a set of rules which is

being modified year after year).

References:

<https://www.odg.it/riforma-cnog>

<https://leg16.camera.it/126?idDocumento=2393>

<https://www.professionereporter.eu/2021/12/bartoli-presidente-dellordine-sostegno-pubblico-a-chi-assume-non-a-chi-prepensiona/>

<https://www.odg.it/wp-content/uploads/2018/10/Linee-guida-Riforma-Ordine-giornalisti.pdf>

<https://www.odg.it/il-consiglio-di-disciplina> [https://www.odg.it/deontologia\\_e\\_massimario](https://www.odg.it/deontologia_e_massimario)

## B. Transparency of media ownership and safeguards against government or political interference

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

*3000 character(s) maximum*

The Fund for pluralism and innovation of information, introduced in 2016, reflects the provisions of Article 21 of the Constitution, which guarantees freedom of expression and pluralism of information. Among the other things, the fund promotes innovation and the creation of new media outlets in the digital sphere. Direct state funding allocations, disciplined by Legislative Decree 70/2017, aim at cost reimbursement and are based on the number of copies sold and subscriptions registered.

The Parliament established a system of progressive abolition of direct state funding allocations to print media and to private radio stations. However, the Decree-Law 183/2020 and the Decree-Law 73/2021 postponed the budgetary cuts for three more years.

The pandemic has raised the awareness of the need for quality, pluralistic digital information. A tax credit system for the acquisition of server and hosting services was introduced to support the innovation and digital transformation of media outlets. The 2021 Budget Law granted tax credit for 2021 and 2022 in the amount of 50% of advertising spending for print and digital media up to a maximum of 50 million Euros for each year. Legislative decree no. 73/2021 extended the concession of the tax credit to television and radio broadcasters.

The emergency fund for local broadcasters established in 2020 by the Ministry of Economic Development was renewed in 2021 with the allocation of 20 million Euros. The fund is aimed at sustaining local broadcasters that convey institutional communications related to the health crisis.

References:

<https://www.mise.gov.it/index.php/it/incentivi/comunicazioni/fondo-emergenze-emittenti-locali>

<https://www.camera.it/temiap/documentazione/temi/pdf/1104608.pdf>

[https://www.informazioneeditoria.gov.it/media/3613/il-sostegno-all\\_editoria-nei-principali-paesi-d\\_europa.pdf](https://www.informazioneeditoria.gov.it/media/3613/il-sostegno-all_editoria-nei-principali-paesi-d_europa.pdf)

<https://www.gazzettaufficiale.it/eli/id/2020/12/31/20G00206/sg>

<https://www.gazzettaufficiale.it/eli/id/2021/05/25/21G00084/sg>

<https://www.gazzettaufficiale.it/eli/id/2017/05/29/17G00083/sg>

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

- specific safeguards for the independence of governing bodies of public service media governance (e.g. related to appointment, dismissal) and safeguards for their operational independence (e.g. related to reporting obligations),
- procedures for the concession/renewal/termination of operating licenses
- information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance

*3000 character(s) maximum*

Transparency of media ownership and public availability of media ownership information, including on media concentration (including any rules regulating the matter)

## C. Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

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According to several stakeholders, including the Italian Federation of Journalists (FNSI), there is an urgent need to reform all the laws regulating media freedom, media market, and the activity of journalists. In October 2021, the FNSI declared a state of unrest to protest against the Parliament and the government, because of the refusal to deal with these topics and to proceed with legislative initiatives. The main issues, explained in several statements by the FNSI and by its President Giuseppe Giulietti, are: a new law regulating the media sector (the previous one dates back to 1981); a law regulating the "right remuneration" for freelancers (a bill was approved in 2012, but the Parliament never approved the regulation which is needed to implement the law); and a law against SLAPPs (strategic lawsuits against public participation, see below).

References:

<https://www.balkanicaucaso.org/eng/Media/Multimedia/The-protest-of-FNSI>

<http://www.liberainformazione.org/2022/01/09/giulietti-fnsi-il-governo-draghi-per-linformazione-fa-zero-piu-zero/>

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

*3000 character(s) maximum*

- The last three months of 2021 were very intense in terms of street violence and attacks against journalists during protests in Italy. Attacks during protests had a peak in October, after the government introduced the obligation to show the European Green Pass to access several venues including the workplace. According to the monitoring of the MFRR through the platform Mapping Media Freedom, from October to December 2021 more than half of the acts of intimidation registered (13 out of 25), happened either in a demonstration (9) or on the street (4), and 7 incidents had injuries as a consequence. On 10 November, the Ministry of the Interior issued a directive that limited both areas and ways of protesting. According to this directive, protests should be "in a static form instead of moving from one place to another", and "proper routes" had to be determined by local authorities, in order to avoid town centres and

sensitive areas.

References:

<https://www.mappingmediafreedom.org/>

<https://bit.ly/3KuVmFw>

- According to the Italian Coordination Centre on Intimidation Acts against Journalists' data related to the first 9 months of 2021, 156 intimidation acts were reported to the police, +21% compared to the same period of 2020. Of all these acts, 47% (i.e. 74 episodes) happened via social networks and the Internet. The authors of these threats/intimidations are: 21 episodes (13%) related to organised crime (10 via web); 67 cases (43%) related to a socio-political context (32 via web); 68 acts (44%) related to other reasons/context (32 via web). The regions with the highest number of alerts are Lazio (Rome), Toscana, Lombardia, and Sicily: 36 acts in the province of Rome, 11 in Milan, 8 in Florence. Then, 5 respectively in Naples, Palermo, and Reggio Calabria, then Livorno and Modena with 4.

The growing trend is confirmed. In 2020 (12 months) there were 163 registered cases, in 2019 87 (from 2019 to 2020, +87%). In the first 9 months of 2021, 25 intimidation acts were connected to the information campaigns related to the pandemic, including 7 during street protests. In 2018 and 2019, around a quarter of threats came via social networks, while in 2020 this percentage grew to 44% and in the 9 months of 2021 to 47%.

The details (Jan-Sept. 2021): 74 threats via social media or via web (30 via Facebook; 23 emails or other online contents ; 11 Instagram, 5 Twitter, 5 Whatsapp); 31 verbal threats; 25 physical attacks; 12 threatening letters; 9 damages; 4 threatening and/or offensive writings on a wall; 1 sending of an object.

References:

<https://bit.ly/33RMc5g>

- As a good practice, we can mention the workshop organised on 15 July 2021 in Rome: "Intimidation acts against journalists: a threat to freedom of expression", jointly organised by the Chamber of Journalists and Police and meant as an exchange of expertise, as a training to strengthen the collaboration between journalists and police forces: <https://bit.ly/3nHeS8j>

Access to information and public documents (incl. procedures, costs/fees, timeframes, administrative /judicial review of decisions, execution of decisions by public authorities)

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Several CSOs have criticised the National Recovery and Resilience Plan (NRRP) - presented by the Italian government in April 2021 and approved by the European Commission in July - as they consider the decision-making process that led to its adoption neither inclusive nor transparent.

In July 2021 the government rejected a proposal presented by the network of CSOs called Civic Observatory on NRRP to create an online platform that would provide open and available NRRP-related data to everyone. Such an instrument would have allowed CSOs and the wider public to actively monitor the implementation of the NRRP and the real impact of its projects.

At the beginning of August 2021 the Ministry of Economy and Finance announced the launch of Italia Domani, the official website dedicated to the NRRP and created to allow the citizens to follow and monitor the development of the Plan and the implementation of the projects. However, data published on the website are neither precise nor complete. The fact that NRRP-related data are still not open and accessible to the public suggests that Italy still lacks a consolidated tradition on transparency and accountability.

Generalised civic access - FOIA - was indeed introduced into the Italian system only six years ago, by legislative decree no. 97/2016.

A noteworthy case of abuse of this norm concerns the decision of the Administrative Court of Lazio to order the Italian PSM (RAI) to release the documents held by an investigative TV programme (Report) following an access to information request. Access to public documents in Italy is applied to all public institutions including public broadcasters. However, the request was extended beyond administrative documents to include journalistic material, leading to a violation of the right to freedom of expression and the right of journalists to have their sources protected. FOIA legislation should be amended to prevent any attempt to obtain documents from a journalist or disclose a source's identity.

References:

[www.openpolis.it/perche-i-dati-pubblicati-dal-governo-sul-pnrr-non-vanno-bene](http://www.openpolis.it/perche-i-dati-pubblicati-dal-governo-sul-pnrr-non-vanno-bene)

[/ &sa=D&source=docs&ust=1642602909769993&usg=AOvVaw0E0iLOC3yycJo\\_u5HsHeBq](https://www.balcanicaucaso.org/Occasional-papers/La-societa-civile-italiana-da-bersaglio-ad-antidoto-alla-crisi-della-democrazia)

<https://www.balcanicaucaso.org/Occasional-papers/La-societa-civile-italiana-da-bersaglio-ad-antidoto-alla-crisi-della-democrazia>

<https://www.rcmediafreedom.eu/News/Italy-Access-to-information-law-should-not-override-protection-of-journalistic-sources>

<https://italiadomani.gov.it/it/home.html>

Openpolis set up an observatory on FOIA in Italy:

<https://www.openpolis.it/cosa/foia/>

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

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As the protest of the FNSI confirms, the Parliament is reluctant to tackle the issue of strategic lawsuits: at the beginning of the new legislature, in 2018, several bills proposed different solutions but since January 2020 no Parliament hearing has been devoted to the topic. The Di Nicola bill, which is the only one that was kept after months of negotiations, was changed, and the fine for vexatious civil lawsuits was reduced from 50% to 10% of the claimed damage; the discussion of the bill was cancelled from the calendar and is presently not scheduled.

At the moment, the Parliament has not yet responded to the invitation by the Constitutional Court to balance the right of defending one's reputation with the right of journalism to inform citizens about relevant facts. As mentioned in the RoL Report 2021, in June 2021 the Court declared prison for defamation in less severe cases to be unconstitutional, and invited the Parliament to tackle the issue within a wider discussion about media freedom. Nothing has happened so far.

SLAPPs in Italy continue to pose a threat to media freedom and to the activity of journalists, a particularly worrying situation for Italian journalists, with freelancers being the most fragile victims as well as a large part of the media professionals.

As underlined in our recent dossier "SLAPP and democracy, side effects and collateral damage", the abuse of civil and criminal lawsuits is leading to self-censorship and causes severe losses of information to citizens.

References:

<https://bit.ly/3Kp3TtM>

<https://bit.ly/3qKJYxK>

<https://bit.ly/3FJgm7V>

<https://bit.ly/3KuXyNg>

<https://bit.ly/3AkvUhE>

In its advocacy efforts, OBCT has organised a webinar on SLAPPs on 28 June 2021 with lawyers from

different fields, in order to stress the impact of SLAPPs on human rights defenders, activists, journalists:  
<https://bit.ly/3tJSQVZ>

OBCT organised another webinar on 10 January 2022, with a Member of the European Parliament and an Italian journalist victim of SLAPP: <https://bit.ly/3tJuw6X>

OBCT has continued its research activity on the topic, contributing to the activity of the CASE Coalition against SLAPPs in Europe and to the MFRR - Media Freedom Rapid Response, and publishing dossiers, fact sheets, and articles. In addition to the above mentioned references:

<https://bit.ly/3FJAV4o>

<https://bit.ly/3rCwByz>

<https://bit.ly/3Af9WfX>

#### Other - please specify

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- The 2022 Budget Law establishes the passage from 1 July 2022 of the former mandatory social insurance for professional journalists (INPGI) to the national insurance institution (INPS). The measure has been motivated by the need to restructure the unsustainable financial situation of INPGI. The reform applies only to journalists members of the Order with a regular employee contract, while it does not apply to freelancers, who will continue to refer to INPGI 2.

- Gender inequalities in the media sector take different forms, including wage gaps, imbalance in presence at the management level, and different degrees of freedom to choose what to report about.

Women journalists often feel unsafe and uncomfortable even in their workplace. Outside the newsroom, being a woman journalist increases the risk when reporting about particularly sensitive issues, because the attack starts from the sole fact of being a woman. Politics, organised crime, court reporting, and migration issues are the subjects that attract most threats. The refugee crisis is among the most harmful topics for women journalists. Women journalists are often the target of online harassment by organised groups of haters, fake profiles, private citizens, businessmen, and politicians. Turning away from social media, publishing articles anonymously, and leaving the journalistic career are all serious consequences that contribute to the chilling effect of the media environment. National support centres should offer and promote compulsory training on gender-related topics to combat the tolerance and weak awareness of the condition of women journalists.

- The special vulnerability of local journalists is intertwined with the economic crisis of media outlets. A significant share of local journalism is carried out by nonprofessional journalists who are less and less protected. These reporters should be included in the category of human rights defenders for their commitment to expose political wrongdoings and criminal activities, eventually allowing the start of investigations in important cases. Those journalists are particularly exposed to threats and attacks. It is necessary to engage support centres and unions in fostering solidarity with local journalists, who are often left alone in their newsroom and on the territory. The work of support centres and unions is needed to ensure their connection with national and international organisations, in order to build a solidarity network.

#### References:

<https://www.gazzettaufficiale.it/eli/id/2021/12/31/21G00256/sg>

<https://www.rcmediafreedom.eu/Dossiers/Needs-and-Gaps-Factsheet-No.-1-Italy>

<https://www.rcmediafreedom.eu/Rollover-homepage/Interviewing-journalism.-Needs-and-gaps-in-support-for-European-journalists>

For practical examples of attacks against media workers, see the alerts recorded on the Mapping Media Freedom platform, part of the MFRR, of which OBCT is part:  
<https://www.mappingmediafreedom.org/>

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

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

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

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

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The pandemic situation has significantly affected the legislative activity of the Italian Parliament, leading to an increase of the use of government decrees and to a decrease of the approval of bills and regular legislation. According to the website of the Italian Parliament gathering data from both Chambers, in 2021 only 11 bills were finalised and approved (the average of other years is three times that number, around 30). In the same period, 32 “conversion bills” were approved, but those are the simple conversion of government decrees (this number is usually around 10-12 per year, like in 2017 when 12 conversion bills were approved).

Reference:

[https://www.parlamento.it/leg/ldl\\_new/v3/sldlelenco\\_7\\_2021.htm](https://www.parlamento.it/leg/ldl_new/v3/sldlelenco_7_2021.htm)

Regime for constitutional review of laws

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COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

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At the beginning of the pandemic in Spring 2020, the Italian government declared a “national state of emergency”, which has been renewed and prolonged for two years, till 31st March 2022. This condition is not mentioned in the Constitution, but is based on legislative decree 1/2018 that states that the government

can declare a state of emergency depending on specific circumstances.

Many independent observers and organisations criticised the prolonging of the state of emergency as all emergency measures should respond to principles of necessity, temporariness, and proportionality.

Reference:

<https://www.amnesty.it/posizione-di-amnesty-international-italia-sulle-misure-adottate-dal-governo-per-combattere-il-covid-19/>

## B. Independent authorities

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

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

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Serious shortcomings remain in the institutional setting for human rights protection.

- The Italian equality and anti-discrimination body (UNAR) still lacks autonomy: although the European Directive 2000/43 EC calls for an autonomous body, UNAR operates within the Department for Equal Opportunities of the Presidency of the Council of Ministers and thus depends on the incumbent government.
- Italy has not set up a National Human Right Institution (NHRI) in compliance with the 1993 Resolution No. 48/134 of the General Assembly of the United Nations. In October 2020 the Parliament adopted a unified law proposal for the establishment of the National Commission for the Promotion and Protection of Fundamental Rights and for the Fight against Discrimination. This law proposal is currently being examined in the Chamber of Deputies. During a parliamentary session in November 2021, Benedetto Della Vedova, Undersecretary at the Ministry of Foreign Affairs and International Cooperation, intervened to express support for the adoption of the proposal before the end of the current legislature.

The Interministerial Committee for Human Rights (CIDU) is responsible for the implementation of the international agreements and conventions on protection and promotion of human rights. The latest update is the adoption of the second national Action Plan on business and human rights 2021-2026 for the implementation of the United Nations Guiding Principles on Business and Human Rights (2011). Between March and April 2021 the CIDU opened a public consultation to favour the participation of stakeholders - trade associations, labour unions, CSOs, experts, and citizens - in the elaboration of the action plan. Similarly, a public consultation was organised between mid-September and the beginning of October 2021 to allow stakeholders to submit their comments on the drafted text.

References:

<https://www.camera.it/leg18/824?>

[https://www.camera.it/leg18/824?tipo=C&anno=2021&mese=11&giorno=03&view=filtered\\_scheda&commissione=01&pagina=#data.20211103.com01.bollettino.sede00040.tit00030](https://www.camera.it/leg18/824?tipo=C&anno=2021&mese=11&giorno=03&view=filtered_scheda&commissione=01&pagina=#data.20211103.com01.bollettino.sede00040.tit00030)

<https://www.camera.it/leg18/824?>

<https://www.camera.it/leg18/824?tipo=A&anno=2020&mese=10&giorno=29&view=filtered&commissione=01#data.20201029.com01.allegati.all00010>

[https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo\\_pan\\_bhr\\_ita.pdf](https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_ita.pdf)

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

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## C. Accessibility and judicial review of administrative decisions

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

*3000 character(s) maximum*

Judicial review of administrative decisions:

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

*3000 character(s) maximum*

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

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## D. The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, legal framework incl. registration rules, measures related to dialogue between authorities and civil society, participation of civil society in policy development, measures capable of affecting the public perception of civil society organisations, etc.)

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The research conducted by OBCT “La società civile italiana: da bersaglio ad antidoto alla crisi della democrazia” shows that the general environment for civil society has slightly improved compared to previous years when CSOs were heavily attacked when not criminalised in the public sphere.

CSOs still face a number of challenges that hamper their ability to effectively participate in the political process. Many criticise their formal involvement in participatory processes by political elites that do not fully recognize their role. For CSOs it is often difficult to find institutional interlocutors able to consistently take charge of their proposals, making it difficult to obtain concrete results. The weakness of political parties versus the strength of economic actors also weakens the possibility of CSOs to influence decision-making processes.

Civil society was excluded from the elaboration of the National Recovery and Resilience Plan (NRRP). 37 CSOs created a Civic Observatory to monitor the transparency and inclusiveness of the decision-making process and follow the implementation of related projects. In July 2021 the government accepted a proposed amendment to the Governance and Simplification Bill and included CSOs among the members of the NRRP

advisory body. A ministerial decree in October 2021 designated the Civic Observatory and the Forum Nazionale del Terzo Settore as the only representatives of the civil sector in the advisory body. The scarcity of national funding for CSOs, especially those working on human rights protection, hampers the sustainability of the sector and its capacity to safeguard fundamental rights and the rule of law. CSOs working to foster a rule of law culture and fundamental rights in the country need to consolidate their position and obtain more recognition by political elites and the population at large. As the collaboration with the media is crucial, the combined crisis of the latter has a negative impact on CSOs as well.

References

<https://tinyurl.com/yckscppc>  
<https://tinyurl.com/yc8fx244>

Rules and practices guaranteeing the effective operation of civil society organisations and rights defenders

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## E. Initiatives to foster a rule of law culture

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

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Other - please specify

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- Zan bill: on 27 October 2021, the Italian Senate blocked the draft law punishing discrimination and hate crimes against LGBT+ individuals, better known as Zan bill (ddl Zan) from the name of the MP who proposed it. The bill, which had been at the centre of public and political debates for months, exacerbated existing divisions in the Italian parliament and was eventually vetoed down by a centre-right majority. As a consequence, Italy remains without a law protecting from hate crimes connected to misogynistic, homophobic, and transphobic discrimination.

References:

<https://www.internazionale.it/notizie/claudio-rossi-marcelli/2021/10/29/ddl-zan-parlamento>  
[https://www.euractiv.com/section/politics/short\\_news/italian-senate-torpedoes-anti-discrimination-bill/](https://www.euractiv.com/section/politics/short_news/italian-senate-torpedoes-anti-discrimination-bill/)

- Chain pushbacks: on 18 January 2021, the Court of Rome granted the appeal of a Pakistani citizen who had arrived in Trieste along the Balkan route and, despite expressing his intention to apply for asylum, had been pushed back first to Slovenia and then to Bosnia and Herzegovina. The judge ordered that the Pakistani citizen had the right to submit an application for international protection in Italy. This order highlights the illegitimacy of the application of the readmission agreement between Italy and Slovenia to those who have expressed their intention to request international protection, and the illegality of refoulement due to the failure to assess the risk of undergoing inhuman and degrading treatment in subsequent chain pushbacks.

Technically defined by the bilateral agreement as "readmissions without formalities", these are in fact illegal pushbacks that various Italian organisations and deputies have denounced for some time. And it is thanks to

the network of associations in defense of human rights that the case arrived at the Court of Rome, with the appeal presented by ASGI lawyers.

The bilateral readmission agreement, which dates back to 1996, has never been ratified by the Italian Parliament. As stressed by the Court, an agreement of this kind can never derogate from current Italian and European law, nor from sources of international law such as those regulating asylum.

References:

<https://www.balcanicaucaso.org/eng/Projects2/TraPoCo/News/A-historic-verdict-Italy-s-pushbacks-to-Slovenia-are-illegal-210998>

<https://www.asgi.it/allontamento-espulsione/riammissioni-italia-slovenia/>

## Contact

rule-of-law-network@ec.europa.eu